



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final City Council

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Monday, April 21, 2014

5:30 PM

Council Chambers

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### Council Meeting

#### Call to Order

Council President Wayne Trawick called the meeting to order at 5:34 p.m.

#### Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vicki Southern, Katy Taylor, Steve Smith, Joey Darby, David White, LaDonna Hinesley, Heyward Hosch, Wayne Kindred, Joseph Conner, Mary Hall Muir, Alicia Odom, Francis Hobbs, John Jackson, Taylor Davis, Debra Clem, Lee Lawson and press representative Cathy Higgins (Onlooker).

**Present:** 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

#### Pledge of Allegiance

#### Mayor's Presentation

Mayor Koniar introduced Wayne Kindred and Joseph Conner from the United States Coast Guard Auxiliary 32. During the Council meeting of May 7, 2014 Mayor Koniar read aloud a Boat Safety Week proclamation for the United States Coast Guard. A photo was taken of Mayor Koniar presenting the proclamation to Wayne Kindred and Joseph Conner.

[14-0268](#)

Proclamation: Building Safety Month

**Attachments:** [Proclamation Building Safety Month](#)

Mayor Koniar presented City Planner Miriam Boutwell with a Building Safety Month Proclamation. Ms. Boutwell reported that there will be handouts during the month of May. Citizens may come to the Community Development Department to get the handouts.

[14-0272](#)

Proclamation - Power Talk 21 Day

**Attachments:**     [Proclamation Power Talk](#)

Mayor Koniar read aloud the Power Talk 21 Day proclamation. No one was present to accept the proclamation.

### **Additions/Removals**

Council member Ralph Hellmich made a motion to add items 14-0219 and 14-0297 to the agenda. The motion was seconded by Council member Rick Blackwell and carried by an unanimous vote.

### **Approval of Minutes**

[14-0288](#)             Work Session Meeting Minutes Of April 7, 2014.

**Attachments:**     [Work Session Meeting Minutes of April 7, 2014.pdf](#)

Council member Ralph Hellmich made a motion to approve the Work Session Minutes of April 7, 2014. The motion was seconded by Council member Vera Quaites and carried by an unanimous vote.

[14-0265](#)             Council Meeting Minutes Of April 7, 2014

**Attachments:**     [Council Meeting Minutes of April 7, 2014](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of April 7, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

### **Audit of Accounts**

[14-0266](#)             Audit The Accounts Of March, 2014

A motion was made by Council Member Ralph Hellmich to approve the accounts for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

### **Reports**

[14-0277](#)             Quarterly report to council regarding marketing activities and visitor statistics for January, February and March, 2014.

**Attachments:**     [Marketing Dept. Report - Jan - March 2014](#)  
                              [2014 Visitors Oct - March](#)

Marketing Director LaDonna Hinesley gave a synopsis of the Quarterly Marketing Report, which is attached as back up to the minutes.

[14-0267](#)

March 2014 CDD Report

**Attachments:**     [March CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the CDD Report, which is attached as back to the minutes.

[14-0287](#)

March 2014 Sales, Lodging and Rental Tax Reports

**Attachments:**     [Sales Lodging and Rental Tax Reports \(1\).pdf](#)

City Administrator Mike Thompson reported that the month of March had good sales tax revenue which was up 4.82% that is a good sign since the previous month was down due to the three days in January when most businesses were closed due to the icy weather. Lodging tax revenue was up 98% which is nearly up 100% from last year. The rental tax was up 9.4% from last year.

[14-0281](#)

Fire Department Monthly Report March 2014

**Attachments:**     [Council March 14 4-14](#)

Fire Chief Joey Darby gave a synopsis of the Fire Department Report, which is attached as back to the minutes. The Fire Department responded to three structure fires, one of which was a request for assistance from the Town of Elberta for a fire in a commercial building in Downtown Elberta. Another fire was in a mobile home on Barin Field Road. Fortunately, the fire was quickly extinguished in the kitchen and did not displace the residence. There was another mobile home fire in the Brewer Mobile Home Park on County Road 26. It was a significant fire and did displace the residence. The investigation into the fire was turned over to the Baldwin County Sheriffs Office and an arrest has been made. Chief Darby reported that the Department responded to only three grass/brush fires due to the significant amounts of rain. The Department responded to 16 grass/brush fires during the month of March in 2013. There is a little over a week left until the ADEM burn ban takes effect. He also reported that there will be a controlled burn at the Foley Sports Plex on Wednesday and Thursday, April 23 and 24, 2014. Council member Vera Quaites asked if the CPR classes were open to the public and Chief Darby answered that they are open to the public; however, there is a waiting list to attend them. He reported that the Department will also go out into the community and hold classes at businesses.

[14-0262](#)

Foley PD March 2014 Monthly Report

**Attachments:**     [20140408095856780](#)

Lt. David White gave a synopsis of the Police Report, which is attached as back up to the minutes.

## Presentation

[14-0216](#)

Lee Lawson's Presentation To Mayor Koniar

Lee Lawson presented Mayor Koniar with a plaque from the Baldwin County Economic Development Alliance for his service on the Board of Directors during 2013. Mr. Lawson thanked the Mayor and the Council for being economic development minded.

## Ordinances, Resolutions and Other Business

[14-0222](#)

Rescind Resolution 14-0051-RES Transferring funds to PFCD for Maintaining Fire Suppression System at the Peavey Building and approves a new resolution correcting the verbiage to state what actually was performed.

**Attachments:** [14-0051-RES.pdf](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0051; to appropriate \$5285 to account PFCD-FFM for Hunter Security to do improvements to the fire alarm system and monthly monitoring; to appropriate \$225 to PFCD-FFM for Mechanical Fire Protection to inspect the fire suppression system and to authorize the transfer of \$5510 from the General Fund to Fund 41 PFCD Maintenance Peavey Building. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0136-RES

[14-0251](#)

A Resolution Reappointing Janay Dawson To The Foley Historic Commission

**Attachments:** [Foley Historic Commission](#)  
[Janay Dawson Email](#)

A motion was made by Council Member Rick Blackwell to reappoint Janay Dawson to the Foley Historical Commission. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0137-RES

[14-0252](#)

A Resolution Reappointing Randy Arp To The Foley Historic Commission

**Attachments:** [Foley Historic Commission](#)  
[Randy Arp Email](#)

A motion was made by Council Member Charles Ebert III to reappoint Randy Arp to the Foley Historical Commission. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0138-RES

[14-0253](#)

A resolution reappointing Virgil "Rip" Christensen, Jr. to the Museum-Archive Advisory Board retroactive from April 19, 2014.

**Attachments:**     [Museum-Archives Board](#)

**A motion was made by Council Member Ralph Hellmich to reappoint Virgil "Rip" Chistensen Jr. to the Museum-Archive Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0139-RES

[14-0257](#)

Renewal of Disaster Debris Monitoring and Grant Consulting Services Contract

**Attachments:**     [Thompson Consulting Response](#)  
                              [City Request for Contract Renewal](#)

**A motion was made by Council Member Vera Quaites to renew the contract with Thompson Consulting Services for disaster debris monitoring and grant consulting services for the final term with the same pricing, terms and conditions of the original contract. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**

Enactment No: 14-0140-RES

[14-0258](#)

Request permission to go to bid for three (3) 10' ceiling fans and a solar shading system for the CAFFM

**A motion was made by Council Member Ralph Hellmich to approve General Government going to bid for three (3) 10' ceiling fans and a solar shade system for the Coastal Alabama Farmers and Fishermans Market and to appropriate up to \$1,000 for bid related expenses. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0141-RES

[14-0259](#)

Request approval to purchase equipment for the CAFFM

**Attachments:**     [Vendor Product List for CAFFM Equipment.pdf](#)

**A motion was made by Council Member Ralph Hellmich to approve the capital purchase of equipment not to exceed \$15,500 for the Coastal Alabama Farmers and Fishermans Market. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 14-0142-RES

[14-0261](#)

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY EASEMENTS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CONVEYANCE OF THE SAME TO THE UNDERLYING FEE OWNER

**Attachments:**    [DEED BROADWAY GROUP.pdf](#)  
                              [DEED MAGNOLIA LAND.pdf](#)  
                              [Broadway-Lawson Plat \(1\).pdf](#)  
                              [Cate Hudson Plat \(1\).pdf](#)  
                              [Drainage Easement Ordinance.pdf](#)

A motion was made by Council Member Ralph Hellmich to declare a certain twenty foot (20') wide drainage easement no longer needed for municipal purposes and to authorize the conveyance of the same to the underlying fee owner. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1010-ORD

[14-0263](#)

Declare Municipal Court Items Surplus and Authorize Their Disposal

**Attachments:**    [Municipal Court Surplus](#)

A motion was made by Council Member Rick Blackwell to declare certain Municipal Court items as surplus and to authorize their disposal by the best possible means. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0143-RES

[14-0269](#)

Bid Results for Glenlakes Bike Path Phase II

**Attachments:**    [Bid Results - Glenlakes Sidewalk](#)  
                              [Bid Quantities - E-J Bldrs](#)

A motion was made by Council Member Hellmich to accept E-J Builders, Inc.'s bid in the amount of \$127,811 for the construction of the Glenlakes Bike Path Phase II. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Vera Quaites, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council member Rick Blackwell, aye and Council member Charles Ebert III, abstained.

**Aye:**    4 -    President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

**Abstain:**    1 -    Council Member Ebert III

Enactment No: 14-0144-RES

[14-0270](#)

Improvements to Alley South of Highway 98 between South Pine and South Alston Streets.

**Attachments:**    [Proposal - Alley Repairs](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$13,200.00 and to approve Hutchinson, Moore & Rauch, LLC's proposal in the same amount for the drainage and alleyway improvements for the alley located south of Highway 98 between South Pine and South Alston Streets. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0145-RES

[14-0271](#)

Graham Creek Drainage Repairs

**Attachments:**     [Proposal - Graham Cr. Drainage Repairs](#)

**A motion was made by Council Member Rick Blackwell to appropriate \$21,000 and to approve Sawgrass, LLC's contract of the same amount to mitigate drainage issues and its effect to the road with two outfall structures located in Graham Creek Estates. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**

Enactment No: 14-0146-RES

[14-0273](#)

Foley Library Computer Lab Flooring Replacement Project

**Attachments:**     [Wade Distributors Quote](#)

[WandW Flooring Quote](#)

[GandJ Tile Quote](#)

**A motion was made by Council Member Ralph Hellmich to approve the flooring project and the movement of surplus cash in the Library checkbook in the amount of \$5,128.78 from account Audio/Visual to account Building and Grounds Maintenance in order to fund the project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0147-RES

[14-0274](#)

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$35.61

**Attachments:**     [4-21-14 Sanitation Write Offs](#)

**A motion was made by Council Member Vera Quaites to write off certain residential sanitation accounts as uncollectible in the amount of \$35.61. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**

Enactment No: 14-0148-RES

[14-0278](#)

Max Griffin Plumbing Upgrades

**A motion was made by Council Member Ralph Hellmich to accept the low quote from Pool Wizard, Inc. in the amount of \$3,500 for improving the plumbing and flow rate for Max Griffin Pool. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0149-RES

[14-0280](#)

Appropriate \$25,000 for Hoar Program Management

**Attachments:**     [20140420 - City of Foley Amendment No. 1 to Master Services Agreement](#)  
                              [13-0343 RES](#)  
                              [13-0515 RES](#)

A motion was made by Council Member Ralph Hellmich to approve Amendment No. 1 to the Master Agreement between the City of Foley and Hoar Program Management LLC. and to appropriate \$121,000 in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0150-RES

[14-0282](#)

A RESOLUTION CONTINUING THE APPROVAL OF FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEYS PUBLIC FACILITIES COOPERATIVE DISTRICT

**Attachments:**     [Resolution - Foley 2014 Continuance of City Resolution - Farmers Market - 040214 \(2\)](#)

A motion was made by Council Member Charles Ebert III for the public hearing that was published in the Foley Onlooker on February 14, 2014 setting the public hearing date for March 3, 2014 to be continued to April 21, 2014 and to be continued to May 6, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0151-RES

[14-0283](#)

Memorialize Accepting Quote From PPM Consultants For Phase II Environmental Site Assessments

**Attachments:**     [Environmental Study Quote](#)

A motion was made by Council Member Ralph Hellmich to memorialize the expenditure of \$25,130.90 (\$11,486.15 Peavey Building and \$13,644.75 Wilson Pecan Site) payable to PPM Consultants, Inc. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0152-RES

[14-0284](#)

**A RESOLUTION AUTHORIZING A CONSENT AND AMENDMENT OF LEASE AGREEMENT AND TRUST INDENTURE**

**Attachments:**     [Foley 2014. Consent and Amendment of Lease Indenture \(02778131-2\) \(1\) \(3\).pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize a Consent and Amendment of Lease Agreement and Trust Indenture between the City of Foley and the City of Foley Public Facilities Cooperative District. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0153-RES

[14-0219](#)

Accept Bronze Statue Donation For Mel Roberts Park



Attachments:     [Batter.jpg](#)

A motion was made by Council Member Charles Ebert III to accept a bronze statue of a boy playing baseball valued at \$2,000 from the Roberts/Davis family to be mounted on an engraved boulder and placed at Mel Roberts Park at the City's expense and to appropriate up to \$600 payable to Fran's on 59 from account Pub Rel / Community Dev. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0154-RES

#### [14-0297](#)

Approving Travel Expenses for Mayor To Attend The 2014 Farnborough International Airshow In London July 14 Through July 20, 2014.

A motion was made by Council Member Ralph Hellmich to appropriate \$5,500 for the Mayor to attend the 2014 International Airshow in London on July 14 through July 20, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0155-RES

### Mayor's Comments

Mayor Koniar reported that the outdoor classroom opened at Graham Creek Preserve. This classroom was made possible through grants. There were volunteers from Genesis Baptist Church and the Eagle Scouts that reduced the the cost of the project as well.

Mayor Koniar also reported that Foley was recognized as the 3rd best business environment in the State of Alabama and there were two other cities from Baldwin County that also made the top ten. Baldwin County is aggressive in moving in the right direction. This is based on business environment, quality of life and transportation. Foley has done quite well.

### Visitor's Comments

Pastor Alicia Odom addressed the Council with her concerns about the restrictions of using the Ginwright Center in Aaronville. She reported that she was told that she could not teach the youth about Jesus at the Center and that she has tried to speak with Cindy Hammrick about the issue to see exactly what she can and can not do at the Center. Council President Trawick advised Ms. Odom that the City of Foley does not have the authority over the Ginwright Center and she will have to contact the Housing Authority. Council member Ralph Hellmich reported that HUD oversees the regulations for the Center and suggested that she continue to work with Cindy Hammrick. Council member Vera Quaite suggested that she go to a Housing Authority Board Meeting. Council member Charles Ebert III asked City Administrator Mike Thompson to contact Cindy Hammrick and let her know that this was brought to Council's attention. Mr. Thompson reported he would happy to contact Cindy Hammrick. Council member Charles Ebert III also stated that he would like for Council to receive feedback from the Housing Authority on this process. He also asked Ms. Odom to leave her contact information with City Clerk Vickey Southern.

Francis Hobbs of 217 Tradewinds Court addressed the Council with a problem

she is having on her property with rain water washing trash and used tires onto her property. She reported that she needs help removing the tires from her property because the regular garbage pick up will not take them. She has tried to contact Dan Hellmich at Public Works for the past three years but she has been unable to contact him. When she finally saw him, she reported that he told her he was waiting on funding or a grant. Council President Trawick asked if the Engineering Department has been made aware of this issue. Council member Ralph Hellmich reported that there was a project through a USDA Grant that cleared some of the streams to make sure there were no back ups. He also advised Ms. Hobbs to leave her contact information with City Clerk Vickey Southern. City Administrator Mike Thompson advised Ms. Hobbs to leave her number and the Engineering Department will get in contact with her to see what can be done. He said a lot of what the City can and can not do will depend on any easements for storm water. He further advised that she and her neighbors may have to give up some space on their property for easements so the City can access their property to make some repairs but the first step will be to have the City Engineer to look at the problem. Council member Charles Ebert III suggested having Code Enforcement look into the issue as well.

## Executive Session

Council President Wayne Trawick announced the need to go into executive session to discuss the terms under which the City may be willing to offer to sell and/or purchase real property.

The real property discussion exception allows for the City to discuss in an executive session the consideration that it would be willing to offer to sell and/or purchase real property. Under this exception, only those people representing the City's interest can attend the meeting (not the party the City would be dealing with).

City Administrator Mike Thompson reported the Executive Session will take approximately 30 minutes and Council will then return to take a vote.

A motion was made by Council member Ralph Hellmich to go into executive session. The motion was seconded by Council member Rick Blackwell.

City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaites, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council member Rick Blackwell, aye; and Council member Charles Ebert III, aye. There was a unanimous vote to go into executive session.

The Council meeting recessed at 6:35 P.M. to go into executive session.

The Council meeting reconvened at 7:01 P.M.

All Council members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith and Jeff Rouzie.

### [14-0298](#)

Authorizing The Mayor To Negotiate A Purchase Price Of \$150,000 Plus Closing Costs For Approximately 11,500 Square Feet Of Real Property

Located On Highway 98.

**A motion was made by Council Member Hellmich to authorize the Mayor to negotiate a purchase price of \$150,000 plus closing costs for approximately 11,500 square feet of real property located on Highway 98 to be used as storage space. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Vera Quaites, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council member Rick Blackwell, aye and Council member Charles Ebert III, abstained. The vote passed by a majority vote.**

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

Enactment No: 14-0156-RES

## **Adjourn**

**A motion was made by Council member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council member Charles Ebert III and carried by an unanimous vote.**

**The meeting adjourned at 7:03 p.m.**