City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft
City Council

Monday, August 18, 2014 | **5:30 PM** | **Council Chambers**

Council Meeting

Public Hearing

14-0541 A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of R-1D (Residential Single Family) For 0.22+/- Acres Being Annexed Into The Corporate Limits Located At 8865 Turf Creek Drive (Willow Lakes Estates).

Attachments: Initial Zoning Recommendation

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning of R-1D (Residential Single Family) for 0.22 +/- acres being annexed into the corporate limits of the City of Foley located at Turf Creek Drive. He asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0542 A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of B-3 (Local Business District) Of 1+/- Acres Being Annexed Into The Corporate Limits Located At 21774 US Highway 98. (Vamonos, LLC).

Attachments: Initial Zoning Recommendation

President Trawick opened the public hearing to consider the passage of an ordinance and to consider Planning Commission's recommendation for initial zoning of B-3 (Local Business District) for 1 +/- acres being annexed into the corporate limits of the City of Foley located at 21774 U.S. Hwy 98. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:31 p.m.

Roll Call

All Council Members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Miriam Boutwell, Jeff Rouzie, Chad Christian, Joey Darby, David Wilson, LaDonna Hinesley 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

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 14-0616, 14-0617, 14-0575, 14-0608 to the agenda and to carry over items 14-0605, 14-0577 and 14-0606 to the Council meeting of September 2, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Approval of Minutes

14-0581 Work Session Minutes of August 4, 2014

A motion was made by Council Member Charles Ebert III to approve the Work Session Minutes of August 4, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0589 Council Meeting Minutes of August 4, 2014

Attachments: 8-04-14 Council Meeting Minutes

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of August 4, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

14-0603 Approval of 08-11-2014 Council Meeting Minutes

Attachments: 08-11-2014 Council Meeting Minutes.pdf

A motion was made by Council Member Charles Ebert III to approve the Special Called Council Meeting Minutes of August 11, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0605 Approval of Graham Creek Nature Preserve Informational Meeting Minutes

Attachments: 07-28-2014 Special Public Hearing re GCNP.pdf
Overview of GCNP 2014 (1).pdf
1052-08 ORD.pdf

A motion was made by Council Member Ralph Hellmich to carry over item 14-0605 to the Council meeting of September 2, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Audit of the Accounts

14-0591 Audit The Accounts of July, 2014.

A motion was made by Council Member Ralph Hellmich to approve the July, 2014 accounts for payment. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Reports

14-0610 July 2014 Sales, Lodging and Rental Tax Reports

Attachments: 20140814101553536.pdf

City Administrator Mike Thompson reported that the Sales tax came in at $1.338 Million, which is the highest collection in one month ever in Foley. Lodging tax is up 20% over last year and rental tax is down but is still positive year to date.

14-0597 Marketing Department Quarterly Report - April/May/June 2014

Attachments: Advertising April - June 2014
Centennial April - June 2014
2014 Visitors through June

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

14-0579 July CDD Report

Attachments: CDD July Report for Council.pdf

City Planner Miriam Boutwell gave a synopsis of the July, 2014 CDD Report, which is attached as back up to the minutes.

14-0590 Foley PD July 2014 Monthly Report

Attachments: 20140808143353842

Police Chief David Wilson gave a synopsis of the July 2014 Foley Police Department report, which is attached as back up to the minutes.

14-0614 Fire Department Monthly Report July 2014

Attachments: Council July 14 8-14

Fire Chief Joey Darby gave a synopsis of the July 2014 Fire Department Report, which is attached as back up to the minutes. He also reported there were three structure fires. There was a fire on East Franklin Avenue that started in the kitchen that was mostly extinguished upon arrival. This fire did not displace the residents. There was a fire on Niagra Street on July 12, 2014 during a severe thunderstorm. The house took a direct lightening strike to the attic area. It was a well involved fire upon arrival. The Department got the occupants out and they were able to save the majority of the property inside the house. The residents do have to rebuild the structure due to fire and water damage. The Department had to return to this house due to rekindles. There was a kitchen fire on West Peachtree Avenue that was confined to the kitchen. It was mostly out upon arrival and the Department finished extinguishing the fire. The residents were not displaced. He also reported that the Department responded to a number of grass fires directly related to fireworks discharge around the 4th of July. There were no structure damages but unfortunately there was property damage around a structure.

Ordinances, Resolutions, and Other Business

14-0441 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

Attachments: Litzsinger Annexation

Annexation Reports

A motion was made by Council Member Ralph Hellmich to approve the petition for annexation and bringing property into the Corporate Limits of the City of Foley owned by William and Kathleen Litzsinger located in Willow Lakes Estates. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1023-ORD

14-0442 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

Attachments: Reports

Vamonos LLC Map

Vomonos LLC Annexation

Vamonos Warranty Deed

A motion was made by Council Member Rick Blackwell to approve the petition for annexation and bringing property into the Corporate Limits of the City of Foley owned by Vamonos, LLC and located at 21775 U.S. Highway 98. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-1024-ORD

14-0494 AN ORDINANCE TO REZONE 84+/- ACRES FROM A-O (Agricultural Open Space) TO B-3 (Local Business District) OWNED BY MAGNOLIA LAND COMPANY

Attachments: Mag. Land Rezone App

Mag Land Rezone Map

REQUEST FOR REZONE Letter Mag Land.pdf

President Trawick turned the meeting over to President Pro-tem Hellmich.

A motion was made by Council Member Blackwell to approve an ordinance to rezone 84 +/- acres from A-O (Agricultural Open Space) to B-3 (Local Business District) owned by Magnolia Land Company. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed by a majority vote.

President Pro-tem Hellmich turned the meeting back over to President Trawick.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 2 - President Trawick and Council Member Ebert III

Enactment No: 14-1025-ORD

14-0588 Approval of Sanitation Budget Increase

Attachments: Letter

A motion was made by Council Member Charles Ebert III to approve a $27,000.00 increase to the Sanitation Budget for commercial waste removal. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0339-RES

14-0540 Accept Bid For Produce Processing and Handling Line

Attachments: Bid Docs for Produce Processing and Handling Equipment.pdf

A motion was made by Council Member Ralph Hellmich to accept the bid submitted by Southern Georgia Equipment in the amount of $39,905.00 for one new produce processing and handling line and to approve the purchase under Account No. 12-665-7335, which is reimbursable through the USDA RBEG grant. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0340-RES

14-0571 Accept Bid For Grading and Paving Work For The Foley Dog Park

Attachments: Bid Results - Dog Park Paving & Grading.pdf

R&S Paving & Grading Bid.pdf

A motion was made by Council Member Ralph Hellmich to accept the base bid submitted by R&S Paving & Grading Inc. in the amount of $159,536.50 for grading and paving work for The Foley Dog Park and to appropriate funds to Account No. 12-665-7333 in support of this action. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0341-RES

14-0572 Transferring IT funds and approving purchases

Attachments: Clinic Fiber Quote

Clinic Switch & Optics Quote

Laptop Quote.pdf

IT Vehicle Quote.pdf

Application Server.pdf

Clerk Scanner Quote.pdf

A motion was made by Council Member Ralph Hellmich to transfer funds per the attached list, which is made a permanent part of the resolution and is attached as back up to the minutes and to approve the purchase of various items listed in the resolution. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0342-RES

14-0573 A resolution to appropriate an additional $8,794.74 for PPM Consultants

Attachments: 14-0152 RES

89 COOP

PPM Consultants

PPM Consult-City of Foley Invoice-1

PPM Addendum

A motion was made by Council Member Charles Ebert III to appropriate an additional $8,794.74 made payable to PPM Consultants, Inc. to pay their invoice

amount of $25,779.59 and addendum in the amount of $8,146.05 and to amend Account No. 41-665-7205 R09 CONST accordingly. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0343-RES

14-0576 A Resolution Establishing the Jail Corrections Fund

A motion was made by Council Member Vera Quaites to approve changing the name of Fund 15 from Corrections Fund to Court Corrections Fund and to approve an effective date of October 1, 2014 for the transition of financial recording as reflected in the FY15 City Budget upon adoption. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0344-RES

14-0577 A resolution appointing members to the Graham Creek Advisory Board

A motion was made by Council Member Ralph Hellmich to carry this item over to the September 2, 2014 Council Meeting. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

14-0578 A resolution waiving fees for the South Baldwin Chamber's annual BBQ & Blues.

Attachments: 2015 BBQ & Blues.pdf

BBQ & Blues Map

A motion was made by Council Member Hellmich to waive the fees for the use of Heritage Park and Pavilion requested by the South Baldwin Chamber Foundation for their fundraiser BBQ & Blues on March 20 and 21, 2015 and to approve their request to serve beer and wine in a gated area upon approval by the ABC Board. The motion was seconded by Council Member Quaites 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: 14-0345-RES

14-0585 Equipment Purchase for Ford F-150 Trucks

A motion was made by Council Member Ralph Hellmich to approve the purchase and installation of emergency lighting and equipment for the Ford F-150 trucks for the Police Department and to appropriate $25,000 to Account No. 01-608-7010, Capital Purchases in support of this action. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0346-RES

14-0592 Accept Volkert Supplemental Agreement No. 13 to Conduct an Airport Drainage Study at the Foley Municipal Airport

Attachments: Volkert Supplemental Agreement No 13

President Trawick turned the meeting over to President Pro-tem Hellmich.

A motion was made by Council Member Charles Ebert III to accept Volkert's Supplemental Agreement No. 13 to conduct an airport drainage study for a total cost of $438,747.69 that is eligible for 90% FAA funding and requires a 10% local match in the amount of $3,875.00 and to appropriate $38,747.69 to Runway Maintenance Account No. 01-613-6050, $34,873 to FAA Funding Account No. 01-4975 and to approve $3,875.00 in City matching funds. 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, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

President Pro-tem Hellmich turned the meeting back over to President Trawick.

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0347-RES

14-0594 Max Griffin Plumbing Upgrades

Attachments: Estimate_1090_from_Pool_Wizardsinc

A motion was made by Council Member Charles Ebert III to appropriate $7,000 to Capital Projects Account 12-665-7338 R15 UPGR for improving the plumbing and flow rate for Max Griffin Pool. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0348-RES

14-0595 Permission to accept low quote for new archery park for Graham Creek Nature Preserve.

A motion was made by Council Member Blackwell to accept the low quote of $7,000 from Vail Construction for the construction of a Community Archery Park and to appropriate an additional $4,300 for the purchase of materials for a total of $11,300 appropriated to Capital Project Account No. 12-665-7347. The motion was seconded by Council Member Hellmich 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: 14-0349-RES

14-0596 Application for Airport Improvements Projects for the Foley Municipal Airport

Attachments: Foley Application for Federal Funding - Airport

A motion was made by Council Member Ralph Hellmich to accept the grant agreement for airport improvement funding assistance through the State of Alabama Department of Transportation; upon execution of the grant agreement, accepts grant funding for the approach obstruction study with a total project estimate of $11,553, a 90% Federal share of $10,398 under Account No. 01-4972 and a 10% local share of $1,155 and upon execution of the grant agreement, accepts grant funding for the airport drainage study with a total project estimate of $38,748, a 90% Federal share of $34,873 amending Account No. 01-4975 and a local share of $3,875. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0350-RES

14-0602 Approving the transfer of funds to purchase rugs for City Hall

A motion was made by Council Member Rick Blackwell to approve the purchase of rugs/mats from Mobile Janitorial & Paper Co. in an amount not to exceed $4,223 to be placed throughout City Hall and to approve the transfer of $4,223 from Account No. 01-616-7010 Capital Purchases to Account No. 01-616-5010 Small Tools in support of this action. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0351-RES

14-0606 Memorializing Payment to Adams and Reese for Professional Services

A motion was made by Council Member Ralph Hellmich to carry over item 14-0606 to the Council meeting of September 2, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

14-0616 Approval Request By The South Baldwin Chamber of Commerce For Variance To Allow Food Truck Vendors In The Downtown Foley's Historic District

Attachments: Request to City Council - Variance Food Truck (2)

A motion was made by Council Member Ralph Hellmich to approve food truck vendors in the Foley's Downtown Historic District to bring their food trucks onto festival designated public parking areas held in conjunction with the Alabama Festival of Flavor, Saturday, October 18, 2014 between the hours of 10:00 a.m. and 6:00 p.m. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0353-RES

14-0617 Approving the Mayor and staff to negotiate with a consulting company to

operate the Hot Air Balloon Festival

A motion was made by Council Member Blackwell to approve the Mayor and staff to negotiate with a consulting company to operate the Hot Air Balloon Festival; to authorize Tommy Rachel to go to the Natchez Mississippi Balloon Festival and to appropriate funds in an amount not to exceed $2,000 in support of this action. The motion was seconded by Council Member Quaites 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: 14-0354-RES

14-0608 Reducing the City's Corporate Limits

Attachments: Petition for Deannexation

A motion was made by Council Member Hellmich to approve the de-annexation of 17195 U.S. Highway 98 West. This property was inadvertently annexed into the Corporate Limits of the City of Foley at the State Legislature after the owner expressed his wishes to opt out of the Annexation by Legislative Act. 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, nay. The vote passed by a majority vote.

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

Nay: 1 - Council Member Ebert III

Enactment No: 14-0355-RES

14-0575 Reducing the City's Corporate Limits

Attachments: Petition Requesting Deannexation

Styron Deed

Deannexation Map

Landowner Letter of Legislative Act

Annexation Welcome Letter

Code of Alabama Re De-annexation

A motion was made by Council Member Ralph Hellmich to deny the request for de-annexation by the owners due to the owners having received sufficient notice of the annexation and did not respond with wishes to opt out of the Annexation by Legislative Act. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0352-RES

Mayor's Comments

No comments to report.

Visitor's Comments

There were no visitor comments.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 6:11 p.m.