



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, March 2, 2015

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the Council meeting to order at 5:30 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, David Wilson, Joey Darby, John Jackson, Thurston Bullock, Bill and Tonya Swanson, Roddy Burkle, Virginia Lucas, press representative Jay Sowers (Onlooker), and press representative Marc Anderson (AL.com/Press Register).

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 item 15-0158 to the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[15-0153](#)

02-16-2015 Work Session Minutes

Attachments: [02-16-2015 Draft Work Session Notes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of February 16, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0128](#)

02-16-2015 Council Meeting Minutes

Attachments: [02-16-15 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of February 16, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

15-0123

Approve the purchase of a new Monitor 4S and Gaurdian 190ES Mosquito Sprayer for the Sanitation Department

Attachments: [Monitor 4S and Gaurdian 190ES Mosquito Sprayer for the Sanitation Department](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a new Monitor 4S and Gaurdian 190ES Mosquito Sprayer for the Sanitation Department from Adapco in the amount of \$14,815.00, which is budgeted in the amount of \$17,500.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2065-RES

15-0099

Request Champion Disc Golf Course Development Contract

Attachments: [Disc Golf Course Proposal](#)
 [GCNP Master Plan](#)

A motion was made by Council Member Rick Blackwell to approve the appropriation of \$13,500 for world champion disc golfer Eric McCabe to design a champion disc golf course and provide 19 baskets at Graham Creek Nature Preserve. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2066-RES

15-0105

Permission to appropriate and approve \$3,560,967 for the design and construction of a new 5-plex at the Foley Sports Complex.

Attachments: [Cost Estimate Phase 2 Sportsplex_Final Feb 6 2015](#)
 [Site Plan February 6 2015](#)
 [5-PLEX PHASE II Schedule](#)

A motion was made by Council Member Charles Ebert III to appropriate \$3,560,967 for all bid and construction costs to construct a new 5-plex at the Foley Sports Complex. To reduce costs, the project will be bid in approximately ten separate packages in accordance with State and Local laws. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2067-RES

15-0146

A resolution to amend Resolution 15-2064

Attachments: [15-2064 RES](#)

A motion was made by Council Member Vera Quaites to amend Resolution 15-2064 to record the cost of the dirt work as Park Maintenance expense and to appropriate \$32,000 to Account No. 01-622-4030 Park/Field/Pool Maintenance in support of this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2068-RES

[15-0110](#)

Approval of 050-Retail Beer and 070- Retail Table Wine (Off Premises Only) ABC License for Z Tec

Attachments: [ABC License for Z Tec](#)
 [ABC License Z Tec Map](#)

Police Chief David Wilson and Fire Chief Joey Darby recommended moving forward with the ABC License.

A motion was made by Council Member Ralph Hellmich to approve a 050-Retail Beer and 070- Retail Table Wine (Off Premises Only) ABC License for Z Tec Store 533 located at 3810 South McKenzie Street. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[15-0117](#)

Purchase of PastPerfect Software package and Additional Shelving for Genealogy Department/Non-Fiction Section

Attachments: [PastPerfectInvoice](#)
 [Shelving Quote](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of the PastPerfect software and the shelving units and to move budgeted funds in the amount of \$4,149.24 from the Audio/Visual account to the Small Tools account in order to fund the projects. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2069-RES

[15-0118](#)

Re-allocation of Funds to Promote Upcoming Events at the Foley Public Library

A motion was made by Council Member Charles Ebert III to approve moving funds in the amount of \$2,500.00 from the Audio/Visual account to the Public Relations and Community Development account as a means of continuing to promote the events sponsored by the Foley Public Library. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2070-RES

[15-0124](#)

Request to Transfer Funds

A motion was made by Council Member Vera Quaites to approve the transfer of \$700.00 from the Event Operations account to the Gas & Oil account and to approve the transfer of \$300.00 from the Event Operations account to the

Vehicle Maintenance account for the Foley Sports Tourism truck for the 2015 Fiscal Year. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2071-RES

15-0125

Request to Transfer Funds from Nature Parks Capital Purchase Account to Nature Parks Operating Account

A motion was made by Council Member Blackwell to approve transferring \$13,350 from the nature parks capital purchases account to the nature parks operating account for the purchase of electrical hookups and the social media marketing contract. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 15-2072-RES

15-0126

Request to host Earth Day Scramble and Celebration

A motion was made by Council Member Ralph Hellmich to approve hosting the Earth Day Scramble and Celebration on April 18, 2015 from 9:00 AM until 3:00 P.M. at Graham Creek Nature Preserve. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2073-RES

15-0127

Request to Apply for Alabama Coastal Area Management Program Grant for Coastal Public Access

Attachments: [FY16-Coastal Resource Improvement Program Grants Notification \(1\)](#)
[ADA Trail Proposed](#)

A motion was made by Council Member Rick Blackwell to approve the application for the Alabama Coastal Area Management Program Grant for Coastal Public Access to design and construct a trail that is compliant with the Americans With Disabilities Act at Graham Creek Nature Preserve in an amount up to \$100,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2074-RES

15-0129

Appropriate Funds to the Drug Fund Expense Account

A motion was made by Council Member Ralph Hellmich to appropriate \$5,000 to the Drug Fund Expense account that will be paid from the Federal Forfeiture Checking Account as needed when requested by the Police Chief or his designee for specific police operations. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2075-RES

[15-0130](#)

Facade Improvement Incentive Grant Program

Attachments: [Recommendation Letter.pdf](#)
 [Grant Info Dr. Terrezza.pdf](#)

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

A motion was made by Council Member Ebert III to approve up to \$5,000 in reimbursement to Dr. Terrezza and/or his contractor upon meeting all the requirements of the Facade Improvement Incentive Grant Program, which provides financial assistance for exterior appearance improvement projects on buildings located in the National Register and Local Downtown Historic Districts. 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, aye. The vote passed by a majority vote.

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

Abstain: 1 - President Trawick

Enactment No: 15-2076-RES

[15-0137](#)

Memorialize Advertisement Cost for West Section Avenue Culvert Repair Bid

A motion was made by Council Member Blackwell to memorialize the payment of \$603.00 to Gulf Coast Media for the advertisement of the solicitation of bids for the West Section Avenue culvert repair project. 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, 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: 15-2077-RES

[15-0132](#)

Request Appropriation of Funds for Police

A motion was made by Council Member Ralph Hellmich to appropriate \$8,298.00 to the Small Tools account that will be purchased using cash held in the Federal Forfeiture Checking Account for the purpose of purchasing eligible police equipment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2078-RES

[15-0133](#)

Amending Resolution #14-0475 to Correct Account Numbers

Attachments: [Resolution 14-0475.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution #14-0475, Section 2 to reflect the correct account numbers. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2079-RES

[15-0134](#)

Executive Director of Sports Don Staley is requesting the approval for usage of the Parks Department barricades and bleachers for the lawnmower racing event August 21-23, 2015.

A motion was made by Council Member Charles Ebert III to approve the use of the Parks Department barricades and bleachers for the lawnmower racing event August 21-23, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0138](#)

Authorizing Transfer of Surplus Funds into the Tuition Reimbursement Program for City Employees

A motion was made by Council Member Vera Quaites to transfer surplus funds in the amount of \$8,995 available in various salary accounts and surplus funds in the dues and subscriptions account in the amount of \$1,865 into the Tuition Reimbursement Program for City employees. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2080-RES

[15-0139](#)

A resolution waiving fees for Heritage Park Pavilion for Christian Life Church of Foley to host their "Breakfast with the Bunny" event.

Attachments: [Heritage Park Application](#)
 [Certificate of Ins.](#)

A motion was made by Council Member Vera Quaites to waive the fees for the use of Heritage Park and Pavilion requested by the Christian Life Church of Foley for their event on March 28, 2015 from 8:00 am to 2:00 pm. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2081-RES

[15-0140](#)

The Habitat for Humanity has requested the use of Aaronville Park for a "Block Party"

Attachments: [GSFBC Block Party](#)
 [Certificate of Ins. Habitate for Humanity](#)
 [HabitatInsuranceCert](#)

A motion was made by Council Member Rick Blackwell to permit the use of Aaronville Park requested by the Habitat for Humanity for their Block Party on March 14, 2015. The motion was seconded by Council Member Vera Quaites

and carried by an unanimous vote.

Enactment No: 15-2082-RES

[15-0141](#)

A resolution to amend Section 2. of Resolution 15-2051

Attachments: [Resolution 15-2051](#)

A motion was made by Council Member Ralph Hellmich to amend Section 2. of Resolution 15-2051 to reflect the correct Account No. 01-608-5050 Personal Gear. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2083-RES

[15-0152](#)

Acceptance of the low bid for Wolf Creek Park Improvements and Appropriation of the Funds

Attachments: [R&S Paving Bid](#)

A motion was made by Council Member Ralph Hellmich to accept the low base bid from R & S Paving and Grading, Inc. for \$97,650.00 for the Wolf Creek Park Improvements and to appropriate the funds to Account No. 12-665-7305 and to appropriate an additional \$5000.00 to Account No. 12-665-7305 for geotechnical fees for design with Jade Engineering and signage. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2084-RES

[15-0158](#)

Attachments: [Sponsor Packet 2015](#)

A motion was made by Council Member Ralph Hellmich to approve the use of existing budget funds to sponsor a fiberglass oyster statue to be a part of the Oyster Trail that supports the Mobile Bay Oyster Gardening Program and its mission of restoring oyster reefs within Mobile Bay. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2085-RES

Mayor's Comments

Mayor Koniar reported that the Arbor Day Celebration held on Saturday, February 28, 2015 was the 34th consecutive year that the City of Foley was recognized as the Tree City. He reported that the City of Foley was the first in Baldwin County and the second in the state. There were many volunteers and City staff along with 150 people in attendance. Many trees were given away.

Visitor's Comments

Virginia Lucas - 509 W. Peachtree Avenue Foley, addressed the Council with her concerns of two houses on the corner of Cedar Street and Peachtree Avenue. Ms. Lucas reported she addressed this issue with the Council before Christmas and very little has been done to clean up the trash at these two

properties and it appears that garbage is being thrown from the front doors. Ms. Lucas asked the resident of one of the homes if she needed help cleaning the property. Mayor Koniar reported that the Code Enforcement Officer needs to go to the properties to check on the situation. Police Chief Wilson reported that he and Captain Bullock will be happy to meet with Ms. Lucas on Wednesday, March 4, 2015 to discuss the situation further. He reported that he cannot make Ms. Lucas promises that all the problems will be fixed because there is only so much the Police Department can do. Mayor Koniar asked Ms. Lucas if both the properties were rental properties. Ms. Lucas reported the property on the corner is occupied by the owner but the other property is rental property. Mayor Koniar suggested that the owner of the rental property be contacted.

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 5:55 p.m.