



Meeting Minutes - Final
City Council

Monday, June 16, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0383](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 114 S. Stuart Lane. **THE PROPERTY HAS BEEN ABATED.**

Council President Wayne Trawick opened the public hearing at 5:35 p.m. to declare weeds to be a public nuisance and order its abatement at 114 S. Stuart Street. He announced that the property has been abated and that no further action will be taken. He asked for public comments. Hearing no comments, he closed the public hearing.

[14-0385](#)

A PUBLIC HEARING TO CONSIDER PASSAGE OF AN ORDINANCE AND TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION TO RE-ZONE 29.50+/- ACRES IN THE CORPORATE LIMITS OF THE CITY OF FOLEY LOCATED AT 3321 S. MCKENZIE STREET OWNED BY WOERNER LAND LLC. THE PROPERTY IS CURRENTLY ZONED R-3 (RESIDENTIAL MULTI FAMILY), PROPOSED ZONING IS B-1A (EXTENDED BUSINESS DISTRICT).

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to re-zone 29.50 +/- acres in the corporate limits of the City of Foley located at 3321 S. McKenzie Street owned by Woerner Land LLC. The property is currently zoned R-3 (Residential Multi Family), proposed zoning is B-1A (Extended Business District). President Trawick asked for public comments. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the Council meeting to order at 5:37 pm.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Katy Taylor, Steve Smith, Don Staley, Leslie Gahagan, Dan Hellmich, Sue Steigerwald, Miriam Boutwell, David Wilson, LaDonna Hinesley, David Thompson, Jeff Rouzie, David Vosloh, Taylor Davis, Audrey DeMotts, Irwin DeMotts, Ray Bakey, Agnes Cormier, Jerry Walker, Kim

Whitchard, Marita Johnson, Wanda Greer, Miguil Menoz, Tommy Greer, Celest Greer, Bobby Davis, Annette Davis, Doug Murphy, Priscilla Chamblin, Carolyn Ture, Donna Turbyfill, Bill & Susan Daniel, Harold & Chloe Misch, Ernie & Mary Ann Fughestal, Tony Whitchard, Julian & Elaine Dillan, Jim Cox, Bill & Pat Pelkey, Larry & Jean Lyone, Maria Ward, Neal & Fran Schults, Clarence & Marilyn Mosley, Douglas & Sandi Caudill, James & Sharon Lanius, Gregg Knight, Tanya Fritto, David Blain, Kathleen Roberts, Paul Roberts, Lillie Patterson, Mark Welytok, Sonya Bankston, Michelle Nelson, Daniel Cancelen, Dennis Blankenship, Daria Blankenship, Pat Hayes, Darrell & Kathy Combs, Wanda Bankston, Shirley Brasher, Diane Majors, Kerry & Beverly Hicks, Marcia Van Cleve, Cheryl Hanson, Liew & Debbie Rollins 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 remove items 14-0384, 14-0418 and to add item 14-0400. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0395](#)

Approval To Correct The Council Meeting Minutes Of April 21, 2014.

Attachments: [4-21-14 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the corrected Council Meeting Minutes of April 21, 2014. Item 14-0298 incorrectly stated the amount of \$150,000.00 and should have been \$350,000.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0406](#)

06-02-2014 Work Session Minutes

Attachments: [06-02-2014 Work Session Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of June 2, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0408](#)

Council Meeting Minutes Of June 2, 2014

Attachments: [06-02-2014 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council

Meeting Minutes of June 2, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Audit of the Accounts

[14-0387](#) Audit the accounts of May, 2014.

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

Reports

[14-0440](#) May 2014 Sales Tax, Rental Tax and Lodging Tax Report

Attachments: [May 2014 Sales Tax, Rental Tax and Lodging Tax Report](#)

The May 2014 Sales Tax, Rental Tax and Lodging Tax Report was inadvertently missed. President Trawick requested to carry over this report to the City Council meeting of July 7, 2014.

[14-0412](#) May 2014 CDD EOM Report

Attachments: [May 2014 EOM for Council\(2\).pdf](#)

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

[14-0430](#) May 2014 Monthly Report - PD

Attachments: [activity.rtp..pdf](#)

Police Chief David Wilson gave a synopsis of the May 2014 Police Report, which is attached as back up to the minutes.

Ordinances, Reports and Other Business

[14-0214](#) An Ordinance To Amend Ordinance No. 929-06 An Ordinance Prohibiting Smoking In Workplaces and Public Places To Include E-cigarettes. This Ordinance is too large for Legistar to print. The Ordinance is attached in its entirety as Exhibit A.

Attachments: [929-06 ORD](#)
 [No Smoking Including E-Cig.](#)
 [Clean Air Zone Sign](#)
 [No Vaping Signs](#)
 [Smoking Ordinance](#)

A motion was made by Council Member Charles Ebert III to amend Ordinance No. 929-06 An Ordinance Prohibiting Smoking In Workplaces and Public Places to include E-cigarettes. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-1017-ORD

[14-0314](#)

AN ORDINANCE TO REZONE 29.50+/- ACRES FROM R3 (RESIDENTIAL MULTI-FAMILY) TO B1A (EXTENDED BUSINESS DISTRICT)

Attachments: [Packet for Vickey 2.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance to rezone 29.50+/- acres from R3 (Residential Multi-Family) to B-1A (Extended Business District) owned by Woerner Land LLC. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-1019-ORD

[14-0368](#)

Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to half year license fees

Attachments: [DOC018.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend Ordinance No. 1018-07 (Business License Ordinance) to allow for half year license fees. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-1018-ORD

[14-0373](#)

Approve going to bid for the dog park

Attachments: [Dog Park Plan-DWG-01 Site Plan.pdf](#)
 [DOG PARK PARKING OPTIONS.pdf](#)

A motion was made by Council Member Charles Ebert III to approve going to bid for the construction outside of the dog park arena to include construction costs for sidewalks, drainage installation, grading, asphalt base and paving and to approve the advertising costs associated with the bid process. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0216-RES

[14-0374](#)

Approve removing Eastern Red Cedar in John B. Foley Park

Attachments: [Christmas tree backup.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve removing the Eastern Red Cedar tree in John B. Foley Park. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0217-RES

14-0382

Seeking permission to replace one Police Vehicle lost during the April flooding

Attachments: [Donohoo.statebid.4.2014](#)

A motion was made by Council Member Charles Ebert III to appropriate \$35,830.43 to the Foley Police Department Capital Purchase Account; to approve the purchase of one 2015 Chevrolet Tahoe from Donohoo Chevrolet from the Alabama State Bid List in the amount of \$30,374.24; to approve the purchase of emergency equipment from Firehouse Sale and Service, Inc. in the amount of \$4,710.28 and to approve the purchase of one two-way radio from Hurricane Electronics in the amount of \$745.91. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0218-RES

14-0384

Resolution authorizing employees to enter upon the property at 114 S. Stuart Lane for the purpose of abating the public nuisance.

Attachments: [114 S. Stuart Lane - Weeds](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The property has been abated by the property owner. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0391

Acceptance Of The Alabama Historical Commission Historic Preservation Fund Grant For FY 2015

Attachments: [Historical Commission Grant](#)

A motion was made by Council Member Ralph Hellmich to accept the Alabama Historical Commission Historic Preservation Fund grant in the amount of \$5,000.00 for Preservation training; to appoint Miriam Boutwell to serve as the Grant Manager; Grantee Cost Reports will be submitted to the Alabama Historical Commission on a quarterly basis; to amend the budget accordingly and to approve the expenditure of the grant funds. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0219-RES

14-0392

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT ASHFORD PARK UNIT 8

Attachments: [Ashford Park Unit 8. Grass Violation](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing

declaring weeds to be a nuisance and ordering its abatement at Ashford Park Unit 8. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0220-RES

[14-0393](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT SOUTHWEST CORNER OF HWY 98
AND CYPRESS ST

Attachments: [Hwy 98 at Cypress St.Grass Violation](#)

A motion was made by Council Member Rick Blackwell to set a public hearing declaring weeds to be a nuisance and ordering its abatement at the Southwest corner of Hwy 98 and Cypress Street. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0221-RES

[14-0394](#)

Resolution to Renew Contract for Services and to Memorialize Funds and Appropriate Funds For Farmers Market Operations Manager

Attachments: [13-0324 RES.pdf](#)
 [13-0330 RES.pdf](#)
 [2014-2015Performance Contract Farmers Market Operations Manager](#)

A motion was made by Council Member Ralph Hellmich to authorize Mayor Koniar to enter into a Contract For Services for the Farmers Market Operations Manager with Heather Pritchard; to memorialize one payment made on June 5, 2014 in the amount of \$2,307.69 and to appropriate \$20,769.21 to Account No. 01-627-3060 for the remainder of the fiscal year. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0222-RES

[14-0397](#)

Mosquito Sprayer Upgrade

Attachments: [Monitor 4S Quote](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of two Monitor 4s monitors for the mosquito sprayer trucks for the total amount of \$13,850 in order to comply with ADEM requirements that must be met concerning mosquito sprayers. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0223-RES

[14-0398](#)

Mig Welder

Attachments: [Mig Welder Quotes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a Mig Welder from Wesco Gas & Welding Supply Inc. in the amount of \$3,020.46 that is budgeted in the amount of \$3,500.00. The motion

was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0224-RES

[14-0399](#)

JD 1565 Front Mount Mower Decks

Attachments: [JD Mower Deck Quote](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of two (2) John Deere 1565 Front Mount Mower Decks from John Deere in the amount of \$7,054.52 budgeted in the amount of \$8,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0225-RES

[14-0401](#)

Mower Transfer Request

A motion was made by Council Member Ralph Hellmich to approve the transfer of the 2011 1565 Front Mount Mower #07007, Serial # TC1656DJBT100267 from the Street Department to the Community Development Environment Division. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0226-RES

[14-0402](#)

Amend Resolution No. 13-0249 Declaring Vehicles/Equipment to be Surplus

A motion was made by Council Member Ralph Hellmich to approve the amendment of Resolution No. 13-0249; to reverse the status of the 2008 1565 Front Mower #07017, Serial # TC1565D070266 from surplus to active asset for the use of the Street Department as a spare. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0227-RES

[14-0403](#)

Tire Changer and A/C Machine Surplus Request

A motion was made by Council Member Rick Blackwell to declare the Ranger Tire Changer, Model R23ST and the Viper GT A/C Machine as surplus and to authorize the disposal of the same on GovDeals.com. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0228-RES

[14-0404](#)

Street Equipment Surplus Request

A motion was made by Council Member Rick Blackwell to declare the 2007 4X2 Gator #07014, Serial # W04X2D01308 to be surplus and to authorize the disposal of the same on GovDeals.com. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0229-RES

[14-0405](#)

Sanitation Vehicles Surplus Request

A motion was made by Council Member Ralph Hellmich to declare the 1998 GMC w/25 yd Heil Body #1054 Garbage Truck VIN# 1GDT7H4CXWJ514156 and an International T. Loader #1061 Recycle/Curb Sorter Truck VIN# 1HTMMAAN57HS27844 to be surplus and to authorize the disposal of the same on GovDeals.com. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0230-RES

[14-0407](#)

A resolution to accept resignation of R. Paul Cater from the Library Advisory Board and to consider appointing someone to fill the vacancy.

Attachments: [R. Paul Cater Resignation](#)
 [John E. Bolton Bio for Foley Library](#)
 [Parker C Johnson 20140510 Web Bio - PCJ.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the resignation of R. Paul Cater from the Library Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote. No appointment was made at this time.

Enactment No: 14-0231-RES

[14-0409](#)

Accept Bid for a Full Size, Half-Ton, 4x4 Crew Cab Truck for CDD

Attachments: [Landers McLarty Bid - CDD Truck](#)
 [BID RESULTS - CDD Truck](#)

A motion was made by Council Member Rick Blackwell to appropriate an additional \$793.00 to Account No. 01-615-7010 and to accept the lowest responsible bid in the amount of \$23,793.00 submitted by Landers McLarty Dodge Chrysler Jeep Ram for the Community Development Department as budgeted. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0232-RES

[14-0410](#)

S. Juniper St. and CR 20 Intersection Signalization Repairs

Attachments: [Bagby & Russell Invoice](#)

A motion was made by Council Member Ralph Hellmich to memorialize work performed and to approve payment of Bagby & Russell Electric Company Inc.'s invoice of \$6,136.45. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0233-RES

[14-0411](#)

Request a resolution to contract with Goodwyn, Mills and Cawood for the Graham Creek Preserve Interpretive Center

Attachments: [City of Foley Multipurpose Facility](#)
[Multi Purpose Center2](#)

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

A motion was made by Council Member Ebert III to approve the proposal from Goodwyn, Mills and Cawood to design and engineer the construction of an interpretive facility and to appropriate the funds for the contract fees in the amount of \$113,900. 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 Ralph 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: 14-0234-RES

[14-0413](#)

Change Order No. 1 for Glenlakes Bike Path Ph. II

Attachments: [E-J Builders Change Order](#)

A motion was made by Council Member Blackwell to approve E-J Builders, Inc.'s Change Order No. 1 in the total amount of \$19,764.00 for work related to the Glenlakes Bike Path Ph. II project area; to appropriate \$15,240.16 for work related to restoring the area to pre-storm conditions to Account No. 01-660-8300; to appropriate \$1,672.00 for tree removal to Account No. 12-665-7281 Q64 CONST. Account No. 01-624-8010 will be used to record the \$2,851.84 cost and reimbursement by the property owner. 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: 14-0235-RES

[14-0414](#)

Request resolution of support for ASA Archery Tournament and appropriate bid fees

A motion was made by Council Member Ralph Hellmich to approve the support of hosting the ASA Archery Tournament at Graham Creek Nature Preserve and to appropriate the bid fee to ASA in the amount of \$5000 to Account No. 01-628-5220 Bid Fees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0236-RES

[14-0415](#)

Request amendment to contract with Southern Excavating to assist City in completing Wolf Creek Stream Restoration

A motion was made by Council Member Ralph Hellmich to approve the amendment of the contract with Southern Excavating, LLC. to complete the floodplain excavation in the amount of \$20,800.00 under existing budget. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0237-RES

[14-0416](#)

Consider Renewing Ground Lease Agreement for Overflow Parking

Attachments: [Static copy of 07552_M_Wallace Lease Agreement 06-16-14.pdf](#)
[Wallace Property Map.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize a one-year term ground lease agreement between Wallace Living Trust for Tax Map Parcel # 05-54-08-28-2-000-036.001 and 05-54-08-28-2-000-036.000, Lots 1,2 and 3 of Block 3 Magnolia Springs Land Company Addition. The City of Foley agrees to the maintenance and upkeep of the land to include mowing the grass and noxious weeds in areas that are needed. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0238-RES

[14-0417](#)

Consider Approving New Agenda Request Form for the Public

Attachments: [QUESTIONNAIRE FOR COUNCIL AGENDA REQUEST.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the new Council Agenda Request Form to be used by the public when submitting Council agenda requests. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0239-RES

[14-0418](#)

Request support of Tough Mudder Event

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0419](#)

Consider Appointment to the Historical Commission

Attachments: [Justin Shanks.pdf](#)

A motion was made by Council Member Vera Quaites to appoint Justin Shanks to the Historical Commission. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0240-RES

[14-0420](#)

2015 Ford F-550 Bucket Truck

Attachments: [Ford F-550 Bucket Truck](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a 2015 Ford F-550 Bucket Truck, Altec Model # AT37-G from Altec Industries, Inc. under NJPA Contract #31014 in the amount of \$90,397.00 and to increase the budget for this item under Account No. 01-607-7010 in the amount of \$397. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0241-RES

[14-0421](#)

Project Sky Guardian

A motion was made by Council Member Ralph Hellmich to approve the Security Project aka Sky Guardian; to appropriate \$479,707.12 to project account 12-5811 leaving a project match of \$86,649.84; to approve Security 101 for cameras and miscellaneous equipment and installation in the amount of \$289,848.18; to approve M&M Electric for electrical work in the amount of \$53,548; to approve B&L Cable Construction for fiber work in the amount of \$85,890; to approve CDWG for equipment on National IPA Technology Solutions Contract 130733 in the amount of \$49,768.94; to approve Riviera Utilities to place poles for cameras in the amount of \$652 and to appropriate \$5,000 to account 01-620-3900 for the first year of a fiber maintenance agreement with Riviera. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0242-RES

[14-0422](#)

Permission to bid new archery park for Graham Creek Nature Preserve.

Attachments: [A1 tower](#)
 [A1 shelter](#)
 [Target](#)

A motion was made by Council Member Ralph Hellmich to approve permission to bid construction of a Community Archery Park for Graham Creek Nature Preserve. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0243-RES

[14-0423](#)

Repairs for the Aaronville Swimming Pool

Attachments: [Hose Picture](#)
 [Uneven Expansion Joint](#)
 [Aaronville Pool Picture](#)

A motion was made by Council Member Charles Ebert III to amend account 01-622-4030 by increasing it \$25,000 and to decrease account 01-622-1015 by \$15,000 for repairs to the Aaronville swimming pool. The motion seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0244-RES

[14-0424](#)

Resolution Authorizing Transfer of Funds to Create an Administrative Assistant Position for the Sports Tourism Department.

A motion was made by Council Member Ralph Hellmich to authorize transferring funds in the amount of \$9,775.00 from account #01-620-1205 (Continuing Education) to the Sports Tourism Department to create an Administrative Assistant position and to authorize transferring funds in the amount of \$1,270 from account #01-620-1205 (Continuing Education) to the Municipal Complex Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0245-RES

[14-0425](#)

FBE Culvert Wingwall Repairs

Attachments: [Sawgrass Proposal](#)

A motion was made by Council Member Ralph Hellmich to approve Sawgrass, LLC.'s proposal for survey and engineering services related to repairing the culvert wingwall along the east right of way of the Foley Beach Express between Sandy Creek bridge and U.S. 98 intersection that was destroyed by the flood waters of April 29, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0246-RES

[14-0427](#)

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

Attachments: [Annexation Report CDD for Mayor and Council Magnolia Land.pdf](#)
 [Engineer Review - Magnolia Land Co. Annexation.pdf](#)
 [John Foley Annexation.6.3.14.pdf](#)
 [FOLEY_MAP.pdf](#)
 [Magnolia Land Co. Annex.](#)

A motion was made by Council Member Hellmich to approve the first reading of an ordinance approving the petition for annexation and bringing property owned by John B. Foley (Magnolia Land Company) into the corporate limits of the City of Foley. The property is located south of Perfection Road, along the proposed Fern Avenue Extension. 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

[14-0428](#)

Consider Appropriation of funds regarding Baldwin County Sewer.

Attachments: [Email](#)

A motion was made by Council Member Charles Ebert III to appropriate an amount not to exceed \$2,000 under account 01-620-3020 for the purpose of legal fees and to approve the City moving forward to engage in the lawsuit against Baldwin County Sewer by the Glenlakes Homeowners Association. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0247-RES

[14-0431](#)

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$64.00.

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts as uncollectible in the amount of \$64.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0248-RES

[14-0432](#)

A resolution waiving Horse Arena fees for Jennifer Claire Moore Foundation Annual Rodeo

Attachments: [Jennifer Claire Moore](#)

A motion was made by Council Member Blackwell to waive the fees for the use of Foley Horse Arena requested by the Jennifer Claire Moore Foundation for their fundraiser on Thursday, July 31, 2014 and for Rodeo Week, August 4 - 10, 2014. 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: 14-0249-RES

[14-0434](#)

Consider Appropriating Funds For Ditch Survey

Attachments: [Collinwood -Meadow Run](#)

A motion was made by Council Member Ralph Hellmich to appropriate funds in an amount not to exceed \$4,000 for a survey of the ditch separating Collinwood Loop and Meadow Run Loop in order to obtain an easement from the property owners along the ditch line for the purpose of the City maintaining the ditch under Account No. 01-624-3020 Consultant/Professional Fees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0250-RES

[14-0435](#)

A Resolution authorizing submission of the FY14 CDBG Grant

Attachments: [Preliminary Opinion of Probable Cost](#)

A motion was made by Council Member Ralph Hellmich to authorize the submission of a grant application to ADECA requesting \$450,000 in Program Year 2014 Large City CDBG Funds; The City of Foley (through Riviera Utilities) agrees to provide \$686,580 in cash matching contributions toward the project for a total project cost of \$1,136,580 and to authorize the Mayor to sign all required grant application documents on behalf of the City. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0251-RES

[14-0436](#)

A Resolution To Adopt A Citizen Participation Plan and a Four Factor Analysis for Limited English Proficiency Persons

Attachments: [Four Factor Analysis](#)

A motion was made by Council Member Ralph Hellmich to adopt a Citizen Participation Plan and a Four Factor Analysis for Limited English Proficiency Persons. A copy of these documents will be kept on file at the City Hall and will be available for review by the public as requested. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0252-RES

[14-0400](#)

Permission to apply for the USDA Farmers' Market Promotion Program (FMPP)

A motion was made by Council Member Ralph Hellmich to approve the USDA Farmers Market Promotion Program (FMPP) application due June 20, 2014 for grant assistance for up to \$100,000.00 to provide essential marketing and promotion for the Farmers and Fishermens Market. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0253-RES

Mayor's Comments

Mayor Koniar asked City Administrator Mike Thompson to bring the Council up-to-date on the Alabama Credit Union closing of the Dixie Furniture property. Mr. Thompson reported that the City completed the process of removing the property from the previous bond. City attorneys are currently working on the closing on the property, which is anticipated at the end of the month. The Cooperative District will hand over their portion of the right-of-way on the back side of the property to the City prior to the closing. The closing will be shortly after the Public Facilities Cooperative District meeting.

Mayor Koniar reported that Alabama Credit Union will build a new location on Hwy 98 across from Fortis College.

Visitor's Comments

Many neighboring residents of Graham Creek Nature Preserve were present to address the City Council with their concerns of the proposed events at Graham Creek Nature Preserve. The residents all shared the same concerns of the impact of the large number of participants, spectators and traffic that could affect the overall integrity of the Graham Creek Nature Preserve.

Wanda Greer of 8333 Palmetto Way, Foley addressed the Council also with her concern of flooding issues since the Glenlakes Bike Path has been built. Taylor Davis reported that the Engineering and Public Works Departments are aware of the issue but has not had the time to address the issue with all the other flooding issues that arose since the April 29, 2014 flooding. Ms. Greer also reported that the Foley High School Band has been invited to Chicago to represent the State of Alabama and she asked about City support to send the band to Chicago. President Trawick reported she can seek funding through the Chamber Foundation. There are funds appropriated to the Chamber Foundation that are dedicated to the Foley school system.

Marcia Van Cleve of 9620 Clarke Ridge Road addressed Council with the her concern of the proposed events at Graham Creek Nature Preserve.

Gregg Knight of 809 Alzea Avenue addressed the Council with his concern of the condition of Pecan Street and he reported that he feared children can get hurt in the sink hole. President Trawick reported that the Engineering Department has been authorized to repair the street. They are working on the best method to repair the street and whether a box culvert or a bridge will be the best solution. Mayor Koniar reported that FEMA was on site last week and inspected the area. FEMA will not allow the type of concrete culvert that was originally there to be installed again. They also recommended going from three pipes to four pipes which would reduce the velocity of water.

Marita Johnson of 8421 Palmetto Way, Foley addressed Council with the her concern of the proposed events at Graham Creek Nature Preserve. Ms. Johnson asked for a show of hands in the audience to reflect the number of people who were present to oppose the events in Graham Creek Nature Preserve. Ms. Johnson also wanted to reiterate the fact that a signed petition opposing the events in Graham Creek Nature Preserve had been submitted to the Council.

Liew Rollins of 8425 Forest Drive, Neal & Francis Shults of 8131 Bay View Drive and Kerry Hicks of 8086 Bay View Drive addressed Council with their concerns of the proposed events at Graham Creek Nature Preserve.

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 7:08 pm.