



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, July 7, 2014

5:30 PM

Council Chambers

Council Meeting

Presentation

[14-0473](#) Swearing in New Engineer, Chad Christian

Attachments: [Oath of Office Chad Christian 07-07-2014.pdf](#)

Judge Murchison was unable to attend so at the end of the meeting Mayor Koniar swore Chad Christian as the newly appointed City Engineer.

Call to Order

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

Roll Call

Councilwoman Vera Quaite was out due to a death in her family. Others present: Mayor John Koniar, Mike Thompson, Vickey Southern, Katy Taylor, David Wilson, Leslie Gahagan, John Jackson, Joey Darby, Chad Christian, Taylor Davis, Steve Smith, Don Staley, LaDonna Hinesley, Jeremy Robinson and Bonnie Hula of Cornerstone Lodge, Beth Bolten, Elva and Alec Barnett, and Cathy Higgins (Foley Onlooker).

Present: 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - Council Member Vera Quaite

Pledge of Allegiance

Additions/Removals

Councilman Hellmich made a motion to remove one of the file id 14-0447 as it is a duplicate on the agenda; add 14-0466 to approve going to bid on the Resurfacing PH V Project and add 14-0488 to approve R&S Paving to proceed with emergency temporary repairs on Pecan Street. Councilman Ebert seconded the motion and the vote passed unanimously.

Approval of Minutes

[14-0460](#)

Work Session Minutes Of June 16, 2014.

Attachments: [Work Session Minutes of June 16, 2014](#)

President Trawick recommended approving the minutes with an amendment to File ID 14-0411 to change Vice President to President Pro-temp. Councilman Blackwell made a motion to approve the Minutes with the amendment and Councilman Hellmich seconded the motion. The vote passed unanimously.

[14-0461](#)

Council Meeting Minutes Of June 16, 2014.

Attachments: [Council Meeting Minutes of June 16, 2014](#)

The Minutes were approved on motion by Councilman Ebert and seconded by Councilman Hellmich. The vote passed unanimously.

[14-0474](#)

Correction to the Work Session Minutes of June 2, 2014

Attachments: [Work Session Minutes June 2, 2014](#)

The Work Session Minutes of June 2, 2014 under File ID 14-0377 page 3 under Multi-Use Facility last sentence in the first paragraph reads incorrectly "Philomene Holmes Road is due to be paved this year and only 3,000' would be left to pave to go through to the building and then on to Wolf Bay Drive." This sentence should have read ". . . and only 3,000' would be left to be graveled to go through to the building and then on to Wolf Bay Drive." The "word" paved is to be replaced with "to be graveled"

The June 16, 2014 Work Session Minutes were approved as amended on motion by Councilman Hellmich and seconded by Councilman Blackwell.

Reports

[14-0440](#)

May 2014 Sales Tax, Rental Tax and Lodging Tax Report

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

City Administrator Mike Thompson reported May Sales tax was up 10.6%, Lodging tax was up 154% and Rental tax was up 15.35%. According to the preliminary numbers from the State sales tax for June appear to be up approximately 7.7%; lodging tax up approximately 130% and rental tax up approximately 25%. If these figures continue May and June have been two very good months for starting the tourist season. The entire May reports are attached in their entirety.

[14-0457](#)

Fire Department Monthly Report May 2014

Attachments: [Council May 14 6-2014](#)

Chief Darby reported two items that were noteworthy, which were two fires. One was in Bon Secour at CR10 and CR65. The Bon Secour Fire Department had Foley on standby and the fire was thought to be caused by a lightening strike. The other fire was at Allison Pointe Apartments. Both were fully extinguished when they responded. The full report is attached in its entirety.

Ordinances, Resolutions and other Business

[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](#)

This Ordinance was approved on second reading on motion by Councilman Hellmich and seconded by Councilman Ebert.

Enactment No: 14-1019-ORD

[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](#)
 [Magnolia Land Co. Annex.](#)
 [Mag. Land Annex Map](#)

Council President reported that this item needed to be carried over until August 4th meeting because it was still at Planning Commission.

[14-0433](#)

Consider Reappointment to the Board of Adjustments and Appeals

This Resolution was approved reappointing Vernie Heard, Jr. retroactive December 13, 2013 on motion by Councilman Ebert and was seconded by Councilman Blackwell.

Enactment No: 14-0254-RES

[14-0444](#)

Approves Construction Costs For Centennial Plaza

Attachments: [GeoCon Proposal for Footing Evaluation at FCP.pdf](#)
 [GeoCon Proposal for Special Inspections and Testing at FCP.pdf](#)

This Resolution was adopted by a majority vote on motion by Councilman Hellmich and seconded by Councilman Blackwell. Councilman Ebert abstained.

Aye: 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0255-RES

[14-0445](#)

Accept bid submitted by R & S Paving & Grading, Inc. for fill material for soccer field base

Attachments: [Bid Results - Sandy Fill for Soccer Field](#)
 [R & S Paving Bid - Sandy Fill Material](#)

This Resolution was adopted on motion by Councilman Blackwell and seconded by Councilman Hellmich. The vote passed unanimously.

Enactment No: 14-0256-RES

[14-0446](#)

Surplus of 2001 Ford Crown Vic

Attachments: [CV0844.](#)

A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0257-RES

[14-0447](#)

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF THE SAME

Councilman Ebert made a motion to suspend the rules for the immediate consideration of adopting an ordinance. Councilman Blackwell seconded the motion and Mike Thompson took the following Roll Call Vote: Councilman Hellmich, aye; Councilman Blackwell, aye; Councilman Ebert, aye; and President Trawick, aye. Of those present there was a unanimous vote to suspend the rules.

A motion was made by Council Member Ebert, III, seconded by Council Member Hellmich, that this Ordinance be adopted. The motion carried by the following vote:

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

Enactment No: 14-1020-ORD

[14-0448](#)

Approves purchase of sport field edger and rear mount lip broom in the amount of \$5,350 for sports complex.

This Resolution was adopted on motion by Councilman Blackwell and seconded by Councilman Ebert. The vote passed unanimously.

Enactment No: 14-0258-RES

[14-0450](#)

Amends Resolution # 14-0142

Attachments: [Updated Vendor Product List for CAFFM Equipment for USDA RBEG.pdf](#)

This Resolution modified the total amount to include two vendors products inadvertently omitted from the original resolution. A motion was made by Councilman Hellmich and seconded by Councilman Blackwell. The vote passed unanimously.

Enactment No: 14-0259-RES

[14-0481](#)

A Resolution Engaging Frazier Lanier as Underwriter for General Obligation Warrants

This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Ebert. The vote passed unanimously.

Enactment No: 14-0260-RES

[14-0451](#)

AUTHORIZE THE MAYOR TO SIGN A WARRANT PURCHASE AGREEMENT BETWEEN THE CITY OF FOLEY AND THE FRAZER LANIER COMPANY, INC. WITH RESPECT TO THE ISSUANCE OF APPROXIMATELY \$17 MILLION GENERAL OBLIGATION WARRANTS

President Trawick asked City Administrator Mike Thompson to reiterate what the bonds would cover. Mr. Thompson reported the bonds will cover the cost of road infrastructure, matching funds for Tiger Grant, three ATRIP Grants and one TAP Grant, an interpretive center for Graham Creek Nature Preserve, and a second 5-Plex at the Sports Complex. The Mayor and Mr. Thompson reported the City ratings have increased from AA- to AA with Standard and Poor and AA3 with Moody's. Staff did a great job and they appreciated their work done on this project that ultimately made their jobs easier when they met with S&P and Moody's.

This Resolution was adopted on motion by Councilman Ebert and seconded by Councilman Hellmich. The vote passed unanimously.

Enactment No: 14-0261-RES

[14-0447](#)

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF THE SAME

This item was removed because it was duplicated and addressed earlier in the meeting.

Enactment No: 14-1020-ORD

[14-0453](#)

Upgrade GIS Licenses

Attachments: [Quote # 20445865](#)

This Resolution was adopted on motion by Councilman Blackwell and seconded by Councilman Hellmich. The vote passed unanimously.

Enactment No: 14-0262-RES

[14-0454](#)

Scan Tool for Maintenance Department

Attachments: [Quote SolusUltra](#)

This Resolution was adopted on motion by Councilman Ebert and seconded by Councilman Hellmich. The vote pass unanimously.

Enactment No: 14-0263-RES

[14-0456](#)

Foley Library Shelving Additions

Attachments: [Source Interiors Quote 6 27 14](#)

This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Blackwell. The vote passed unanimously.

Enactment No: 14-0264-RES

[14-0458](#)

Purchase of Thermal Imaging Camera for the Fire Department

Attachments: [TIC quote NAFECO 6-2014](#)

This Resolution was adopted on motion by Councilman Ebert and was seconded by Councilman Blackwell. The vote passed unanimously.

Enactment No: 14-0265-RES

[14-0459](#)

Purchase of Rescue Randy training manikin for Fire Department

Attachments: [Rescue Randy quote - NAFECO 6-2014](#)

[Rescue Randy quote - Simulaids 6-2014](#)

This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Ebert. The vote passed unanimously.

Enactment No: 14-0266-RES

[14-0463](#)

Amend Resolution for Pecan Street Permanent Repairs

Attachments: [Pecan St. Perm. Repairs](#)

President Trawick turned the meeting over to President Pro-temp Ralph Hellmich. Volkert's Task Agreement that was adopted under Resolution 14-0190 included construction costs, which should have been omitted. The resolution being considered now omits the construction costs. It was noted that the City is working on temporary repairs prior to having permanent repairs done.

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

After the vote, President Trawick asked President Pro-Temp to move to File ID 14-0467 and handle this item as well before proceeding with the other items on the agenda.

Aye: 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0267-RES

[14-0464](#)

A resolution clarifying site review date and event date for Powerman USA Duathlon

Attachments: [14-0207 RES](#)

This Resolution was adopted on motion by Councilman Blackwell and seconded by Councilman Hellmich. The vote passed unanimously.

Enactment No: 14-0268-RES

[14-0465](#)

Approve Bidding and Memorialize the Advertising Cost for Clubhouse Drive Repairs

This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Ebert. The vote passed unanimously.

Enactment No: 14-0269-RES

[14-0467](#)

Amend Resolution for East Section Avenue Sloped Paved Ditch Repair

Attachments: [E. Section Ave. Sloped Paved Ditch Repair](#)

President Pro-temp Hellmich reported this item was basically the same as File ID 14-0463. Volkert had included construction costs, which should have been omitted, in their Task Agreement. The resolution being considered omits them.

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

After the vote President Pro-Temp Hellmich turned the meeting back over to President Trawick and he picked up file id 14-0464.

Aye: 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0270-RES

[14-0469](#)

Soccer Field Construction Funding

Attachments: [Soccer Field Construction Update July 2014](#)

This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Blackwell. The vote passed unanimously.

Enactment No: 14-0271-RES

[14-0472](#)

Concessions Stand Change Order

This Resolution approving the Change Order to include a stainless steel back splash was adopted on motion by Councilman Hellmich and seconded by Councilman Ebert. The vote passed unanimously.

Enactment No: 14-0272-RES

[14-0476](#)

A resolution to amend Resolution 14-0128 Bid Solicitations for Dog Park Grading and Paving and Approve Ad Cost.

Attachments: [14-0128 RES](#)

This resolution amends Resolution 14-0128 clarifying that this item was a budgeted item and the budget did not need to be amended. This Resolution was adopted on motion by Councilman Hellmich and seconded by Councilman Blackwell. The vote passed unanimously.

Enactment No: 14-0273-RES

[14-0477](#)

Amends Resolution # 14-0212

Attachments: [Warehouse Equipment and Supply Invoice.pdf](#)

[MCS Contracting Amended Proposal.pdf](#)

[14-0212 RES](#)

This resolution amended Resolution 14-0212 stating the vendors for the purchase of ceiling fans at the Coastal Alabama Farmers and Fishermens Market. A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0274-RES

[14-0482](#)

A resolution approving the purchase of playground equipment for Beulah Heights

Attachments: [Quote_12924_16082.pdf](#)

The new playground equipment will be made up of pre-fabricated components to upgrade the playground. The older equipment will be removed and the new equipment will be placed closer to the pavilion. This Resolution was adopted

on motion by Councilman Ebert and was seconded by Councilman Hellmich.

Enactment No: 14-0275-RES

[14-0466](#)

Approve Going to Bid for Resurfacing Ph. V Project

Attachments: [Const. Cost Est. - Resurf. Ph. V](#)

President Trawick turned the meeting over to President Pro-temp Ralph Hellmich for the next two items.

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0276-RES

[14-0488](#)

Approve Funds for Temporary Emergency Repairs to Pecan Street

A motion was made by Council Member Ebert, III, seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:

After the vote President Pro-temp Hellmich turned the meeting back over to President Trawick.

Aye: 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0277-RES

Mayor's Comments

Mayor Koniar thanked staff for their time spent in preparation of documents for their bond meetings in New York. The bond rating increased and they usually don't get as much information from other cities. Standard's & Poor gave the City a AA rating and Moody's gave the City a AA3 rating. Staff was commended on their very detailed and informative information as it made their job easier during the meetings.

At this point Mayor Koniar swore in Chad Christian the new City Engineer. Mayor Koniar welcomed Chad to the City.

Visitor's Comments

None to report.

Executive Session

Mike Thompson reported Jeff Rouzie, the Director of Economic Development, has called for an Executive Session to discuss the purchase and lease of real property and preliminary and confidential trade negotiations. The Executive Session should take approximately 35 to 40 minutes and it might be possible that Council will come back for a vote. Councilman Ebert made a motion to go into Executive Session and Councilman Hellmich seconded the motion. Mr. Thompson took the following roll call vote: Councilman Hellmich, aye; President Trawick, aye; Councilman Blackwell, aye and Councilman Ebert, aye. Of those present there was a unanimous vote to go into Executive Session and they recessed at 6:04 p.m.

RECONVENED

President Trawick called the meeting to order at 6:58 p.m. All Councilmembers were present with the exception of Councilwoman Quaite. Others present: Mike Thompson, Vickey Southern, Katy Taylor, Steve Smith and Jeff Rouzie. At this point President Trawick announced there was no further business to conduct.

Adjourn

Hearing no further comments Councilman Ebert made a motion to adjourn the meeting and Councilman Hellmich seconded the motion. The vote passed unanimously and the meeting adjourned at 6:59 p.m.