



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Thursday, May 21, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0295](#)

Public hearing to consider an ordinance to rezone property owned by OTP Associates Gulf Shores LP from B1A (Extended Business District) to PUD (Planned Unit Development).

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the passage of an ordinance to rezone property owned by OTP Associates Gulf Shores LP from B1A (Extended Business District) to PUD (Planned Unit Development). President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0296](#)

Public hearing to consider amending Ordinance 1143-10 to include off leash activities.

President Trawick opened the public hearing at 5:31 p.m. to consider the passage of an ordinance amending Ordinance 1443-10 to include off leash activities. President Trawick 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 5:32 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Katy Taylor, Steve Smith, Joey Darby, Miriam Boutwell, Chad Christian, Joyce Varner, Rick Varner, Janice Miller, Charmaine Dodd, Michael Schildgen, press representative Jay Sowers (Onlooker) and press representative Marc Anderson (Press-Register/AL.com).

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 15-0330 to the agenda and to remove item 15-0319 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[15-0326](#) Work Session Minutes of May 4, 2015.

Attachments: [5-4-15 Work Session Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of May 4, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0327](#) Council Meeting Minutes of May 4, 2015.

Attachments: [5-4-15 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of May 4, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0328](#) Special Called Council Meeting/Audit Reading of May 12, 2015.

Attachments: [5-12-15 Audit Reading Minutes..pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Special Call Council Meeting/Audit Reading Minutes of May 12, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0329](#) Council meeting Minutes of May 12, 2015.

Attachments: [5-12-15 Council Meetig Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of May 12, 2015 for the Reconvened Meeting of May 4, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Audit the Accounts

[15-0325](#) Audit the accounts of April, 2015.

A motion was made by Council Member Ralph Hellmich to audit the accounts of April 2015. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Reports

[15-0314](#) April 2015 Bid Activity

Attachments: [April 2015.pdf](#)

The April 2015 Bid Report is attached as backup to the minutes.

[15-0331](#) April 2015 Sales, Lodging and Rental Tax Reports

Attachments: [20150518110115353.pdf](#)

City Administrator Mike Thompson reported the April sales tax is up 8.16% year-to-date; the lodging tax is up 19.73% year-to-date and the rental tax is up 1.65% year-to-date. He also reported the state auditors located \$7,600 through the audit that was performed to see why the rental tax had been so low in the past.

[15-0317](#) April 2015 CDD Report

Attachments: [April 2015 CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the April 2015 CDD Report, which is attached as backup to the minutes.

Council Member Ralph Hellmich thanked Ms. Boutwell and City Engineer Chad Christian for working through some complicated items during the Planning Commission meeting of May 20, 2015.

[15-0324](#) Fire Department Monthly Report April 2015

Attachments: [Council April 15 5-15](#)

Fire Chief Joey Darby gave a synopsis of the April 2015 Fire Department Report, which is attached as back up to the minutes. He also reported there was a fire in a RV that was used as a fixed residence in the northeast jurisdiction area off of County Road 87. The State Fire Marshall is investigating the fire. There were no injuries associated with this fire but the RV was a total loss.

[15-0306](#) End of Month Report April 2015 Foley PD

Attachments: [20150508130243432](#)

Police Chief David Wilson was not present at the Council meeting due to an emergency in Orange Beach. The April 2015 Police Department Report is attached as backup to the minutes.

Ordinances, Resolutions, and Other Business

15-0212

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY OTP Associates Gulf Shores LP FROM B1A, Extended Business District TO PUD, Planned Unit Development.

Attachments: [OTP Backup for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to rezone the portion of property previously zoned B1A, Extended Business District to PUD, Planned Unit Development. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1009-ORD

15-0215

Amending Ordinance 1143-10 to include off-leash activities.

Attachments: [1143-10 Vicious Dog Ordinance \(amended draft\)](#)

A motion was made by Council Member Vera Quaites to amend 1143-10 Vicious Dog Ordinance to allow the City of Foley to have assigned off-leash areas within the City. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-1010-ORD.

15-0303

Appropriates funds for Centennial brick installation

Attachments: [Harris Stone Works Estimate.pdf](#)

A motion was made by Council Member Charles Ebert III to appropriate \$325.00 to the Centennial Plaza & Tower Construction Account for the installation of engraved Centennial bricks payable to Harris Stone Works LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2169-RES

15-0307

Request to De-Obligate Funds

A motion was made by Council Member Ralph Hellmich to de-obligate \$7000.00 to Lehe Planning, LLC under Resolution 14-0405 for the Graham Creek Interpretive Center safe room. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2170-RES

15-0308

Request to Amend the Budget for an Insurance Settlement and for

Replacement Equipment

Attachments: [201504201421](#)
 [Mower Quote](#)

A motion was made by Council Member Rick Blackwell to acknowledge an insurance settlement for a destroyed front mount mower in the amount of \$24,587.01; to increase the budget for Revenue Account No. 01-5142, Insurance Settlements; to approve the purchase of a X Mark zero turn mower with mulch kit from G & J's Power Equipment, Inc. in the amount of \$11,644.95 (\$12,942.06 less than the insurance settlement), and to increase the budget for Expense Account 01-620-7040, Nature Park Capital Purchases, in the amount of \$11,644.95. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2171-RES

[15-0309](#)

Amend Resolution for Street Light Request for 1204 South Juniper Street

Attachments: [Email - EMC Street Light Install](#)
 [Res. 15-2104 - Street Light for 1204 S. Juniper](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution No. 15-2104 to reflect the electrical utility provider as Baldwin EMC, the cost of installation in the amount of \$125.00, and a monthly fee of \$6.50 or annual fee of \$78.00, under Account No. 01-620-8090, Public Street Lighting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2172-RES

[15-0310](#)

Request to Increase Funds for the Interpretive Center

A motion was made by Council Member Ralph Hellmich to approve the additional funding of \$220,449.45 and to amend Account No. 12-665-7342 R18 CONST for the construction and furnishing of the Interpretive Center. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2173-RES

[15-0312](#)

Accept Volkert Supplemental Agreement No. 1 for Airport Drainage Improvements

Attachments: [Volkert SA#1.pdf](#)

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

A motion was made by Council Member Charles Ebert, III to approve Volkert, Inc.'s Supplemental Agreement No. 1 in the amount of \$93,774.31. This consists of estimated engineering costs in the amount of \$38,325.28 for basic services and \$55,449.03 for special services such as construction material testing, survey, construction observation and FAA documentation and to appropriate \$93,774.31 to account number 12-665-7359 R25 VLKSA. The motion was seconded by Council Member Quaites and carried by the following vote:

Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; 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: 15-2174-RES

[15-0313](#)

Ordinance to amend Ordinance 15-1005 Approving Petition For Annexation (MTSC Land Development)

Attachments: [15-1005 ORD.](#)

A motion was made by Council Member Charles Ebert, III to suspend the rules for the immediate adoption of the ordinance. The motion was seconded by Council Member Ralph Hellmich and carried by the following roll call vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Ralph Hellmich to amend the legal description of Parcel C. of Ordinance 15-1005 in order to correct an error. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-1011-ORD.

[15-0315](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Rick Blackwell to write off certain residential sanitation accounts in the collective amount of \$48.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2175-RES

[15-0318](#)

Authorizing Amendment to the Pay Classification Plan for Converting Three Firefighter Slots to Three Senior Firefighter Slots

Attachments: [Senior Firefighter Promotion Calculations.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize an amendment to the Pay Classification Plan, effective July 1, 2015, to convert three Firefighter slots to three Senior Firefighter slots, contingent upon final approval of the SAFER Grant Funds and to authorize an allocation of funds as follows: 01-609-1010 Salaries \$2,707.38; 01-609-1030 Payroll Tax \$207.39; 01-609-1052 Retirement \$188.43; 01-609-1041 Life/Disability \$18.68 and 01-609-1160 Workers Comp \$196.83. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2176-RES

[15-0319](#)

A resolution to approve entering into a lease contract with Modspace for the Sports Tourism Department.

Attachments: [Modspace quote](#)

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.

[15-0320](#)

Ordinance setting the admission price to the public pools.

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to increase the daily admission to Max Griffin and Aaronville Pools to \$3 per person and to increase individual passes to \$30, the Family Pass to \$60 and the Family Pass II to \$85. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1014-ORD

[15-0321](#)

Solicit Bids for North Pine Street and West Fern Avenue Drainage Improvements

A motion was made by Council Member Charles Ebert, III to amend Account No. 12-665-7341 R17 CONST to establish construction funds in the amount of \$300,000.00 and to approve the solicitation of bids, and advertisement costs up to \$500.00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2177-RES

[15-0322](#)

Authorizing Waiver of Certain Fees for Sportstown Village Subdivision

A motion was made by Council Member Rick Blackwell to waive all but the minimum Community Development Department and Engineering Department permit fees relating to the build-out of the Sportstown Village Subdivision. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2178-RES

[15-0323](#)

Install New Fiber

A motion was made by Council Member Vera Quaites to approve the expansion of the fiber system for the City security project and to transfer \$10,000 from Account 01-629-7010 to 12-665-7129 Fiber Expansion and \$5,000 to 01-629-5010 Small Tools. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2179-RES

[15-0330](#)

A resolution to move the gate on Pecan Street located at the property of John Foley.

A motion was made by Council Member Ralph Hellmich to approve the relocation of the existing gate located at the old Dairy Farm southward on Pecan Street approximately 1980 +/- feet; to approve a temporary closure of the improved and unimproved portion of Pecan Street on John Foley's property. Mr. Foley will maintain the right of way beginning north of the gate until such time the City makes Pecan Street a through street for traffic from East Laurel Avenue to East Peachtree Avenue at a future date to be determined. This resolution is contingent upon legal review. The motion was seconded by Council Member Charles Ebert III, and carried by an unanimous vote.

Enactment No: 15-2180-RES

Mayor's Comments

Mayor John Koniar reported Panda Express, Jimmy Johns Gourmet Sandwiches and Dunkin Donuts are coming to Foley on Highway 59.

Visitor's Comments

None to report.

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 5:55 p.m.