



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, February 16, 2015

5:30 PM

Council Chambers

Council Meeting

Call to Order

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

Roll Call

All Council members were present. Others present: Mayor John Koniar, Mike Thompson, Vickey Southern, Jeff Rouzie, David Wilson, Joey Darby, Steven W. Smith, Brooke Waters, Greg Knight, Heather Pritchard, and press representative Jay Sowers (Foley 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

Presentation

[15-0119](#)

Proclamation Proclaiming Read Across America Day March 2, 2015 in honor of Dr. Seuss' Birthday

Attachments: [READ ACROSS AMERICA PROCLAMATION.pdf](#)

Mayor Koniar read a proclamation declaring March 2, 2015 as "Read Across America Day" in the City of Foley and presented the proclamation on behalf of Dr. Lawrence to Ms. Brooke Waters of Foley Elementary School. She thanked the Mayor for the proclamation and stated the School will continue to promote reading with children. Mayor Koniar reported that he has read Dr. Seuss' books to the children on numerous occasions and it is a challenge.

Additions/Removals

Councilman Hellmich made a motion to add File ID # 15-0111 January 2015 Sales Tax, Lodging Tax and Rental Tax Reports; 15-0119 Proclamation declaring March 2nd as "Read Across America Day"; 15-0120 Setting a public hearing to consider an ordinance regulating environmental permits related to land disturbance; 15-0121 Setting a public hearing to consider an ordinance

regulating Heritage Tree Preservation; and 15-0122 Appropriating \$50,000 for dirt work at the site of the new 5-Plex; to carry over File ID#'s 15-0099 Request Champion Disc Golf Course Development Contract; and 15-0105 Permission to appropriate and approve \$3,610,967 for the design and construction of a new 5-Plex at the Foley Sports Complex. Councilman Ebert seconded the motion and the vote passed unanimously.

Approval of the Minutes

[15-0095](#) Work Session Minutes of February 2, 2015

Attachments: [2-2-15 Work Session Minutes](#)

The Work Session Minutes were unanimously approved on motion by Councilman Blackwell and was seconded by Councilwoman Quaites.

[15-0086](#) Council Meeting Minutes of February 2, 2015.

Attachments: [2-2-15 Council Meeting Minutes](#)

The Council meeting Minutes were unanimously approved on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

Audit of the Accounts

[15-0082](#) Audit the accounts of January, 2015.

The Accounts were unanimously approved for payment on motion by Councilman Ebert and was seconded by Councilwoman Quaites.

Reports

[15-0111](#) January 2015 Sales, Lodging and Rental Tax Reports

Attachments: [20150212162251119.pdf](#)

This Report was presented by City Administrator Mike Thompson. He reported sales tax revenue coming in for the month of December and collected in January was up nearly 10.8% over the previous December. Year to date the City is up 7.77% above what we were running last year. Lodging Tax Revenue was up 9.38% and up year to day 34.21%, which is a little misleading because the first month of this year we are tied to a different sales tax rate. Without that we would still be up 14-15% year to date. Rental tax revenue came in a little bit higher. The month of January came in positive versus last year as it was up

3.09%.

Councilman Hellmich asked if the City had gotten any feedback from the ADOR audit. Mr. Thompson reported the City has not gotten anything back yet because they are still in the process of auditing. The City has been trending down in rental tax revenues for some reason and staff doesn't feel that it is correct. Mr. Thompson feels that the word is out that ALDOR is doing some auditing and doesn't know if that applies to the City having a growth percent this month or not.

[15-0100](#)

January Bid Activity Report

Attachments: [January 2014.pdf](#)

The January 2015 bid activity report was presented for review and is included as backup to the Minutes in their entirety. President Trawick reported this report lets the Council know the status of the City's Capital Projects that Council approved and whether or not they are within budget or not. These will be presented on a monthly basis.

[15-0103](#)

January 2015 CDD Report

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

City Planner Miriam Boutwell presented the 2015 January report, which is attached to the Minutes in their entirety. She noted City Projects have been added because they are not tracked through the computer because building permits are not issued but they are doing a lot of plan reviews and inspections on City projects. They will manually keep track of them and add it to the general report.

Councilman Hellmich reported they are adding pads next to Academy Sports and asked for an update. Ms. Boutwell reported she meet with them last week, haven't issued permits yet but spoke about the master plan for the entire site. It will be coming on very quick. Councilman Hellmich stated that he couldn't tell if it was parking or for the next buildings. Mr. Boutwell reported she and the City Engineer had five or six meetings with different developments, subdivision, commercial, etc. last week so it is getting busy.

[15-0106](#)

Fire Department Monthly Report January 2015

Attachments: [Council January 15 2-15](#)

Fire Chief Joey Darby reported last month was busy but in comparison to January 2014 it was actually down as there were over 120 incidents last year. Significant events for the month included a fire in a mobile home on Mills Road. Fortunately, everyone escaped without injury but the home was a total loss and the family had to relocate. The Fire Department doesn't know the exact cause of the fire; had a couple of theories but did not see anything suspicious in nature. A synopsis was given of the report and the report is included in the minutes as backup in its entirety.

The Department was represented at the Snowbird Reception and handed out new brochures, which were well received. There was a total of 138 inspections in January 2014 and January 2015 there were 215 inspections performed, which was a significant increase; however, the Department added two part-time inspectors throughout the year that contributed to the increase of inspections. They are gearing up for interviews for the new full-time inspector position.

Councilwoman Quaites asked if there were a lot of resume's for the position. Chief Darby reported they posted the job back in early December and they got 17 applicants but because it was December the City did not get the pool of applicants normally received. They made the decision to repost the job earlier this month and got a larger, more qualified pool of applicants. Chief Darby further reported he thought they might bring in ten people to interview.

[15-0022](#)

Foley PD January 2014 Monthly Report

Attachments: [January 2015 PD Report](#)

Chief Wilson reported the Council has a copy of the January 2015 report, which is included in the minutes as backup in their entirety. He reported he just received the Annual report for last year. Chief Wilson read the cover letter, which noted since to the City's growth the crime rate has gone down and theft is the overall crime at 80% of which forty-six (46%) percent was shoplifting and 17% was theft of items from parked vehicles. There was a slight decrease in business burglaries, prevented an increase in residential burglaries, experienced a decrease in vehicle thefts, a decrease in rape, non-family assaults, non-family aggravated assaults but had one murder. They have various programs such as the Citizen's Police Academy, teaching ladies to use firearms safely and shooting skills, neighborhood with lots of police-citizen interaction, mentoring children through the Police Explorer program and forming relationships through the School Resource Officer, etc. Included are a list of people who received promotions throughout the year. The report is included as backup to the minutes in their entirety.

Councilwoman Quaites asked if someone was interested in the Citizens Police Academy what would they need to do. Chief Wilson reported he advertised the class, which is very extensive. They need to sign up at the Police Department.

Councilman Ebert asked what the difference was between a "simple assault" and an "aggravated assault". Chief Wilson reported it is the level of injury, i.e. busted nose, which would be a simple assault, versus a hospitalization, which would be an aggravated assault.

Ordinances, Resolutions, and Other Business

[15-0079](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$231.88.

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, to approve Residential Sanitation Write offs in the

amount of \$231.88. The motion carried by an unanimous vote.

Enactment No: 15-2048-RES

[15-0080](#)

Request to Procure a one-ton truck chassis with flatbed dump body for the Parks Department

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the purchase of a one-ton chassis with a flatbed dump body in the amount up to \$35,500 for the Parks Department. The motion carried by an unanimous vote. This item will be purchased under the Capital Purchase Account and is eligible to be reimbursed from the 2014 GO Warrant proceeds.

Enactment No: 15-2049-RES

[15-0081](#)

Request to Procure one 3/4 ton 4x4 pickup for the Parks Department

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, approving the purchase of a 3/4 ton 4x4 pickup for the Parks Department in an amount up to \$32,000, which is budgeted under the Capital Purchase Account. The motion carried by an unanimous vote.

Enactment No: 15-2050-RES

[15-0083](#)

ABC License - 240 Non-Profit Tax Exempt for Chamber Foundation's BBQ & Blues Event March 21, 2015

Attachments: [BBQ & Blues ABC License Application](#)

Chief Wilson and Chief Darby made a recommendation to move forward. A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Agenda Item be approved. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

[15-0084](#)

To accept a \$1000 donation to the Foley Police Department from Mr. and Mrs. Frank Rikard to be used as needed for police equipment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that the \$1,000 donation be accepted. The motion carried by an unanimous vote. Chief Wilson reported the donation came from a citizen that came forward and wanted to show appreciation for exceptional police work. The funds will go into the Small Tools account for the purchase of radio earpieces. They took photos with him and thanked him for his generosity.

Enactment No: 15-2051-RES

[15-0087](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$211.50

Attachments: [Sanitation Write Offs \(2-3-15\)](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that the Residential Sanitation Write offs in the amount of \$211.50 be approved. The motion carried by an unanimous vote.

President Trawick reported there were two of these done tonight and that is because sometimes we get these after the Council deadline and they have to be placed on the next Council meeting agenda and that is what happened in this case.

Enactment No: 15-2052-RES

[15-0088](#)

Consider approving South Baldwin Chamber of Commerce's requests to hold a three-day Hot Air Balloon Festival at the Foley Sportsplex, May 1st, 2nd and 3rd, 2015.

Attachments: [2015 Hot Air Balloon Festival](#)

A motion was made by Council Member Blackwell, seconded by Council Member Hellmich, that the Gulf Coast Hot Air Balloon Festival to be held May 1st through the 3rd be approved. Councilman Ebert abstained and the motion 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: 15-2053-RES

[15-0089](#)

Approve the purchase of a Dura-Tech Model TC-12 Chipper

Attachments: [2015 Chipper quote and specs](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that the additional funds in the amount of \$1,230 be appropriated and approve the purchase of the chipper. Councilman Hellmich reported the reason for the purchase by chipping the wood it makes it more cost efficient with less loads and fuel. The motion carried by an unanimous vote.

Enactment No: 15-2054-RES

[15-0090](#)

Approves the purchase of a dump truck for the Street Department

Attachments: [2015 Peterbuilt quote and specs](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that the purchase of a dump truck in the amount of \$106,000 for the Street Department be approved. The motion carried by an unanimous vote.

Enactment No: 15-2055-RES

[15-0091](#)

Approval to Construct an Additional Office in the Finance Division

Attachments: [MCS Quote - Additional Office](#)

A motion was made by Council Member Blackwell, seconded by Council Member Quaites, to accept MCS Contracting, Inc.'s proposal in the amount of \$10,300 for the construction of an additional office in the Finance Department. This is in the FY15 Capital Plan for \$11,500, and is eligible for reimbursement from the proceeds of the 2014 GO Warrants. Councilman Ebert abstained. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

Enactment No: 15-2056-RES

[15-0092](#)

A Resolution Approving Recreation Fund Write-Offs

Attachments: [REC SCAN](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that two NSF checks in the total amount of \$40 be written off as uncollectible under the Basketball Program Miscellaneous Account. The motion carried by an unanimous vote.

Enactment No: 15-2057-RES

[15-0093](#)

A Resolution to Appropriate Funds for Finance Division Training

Attachments: [Wisconsin Training-Miranda](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, to appropriate an additional \$3,800 for a staff member to attend the University of Wisconsin training as it relates to her responsibilities in Project Management Support and Capital Infrastructure Administration. The motion carried by an unanimous vote.

Enactment No: 15-2058-RES

[15-0094](#)

Approval of 020-Restaurant Retail Liquor ABC License for Moe's Original BBQ

Attachments: [Moe's Original BBQ ABC License](#)

Chief Wilson and Chief Darby made recommendations for Council to move forward. A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to move forward on the 020-Restaurant Retail Liquor ABC License for Moe's Original BBQ. The motion carried by an unanimous vote.

[15-0096](#)

Request to Appropriate Funding for the Graham Creek Interpretive Center

President Trawick turned the meeting over to President Pro-temp Hellmich. A motion was made by Council Member Blackwell, seconded by Council Member Quaites, to approve going to bid on the Graham Creek Nature Preserve Interpretive Center. President Trawick abstained. The motion carried by the following vote:

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

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

Abstain: 1 - President Trawick

Enactment No: 15-2059-RES

[15-0097](#)

Request Consideration of an Ordinance Regulating Environmental Permits Related to Land Disturbance

Attachments: [Environmental Ordinance](#)
 [Erosion and Sediment Control](#)
 [Amendment to Erosion and Sediment Control Ordinance](#)
 [Official Tree Ordinance](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that the first reading of an Ordinance regulating environmental permits related to land disturbance be approved. Councilman Hellmich reported this ordinance and the next ordinance is not creating anything new but just updating to meet state law and breaking it out to make it more streamlined so that people coming into Foley know what they need to do in regards to permitting. The motion carried by an unanimous vote.

[15-0098](#)

Request to consider an Ordinance Regulating Heritage Tree Preservation

Attachments: [Heritage Tree Preservation Ordinance](#)
 [Official Tree Ordinance](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

[15-0099](#)

Request Champion Disc Golf Course Development Contract

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

The PowerPoint Presentation did not work due to a faulty flash drive. The PowerPoint was emailed the following day to Mayor & Council, City Administrator and copied Leslie Gahagan on Feb. 17, 2015 by City Clerk.

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that the Resolution regarding the championship disc golf course be carried over to the City Council meeting of March 2, 2015. The motion carried by an unanimous vote.

Enactment No: 15-2066-RES

[15-0101](#)

Collinwood Inlet Repair and Bay Point Drive Concrete Gutter Repair

Attachments: [Inlets & Valley Gutter Repairs - Estimates](#)
[Photo - Bay Point Dr. Valley Gutter](#)
[Photo 1 - Manchester Ln. Inlet](#)
[Photo 2 - Manchester Ln. Inlet](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to appropriate \$12,000 for inlet repairs on Manchester Lane in Collinwood Subdivision and concrete valley gutter repairs on Wolf Bay Drive in Wolf Bay Point Subdivision. The motion carried by an unanimous vote.

Enactment No: 15-2060-RES

[15-0102](#)

West Section Avenue Culvert Repair Bid Award

Attachments: [W. Section Culvert Repair - Bid Tab](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaite, that the lowest responsible bid from Blade Construction in the amount of \$154,652.95 for culvert repairs and related advertising expenses be approved. The motion carried by an unanimous vote.

Enactment No: 15-2061-RES

[15-0104](#)

Approve Purchase of Toter 96 Gallon Garbage Carts

Attachments: [Customer Quote - Plastics_SD-40711 \(2\).pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that Council approves the purchase of Toter 96 Gallon garbage carts in the amount of \$31,837.95, which is to be appropriated accordingly. President Trawick reported these carts will fill out the routes with the automated carts for the automated garbage trucks. The motion carried by an unanimous vote.

Enactment No: 15-2062-RES

[15-0105](#)

Permission to appropriate and approve \$3,610,967 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 Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be carried over to the City Council's meeting on March 2, 2015. The motion carried by an unanimous vote. At this time HOAR Program Management is still reviewing the costs.

Enactment No: 15-2067-RES

[15-0108](#)

Purchase of Centennial Coaster Sets

Attachments: [CoasterBagSet copy.png](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that the Centennial Coaster Sets be purchased in conjunction with the City's Centennial activities for the year. The motion carried by an unanimous vote.

Enactment No: 15-2063-RES

[15-0120](#)

Set a public hearing to consider an ordinance regulating Environmental Permits related to Land Disturbance

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, to approve setting a public hearing to consider an ordinance regulating environmental permits related to land disturbance. The motion carried by an unanimous vote.

[15-0121](#)

Set a public hearing to consider an Ordinance Regulating Heritage Tree Preservation

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, setting a public hearing to consider an ordinance regulating Heritage Tree Preservation. The motion carried by an unanimous vote.

[15-0122](#)

Permission to appropriate funds for dirt work in relation to the new 5-Plex

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to appropriate up to \$50,000 for dirt removal in relation to the construction of the new 5-plex at the Sports Complex. The motion carried by an unanimous vote.

Enactment No: 15-2064-RES

Mayor's Comments

There were no comments from the Mayor to report.

Visitor's Comments

There were no comments to report.

Executive Session

President Trawick reported there was a need to go into Executive Session to discuss the sale or transfer of real property to property adjacent to the Farmers and Fishermen's Market and to discuss the sale or transfer of real property to Wolf Bay Lodge. Councilman Hellmich made a motion to go into Executive Session and Councilman Ebert seconded the motion. Mr. Thompson took the

following roll call vote: Councilman Hellmich, aye; Councilwoman Quaites, aye; President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. There was a unanimous vote to go into Executive Session. Mr. Thompson reported the Council would recess for approximately a half hour and might need to return to take action on one or both items.

The meeting recessed at 6:10 p.m.

RECONVENED MEETING:

President Trawick called the meeting back to order at 6:37 p.m. All Council members were present. Others present: Mayor Koniar, Mike Thompson, Vickey Southern and Steven Smith.

There was no further action to take during tonight's meeting.

Adjourn

Hearing no further comments Councilman Ebert made a motion to adjourn and Councilman Blackwell seconded the motion. The vote passed unanimously. The meeting adjourned at 6:38 p.m.