



Meeting Minutes - Draft

City Council

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Monday, February 15, 2016

5:30 PM

Council Chambers

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Council Meeting

Public Hearing

[16-0055](#)

Public Hearing to declare weeds a nuisance and to order its abatement at vacant lot E. Azalea Ave.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to declare weeds to be a nuisance and to order its abatement at a vacant lot on E. Azalea Avenue. President Trawick reported the property was abated by the owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[16-0056](#)

Public Hearing to declare weeds a nuisance and to order its abatement at 316 E. Myrtle Ave.

Council President Wayne Trawick opened the public hearing at 5:31 p.m. to declare weeds to be a nuisance and to order its abatement at 316 E. Myrtle Avenue. President Trawick reported the property was abated by the owner and no further action is required. He 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 with the exception of Council Member Rick Blackwell, who was out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Ky Belser, David White, Ray Hogans, Bill McReynolds, Joey Darby, Miriam Boutwell, Chad Christian, LaDonna Hinesley, William Lawrence, Jeff Rouzie and David Wilson

**Present:** 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich and Council Member Charles Ebert III

**Absent:** 1 - Council Member Rick Blackwell

Pledge of Allegiance

## **Additional/Removals**

A motion was made by Council Member Ralph Hellmich to add item 16-0101 to the agenda and to remove item 16-0068 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

## **Mayor's Presentation**

[16-0101](#) Proclamation Proclaiming Read Across America Day March 2, 2016 in honor of Dr. Seuss' Birthday

**Attachments:** [Dr. Suess Proclamation](#)

Mayor Koniar presented the Read Across America Proclamation in honor of Dr. Suess' birthday to Dr. Lawrence. Dr. Lawrence invited Mayor and Council to the Foley Elementary School on March 2, 2016 at 9:00 a.m. to read to a class.

## **Approval of the Minutes**

[16-0059](#) Work Session Minutes of February 1, 2016.

**Attachments:** [02-01-2016 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of February 1, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[16-0060](#) Council Meeting Minutes of February 1, 2016.

**Attachments:** [02-01-2016 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of February 1, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

## **Audit of the Accounts**

[16-0086](#) Audit the Accounts of January 2016.

A motion was made by Council Member Ralph Hellmich to approve the accounts for payment. The motion was seconded by Council Member Vera

Quaites and carried by an unanimous vote.

## Reports

[16-0079](#)

January 2016 Bid Activity

**Attachments:** [January 2016 Bid Awards.pdf](#)

The January 2016 Bid Activity Report is attached as backup to the minutes.

[16-0074](#)

Sales, Lodging and Rental Tax Report

City Administrator Mike Thompson reported the sales, lodging and rental taxes are all up year-to-date over last year. The sales tax is up 4.73%, the lodging tax is up 24.08% and the rental tax is up 12.95%.

[16-0071](#)

January 2016 CDD Report

**Attachments:** [January CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the January 2016 CDD Report, which is attached as backup to the minutes.

[16-0069](#)

January 2016 Foley PD Monthly Report

**Attachments:** [20160205101927714](#)  
[2015 Foley Police Annual Report](#)

Police Chief David Wilson gave a synopsis of the Foley Police Department 2015 Annual Report, which is attached as backup to the minutes.

[16-0082](#)

Fire Department Monthly Report January 2016

**Attachments:** [Council January 16 2-16](#)

Fire Chief Joey Darby gave a synopsis of the January 2016 Fire Department Monthly Report. He also reported there was a fire at a camper that used as a residence off of 4th Avenue. The camper was a total loss and displaced the residents. The fire was a result of arson stemming from a domestic situation and an arrest was made. He also reported the Department rescued a four year old child was became tangled up in a dog leash. The leash was too tight and the mother could not free the child.

## Ordinances, Resolutions and Other Business

[16-0045](#)

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY AND RELATED TRANSACTIONS FOR THE ESTABLISHMENT OF AN ARMORY FOR THE ALABAMA NATIONAL GUARD BY THE ARMORY**

**COMMISSION OF ALABAMA IN THE CITY OF FOLEY, ALABAMA**

**Attachments:** [COF-Armory Deed](#)

**A motion was made by Council Member Ralph Hellmich to adopt an ordinance to convey property to the National Guard for the Armory. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-2003-ORD

[16-0046](#)

An Ordinance To Rescind Ordinance 16-2000 Ordinance Amending Ordinance 1196-12 To Include Lot 8A And Lot 8B

**Attachments:** [Ord. 16-2000](#)

**A motion was made by Council Member Charles Ebert, III to adopt an ordinance to rescind ordinance 16-2000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-2004-ORD

[16-0053](#)

Street Light and Pole Installation at Shoenight Circle

**Attachments:** [EMC Shoenight Circle Pole & Light Install](#)  
[Mike's Approval for Shoenight Circle Street Light Budget Transfer Request](#)

**A motion was made by Council Member Ralph Hellmich to approve the transfer of \$772.58 from Account No. 12-600-9375 A14 GCE to Account No. 01-624-8010, and to approve the installation of a new pole and street light at Shoenight Circle; to approve the purchase from Baldwin EMC for an annual cost of \$78.00 or a monthly cost of \$6.50 for lighting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1030-RES

[16-0054](#)

Street Light Install On Existing Pole at Wolf Bay Lodge and CR 20

**Attachments:** [EMC WBL CR 20 Light Install Pole 601](#)  
[Mike's Approval for WBL CR 20 Street Light Budget Transfer Request](#)

**A motion was made by Council Member Ralph Hellmich to approve the transfer of \$859.91 from Account No. 12-600-9375 A14 GCE to Account No. 01-624-8010, and to approve the installation of a street light on existing pole no. 601 at Wolf Bay Lodge and County Road 20; to approve the purchase from Baldwin EMC for an annual cost of \$143.40 or a monthly cost of \$11.95 for lighting. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1031-RES

[16-0061](#)

Food Trucks - Request for Tables

**Attachments:** [PUBLIC PURPOSE DOCTRINE.pdf](#)

A motion was made by Council Member Ralph Hellmich to deem it is a good public purpose to furnish picnic tables and garbage cans for the food trucks on private property to encourage pedestrians and customer traffic take their time in the Foley Uptown area to enjoy the existing businesses and also see the possibilities of a new business or restaurant; it is a public health, safety and general welfare that the vacant buildings be promoted in this area in order to have the downtown area prosper again. This is approved for up to one day a week. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1032-RES

[16-0062](#)

A resolution to approve upgrading the storefront entrance on the south side of the Senior Center.

**Attachments:** [20160202160017395](#)

A motion was made by Council Member Ralph Hellmich to approve upgrading the storefront entrance on the south side of the Senior Center with automatic doors in the amount of \$12,675.00 and to approve MCS Contracting, Inc. to furnish and install the doors for an amount up to \$12,675.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1033-RES

[16-0065](#)

Speed Bumps for Dog Park

**Attachments:** [Mike's Approval for Dog Park Speed Bumps Budget Transfer Request](#)

A motion was made by Council Member Charles Ebert, III to approve the installation of three speed bumps at the Foley Dog Park and their purchase from TreeTop Products in the amount of \$572.88. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1034-RES

[16-0066](#)

Request to surplus 2 large kiosks that were donated to the city, and arrange for their disposal.

**Attachments:** [Large Kiosk - damage 1](#)  
[Large Kiosk damage 2](#)

A motion was made by Council Member Charles Ebert, III to declare two large kiosks for the Marketing Department surplus and to approve their disposal by the best means possible. These kiosks are badly damaged and the cost to repair them would be substantial. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1035-RES

[16-0067](#)

Request to use Donation for Police Equipment

**Attachments:** [Donation from Mr. Rikard](#)

A motion was made by Council Member Vera Quaites to approve the Foley Police Department to use donated funds from Mr. Frank Rikard and his wife Jennie in the amount of \$1,000.00 to purchase police equipment. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1036-RES

[16-0068](#)

A resolution to waive fees for the use of the Civic Center for the Lower Alabama Search and Rescue meeting.

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.

[16-0070](#)

Acceptance and Use of Riviera Utilities Donation

**Attachments:** [201602051549](#)

A motion was made by Council Member Ralph Hellmich to accept the donation of \$3,000.00 from Riviera Utilities and to approve the use of the donated funds to be used for the gateway signage project. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1037-RES

[16-0072](#)

Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to Special Events Vendors

A motion was made by Council Member Ralph Hellmich to suspend the rules for the immediate adoption of this ordinance. The motion was seconded by Council Member Vera Quaites. City Administrator Mike Thompson took the following roll call vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye and Council Member Charles Ebert, III, aye. Of those present, the vote passed by an unanimous vote.

A motion was made by Council Member Ralph Hellmich to amend Ordinance No. 1018-07, Section 25 as follows: "Vendors participating in the City's Sports Tourism events, whose presence is limited only to participation in these limited-duration events, with no regular or continuing presence in the City, shall be exempt from municipal business license requirements. In the event of any uncertainty, it shall be at the discretion of the Revenue Officer or his/her designee to determine the exempt status of any business which has a presence deemed to be on-going or outside the scope of limited, event-specific vending." The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2005-ORD

[16-0073](#)

Request to enter into a contract with NIRSA for the 2016 National Soccer Championships to be held in Foley

**Attachments:** [NIRSA Agreement](#)

A motion was made by Council Member Ralph Hellmich to approve the contract with NIRSA for the 2016 National Soccer Championships to be held in Foley and to approve the expenditure of up to \$3000.00 in the event that NIRSA is unable to get a rebate or commission from Foley hotels. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1038-RES

[16-0075](#)

Consider approving South Baldwin Chamber of Commerce's requests to hold a three-day Hot Air Balloon Festival at the Foley Sportsplex, May 6th, 7th and 8th, 2016.

**Attachments:**     [SBCC Letter](#)

A motion was made by Council Member Vera Quaites to approve the annual Gulf Coast Hot Air Balloon Festival to be held at the Foley Sports Complex May 6th through 8th, 2016 and to approve the Parks & Recreation Department to assist the South Baldwin Chamber of Commerce in the preparation of the grounds for the 2016 Gulf Coast Hot Air Balloon Festival. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1039-RES

[16-0076](#)

Sports Tourism Request to Purchase Capital Item

**Attachments:**     [Quote for EMS Skid for Medical ATV](#)  
                              [ATV Quote for Medical Cart](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a 2016 Polaris Ranger 570 Full Size, from Baldwin Co. Victory Polaris, LLC for \$10,298.00 and an EMS Skid from NAFECO for \$2,800.00 for a total of \$13,098.00, which is budgeted for the Sports Tourism Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1040-RES

[16-0078](#)

Accept Donation from Gulf Coast Elks Lodge for Rescue Equipment

A motion was made by Council Member Ralph Hellmich to accept the generous donation from the Gulf Coast Elks Lodge in the amount of \$2,500, which is intended to aid in the purchase of rescue equipment, specifically air-powered high pressure lifting bags. These air bags will enable the Fire Department to equip the additional on-duty engine crew and provide greater rescue capabilities. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1041-RES

[16-0080](#)

Ordinance to amend ordinance 1101-09 to include the rental usage of the Centennial Plaza.

**Attachments:**     [HERITAGE-CENTENNIAL](#)  
[1101-09 Amending Ord 830-05 Park Usage to include Hold Harmless Agreement 09-08-09](#)

**A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance to amend Ordinance 1101-09 to include the rental usage of the Centennial Plaza. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

**16-0081**

Residential Sanitation Write Offs as Uncollectible in the Amount of \$64.00

**Attachments:**     [Sanitation Writeoffs](#)

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

Enactment No: 16-1042-RES

**16-0083**

A Resolution to Set A Public Hearing To Adopt The 2016 Redistricting Plan.

**A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the passage of an ordinance to adopt the 2016 Redistricting Plan. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1043-RES

**16-0084**

Consider a Stormwater Easement Agreement

**Attachments:**     [East Pride Drive Easement v9 RLL.pdf](#)  
[East Pride Drive Exhibit showing pipe and pond.pdf](#)  
[East Pride Drive Easement Exhibit 2.pdf](#)  
[East Pride Drive Easement Exhibit 3.pdf](#)

**A motion was made by Council Member Quaites to approve the attached "Drainage Facilities and Easement Agreement" in its entirety and is made a permanent part of this resolution upon its adoption setting forth each parties full understanding and agreement concerning storm water easements, rights, and benefits in this Agreement and to authorize the Mayor to enter into a "Drainage Facilities and Easement Agreement" to set forth a full understanding concerning storm water easements, rights and benefits between the City of Foley, BC Foley and the City of Foley's Public Athletic Sports Facilities Cooperative District.**

**The motion was seconded by Council Member Ebert, III and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye and Council Member Charles Ebert, III, aye. Of those present, the vote passed by a majority vote.**

**Aye:** 3 - President Trawick, Council Member Quaites and Council Member Ebert III

**Abstain:** 1 - Council Member Hellmich

Enactment No: 16-1044-RES

[16-0085](#)

Consider the Acceptance of a Small Right-of-Way Easement for the Entranceway Off the North Roundabout.

**A motion was made by Council Member Ebert, III to approve the attached "Access and Utility Easement Agreement" in its entirety and is made a permanent part of this resolution upon its adoption setting forth each parties full understanding and agreement concerning the access and utility easements, rights, and benefits in the form of this Agreement and to authorize the Mayor to enter into a "Access and Utility Easement Agreement" to set forth a full understanding concerning the access and utility easements, rights and benefits between the City of Foley, BC Foley and the City of Foley's Public Athletic and Sports Facilities Cooperative District. 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 and Council Member Charles Ebert, III, aye. Of those present, the vote passed by a majority vote.**

**Aye:** 3 - President Trawick, Council Member Quaites and Council Member Ebert III

**Abstain:** 1 - Council Member Hellmich

Enactment No: 16-1045-RES

[16-0087](#)

AN ORDINANCE TO AMEND THE SINGLE MEMBER VOTING DISTRICTS OF THE CITY OF FOLEY

**Attachments:** [2016 Descriptions Version 3 \(3\).doc](#)  
[Annes. Table Summary - Revised.pdf](#)

**A motion was made by Council Member Ralph Hellmich to. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

[16-0090](#)

Street Light Installation on Existing Pole in Alley South of 211 West Myrtle Avenue

**A motion was made by Council Member Charles Ebert, III to approve the installation of a security light on an existing Riviera Utilities' pole no. 4649 located in the alley south of 211 West Myrtle Avenue for safety and security reasons. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1046-RES

## Mayor's Comments

There were no comments to report.

## Visitor's Comments

There were no comments to report.

## **Adjourn**

**A motion was made by Council Member Charles Ebert, III to adjourn the meeting. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

**The meeting adjourned at 6:08 p.m.**