



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, July 6, 2015

4:00 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the Work Session to order at 4:00 p.m.

Roll Call

All Council members were present. Others present: Mayor John Koniar, Mike Thompson, Vickey Southern, Sandra Pate, Katy Taylor, Leslie Gahagan, Jessica Middleton, Thurston Bullock, Joseph A. Bouzan, Dan Hellmich, Sgt. Steve Smith, LaDonna Hinesley, Don Staley, Kate Embry, Brenda Shambo, Darrell Russell, Dana Overton, Taylor Davis, John Jackson, Joey Darby, Chad Christian, Donna Watts (SBCC), Jule R. Herbert, Jr., Esq. (Dovie Stephens Annexation), Patrice Tiggs (Snook Youth Club), and 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

Discussion Items

[15-0399](#)

Hot Air Balloon Festival Update By Donna Watts

Attachments: sbcc36535@gmail.com 20150616 145631

Ms. Donna Watts reported this year's Gulf Coast Hot Air Balloon Festival was a great success and they enhanced a few things this year. The pilots were great and the tether rides were done until they ran out of fuel. They had to refund some money but not much. All the vendors did great and said they would be back next year.

Ms. Watts stated that it takes all their volunteers and the partnership with the City is huge. The City's employees are some of the best! Staff met with them before hand and had a meeting on the grounds to adjust things; and a special thanks to Chief Darby and Chief Wilson for everything they have done.

People came from great distances to attend the festival and loved it. The weather was great and the attendance seemed to be up from last year because the weather last year was iffy. People want to get out more in the Spring of the year. It is good to know that they did not draw as many people from the beach and it is a unique place to have the festival being so close to the beach. The South Baldwin Chamber of Commerce hit their budget numbers so they will be good for another year. Councilman Hellmich reported that next year they will have the east ball field that is currently under construction.

This year instead of the pilots flying in on the Festival grounds they flew out of the fields and it was better since flying in is a liability risk. The Tanger glow was well attended and Tanger was very happy. The Foley balloon was very pretty as it seem to be twirling in the air.

Ms. Watts thanked Councilman Ebert for his contributions to the Chamber, and all the City staff and volunteers that made it a wonderful event to attend. The Chamber could not put on an event as big as this one without the assistance of everyone that worked.

Ms. Watts also reminded everyone the Festival of Flavor is coming up Saturday, October 3, 2015 from noon until 8:00 p.m. There will be 15 breweries represented at the Festival, plenty of food, a very large screen as well as a number of smaller TV's to watch the ball games. She encouraged everyone to attend.

[15-0410](#)

Snook Youth Club Program Update

Attachments: [Agenda Request Form](#)

Mrs. Ferguson had to resign due to ill health and Ms. Patrice Tiggs is the new Director of the Snook Youth Club. Ms. Tiggs reported the Club has not only an aftercare program but other programs as well. She handed out a packet of information and explained some of the programs will not be discussed due to time constraints but she encouraged the Council to take time out to review all the other programs that the Snook Youth Club offers. Children ages 5-15 can attend the Arts and Academic Enrichment Program where they will learn to play the guitar, sing in a group, the violin, dance, etc.

There is a new teen program for ages 13-15 that is provided by the AmeriCorps Volunteers in partnership with the Snook Youth Club, June 4 through July 17, 2015. They will identify youth assets in Baldwin County by canvassing and mapping those resources to assist in developing a Youth Asset Guide to strengthen their community. They have volunteers ages 18-25 that come to do community mapping for youth resources. At the present St. Paul's will be housing them. They might meet with a business, such as a bank, that is willing to share their expertise on how to save money, programming or other jobs in the banking industry. They will collect all the data to publish a booklet entitled "Youth Resources in Baldwin County". This will serve the children on a personal level as well as a business level. They are inviting establishments wanting to be in the booklet to meet the volunteers so that they can to gather data. The Council are invited to attend.

Another new program is the "Computer Rebuild" in which the City of Foley kindly donated outdated computers and the children are rebuilding them from the inside out. The teacher comes twice a week and if they finish the rebuild they get to take the computer home. The children in the 2015 Fine Arts Camp performed at the last Music and a Movie and will perform again the last Tuesday in July at the Senior Center in Foley. Guitars Not Guns program is a partnership with The Gibson Foundation whereby they furnish a new guitar for children who cannot afford one to learn to play and if they commit to practicing and complete the class the child will be able to keep the guitar.

Ms. Tiggs thanked the Council for their support of Foley's youngest citizens. Council thanked her for the updated information.

[15-0415](#)

Blue Collar PDD Modification Report

Attachments: [Blue Collar PDD Modification for Council.pdf](#)

Ms. Miriam Boutwell reported the Planning Commission approved a modification to the Blue Collar Planned Development District at the May 20th meeting. The proposed FBE access was moved to remove a Planning Commission contingency for the PDD zoning. The uses and density are not affected. The Navy and the Fire Department are part of the regular routing for reviewing the plans so all of the contingencies placed on the PDD have been met. Blue Collar may want to come back to the Planning Commission to modify the road. It still has to go through site plan reviews and a final review before it goes to Planning Commission for final approval.

[15-0423](#)

Discuss possible City ordinance banning the possession and/or use of "booster bags"

Captain Thurston Bullock reported "booster bags" are used in retail theft. They are made out of 1" thick aluminum foil, plastic wrap, duck tape and are designed to fit inside another bag. The bags are used to conceal the magnetic tags attached to articles of clothing and other items in order to leave the store with the stolen items without being detected. He requested Council to allow them to move forward on developing an ordinance prohibiting the booster bags and bring it back to Council for their consideration. None of the other Baldwin County cities have an ordinance regarding this but it might help get the ball rolling for other cities if they see Foley has a law against them. There was a consensus to move forward.

Discuss Council Meeting Agenda of July 6, 2015

Items 14-0402, 15-0403 and 15-0404 were public hearings and there was no comment made. These items remained on the Council meeting agenda.

Items 15-0405 and 15-0396 were approving the minutes of June 15, 2015 for both Work Session and Council meeting. There were no comments and these items remained on the Council meeting agenda.

Items 15-0343, 15-0344, 15-0345, 15-0384, 15-0385, and 15-0390 had no comments made on them and the items remained on the Council meeting agenda.

15-0395 Request permission to transfer budgetary funds - Dan Hellmich reported \$20,000 was needed to cover the cost of excessive vehicle repairs. The transfer will be from Account 01-610-6010 Gas & Oil to Account 01-610-6020 Vehicle Maintenance. This item remained on the Council meeting agenda.

15-0397 Request to add money to the Commercial Waste Removal Account - Dan Hellmich requested an increase to the Revenue Account #01-4806 and expense Account #01-610-2050 Commercial Waste Removal in the amount of \$59,000 to compensate for an estimated close of \$610,000 instead of \$551,000. This item remained on the Council meeting agenda.

15-0398 Approves application for the EPA Region 4 Targeted Brownfields Assessment Grant - Kate Embry reported the City did not receive the FY15 EPA Brownfields Assessment grant but requested to apply for the Targeted Brownfields Assessment (TBA) Program in the amount of \$200,000 that requires no matching funds. The City should know if they will receive the grant in approximately 1.5 months. This is for the Cactus Cafe property. This item remained on the Council meeting agenda.

15-0401 A resolution to appropriate funds for the new Christmas decorations electrical work - Brenda Shambo reported RCI Electric submitted three quotes for electrical work. The first is for installing receptacles on the Centennial Tower in the amount of \$975. The second quote is for a receptacle on the northeast corner of the water fountain in the amount of \$1,275 for angels and two large trees. The third and final quote is for the installation of receptacles on each side of the south entrance to Heritage Park by the Depot to accommodate Christmas tree lights in the amount of \$2,975. This item remained on the Council meeting agenda.

15-0406 Tanger Outlet Right of Entry Agreement - Chad Christian reported the Agreement is giving the City permission to investigate possible improvements to the northern detention pond. This will help with evaluating the feasibility of constructing storm water drainage pond/facilities in connection with the runoff on Juniper Street. This item remained on the Council meeting agenda.

15-0407 Geotechnical Proposal for Trolley Route - Taylor Davis reported a quote from GeoCon Engineering & Materials Testing, Inc. submitted a quote in the amount of \$2500 for pre-design geotechnical testing (soil boring investigations) and engineering services for the new roads. This step to

acquire a construction cost estimate on the road sections prior to construction. They will submit a cost for each of the three sections so Council will know how much each section of roadway will cost. Section 1 begins at the end of the Farmers Market road to the northeast corner of the pecan orchard. Section 2 begins at the northeast corner of the pecan orchard to the new Pride Drive via the old Beck Road. Section 3 is the portion between Juniper Street to the end of the pecan orchard. This item remained on the Council meeting agenda.

15-0409 Amend Resolution 15-2112-RES regarding Board membership on Sports Commission Advisory Board - Dana Overton reported they needed to add a Condo Representative to the Board. Vickey Southern also reported the amendment included the first year as a staggered term and then the next term would be for a four year term. It also identifies voting and non-voting members. This item remained on the Council meeting agenda.

15-0411 Acceptance and Use of Friends of the Foley Public Library Donation - John Jackson reported the Friends of the Library donated \$1760 to continue the employment of an intern so that she can complete a scanning project by the end of September for the Genealogy Department. This item remained on the Council meeting agenda.

15-0412 An Ordinance approving petition for annexation and bringing property into the corporate limits of the city of Foley for property owned by Dovie Stephens - Mr. Jule Herbert, Jr., Esquire represents Mrs. Stephens and he stated that Mrs. Stephens is 83 years old and lives in Colorado and Washington state. She leased the property and has not had any progress in getting the occupant to clean up the property as he has a lot of Airstream travel trailers, a food trailer, signs posted no entry, etc. located on the property. Mr. Herbert felt that if the property was annexed that the City may have some local laws that would convince the renter to clean up the property. He also noted that the renter does not have a County business license nor does he have a City business license. When Mr. Herbert drove by the home the renter had a sign stating "Out of Business", which meant that he must have been doing business without a license and also a sign that said "By Appointment Only". Miriam also confirmed that Mr. Herbert was correct in noting that the renter did not hold a business license from either the City or the County so the residential zoning that Mrs. Stephens is requesting could be done without the benefit of the renter being grandfathered since he did not hold a valid business license. This item remained on the Council meeting agenda.

15-0413 An ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley owned by MTSC Land Development - Vickey Southern reported that there is a discrepancy on the legal description between the County and the recorded deed. She asked that this item be removed from the Council agenda. When the legal description has been worked out this will be brought back to Council for further consideration. This item will be scheduled to be removed from the Council meeting agenda.

15-0414 Ordinance amending Ordinance 387-87 rezoning property owned by Smart Living LLC from PUD Four-plex to PUD Single Family - Miriam Boutwell reported this is for the second phase of the old Sea Pines Condominiums, which is now Kensington Place. It is located on the South side of County Road

10 west of Hwy. 59. They are going from a quad to single family lots and they are going from 148 units to 118. Councilman Hellmich reported the density changed by 40% and is a step in the right direction. This item remained on the Council meeting agenda.

15-0416 Declare Fujitsu fi-4340C Image Scanner Surplus - Vickey Southern reported this scanner has outlived its useful life and needs to be declared surplus. This item remained on the Council meeting agenda.

15-0417 Set Public Hearing to consider the passage of an ordinance amending Ordinance 387-87 rezoning property owned by Smart Living LLC - This item remained on the Council meeting agenda.

15-0418 Request permission to transfer funds fro acct. 01-625-5020 to acct 01-625-2400 to purchase items to sell in gift shop at Welcome Center - This item remained on the Council meeting agenda.

15-0419 Accept bid submitted by Landfall Strategies for Debris Monitoring Services and Authorized the Mayor to execute a task agreement if the need arises - Joe Bouzan reported they opened bids on April 1, 2015 and determined that the award should go to Landfall Strategies, LLC for proving disaster debris monitoring and grant consulting services should an event occur and their services would be required. They will also help in drafting a debris management procedure. This item remained on the Council meeting agenda.

15-0420 Accept bid submitted by GreenCo Services, LLC for Debris Removal Services and authorizes the Mayor to sing task agreements if the need arises - Joe Bouzan reported this resolution is in conjunction with the previous one. Greenco will provide debris removal services should the need arise. This item remained on the Council meeting agenda.

15-0421 Re-allocation of budgeted Municipal Complex and Senior Center Funds - Mike Thompson reported Pam Harris is requesting a transfer of funds of \$8,000 from the Post Office account; \$5287 will be transferred to a Capital Project Account for an automatic door for the Senior Center; \$1,000 is to purchase a new projector screen in the Civic Center; \$1,713 to fill in one of the bays at the H.T. Barnes building. There was a brief discussion regarding filling in the bay and President Trawick requested that Pam review alternatives because the bays are very expensive to build. This item remained on the Council meeting agenda.

President Trawick turned the meeting over to President Pro-Temp Ralph Hellmich for the next item.

15-0422 Request to contract with Volkert for Soil Loss Survey and Removal at Pride Drive - Leslie Gahagan reported ADEM gave the City a Notice of Violation for sediment loss into the wetlands and Volkert has submitted a contract in the amount of \$6,000 to correct the problem. This item remained on the Council meeting agenda.

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

15-0424 Approving the South Baldwin Chamber of Commerce's Alabama Festival of Flavor - Donna Watts stated the festival will be held Saturday,

October 3, 2015 from Noon until 8:00 p.m. This request includes serving beer and wine in a non-corralled designated area. She requested the letter not include "Inc.". This item remained on the Council meeting agenda.

15-0425 Set a public hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley (18228 US Hwy 98 West) - This is just to set a public hearing. This item remained on the Council meeting agenda.

15-0427 Set a public hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley (MTSC Land Development) - This is just to set a public hearing. This item remained on the Council meeting agenda.

Mayor's Comments

Mayor Koniar reported he had a meeting with CEO of the Poarch Creek Indians on EMC related items on July 21st.

President Trawick reported Marita Johnson passed away this weekend. In the past she served on the City's Personnel Board. Please keep her family in your prayers.

Vistor's Comments

There were no comments to report.

Adjourn

Hearing no further comments the meeting adjourned at 5:06 p.m.