



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, February 6, 2017

4:00 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the February 6, 2017 Work Session to order at 4:00 p.m.

Roll Call

All Council members were present with the exception of Council member Quaite, who was absent due to illness. Also present, Mayor John Koniar, City Administrator Mike Thompson, Assistant City Administrator Sandra Pate, City Clerk Katy Taylor, Kate Embry, Chad Christian, Jason Bain, Ed Marray, Don Staley, Darrell Russell, LaDonna Hinesley, David Vosloh, Jeff Rouzie, John Graham, David Wilson, John Gleaton, Sue Steigerwald, and press representative Allison Woodham (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

Discussion Items

[17-0065](#)

Discuss Crown Walk Drainage Improvements

Attachments: [Aerial - Crown Walk Dr.](#)

City Engineer Chad Christian reported to council that during the big flood in 2014 4 to 5 houses flooded in the Crown Walk subdivision area and 200 houses city wide. In the recent rain incident in January, we received 8.5 inches in 48 hours. He is proposing that this entrance needs a triple flow area under the road to keep the entrance from being a dam. He is requesting that Council appropriate funds and that they will complete design in house. Councilman Hellmich questioned if that will allow for an angle pipe to come out of the detention pond to flow downstream. Mr. Christian reported yes, this would allow the pipe to angle downstream. Mike Thompson questioned the price to complete this work. Mr. Christian is requesting \$150k with hopes that it is closer to \$100k. He added that the concept is to use a single box culvert and the Engineering Department will reach out to suppliers for alternatives to value engineer this project. Mr. Thompson reported to the Council that this item is not budgeted for this year but due to the recent flooding it is now a priority.

Councilman Hellmich reported that due to flooding this absolutely moves this project up the priority list for the City. Councilman Ebert requested legal council to be contacted and particulars of this project forwarded to them for their review to see if there's any chance for reimbursement for the design from other parties. Councilman Hellmich agreed but said that we needed to go ahead and address this issue due to the rainy season coming up. Mr. Thompson added that the City usually has 2-3 decent sized storm drainage projects a year, this was not one this year but has jumped to priority

[17-0068](#)

For Information Only - Library Drainage Work

Drainage work will be performed by city forces and the construction cost of \$751 to be paid from the Library's building maintenance account no. 01-614-4010. No vote required.

Attachments: [Library Scope](#)

Randy Kurts reported a problem at the east wall of the library near the fountain. He added that several months ago they began to try to repair the problem by first cutting out the first row of plantings and the edges, however; this has not helped the drainage problem in the area. He proposes to drain the inlet to the north that was put in years ago. The next step would be to drag the dirt out to expose the wall. The City Maintenance Department will wash the wall down and coat it. The final step will be for the Public Works department to replace the dirt and sod. This work will allow the water to flow toward the drain at the north and drain properly.

Mr. Kurtts reported that Baldwin Mutual and the City will share the cost on the rented excavator, which will allow costs to remain low. In this area the water is not coming out toward the ditch toward Freemans as it should. He added that the work they will do will include putting in an 8 inch pipe, grading work on the Baldwin Mutual property and grate the inlet on the right at the right of way. They will also have to dig up the asphalt and make a clean cut and patch it back up. He stated that this intersection has always held water. Councilman Ebert questioned if the asphalt design was discussed with the engineering firm handling the TIGER project paving and why was this not picked up in the design. Mr. Kurtts reported that it was not a noticed issue until after the design work for the TIGER project had been completed and that the City would be able to do this for less and not as big of a project as an engineering firm would have to complete. City Engineer Chad Christian reported that it was requested of the TIGER firm, however; the City would be able to do this for less than what the engineering firm presented.

[17-0075](#)

Discuss Pine Street and HWY 98 Intersection Improvements

Attachments: [Planters Dwg sk-01 & 02](#)

John Graham reported to the Council on the landscape and aesthetic improvements to the Pine and HWY 98 intersection. In this area, the water puddles up and creates a tidal wave to wash up the planting beds and washes

the plantings, dirt, mulch, etc. down the drain. The new concept design has included straw that hasn't washed away. Their thoughts were to place the straw in the bed and allow nature to tell where the water wasn't going to wash it away. The new design includes the back portion small rectangle being moved 18 -20 inches back to allow it to be off 6 feet from the curb and it will hold and be landscaped there. He added that the longer edges would be concrete. Randy Kurtts added that this plan will relocate the push buttons and run new electrical for the area. This design will create 3 new handicap parking spaces in the area. Mike Thompson requested Mr. Graham and Mr. Kurtts to discuss the timing and the South side of intersection drainage project that they are currently waiting on. Chad Christian stated that it has been designed and the Engineering Department has got to put final cost estimates together. He added that this design would not put in another inlet but rather raise the elevation to change the radius because once raised this area will drain to the current inlet due to the radius being changed. Mike Thompson asked how many months out are they on this project. Mr. Christian reported that they could be back at the next council meeting to request to move forward. Councilman Hellmich reported that this area drains better than it has in years and it is limited because the two pipes West have to compensate for the Pine Street intersection until it drains which is what has allowed the back up in this area. Mr. Christian added that there is not a drainage network 98 North back towards the Engineering Department and beyond. Councilman Ebert requested Mr. Christian report about South Pine, the large area of pooling water in the area of the sidewalk and near the old service station alley HWY 98 to South. Mr. Christian reported that this area was included in the design and they will run a narrow valley gutter east and west and a smaller one alongside the back to the alley. Councilmen Ebert questioned if this additional concrete and sidewalk negatively impact this drainage that is already bad. Mr. Christian reported that what is proposed should protect plants while also eliminating the standing water and drainage issue. Councilman Ebert added he just doesn't want to do anything that will protect the plants but negatively affect the current issue. Mr. Christian added that during a big rain there will be standing water but will leave when it stops rather than pooling and sticking around even after the rain is gone.

17-0076

Discuss Pride Drive Buffer Completion

John Graham reported that this was a good project and should be a good natural preserve area due to the average growth rate of these plantings. He stated that the maintenance should decline as this area matures because it will be self mulching and slowly but surely will take care of itself. Mayor Koniar requested to let the neighborhood aware of the work being done in the area and possibly to send the information on the area that John Graham provided to the Council. Mr. Graham will provide this info to Jim McDonald since the neighborhood doesn't have a formal HOA and he will be able to get the information out to the residents.

17-0077

Discuss Overflow Parking Area Behind Library

John Graham reported to the council in the last couple of weeks everyone may have noticed the 5 nice trees behind the library and the second from the west

started to appear to be dying. This has been because of the parking area under the trees. In order to help the tree recover, they have coned off the area, tilled out to the drip line, mulched, all to allow opening up air space at the root space. He added that it was not part of original plan for the area under the tree to be a parking space. Councilman Ebert suggested maybe to do cross ties of some sort and mark off the area. Mr. Graham hopes to do two cross ties and block off about 6 feet on either side of each tree. There was no further discussion on this item.

Economic Development Director Jeff Rouzie requested to present an item that was not on the agenda. This item included the CAFFM market rezoning to PDD. Ircile Godwin with Sawgrass Consultants has been tasked to look at the Farmers Market and proposed PDD rezoning needed to sell the 10 acre parcel to Al Tribby. They are currently proposing a hotel and a couple of restaurants etc. He stated that the biggest item at the moment is to rezone this so that it will allow for multiple uses. He wanted to present the current drawings to Council before presenting to the Planning Commission to get a general idea and feedback. He asked for Council to provide insight and direction. What they are currently showing is in the NW corner of the property a hotel and 2 additional restaurants. This is Mr. Tribby's current desire; this plan also includes a trolley stop on Stabler Way. On the Farmers Market property, they would like to block out spots for extra buildings. Councilman Hellmich reported that this drawing gets us to the PDD zoning and that this design far exceeds the zoning requirements. He added that this is a concept and allows the PDD to be changed at any time. Sawgrass Consultants are looking for what uses the Council would like to see out there as they have heard green space is a big component for the City. Councilman Ebert reported he would like to see the areas C2 and C3 (on slide) to be all open green space for this area. Added that the City doesn't need to be in the development business and he believes it needs to be all open green space and maybe picnic areas, possibly an open area for restroom facilities in the future as well. Councilman Blackwell reported that he feels we need to first get the road taken care of and Mr. Tribby taken care of first. Mr. Godwin added that in order to get the property together, the PDD has to be completed and in the process, we have to come up with a design to break out percentage and amount of uses, be able to lay that out and make sure we have our minimal green space, etc. He wanted to be able to get the feedback to be able to present to the Planning Commission. Mr. Godwin added that he would recommend to the Council that they would want to establish this design prior to Tribby ownership so that the City gets a say so in the planning. City Planner Miriam Boutwell added that the drawings are always conceptual for PDD as long as the text covers. Sawgrass Consultants will have to come back for site plan review as the development begins.

Councilman Ebert added that this item was a very important piece of property and matter that deserves the Council's full attention. He asked that in the future agenda and discussion items to be requested and scheduled for the agenda in the proper manner.

Discuss Council Meeting Agenda of February 6, 2017

Ordinances

16-0762 ORDINANCE AMENDING ORDINANCE NO. 387 87 REZONING PROPERTY OWNED BY PARADISE CREEK LLC/DR. TODD EDMISTON FROM MH1 MOBILE/MANUFACTURED DWELLING PARK TO B 1A EXTENDED BUSINESS DISTRICT

Council President Wayne Trawick reported that he feels the Council should allow this but put a contingency that it not take effect until the trailers are off the property. Then allow the zoning of the property to change. He is afraid that the owner may get in situation where he will be in a violation if this happens before. There was no further discussion on this item and it remained on the agenda.

17 -0045 (Second Reading) AN ORDINANCE TO RATIFY RESOLUTION 3818-09, 4664-11 AND 15-2101 AND ALL PRIOR LEASE AGREEMENTS AND DECLARE TOWER SPACE NO LONGER NEEDED FOR MUNICIPAL OR PUBLIC PURPOSES AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED LEASE AGREEMENT FOR ANTENNA SPACE WITH SOUTHERN COMMUNICATIONS SERVICES, INC., D/B/A SOUTHERN LINC F/D/B/A SOUTHERNLINC WIRELESS.

IT Director Jessica Middleton reported that this is a housekeeping item that the City had been doing this as resolution and it needs to be done as an ordinance. This is two parts one to clean up the resolutions and, also, Southernlink is requesting additional tower space. The City will pay \$1500 a month for tower space at the top and the older equipment will be removed in a few years. There was no further discussion on this item and it remained on the agenda.

17-0050 (First Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT , LLC.

Councilman Ebert questioned if the City should bring this property in due to its location. He stated that he tries to really consider the area and if it's the best time to grow in that area. Council President Trawick requested if the Engineering Department had seen this zoning. Chad Christian reported from a standpoint of access it's on the other side of the river but they have not heard anything about plans. City Planner Miriam Boutwell added that they are requesting R1D zoning and that this one has been done a little different. She added that they applied for pre-zoning before submitting the petition for annexation. Normally, this would be done at one time but due to this circumstance, this one will be done in two separate ordinances. Mike Thompson added that since this area is unzoned Baldwin County and if the City were to bring them in, then they would have control of what and how they do things. Councilman Ebert questioned how many homes can go in that area. Ms. Boutwell added that they are requesting less than the maximum density which is less than 5 units per acre. Councilman Ebert raised the concern if this will put a strain on City resources Fire, Police, Trash pickup, debris pick up, etc. The density is the concern in this area. Mr. Thompson added that since it is unzoned the density could be whatever they wanted it to be. Councilman Hellmich reported that he feels this question should have been raised before the annexation of Arbor Walk because City services already extend that way. There is an ALDOT plan to one day turn 65 into a four lane road and to extend County Road 20 and it eventually be a southern bypass for Foley. He feels

people are looking at this and he doesn't know if this is the right time to annex this property, not sure what the answer is to this issue but it does fit within what the City is doing for the density. Ms. Boutwell added that the zoning still has room to change because it will not take place until after the area is annexed. City Clerk Katy Taylor added that these 4 parcels also include 2 parcels that will be annexed separately. Council would need to suspend rules at a later meeting so that all would be included to bring all 6 in to the City at one time. Councilman Ebert stated he would be comfortable carrying this item over for more discussion due to the density and City services. He feels at times, the City has been too liberal in annexations. Councilman Hellmich stated that the City could still set the public hearing that would be held on March 20, 2017 but carry over the first hearing to February 20, 2017. Hopefully by then the Council will have feedback from the different City services that would be strained if this were to occur. Chief Darby reported that what they see regularly in these "fringe areas", as a Fire Department, out in the Unzoned County since their fire codes aren't nearly as enforced as the City's. They are finding many buildings, subdivisions etc. that are hazards to the City. There was consensus to carry this item over to the next Council meeting

17-0073 Accepting Public Rights of Way and Infrastructure Improvements of CR 20 from South Hickory Street to AL 59 CR 20 FAS Assets

Chad Christian stated that this will be put into the record the acceptance of CR 20 to begin. Councilman Hellmich requested if the City's upkeep of this would be able to start immediately, if not, he feels Council could suspend the rules and go ahead and begin that upkeep. Darrell Russell reported that his department is ready to begin upkeep of this area. Council President Trawick questioned how the City could avoid this problem in the future. Mr. Christian stated that in the future, the City should be careful of the agreement and to make sure to put language in the agreement so that during different county projects, the county or contractor maintains that area before it is handed over to the City so that they are responsible and make sure to keep the areas clean and maintained. There was no further discussion on this item and it remained on the agenda.

17-0074 (Second Reading) Accepting Public Rights of Way and Infrastructure Improvements of CR 10 from City of Foley Corporate Limits East to SR 59

Chad Christian reported that this is approximately 640 ft on the West side. This is an area the City is already on both sides but it's before the time when it is automatically handed of to the City and that after they overlay this area we will accept it. He added that this does not include the light and that it is in writing. There was no further discussion on this item and it remained on the agenda.

Resolutions and Other Business

17-0026 A Resolution to reappoint Patricia Libby to the Revitalization and Beautification Board.

There was no discussion for this item and it remained on the agenda.

17-0034 A Resolution to reappoint David Rauch to the Foley Building Authority, Foley Library and the Foley Public Parks and Recreation Authority.

Councilman Ebert reported that he was going to submit additional names for

consideration and would like to carry this item over. City Clerk Katy Taylor added that this would go back retroactively from November. There was consensus to carry this item over to the next Council meeting

17-0044 Resolution to transfer \$3,000 from the Sanitation Department Small Tools Account to the Street Department Overtime Account.

Darrell Russell reported that due to the increased need of the Sanitation Department at Sports Tourism events it has taken up an extreme amount of man time hours from his Department and he would like to transfer funds. There was no further discussion on this item and it remained on the agenda.

17-0046 Resolution amending the City's Pay Classification Plan to remove the Assistant Parks Superintendent position which has not been active nor budgeted since July of 2015.

Sandra Pate reported that this is a housekeeping item, this position was created during a promotion but is no longer needed. There was no further discussion for this item and it remained on the agenda.

17-0047 Resolution Amending Pay Classification Plan for Restructure of Certain Positions Within The Police Department

Sandra Pate reported for Chief Wilson. She reported that since Captain White has left the City, the Police Department would like to go back to the old structure to include a Deputy Chief and 3 Lieutenants positions; they have also added a new division, Community Safety. These changes will inactivate 5 current positions, reactivate 1 position and create 4 new positions. These changes are budget neutral and will take effect for the March 7th pay period. There was no further discussion on this item and it remained on the agenda.

17-0048 Request for Street Dept. and Horticulture Dept. Items to be Surplused & Disposed by the Best Means Possible

Darrell Russell reported that the bucket truck would be unsafe and he wouldn't want any employees on this truck and does not recommend spending any additional funds repairing. He also reported that John Graham has a truck that will cost \$10,000 to get it to working order. These items will go through auction. These items are beyond repair and they do not recommend spending any more funds on these items. There was no further discussion for this item and it remained on the agenda.

17-0049 A Resolution Setting a Public Hearing To Consider Adopting An Ordinance To Ratify Resolution 3818 09, 4664 11 and 15 2101 and All Prior Lease Agreements and Declare Tower Space No Longer Needed For Municipal or Public Purposes and Authorizing The Mayor And City Clerk To Enter Into An Amended Lease Agreement For Antenna Space With Southern Communications Services, Inc., D/B/A Southern Linc F/D/B/A Southernlinc Wireless.

There was no further discussion for this item and it remained on the agenda.

17-0051 Set a public hearing to consider the vacation of a portion of Midtown Village Blvd. Declaration of Vacation (Portion of Midtown Village Blvd.)

Councilman Ebert questioned if the City had retained any easements for utilities or sidewalks. Council President Trawick reported it looks like a new subdivision. Councilman Ebert stated that this is just for the public hearing and that there is time to look at any easement, utilities, or sidewalk issues. Miriam Boutwell said that they have preliminary approval now and they have 2 years for preliminary. There was no further discussion for this item and it remained on the agenda.

17-0052 Set a public hearing to consider the vacation of Station Drive Declaration of Vacation (Station Drive)

There was no discussion for this item and it remained on the agenda.

17-0058 Resolution to Accept Donation to the Sports Tourism Department

Don Staley, Sports Tourism Executive Director, stated that these were generators and they are heavy duty 1500 hours on them and in good working condition. There was no further discussion for this item and it remained on the agenda.

17-0059 ABC License: 020 Restaurant Retail Liquor for Butts On The Green, LLC, applicant operating under the trade name Butts On The Green located at 22394 Miflin Road Suite 301 Foley, Alabama. Butts On The Green ABC Application

Chief Darby reported that they would recommend moving forward. There was no further discussion for this item and it remained on the agenda.

17-0060 ABC License: 240 Non Profit Tax Exempt for South Baldwin Chamber Foundation, Inc., applicant operating under the trade name South Baldwin Chamber Foundation 9th Annual BBQ and Blues Cook Off located at Foley Heritage Park in Foley, Alabama.

There was no discussion for this item and it remained on the agenda.

17-0062 Reallocate funds and accept penalty payment for late delivery of 2017 KME Custom Pumper

Chief Darby reported that this is just to clean up records. Due to the Department prepaying for this pumper the funds were allocated in the previous fiscal year, this will re-allocate those funds to this fiscal year. Secondly, the City received the truck late and there was an agreement for the company to pay a penalty fee. The company has issued a \$3,300 check for the late delivery and the Department would like to apply that to ad valorem fund as well. There was no further discussion for this item and it remained on the agenda.

17-0066 Crown Walk Dr. Drainage Improvements Project

Chad Christian reported that this was to allocate the funds for the drainage project, up to \$150,000. There was no discussion for this item and it remained on the agenda.

17-0067 South Cedar St. Lighting

Chad Christian reported that the Engineering Department would Install 10 lights on existing poles in this area. Councilman Hellmich reported that this would light the walkway and that there has been an influx of walkers on Cedar Street in recent years. There was no further discussion for this item and it remained on the agenda.

17-0069 Request to Declare Equipment Surplus and Approve of Disposal

Leslie Gahagan reported that this was an old front mount mower that was received from Public Works and it has blown up but has been sitting for several years now. There was no further discussion for this item and it remained on the agenda.

17-0070 Resolution Allocating Funds to General Government Retirement Expense in Support of Act Number 2015 338

Sandra Pate reported that this is an Alabama Legislature Act that allows City Mayors to participate in the Retirement Systems of Alabama as would any other City employee. There was no further discussion for this item and it remained on the agenda.

17-0071 Baldwin Mutual Drainage Work

There was no discussion for this item and it remained on the agenda.

17-0078 TIGER Phase 3 Change Order #3

Chad Christian reported that this would close out TIGER 3, which is currently 1.7% over budget. However, Tiger 1 and Tiger 2 were under budget so he is not requesting any funds. Mike Thompson reported that there would be excess funds and that Engineering had been looking at additional areas to paint extra bike lines, markings etc. Mr. Christian stated that until the City receives the final grant reimbursement they won't have exact numbers but the Department is confident that it will meet the budget if not exceed. There was no further discussion for this item and it remained on the agenda.

17-0082 Set a public hearing to consider approving petition for annexation bringing property into the Corporate Limits of the City of Foley owned by Cotton Bayou Development, LLC.

Councilman Hellmich questioned if this would occur in March. City Clerk Katy Taylor reported that it would occur on March 20. There was no further discussion for this item and it remained on the agenda.

17-0086 APPROVES SUBLEASE AGREEMENT WITH FORLAND FAMILY FARMS FOR ICE DISTRIBUTION CENTER

Jeff Rouzie reported that this would be a lease between the City and Forland Farms to give a home for the ice equipment that was received from the RBDG grant. This item remained on the agenda.

There was one add on to this agenda.

17-0087 ADA boardwalk transfer funds to complete

Leslie Gahagan reported that this would complete the boardwalk at Graham Creek. All that is needed is to transfer existing funds. She stated that it is almost complete and the handrails are all left to complete. It will not be used for the Archery Tournament because it will be in the safety zone and the project will be done in time for the grant to close out. This item remained on the agenda.

Mayor's Comments

The Mayor had no comments at this time.

Visitor Comments

There were no visitor comments to report.

Adjournment

Hearing no further comments, the Work Session adjourned at 5:26 p.m.