



**Meeting Minutes - Draft
City Council**

Monday, February 2, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0043](#)

Public hearing to consider passage of an ordinance and to permit legal nonconforming billboards that have two sign faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the passage of an ordinance and to permit legal non-conforming billboards that have two sign faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions. 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 5:31 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Pat Libby, Michelle Dillon, LaDonna Hinesley, Craig Miller, Brenda Shambo, Sue Norman, Susan Loy, Chad Christian, Thurston Bullock, David White, Sal Muccio, Ellen Dean, John Jackson, Cathy Kane, Carolyne Hollis and press representative Jay Sowers (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

Mayors Presentation

[15-0054](#)

Proclamation - Arbor Day February 28, 2015

Attachments: [Arbor Day Proclamation.pdf](#)

Mayor Koniar presented Ellen Dean and Pat Libby with the Arbor Day Proclamation. Ms. Libby invited the Mayor and Council to celebrate Arbor Day, which is Saturday, February 28, 2015 at 10:00am at the Foley Civic Center.

Presentation

[15-0063](#)

Arbor Day Book Donations

Attachments: [Arbor Day Book Donations.docx](#)

Mayor Koniar presented the City of Foley school libraries and the Foley Public Library with tree-themed books to commemorate Arbor Day, which is Saturday, February 28, 2015. He presented the following: Foley Elementary School, Ms. Susan Loy - The Oak Inside the Acorn; Foley Middle School, Ms. Sue Norman - Culinary Herbs and Spices of the World; Foley Intermediate School, Ms. Michelle Dillon - The Oak Inside the Acorn; Foley High School, Ms. Cathy Kane - Culinary Herbs and Spices of the World and Foley Public Library, Mr. John Jackson - Tap the Magic Tree.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 15-0061 to the agenda and to remove item 15-0062 from the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of Minutes

[15-0060](#)

01-20-2015 Work Session Minutes

Attachments: [01-20-2015 WS Minutes.pdf](#)

A motion was made by Council Member Vera Quaites to approve the Work Session Minutes of January 20, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0058](#)

Council Meeting Minutes of January 20, 2015.

Attachments: [1-20-15 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of January 20, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions, and other Business

[15-0005](#)

Zoning Ordinance Amendment - Billboard Conversion to Single Sign Face

Attachments: [Double Stack Fill Billboard Ordinance for Council.docx](#)
[Zoning Ord Amend Recommendation Letter.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend the zoning code of the City of Foley to permit legal nonconforming billboards that have two sign faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 15-1002-ORD

[15-0020](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (MTSC Land Development)

Attachments: [Annexation Petition](#)
[Proposed Annexation Map](#)
[MTSC Annexation.1.9.15 Environmental Report.pdf](#)
[Annexation Report for Mayor and Council MTSC.pdf](#)
[MTSC VALUATIONS.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance approving a petition for annexation and bringing property owned by MTSC Land Development into the corporate limits of the City of Foley. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0026](#)

Approve Expansion & Paving of the Foley Municipal Airport Long-Term Parking Area

Attachments: [R & S Paving & Grading Quote.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the quote submitted by R & S Paving & Grading, Inc. in the amount of \$43,150.00 and to approve using proceeds of the 2014 General Obligation Bonds for this project. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2022-RES

[15-0040](#)

Centennial Celebration Video Production Contract

Attachments: [Jeff Nelson Studios Video Production Contract.pdf](#)

A motion was made by Council Member Vera Quaite to approve the contract with Jeff Nelson Studios in the amount of \$11,600 for video production

services for Centennial related functions/items. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2023-RES

[15-0044](#)

Fork Lift and Bucket Truck Surplus Request

A motion was made by Council Member Ralph Hellmich to declare the Gehl Fork Lift for the Maintenance Department and the Chevrolet C3500 Bucket Truck for the Street Department as surplus and to authorize the disposal of them on GovDeals.com. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2024-RES

[15-0045](#)

Declaring certain items as surplus and authorizing the disposal of same

A motion was made by Council Member Rick Blackwell to declare the miscellaneous personal items that are beyond repair and have no salvageable value and the miscellaneous personal items that are no longer needed for public or municipal purposes as surplus and to authorize the disposal of the same through the best means possible. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2025-RES

[15-0046](#)

Gradall and Backhoe surplus request

A motion was made by Council Member Ralph Hellmich to declare the Gradall 660-E for the Street Department and the JCB 214S Sitemaster Backhoe for the Street Department as surplus and to authorize disposal of the same on GovDeals.com. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2026-RES

[15-0047](#)

IT Surplus Request

Attachments: [IT Surplus List - January 2015.pdf](#)

A motion was made by Council Member Charles Ebert III to declare the miscellaneous IT equipment listed in the attached document as surplus and to authorize the disposal of the same in the best possible manner. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2027-RES

[15-0048](#)

Memorialize and Accept A \$1,000 Grant Through The Walmart Foundation Local Facility Giving Program

Attachments: [Walmart Foundation Facilities Grant Award and Check.pdf](#)

A motion was made by Council Member Ralph Hellmich to memorialize the grant application and to accept an award of \$1,000 from the Walmart Foundation Local Facility Giving Program for fire prevention supplies. The

motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2028-RES

[15-0049](#)

Consider Appointment to the Historical Commission

Attachments: [Barbara Wagner Email](#)
 [Kathy LeDrew HC Bio \(1\)](#)

A motion was made by Council Member Ralph Hellmich to appoint Kathy LaDrew to the Historical Commission beginning February 2, 2015 to fill the unexpired term of Barbara Wagner, who resigned on September 27, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2029-RES

[15-0051](#)

A Resolution to move Jerry Wilkey from an alternate member to a regular member on the Board of Adjustments and Appeals Board

Attachments: [Terry Young BAA Bio](#)

A motion was made by Council Member Ralph Hellmich to approve moving Jerry Wilkey from an alternate member to a regular member of the Board of Adjustment and Appeals and to appoint Terry Young as an alternate member of the Board of Adjustment and Appeals beginning February 2, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2030-RES

[15-0052](#)

Appropriate funding for Volkert contract for ADEM NPDES General Permit at the Foley Municipal Airport. The contract was previously approved by 14-0446 but the funding was not appropriated.

Attachments: [Volkert Invoices.pdf](#)

A motion was made by Council Member Ebert III to approve funding for ADEM NPDES General Permit for the Foley Municipal Airport in the amount of \$9,828.25 to cover the contract with Volkert to apply for the permit plus associated fees. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; President Wayne Trawick, abstain; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

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

Abstain: 1 - President Trawick

Enactment No: 15-2031-RES

[15-0053](#)

Accepts The Alabama Historical Commission FY15 Capital Enhancements Grant

Attachments: [AL HISTORICAL COMMISSION AWARD LETTER.pdf](#)

A motion was made by Council Member Vera Quaites to accept \$3,000 from the Alabama Historical Commission's FY15 Capital Enhancements Grant for improvements to the Foley Depot Museum and Train Depot. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2032-RES

[15-0055](#)

Facade Improvement Incentive Grant Program

Attachments: [Katy's Grant Application for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve up to \$5,000 in reimbursement to Kathy Baskin and/or her contractor upon meeting all the requirements for the Facade Improvement Incentive Grant Program, which provides financial assistance for exterior appearance improvement projects on buildings located in the National Register and Local Downtown Historic Districts. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2033-RES

[15-0056](#)

Approves The FY2014 SAFER Grant Application Sponsored By The U.S. Department of Homeland Security

Attachments: [FY14 SAFER Grant Overview.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the U.S. Department of Homeland Security's SAFER Grant Application to be used for financial assistance to provide additional staffing for up to nine (9) employees. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2034-RES

[15-0062](#)

Contract Agreement for Consultation Services for a Christmas Decoration Plan

Attachments: [Holiday Creation Estimate.pdf](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda until more research is completed by the Beautification and Revitalization Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0064](#)

Renewing a One Year Contract with Adams & Reese, LLP

Attachments: [Accepting Adams & Reese Resolution](#)

[13-0032 RES.](#)

[13-0489 RES.](#)

A motion was made by Council Member Ralph Hellmich to approve memorializing the renewal of Adam's & Reese, LLP's contract in the amount of

\$75,000, payable at the rate of \$6,250 monthly, exclusive of reasonable out of pocket expenses (travel, transportation, lodging and meals) for a one year contracting beginning October 1, 2014 and ending September 30, 2015, which is a budgeted item. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2035-RES

[15-0066](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT PROPERTY SOUTH OF CROWN WALK ENTRANCE

Attachments: [Crown Walk South Side.Weed Abatement.2.2.15](#)

A motion was made by Council Member Charles Ebert III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at vacant property south of the Crown Walk entrance. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2036-RES

[15-0067](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT PROPERTY NORTH OF CROWN WALK ENTRANCE

Attachments: [Crown Walk North Side.Weed Abatement.2.2.15](#)

A motion was made by Council Member Charles Ebert III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at vacant property north of the Crown Walk entrance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2037-RES

[15-0068](#)

Approve Purchase of Utility Trailer for Street Department

Attachments: [Trailer Quotes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of one 14,000 pound capacity 17' tilt-deck trailer with 4' stationary deck from Beard Equipment Company in the amount of \$6,305, which is budgeted. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2038-RES

[15-0069](#)

Survey at South Hickory Street/CR 20 West

Attachments: [Aerial - S. Hickory & CR 20 Survey](#)
 [Email - S. Hickory & CR 20 Survey](#)
 [letter-scope of work](#)

A motion was made by Council Member Ralph Hellmich to approve Hutchinson, Moore & Rauch, LLC's proposal for survey work to address drainage issues of Ashford Park and Hampton Park subdivisions in the amount

of \$1,500.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2039-RES

[15-0070](#)

Request to go to bid on Wolf Creek Park Phase II

A motion was made by Council Member Charles Ebert III to approve going to bid for the construction of the boardwalk and pavilion for Wolf Creek Park. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2040-RES

[15-0071](#)

Set a public hearing to consider the vacation of right of ways on two separate areas of Beck Road.

Attachments: [Beck Road ROW Vacation Map](#)

[Parcel 002.000](#)

[Parcel 004.000](#)

[Parcel 005.00](#)

[Parcel 015.000](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the vacation of right-of-ways on two separate areas of Beck Road. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2041-RES

[15-0072](#)

West Michigan Avenue Pipe Replacement

Attachments: [Aerial - W. Michigan Ave. Pipe Replacement](#)

A motion was made by Council Member Rick Blackwell to appropriate \$14,500.00 and to approve the pipe replacement work on West Michigan Avenue. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2042-RES

[15-0073](#)

Request to develop an email marketing campaign.

Attachments: [GMS_Email_Proposal2015](#)

A motion was made by Council Member Ralph Hellmich to approve using existing budget funds to hire Global Marketing Solutions for the purpose of creating a bi-monthly email newsletter in the amount of \$2,395. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2043-RES

[15-0074](#)

Amending Section 1. of Resolution 14-0533 Request to develop a Graham Creek Preserve website and marketing campaign.

Attachments: [14-0533 RES.](#)

A motion was made by Council Member Ebert III to amend Section 1. of Resolution 14-0533 to reflect the correct Account No. 01-620-7040. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 15-2044-RES

[15-0077](#)

Request for additional funding to complete Wolf Creek Stream Restoration

A motion was made by Council Member Ralph Hellmich to approve the allocation of an additional \$8900 to Account No. 12-665-7286 Q68 for the completion of the Wolf Creek Stream Restoration. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2045-RES

[15-0078](#)

Approval of the capital purchase of an entire new store front for City Hall.

Attachments: [MCS Contracting, Inc. Quote](#)
 [Sun Coast Builder, Inc. Quote](#)

A motion was made by Council Member Hellmich to approve the purchase and installation of an entire new store front for City Hall in the amount of \$42,477.00 from MCS Contracting, Inc. and to approve using proceeds of the 2014 General Obligation Bonds for this purchase. The motion was seconded by Council Member Blackwell and carried by the following 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, abstained. The vote 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: 15-2046-RES

[15-0061](#)

American Legion's request to continue their turkey shoot

Attachments: [1007-07 ORD.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve of the American Legion holding a turkey shoot from February 2015 through April 2015 once a month using shotguns contingent upon they move the firing line forward according to the location set forth by the Foley Police Chief. The approval is further contingent upon the growth surrounding the American

Legion and if at any time the growth moves within 200 yards down range of the firing line this approval becomes null and void in order to keep the public safe from harm or danger. At that time, the American Legion will either need to select a different location to hold the turkey shoot fundraiser or elect to hold a different fundraiser at its current location. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2047-RES

Mayor's Comments

No comments to report.

Visitor's Comments

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 Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 5:55 p.m.