



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, November 2, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0645](#)

Public Hearing to consider weeds to be a nuisance and to order its abatement at 406 E. Myrtle Avenue. **Property abated by owners. No further action required.**

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider weeds to be a nuisance and to order its abatement at 406 E. Myrtle Avenue. He reported the property has been abated by the owners and no further action required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0646](#)

Public Hearing to consider weeds to be a nuisance and to order its abatement at 620 E. Pedigo Avenue. **Property abated by owners. No further action required.**

President Trawick opened the public hearing at 5:31 p.m. to consider weeds to be a nuisance and to order its abatement at 620 E. Pedigo Avenue. He reported the property has been abated by the owners and no further action required. He asked for comments from the public. Corrin Lee, who resides at 620 E. Pedigo Avenue reported she rents the property from Cindy Watts. She reported she has never lived within the Corporate City limits and she asked what she needs to do to ensure her yard is properly maintained. President Trawick reported the yard must be maintained to keep the grass cut below twelve inches. Police Chief David Wilson reported he would be happy to speak with Ms. Lee further in the hallway. Hearing no further comments, he closed the public hearing.

[15-0647](#)

Public Hearing to consider weeds to be a nuisance and to order its abatement at 510 W. Carolyn Avenue. **Property abated by owners. No further action required.**

President Trawick opened the public hearing at 5:33 p.m. to consider weeds to be a nuisance and to order its abatement at 510 W. Carolyn Avenue. He reported the property has been abated by the owners and no further action 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 5:34 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Matt Cvellar, Jeff Rouzie, LaDonna Hinsley, Sal Muccio, Rusty Russell, Heyward Hosch, Chad Christian, Joey Darby, David Wilson, Corrin Lee, Reid Cavnar, Bill Swanson and Gregg Knight.

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

Additions/Removals

Council Member Ralph Hellmich made a motion to carry over items 15-0674 and 15-0676 to allow time for more information to be collected. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Approval of the Minutes

[15-0643](#) Work Session Minutes of October 19, 2015.

Attachments: [10-19-15 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of October 19, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0644](#) Council Meeting Minutes of October 19, 2015.

Attachments: [10-19-15 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of October 19, 2015. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Report

[15-0625](#) Marketing Department Quarterly Report - July, August and September

2015

Marketing Director LaDonna Hinesley gave a synopsis of the Marketing Department Quarterly Report for July, August and September 2015, which is attached as backup to the minutes.

[15-0653](#)

Public Project Recommendation - Gateway Signs

Attachments: [Gateway Sign Recommendation for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Public Project Recommendation for the gateway signs, which is attached as back up to the minutes. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[15-0608](#)

Rescheduling meeting dates due to Conferences and accommodating holidays

Attachments: [Email](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session and Council meeting dates with the same times (4:00 p.m. and 5:30 p.m. respectively) that holidays fall are rescheduled as follows: Monday, January 18, 2016 is rescheduled for Tuesday, January 19, 2016 to accommodate Martin Luther King Day; Monday, July 4, 2016 is rescheduled for Tuesday, July 5, 2016 to accommodate Independence Day; Monday, September 5, 2016 is rescheduled for September 6, 2016 to accommodate Labor Day; to approve the Work Session and Council meeting dates with the same times (4:00 p.m. and 5:30 p.m. respectively) as follows: Monday, March 7, 2015 is rescheduled for March 10, 2016 to accommodate the NLC Conference held March 5-9, 2016; Monday, May 15-17, 2016 is rescheduled for May 19, 2016 to accommodate the ALM Conference held May 15-17, 2016; to approve holding a Council meeting to canvass the municipal election results at noon on Tuesday, August 30, 2016 and if needed, a Council meeting to canvass the runoff municipal election at noon on Tuesday, October 11, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2343-RES

[15-0611](#)

Sports Tourism Dept. request to enter into a contract with Pink Fish Marketing Firm for FY 16

Attachments: [FSTC Marketing Proposal - FY 16](#)

A motion was made by Council Member Blackwell to approve the contract with Pink Fish Marketing in the amount of \$30,000 for the continued support of website management and social media and marketing for Fiscal Year 2016. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 15-2344-RES

[15-0613](#)

Move Operational Account 01-620-2194 (Peteet Building Operations) from General Government to Municipal Complex

Attachments: [Performing Arts Association.pdf](#)
 [Budget Transfer Request.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve moving operational account 01-620-2194 with the remaining budget of \$4,421.33 to Municipal Complex and create a Property Maintenance and Repair Account for the Peteet Building for the maintenance and repairs for which the City will be responsible for in accordance with the existing lease. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2345-RES

[15-0639](#)

Adams & Reese, LLP Contract Renewal for 1 year

A motion was made by Council Member Ralph Hellmich to approve memorializing the renewal of Adam's & Reese, LLP's governmental relations 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 contract beginning October 1, 2015 and ending September 30, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2346-RES

[15-0640](#)

REQUEST TO USE MAX GRIFFIN PARK TO HOLD A BENEFIT FOR EDDIE JAMES

Attachments: [ETHERIDGE REQUEST.pdf](#)

A motion was made by Council Member Vera Quaites to approve the use of Max Griffin Park and Pavilion requested by Teresa James and Cindy Etheridge for their benefit on November 21, 2015 from 8:30 am until 3:30 pm. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2347-RES

[15-0641](#)

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

Attachments: [MTSC Map.pdf](#)
 [MTSC Annexation Petition](#)
 [Scrivener's Affidavit](#)
 [gasb-MTSC-2](#)

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

[15-0642](#)

Request by the Public Works Director to go to bid for and purchase two full size half ton 4x2 crew cab trucks

A motion was made by Council Member Ralph Hellmich to approve going to bid for and the purchase of two full size half ton 4x2 crew cab pickup trucks for the Street and Sanitation Departments as replacements for older ones. Both trucks are budgeted and are not to exceed \$23,000 each. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2348-RES

[15-0648](#)

Request by the Public Works Director to go to bid for and purchase one Mid-size 4x2 Single cab truck.

A motion was made by Council Member Ralph Hellmich to approve going to bid for and the purchase of a new latest model Mid-size 4x2 Single cab pick up truck for the Sanitation Department for use as a Mosquito Spraying Truck. It will be a replacement for the oldest one. It is budgeted and is not to exceed \$18,000. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2349-RES

[15-0649](#)

Dan Hellmich requests that the Street Dept. vehicle #0769 be declared Surplus and Sold on GovDeals

A motion was made by Council Member Charles Ebert, III to approve the declaration of the Street Department vehicle #0769 as Surplus and the sale of it on GovDeals. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2350-RES

[15-0650](#)

Request to go to bid for new vehicle for one 4x2 Extended Cab pick-up truck chassis for the Municipal Complex

A motion was made by Council Member Ralph Hellmich to approve the Municipal Complex to go to bid for one 4x2 Extended Cab pick-up truck chassis, not to exceed \$30,000, that will be used as a service vehicle by the Building Maintenance staff. The vehicle is in the FY15 Budget for \$30,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2351-RES

[15-0651](#)

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

Attachments: [Sanitation Write Offs](#)

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

Enactment No: 15-2352-RES

[15-0652](#)

Downtown Incentive Grant Application

Attachments: [Ebert Info for Council.pdf](#)

A motion was made by Council Member Hellmich to approve up to \$1,325.00 in reimbursement to Charlie Ebert and/or his contractor upon meeting all the requirements for the downtown Incentive Grant. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 15-2353-RES

[15-0654](#)

Authorization to Submit an Application for Grant Funding for the Foley Municipal Airport for FY16

Attachments: [20151029144651276](#)

President Trawick turned the meeting over to President Pro-tem Hellmich.

A motion was made by Council Member Blackwell to authorize to submission an application for grant funding for the Foley Municipal Airport for FY16 to reimburse the City of Foley for expenditures related to the Airport Drainage Project. The motion was seconded by Council Member Ebert, III and carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, abstained; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 15-2354-RES

[15-0655](#)

Community Traffic Safety Program (CTSP) Agreement for CTSP Grant Participation Fiscal Period: October 01, 2015 - September 15, 2016

Attachments: [20151026153636350](#)

A motion was made by Council Member Ralph Hellmich to accept the Southwest Alabama Regional Highway Safety Office, funds to be disclosed at a later date, for the Community Traffic Safety Program grant(s), for the period October 1, 2015 through September 15, 2016 to be used for traffic enforcement. The City understands there is no City match required and to appoint Kelly O'Donnell to serve as the traffic safety coordinator, who will be responsible for submitting required documentation, reports and reimbursement statements to SWARHSO on or before the 7th of the month following the month of performance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2355-RES

[15-0674](#)

Consider approving HPM Amendment #5 relating to Cultural & Entertainment Center

Attachments: [HPM Contract Amendment #5 11-02-2015 3502 001.pdf](#)

A motion was made by Council Member Ralph Hellmich to carry this item over to a future Council meeting to allow time to gather more information. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0676](#)

Consider hiring an architect for the Cultural & Entertainment Center

Attachments: [GOODWYN MILLS & CAWOOD AIA CONTRACT.pdf](#)
 [SITE PLANS.pdf](#)
 [GOODWYN MILLS CAYWOOD PROPOSAL.pdf](#)

A motion was made by Council Member Ralph Hellmich to carry this item over to a future Council meeting to allow enough time to gather more information. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Executive Session

President Trawick reported there was a need to go into an Executive Session to discuss certain aspects of the potential economic development development project under the trade and commerce negotiations exceptions to the Open Meetings Act.

City Administrator Mike Thompson reported the Executive Session reported the Executive Session is anticipated to last approximately 30 minutes and Council will reconvene to vote on two topics.

Councilman Blackwell made a motion to go into Executive Session. The motion was seconded by Council Member Quaites.

Mr. Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye; Council Member Blackwell, aye; Council Member Ebert III, aye and President Trawick, aye. The vote was unanimous to go into Executive Session.

The Council meeting recessed at 5:54 p.m.

Reconvened

President Trawick called the meeting to order at 6:43 p.m. All Council Members were present. Also present: City Administrator Mike Thompson, Mayor Koniar, Vickey Southern, Katy Taylor, Matt Cvellar, Jeff Rouzie, Joey Darby, Rusty Russell, Heyward Hosch, Reid Cavnar and Sal Muccio.

15-0656

Consider Memorandum of Understanding between the City of Foley; PCEFGD; PASFGD; Foley Hotel One, LLC; Foley Hotel Two, LLC; BC Foley, LLC; and Creek Indian Enterprises Development Authority (CIEDA)

Attachments: [BC FOLEY MOU - New Page 7 Inserted old page 7 deleted 10-27-2015.pdf](#)

A motion was made by Council Member Blackwell to approve entering into an MOU (Memorandum of Understanding) between the City of Foley; Public Cultural and Entertainment Facilities Cooperative District; Foley Hotel One, LLC; Foley Hotel Two, LLC; BC Foley, LLC; and Creek Indian Enterprises Development Authority (CIEDA) and to authorize the mayor to sign the MOU on behalf of the City of Foley. The MOU is attached as back to the minutes. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 15-2356-RES

15-0664

A RESOLUTION APPROVING FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA, THE PUBLIC CULTURAL AND ENTERTAINMENT FACILITIES BOARD OF THE CITY OF FOLEY, ALABAMA AND REGIONS BANK, AS TRUSTEE

Attachments: [Foley Cultural 2015. City Minutes Re Establishment of Facilities \(03402021\) 11-02-2015 for Heyward Hosch.pdf](#)

A motion was made by Council Member Ralph Hellmich to suspend the rules for the immediate adoption of this Resolution. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

A motion was made by Council Member Ralph Hellmich to approve the financing documents by the City of Foley, Alabama, the Public Cultural and Entertainment Facilities Board of the City of Foley, Alabama and Regions Bank, as Trustee. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2357-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 Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 6:50 p.m.