



Meeting Minutes - Draft
City Council

Monday, March 2, 2015

4:00 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the Work Session to order at 4:03 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, Mike Thompson, Sandra Pate, Vickey Southern, Katy Taylor, Don Staley, Dana Overton, Steven W. Smith, Thurston Bullock, Jessica Middleton, Leslie Gahagan, LaDonna Hinesley, Miriam Boutwell, David Wilson, Miranda Bell, Chad Christian, Darrell Russell, John Jackson, Joey Darby, Vivian & Steve Hanich (First Baptist Church), Jay Sowers (Foley Onlooker), Shari Hyde (Habitat for Humanity), Diana Rohe, David Voshloh, Linda Harris (Christian Life), and Marc D. Anderson (AL.com/Press-Register).

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

[15-0135](#)

Discuss recommendations for individual to serve on the Personnel Action Committee to replace Jerry Davis.

Attachments: [Current PAC Members.pdf](#)

President Trawick asked Council to consider making a recommendation to replace Jerry Davis, who resigned, and Grafton Smith, who recently passed away. This item was carried over until the next meeting.

[15-0136](#)

Discuss animal control policy

Attachments: [Diana Rohe - Agenda Request Form](#)

Ms. Diana Rohe stated that her cat, KeKe, was a kitten that she rescued, had fixed and taken care of like her child for ten years. KeKe went missing from her back porch and she looked for her into the evenings for a couple of weeks. She even asked her neighbor if he had seen her. He denied knowing where KeKe was even though he called the Police Department's Code Enforcement Officer to complain about feral cats being in the neighborhood and knew the

Code Enforcement Officer set traps on his property with his permission and at his request to catch the cat. Two cats were actually taken to the Baldwin County Animal Shelter, both of which were Ms. Rohe's. She called the Police Department because she felt that someone might be going through the neighborhood taking pets. They informed her that the Code Enforcement Officers take animals that have no collars, no ID tags or microchips to the Baldwin County Animal Shelter. Because of the Mardi Gras holiday they were closed for four days but she went early to the Shelter prior to them opening the first day they opened from the holiday to see if both of her cats were there. She did pick up one cat but KeKe had already been put down. Ms. Rohe was extremely upset. She asked that the Council consider posting some type of notice in the neighborhoods where feral animals are being caught so that the residents know who to contact in case their pets go missing or post something on the City's website.

Chief Wilson reported that he would like to put some type of notice maybe in the people's yard where the humane traps are being set so that residents will know who to call in case a pet is taken. The common practice is that if the animal has an ID tag, rabies tag or is micro chipped they are taken back to their owner. In this case KeKe did not have any collar, ID's or microchip in which to identify her because she was a long hair cat and the hair matted and hurt her. He reported that he felt the neighbor not telling Ms. Rohe about her cat was appalling and he does not want to see this type of situation happen again. What happened to Ms. Rohe was awful and he expressed his sympathy to her for the loss of her KeKe. He will see about getting some signs and see what else can be done to avoid this type of situation ever happening again.

Councilman Ebert asked if the Police Department could put flyers at each home in a neighborhood that they are using the traps or send out a email notifying the residents. Chief Wilson reported they only send emails out to commercial properties and they do put flyers at all the homes in the neighborhoods where there is a case of a sex offender and it is too time consuming to do this for animals but they might be able to put them at the neighbors directly adjacent to the yard where the traps are placed. Chief Wilson will work on this to see what will work the best and will work on revising the City's ordinance.

15-0144

Foley Sports and Tourism Presentation

Don Staley reported that he would like to carry this item over until the next meeting as Kristin Roberson was not able to attend to give an update on social media/website. This item was carried over.

15-0145

Discuss the City accepting Surrey Loop in Cypress Gates for maintenance.

Attachments: [DENNIS KRIEGH REQUEST](#)
[Section 94 of the AL. Constitution](#)
[Section 6-5-120 Code of AL.](#)
[AGO 1979-047 \(2\)](#)
[97-00026 opinion Regarding public roads and nuisances](#)
[DEFINITIONS](#)

Mr. Dennis Kriegh, President of Cypress Gates Homeowners Association, stated in January 1, 2015 the developer turned the streets over to the HOA. The streets are in a gated community and have been inspected by John Gates. He has a letter from John Gates stating the streets met the City's requirements. They also had the Fire Department come do an inspection and the gates are ok with emergency services. The HOA spent \$600 to bring the gates up to code for emergency services and they are open from 5:00 a.m. until 7:00 p.m. They will have 54 homes when the subdivision is completely built out and now most of the lots are owned by DR Horton. Today he asked the City Council to consider accepting the Surrey Loop for maintenance.

President Trawick reported that the City Engineer, as well as other Departments, will have to take a look at the street to see if it meets the City's Code as the City has taken in some streets before that were not up to par and some had drainage issues. Mr. Kriegh will have to find out from the homeowners if they are willing to take the gates down as the City cannot by law spend public funds on a private road. He asked if the road was platted as a private road. Miriam Boutwell reported that it was platted a private road. Mr. Kriegh asked if there was anything that could be done to change the road to public. President Trawick reported that the HOA would have to have the subdivision replatted with public streets. After the reports have been done and brought back to Council Mr. Kriegh can let the Council know about the gates.

This item was carried over.

Discuss Council Meeting Agenda of March 2, 2015

15-0123 Approve purchase of a new Monitor 4S and Guardian 190ES Mosquito Sprayer for the Sanitation Department - Darrell Russell reported this item will be a replacement for one of the existing ones and is budgeted in the amount of \$17,500. The cost is \$14,815. This item remained on the Council meeting agenda.

15-0099 Request Champion Disc Golf Course Development Contract - Leslie Gahagan reviewed the Master Plan with the Championship Disc Golf Course included in the plan and reported she heard back for all but two of the Board members and they were all in favor of the Course. The other two people did not call to leave any responses. The \$13,500 contract includes the design, 19 baskets, lodging and travel. The pads will come in the new budget year. This item remained on the Council meeting agenda.

15-0105 Permission to appropriate and approve \$3,560,967 for the design and construction of a new 5-plex at the Foley Sports Complex - David Thompson reported he worked with Hoar Program Management to value engineer the

project by doing the project in separate bids. There are add-in alternates that make up a part of the packet. The plans are to include sidewalks around the lake, and walking paths at the 4-plex so that adults can take advantage of the trails while their children are at practice. David will also be looking into a trails grant to help with this part of the project. Mike Thompson reported the \$4 million funds for the project will come from the bond. Councilman Hellmich reported a functional building has been included in the plans based upon the past plans and they used the space wisely. This item remained on the Council meeting agenda.

15-0146 A resolution to amend Resolution 15--0264 - David Thompson reported the dirt work was added to the sportsplex when it should not have been and it needs to come out of the project and put into its own project. This item remained on the Council meeting agenda.

15-0110 Approval of 050 Retail Beer and 070 Retail Table Wine (Off Premises Only) ABC License for Z Tec - This item remained on the Council meeting agenda.

15-0117 Purchase of PastPerfect Software package and Additional Shelving for Genealogy Department/Non-Fiction Section - John Jackson reported he is requesting funds be moved for the purchase of software and shelving for the Genealogy and Biography Departments. This item remained on the Council meeting agenda.

15-0118 Re-allocation of Funds to promote upcoming events at the Foley Public Library - John requested the reallocation of funds from audiovisual to promote upcoming events at the Library. They will be able to budget better next year. This item remained on the Council meeting agenda.

15-0124 Request to Transfer Funds - Miranda Bell reported the Sports Tourism Department did not have a vehicle during the budgeting process and needs to allocate funds for maintenance and oil and gas for their vehicle. This item remained on the Council meeting agenda.

15-0125 Request to transfer funds from Nature Parks Capital Purchase Account to Nature Parks Operating Account - Leslie reported she needed to transfer \$5,000 from the Capital Purchase Account to the Nature Parks Operating Account. This item remained on the Council meeting agenda.

15-0126 Request to host Earth Day Scramble and Celebration - Leslie reported she would like to have an Earth Day Scramble since they won't be able to do some of the other races due to the construction of the Interpretive Center. It will be held on April 18th at 9:00 a.m. and will consist of 20 challenges. The top three teams to get 18 of the challenges and cross the finish line will receive a prize pack. This item remained on the Council meeting agenda.

15-0127 Request to apply for Alabama Coastal Area Management Program Grant for Coastal Public Access - Leslie reported she would like to get permission to apply for a Coastal Public Access Grant for the ADA trails that will be approximately a quarter mile for Senior Citizens and the handicapped. The grant is for \$100,000 and is a 50/50 match. This item remained on the Council meeting agenda.

15-0129 Appropriate funds to the Drug Fund Expense Account - These funds will be used for specific police operations. This item remained on the Council meeting agenda.

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

15-0130 Facade Improvement Incentive Grant Program - Miriam Boutwell reported Dr. Terrazzo made an application and the Historical Commission made a recommendation to Council to approve the grant. This item remained on the Council meeting agenda.

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

15-0132 Request appropriation of Foley for Police - Chief Wilson reported some of the funds held in the Federal Forfeiture Checking account could be used towards eligible police equipment and requested Small Tools Account be increased by \$8,298 for these purchases. This item remained on the Council meeting agenda.

15-0133 Amending Resolution \$14-0475 to Correct Account Numbers - This is a housekeeping matter. This item remained on the Council meeting agenda.

15-0134 Executive Director of Sports, Don Staley, is requesting the approval for usage of the Parks Department barricades and bleachers for the lawn mower racing event August 21-23, 2015 - Don requested the use of the barricades and bleachers for the lawn mower and corn hole events. This would normally be an in-house action but the City of Gulf Shores and Orange Beach purchased barricades and Foley has an agreement with them to share if the other City needed them for an event. This item remained on the Council meeting agenda.

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

15-0137 Memorialize advertisement cost for West Section Avenue Culvert Repair bid - Chad Christian reported the ad was \$603. They are getting bonds together and should start work next week. This item remained on the Council meeting agenda.

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

15-0138 Authorizing transfer of surplus funds into the tuition reimbursement program for City employees - Sandra Pate reported due to a position vacancy there were sufficient funds in various salaries accounts to transfer into the Employee Continuing Education Account. There has been an increased interest in this employee benefit. This item remained on the Council meeting agenda.

15-0139 Waiving fees for Heritage Park Pavilion - The Christian Life Church of Foley's annual "Breakfast with the Bunny" will be held March 28, 2015 in Heritage Park. They are requesting the fees be waived for this event. This item remained on the Council meeting agenda.

15-0140 Permission to use Aaronville Park - The Gulf Shores Baptist Church will sponsor a "Block Party" in Aaronville Park in conjunction with Habitat for Humanity's build on March 14, 2015. Habitat cannot have children on the build site and felt this would work out best for the children. The new home is for the Clark family. This item remained on the Council meeting agenda.

15-0141 A resolution to amend Section 2 of Resolution 15-2051 - The original resolution had an incorrect account number and needs to be corrected. This is a housekeeping matter. This item remained on the Council meeting agenda.

15-0152 Acceptance of the low bid for Wolf Creek Park Improvements and appropriation of the funds - Leslie reported the City is obligated to spend \$100,000 on park improvements. The City has spent \$97,650 to date. Leslie reported she needed to spend \$2,350 for signage and geotechnical work to complete the City's obligations to the County. This item remained on the Council meeting agenda.

Add on

15-0158 Oyster Trail - Councilman Hellmich reported the Oyster Trail would be good to promote at the Farmers Market. The \$1800 sponsorship will get the City a painted oyster, like the painted cows, horses, etc. to promote the Oyster Trail. The sponsorship is in conjunction with Mobile Bay Oyster Gardening Program, Auburn University Marine Extension and Research Center, the Downtown Mobile Alliance, the Mobile Arts Council, the Mississippi-Alabama Sea Grant Consortium and The Alabama Cooperative Extension System.

Mayor's Comments

Mayor Koniar reported Arbor Day Celebration was held this past Saturday and they had a good turnout. Pat Libby, Ellen Dean, Brenda Shambo and Suzanne Kellems did a good job.

Visitor's Comments

None to report.

Adjourn

Hearing no further comments the meeting adjourned at 5:25 p.m.