



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, June 6, 2016

5:30 PM

Council Chambers

Council Meeting

Public Hearing

16-0302 Public Hearing to discuss the City's application for the FY2016 CDBG program

Attachments: [Foley FY16 CDBG Public Hearing Notice \(1\)](#)

Council President Wayne Trawick opened the public hearing at 5:32 p.m. to discuss the City's application for the FY 2016 CDBG program. Stacey McKean with Grant Management, LLC. reported she is submitting a grant application to the Alabama Department of Economic and Community Affairs requesting Community Development Block Grant money to provide sewer rehabilitation in the south-east quadrant of the City to rehabilitate 23,000 linear feet of lines by inserting new liners into the lines and replacing some of the main lines as well as rehabilitating the manholes in that area. The total cost for the project is \$1,140,000.00. Riviera Utilities will provide \$690,000.00 in matching funds. The grant amount will be \$450,000. President Trawick 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 5:36 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, Vickey Southern, Katy Taylor, Darryl Clevenger, Jim Griffiths, Randy Corlew, Kip & Don Morrissets, Richard Lollar, Chad Christian, Stacy McKean, Rick Miller, Andy Rutens, Alford Tribby, Troy Tatum, Jeff Rouzie and Annie Smith.

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

A motion was made by Council Member Ralph Hellmich to remove item 16-0305; add item 16-0328 and to carry over item 16-0281. The motion was

seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[16-0308](#) Work Session Minutes of May 19, 2016.

Attachments: [05-19-2016 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of May 19, 2016. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[16-0309](#) Council Meeting Minutes of May 19, 2016.

Attachments: [05-19-2016 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of May 19, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[16-0109](#) Naming & Renaming of Certain Streets

Attachments: [Name_Rename Streets.pdf](#)

A motion was made by Council Member Ralph Hellmich to rename a portion of the right-of-way that is currently known as Pride Drive; the portion of the right-of-way west of State Highway 59 be renamed West Pride Boulevard; the portion of the right-of-way east of State Highway 59 extending to CR 20 be renamed/named East Pride Boulevard; what is currently known as a portion of Beck Road running east/west along the north side of the Coastal Alabama Farmers & Fishermen Market parcel be named/renamed to Kenny Stabler Avenue. This includes a portion of Beck Road as well as a future extension from East Pride Boulevard to Juniper Street. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-2014-ORD

[16-0264](#) An Ordinance to create an Athletic Field Usage Policy.

Attachments: [Field Usage Agreement](#)

A motion was made by Council Member Rick Blackwell to create an Athletic Field Usage Policy for the City parks. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2015-ORD

16-0281

ABC License: 010- Lounge Retail Liquor-Class I for Richard Wayne Lollar, applicant operating under the trade name Sting Rays located at 8097 HWY 59 S; Suite F. Foley, AL. 36535.

Attachments: [ABC License App. Sting Rays](#)

[Sting Rays Map](#)

A motion was made by Council Member Ralph Hellmich to carry over item 16-0281 to allow more time for work and maintenance to the building. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

16-0299

Transfer \$3,000 from Street Department Budget to Maintenance Shop Budget.

Attachments: [Roll Up Door Repair Quote and Req to Trnsfr Dept Bdgt Funds.PDF](#)

A motion was made by Council Member Charles Ebert, III to authorize the transfer of budget funds in the amount of \$3,000 from the Street Department to Public Works to repair the roll up door in the maintenance shop and to approve Precision Overhead Garage Door Service's quote in the amount of \$2,883.50 to make the repair. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1125-RES

16-0303

Acceptance of the FY15 Assistance to Firefighters grant and Requests to go to bid for Equipment

Attachments: [20160526172518734](#)

A motion was made by Council Member Ralph Hellmich to accept the FY 15 Assistance to Firefighters Grant funds in the amount of \$90,715 with a local match of \$4,535; to approve the Fire Department to go to bid and purchase the equipment and to appropriate \$90,715 in grant revenue to 01-4985 and \$90,715 in expense to 01-609-5010. Approves use of \$4,535 in 01-609-5010 previously budgeted to be used for local match. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1126-RES

16-0304

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT VACANT LOT WEST OF 421 7TH AVENUE

Attachments: [Weed Abatement.Lot west of 421 7th Avenue](#)

A motion was made by Council Member Vera Quaites to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at the vacant lot west of 421 7th Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1127-RES

16-0305

A RESOLUTION SETTING A PUBLIC HEARING

DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT VACANT LOT ON EAST
SIDE 421 7TH AVENUE

Attachments: [Weed Abatement.Lot east of 421 7th Avenue](#)

A motion was made by Council Member Ralph Hellmich to remove item 16-0305. The property was abated by the owner. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

16-0306

Accept Award from the Dollar General Literacy Foundation

A motion was made by Council Member Ralph Hellmich to accept the award of \$2,000.00 from the Dollar General Literacy Foundation; to appoint Kelley Wansley to serve as the grant manager, who will be responsible for submitting all required reports to the Granting Agency and to the City's Grant Administrator; to amend the budget accordingly and to approve the expenditure of the grant funds. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1128-RES

16-0307

Reduction and Relocation of Billboard

Attachments: [Billboard Packet for Council.pdf](#)

A motion was made by Council Member Charles Ebert, III to in exchange for removing two billboards, a new smaller digital billboard be erected to replace as listed: An existing 672 square foot, 72 foot high, digital billboard located on the west side of State Highway 59 across from Tanger Outlet be removed; an existing 880 square foot, 4 sign face, billboard on US Highway 98 (PIN# 691622) be removed; a new 381 square foot, 40 foot high digital billboard will be placed on the west side of State Highway 59 (PIN# 67673). The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1129-RES

16-0310

A resolution approving the use of City owned tables for the Little Rock Missionary Baptist Church's Vacation Bible School.

A motion was made by Council Member Ralph Hellmich to approve the use and delivery of tables to Little Rock Missionary Baptist Church for their Vacation Bible School on June 10, 2016 contingent upon legal review. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1130-RES

16-0311

Residential Sanitation Write Offs as Uncollectible in the amount of \$111.12

Attachments: [Res. Sanitation Writeoffs](#)

A motion was made by Council Member Rick Blackwell to write off certain residential sanitation accounts as uncollectible in the amount of \$111.12. The motion was seconded by Council Member Vera Quaites and carried by an

unanimous vote.

Enactment No: 16-1131-RES

[16-0312](#)

A Resolution to reappoint John Cobb to the Museum-Archive Advisory Board.

Attachments: [Museum Advisory Board](#)

A motion was made by Council Member Ralph Hellmich to reappoint John Cobb to the Museum-Archive Advisory Board. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1132-RES

[16-0313](#)

A Resolution to reappoint Ralph Hellmich to the Riviera Utilities Board.

Attachments: [Riviera Utilities Board](#)

A motion was made by Council Member Ebert, III to reappoint Ralph Hellmich to the Riviera Utilities Board. The motion was seconded by Council Member Rick Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council 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: 16-1133-RES

[16-0314](#)

A Resolution to reappoint Gene Mader to the Senior Citizen Board.

Attachments: [Senior Citizens Board](#)

A motion was made by Council Member Vera Quaites to reappoint Gene Mader to the Senior Citizen Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1134-RES

[16-0317](#)

Change Order No. 2 for the TIGER Phase 3 Pedestrian Bridge Project

Attachments: [McCollough Contract for Ped Bridge](#)

[Change Order No. 2](#)

A motion was made by Council Member Ralph Hellmich to approve Change Order No. 2 to Morette Company's contract price for the indicated items of work for the TIGER Phase 3 Pedestrian Bridge project in the amount of \$20,980.31; to approve a transfer from Account No. 31-665-7000 to Account No. 31-665-73000 in the amount of \$20,980.31 and to memorialize McCollough Architecture's contract based upon the attached letter dated April 6, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1135-RES

16-0318

Approves Transfer of \$3000 from Sanitation Department Budget to the Public Works Department.

Attachments: [Probe Replacement Quote and Req to Trnsfr Dept Bdgt Funds.PDF](#)

A motion was made by Council Member Charles Ebert, III to authorize the transfer of budget funds in the amount of \$3000 from Sanitation Department 01-610-6010 gas and oil account to the Public Works 01-605-4050 fueling station expense account to replace the probe in the main diesel pump and to approve Mike Hoffman's Equipment Service, Inc.'s quote in the amount of \$2855.56 to replace the probe. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1136-RES

16-0321

A RESOLUTION AUTHORIZING AN AMENDED AND RESTATED SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND FOLEY SQUARE, LLC

Attachments: [Foley Square II 2016. City Council Minutes - Grant Agreement \(03646718\)](#)

A motion was made by Council Member Ralph Hellmich and seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1137-RES

16-0325

Appointing Elections Manager and Absentee Elections Manager

Attachments: [Section 11-46-36](#)
[Section 11-46-57](#)
[ORD. 1051-08](#)

A motion was made by Council Member Charles Ebert, III to appoint the City Clerk as the Absentee Elections Manager pursuant to Section 11-46-57, Code of Alabama and shall be paid as specified under Ordinance 1051-08 pursuant to Section 17-11-14, Code of Alabama, 1975 and to appoint the City Clerk as the Elections Manager as set forth pursuant to State of Alabama Code 1975, Section 11-46-37. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1138-RES

16-0328

Authorizing Mayor to sign a letter to Mobile Asphalt Company for the use of Pride Drive

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign a letter to Mobile Asphalt Company, Inc. for the use of Pride Drive for construction traffic related to the Event Center site. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1139-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Executive Session

President Trawick reported there is a need for an Executive Session.

City Clerk Vickey Southern reported there are three topics to discuss in Executive Session, two of which involve controversies not yet being litigated but imminently likely to be litigated if the governing body pursues course of action and to discuss certain aspects of threatened and potential litigation. The other topic is to discuss preliminary negotiations involving matters of trade or commerce in which the City is in competition with private individuals or entities or other governmental bodies in Alabama. She also reported the Executive Session will last approximately one hour and Council to return for a vote on one topic.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Rick Blackwell.

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

The Council meeting was recessed at 5:56 p.m.

Reconvened

President Trawick called the meeting to order at 7:09 p.m. All Council Members were present. Also present: Vickey Southern, Katy Taylor, Darryl Clevenger, Al Tribby, Randy Corlew and Jeff Rouzie.

16-0319

Property Transfer to IDB Board

A motion was made by Council Member Ralph Hellmich to approve the transfer of Parcel ID. # 05-54-07-35-0-000-001.018 consisting of approximately 13.716 acres to the IDB Board for the purpose of Industrial Development / Economic Development. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1140-RES

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 7:10 p.m.