



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 1, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0824](#)

Public Hearing to consider proposed zoning ordinance amendment

Attachments: [Letter](#)
[SOB Zoning ORD.](#)

Council President Wayne Trawick called the public hearing to order at 5:30 p.m. to consider a proposed zoning ordinance amendment. 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 5:31 p.m.

Roll Call

All Council members were present with the exception of Rick Blackwell, who was out of town. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Chad Christian, Jeff Rouzie, Dan Hellmich, Sal Muccio, Roderick Burkle, Virginia Lucas, Sharon Knight, Gregg Knight, Alton Harwell, Richard Byrd and press representative Cathy Higgins (Foley Onlooker). Mayor Koniar was absent due to being out of town.

Present: 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich and Council Member Charles Ebert III

Absent: 1 - Council Member Rick Blackwell

Pledge of Allegiance

Presentation

[14-0861](#)

Presentation: Alabama People Against a Littered State 2014 Governor's Award

Attachments: [2014 AL PALS GOVERNOR'S AWARD.pdf](#)

Council Member Ralph Hellmich presented Public Works Supervisor Dan Hellmich with the Alabama People Against a Littered State 2014 Governor's Award in honor of the hard work and dedication the Public Works, Sanitation and Street Departments show in keeping the City streets clean. Mr. Hellmich reported that his Departments also put forth an extra effort during the Coastal Clean Up as well.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 14-0892 and 14-0893; and to carry over items 14-0866 and 14-0878. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0856](#) Special Called Council Meeting Minutes of November 13, 2014

Attachments: [11-13-14 Special Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Special Called Council Meeting Minutes of November 13, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0881](#) Work Session Minutes of November 20, 2014.

Attachments: [Work Session Minutes of November 20, 2014.pdf](#)

A motion was made by Council Member Hellmich to approve the Work Session Minutes of November 20, 2014. The motion was seconded by Council Member Quaites and carried with one abstention made by President Trawick due to him not being present at the November 20, 2014 Council Work Session.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - President Trawick

[14-0882](#) Council Meeting Minutes of November 20, 2014.

Attachments: [Council Minutes of 11-20-2014](#)

A motion was made by Council Member Ebert III to approve the Council Meeting Minutes of November 20, 2014. The motion was seconded by Council Member Quaites and carried with one abstention made by President Trawick due to him not being present at the November 20, 2014 Council Meeting.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - President Trawick

Report

[14-0873](#)

Planning Commission recommendation of public projects

Attachments: [2014-2015 Public Projects.pdf](#)
 [Recommendation letter public projects.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Planning Commission recommendation of public projects. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

[14-0804](#)

Proposed Zoning Ordinance Amendments

Attachments: [RECOMM LETTER ZONING ORD AMEND.pdf](#)
 [SOB Ordinance Amendment \(2\).pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the proposed zoning ordinance amendments pertaining to buffering requirements. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-1028-ORD

[14-0853](#)

Approval of 010-Lounge Retail Liquor-Class I for applicant - The Billiard Club LLC

Attachments: [The Billiard Club Application](#)
 [The Billiards Club Map](#)

Fire Chief Joey Darby and Police Chief David Wilson recommended moving forward with the ABC License.

A motion was made by Council Member Ralph Hellmich to approve the 010-Lounge Liquor-Class I license for The Billiard Club, LLC for their location at 1157 South McKenzie Street. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0858](#)

REQUEST TO USE AARONVILLE PARK FOR THE ANNUAL OUTREACH

Attachments: [2014 Outreach.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the use of Aaronville Park requested by Michael Fisher for his Community Outreach on December 13, 2014 from 11:00 a.m. until 3:00 p.m. The motion was seconded

by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0509-RES

[14-0859](#)

Ordinance Amending Ordinance 14-1023 Section 3.

Attachments: [14-1023 ORD](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance amending Ordinance 14-1023 Section 3. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-1029-ORD

[14-0860](#)

Request to procure one new, latest model, full size, half ton, 4x4 extended cab truck for the Horticulture Department

Attachments: [HORTICULTURE DEPT TRUCK SPECS.pdf](#)

A motion was made by Council Member Vera Quaites to approve the procurement of one new, latest model, full size, half ton 4X4 extended cab truck in the amount of \$28,000 that is budgeted for the Horticulture Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0510-RES

[14-0862](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [RES SANITATION WRITE OFFS.pdf](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts in the amount of \$736.00. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0511-RES

[14-0863](#)

Replacement dump body for the Street Department

Attachments: [0787 replacement bed quote](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of a replacement dump body from Fleetco, using existing hoist and Ford chassis in the amount of \$ 7,895.00, which came in under budget. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0512-RES

[14-0864](#)

John Deere Gator TX and after market accessories for the Street Department

Attachments: [John Deere after market parts](#)
 [John Deere Gator Quote](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a replacement John Deere Gator from Deere and Company in the amount of \$7,882.31 and to approve the purchase of a 4 post top and windshield for the Gator from Sunsouth, LLC in the amount of \$673.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0513-RES

[14-0865](#)

Request by the Public Works Director to procure two full size half ton 4x2 crew cab trucks

Attachments: [new truck bids](#)

A motion was made by Council Member Ralph Hellmich to approve the procurement of two full size half ton 4X2 crew cab pickup trucks for the Street and Sanitation Departments, which are budgeted and not to exceed \$22,500 each. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0514-RES

[14-0869](#)

T750 Bobcat Compact Loader for the Street Department

Attachments: [Bobcat track loader quote](#)

A motion was made by Council Member Vera Quaites to approve the purchase of a new T750 Bobcat Compact Loader from Bobcat Company from NJPA Contract in the amount of \$65,090.14 and to approve a \$100 increase to the budget for the Loader that is currently budgeted for \$65,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0515-RES

[14-0866](#)

A Resolution reappointing Patricia Smith to the Foley Housing Authority.

Attachments: [Housing Authority](#)

A motion was made by Council Member Ralph Hellmich to carry this item over to the Council meeting of December 15, 2014 due to not having confirmation that Ms. Smith is willing to serve another term on the Housing Authority. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0532-RES

[14-0867](#)

REQUEST FROM FAITH FACTORY GULF COAST CHURCH TO USE MAX GRIFFIN PARK FOR A CHURCH YOUTH EVENT

Attachments: [church youth event.pdf](#)

A motion was made by Council Member Vera Quaites to waive the fees for the use of Max Griffin Park for Faith Factory Gulf Coast Church's youth event on December 27th and 28th, 21014 contingent upon the approval of the Police and Fire Departments. The motion was seconded by Council Member Charles Ebert

III and carried by an unanimous vote.

Enactment No: 14-0516-RES

[14-0868](#)

Amending the Pay Classification Plan for a Restructure of Two Positions in General Government with a Neutral Effect to the Budget.

Attachments: [Maintenance Letter - Two Gen Govt Positions](#)

A motion was made by Council Member Ralph Hellmich to authorize an amendment to the Pay Classification Plan to convert the Secretary/Receptionist position to Receptionist/Administrative Assistant, effective pay period beginning December 2, 2014 and to authorize an amendment to the Pay Classification Plan to convert the Administrative Assistant/Grants Coordinator to Administrative Assistant/Grants Organizer, effective pay period beginning December 2, 2014. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0517-RES

[14-0870](#)

Establish an Account for Claude Peteet Building Expenses

Attachments: [Budget for Claude Peteet Building - Nov 2014.pdf](#)

A motion was made by Council Member Quaite to approve the establishment of an operational account to capture Claude Peteet Building expenses and to approve a budget under this account in the amount of \$5,000 for FY15. The motion was seconded by Council Member Hellmich and carried by the following vote: Council Member Vera Quaite, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, aye and Council Member Charles Ebert III, abstained. Of those present, the vote passed by a majority vote.

Aye: 3 - President Trawick, Council Member Quaite and Council Member Hellmich

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0518-RES

[14-0871](#)

Resolution Approving Renewal of Blue Cross Blue Shield of Alabama Contract for Administrative Claims Payment Services for the 2015 Calendar Year

Attachments: [BCBS Contract 2015.pdf](#)

A motion was made by Council Member Charles Ebert III to renew the Blue Cross Blue Shield contract for administrative claims payment services for the 2015 calendar year as reflected on the Blue Cross Blue Shield Self-Funded Enrollment Agreement, effective January 1, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0519-RES

[14-0872](#)

Zoning Ordinance amendments regarding wireless telecommunication towers and tall structures

Attachments: [Cell Tower Zoning Amendments.pdf](#)
[ZONING ORD RECOMMEND TEMPLATE.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of Zoning Ordinance amendments regarding wireless telecommunication towers and tall structures. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0874](#)

Accept Bid for Alleyways Drainage Improvements

Attachments: [Alleyways Recommend Ltr. & Bid Tab HMR](#)

A motion was made by Council Member Ralph Hellmich to accept the lowest responsible bid submitted by R&S Paving & Grading, Inc. in the amount of \$87,420.00 for alleyway drainage improvements and to approve an increase of \$25,000.00 to the budget due to a change in the project's scope. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0520-RES

[14-0875](#)

Accept Bid and Memorialize Ad Costs for Reconstruction of Flume Adjacent to Justice Center

Attachments: [Justice Center Flume Recommend Ltr. & Bid Tab Volkert](#)

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

A motion was made by Council Member Ebert III to accept the lowest responsible bid submitted by Ammons & Blackmon Construction, LLC in the amount of \$67,346.25 for reconstruction of the flume adjacent to the Justice Center and to approve memorializing the ad costs for bid solicitation in the amount of \$250.00. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, abstained and Council Member Charles Ebert III, aye. Of those present, the vote passed by a majority vote.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0521-RES

[14-0876](#)

Accept Bid and Memorialize Ad Costs for Resurfacing Ph. V

Attachments: [Resurf. Ph. V Recommend Ltr. & Bid Tab Volkert](#)

A motion was made by Council Member Quaites to accept the lowest responsible bid submitted by Mobile Asphalt Company, LLC in the amount of \$702,184.58 for the Resurfacing Phase V project and to approve memorializing the ad costs for bid solicitation in the amount of \$900.00. The motion was seconded by Council Member Ebert III and carried by the following vote:

Council Member Vera Quaites, aye; Council member Ralph Hellmich, aye; Council President Wayne Trawick, abstained and Council Member Charles Ebert III, aye. Of those present, the vote passed by a majority vote.

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

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0522-RES

[14-0877](#)

Amend Resolution No. 14-0476

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0476 to state up to \$250.00 for advertising costs for the East Michigan Avenue Asphalt Repairs project, FEMA Event #4176-DR-AL. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0523-RES

[14-0878](#)

Request to develop a Graham Creek Preserve website and marketing campaign

Attachments: [Graham Creek Nature Preserve website proposal final](#)
[Graham Creek Nature Preserve - Social & Email Management Contract - final \(2\)](#)

A motion was made by Council Member Ralph Hellmich to carry this item over to the Council meeting of December 15, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0533-RES

[14-0880](#)

Waive Fees for Parks Dept. Shed Roof

A motion was made by Council Member Ralph Hellmich to approve waiving the Board of Adjustments and Appeals application fee and all Building Department permit fees for the Parks Department 112'x30' shed roof construction. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0524-RES

[14-0883](#)

West Section Drainage Improvements

A motion was made by Council Member Charles Ebert III to appropriate \$150,000.00 for the West Section Drainage Improvements project to replace the culverts underneath West Section Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0525-RES

[14-0884](#)

Appropriates Funds For Landscaping At Foley Centennial Plaza

A motion was made by Council Member Ralph Hellmich to appropriate \$15,000 for landscaping at Foley Centennial Plaza. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0526-RES

[14-0885](#)

A resolution setting a public hearing to consider a zoning ordinance amendment regarding wireless telecommunication towers and tall structures

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider a zoning ordinance amendment regarding wireless telecommunication towers and tall structures. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0527-RES

[14-0886](#)

Memorialize Ad Cost for Alleyways Drainage Improvements

A motion was made by Council Member Vera Quaites to memorialize up to \$425.00 for advertising the alleyway drainage improvements bids. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0528-RES

[14-0892](#)

Authorize Mayor to enter into a construction easement agreement

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to enter into a Construction Easement Agreement to construct a driveway or access road for access to the rear of the new Fire Station #3 as part of the construction project. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0529-RES

[14-0893](#)

A resolution to approve TTL, Inc. to conduct a Phase I Environmental Site Assessment for the Foley SportsFields and Event Center in the amount of \$3,400.

Attachments: [TTL, Inc. Proposal](#)

A motion was made by Council Member Ralph Hellmich to approve the General Funds payment of \$1,700 to TTL, Inc. on behalf of the Public Athletic and Sports Facilities Cooperative District, to be recorded as Due to General Fund Account in the PA&SFCD Fund and Due from PA&SFCD Account in General Fund Account; to approve the General Funds payment of \$1,700 to TTL, Inc. on behalf of the Public Culture and Entertainment Facilities Cooperative District, to be recorded as Due to General Fund Account in the PC&EFCD Fund and Due from PC&EFCD Account in General Fund Account and to approve the expenditure of the combined funds in the total amount of \$3,400 made payable to TTL, Inc. for a Phase I Environmental Site Assessment for the Foley Sports Fields and Event Center. The Districts will reimbursement the General Fund after bonds are issued to complete the projects. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0530-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Virginia Lucas, 509 W. Peachtree Avenue, addressed the Council with her concerns of her neighbors having junk and vehicles all around their houses. She reported her house is for sale and the condition of her neighbors' houses is causing her house not to sell. Police Chief Wilson reported that he is familiar with the houses and the Police Department has worked with and continue to work with the occupants to clear up the properties. He explained that the vehicle on the property is operational and has the proper licensing and tags, which limits what the Department can do. City Administrator Mike Thompson reported that the City Ordinance only pertains to the front facing of properties and not the back yards. He also reported that as long as vehicles are operational and have tags, they do not meet the criteria to be considered junk vehicles. Chief Wilson reported that although these homes may be cluttered, they do not fit the definition of junk. Councilman Hellmich asked if these properties have been assessed to meet any nuisance ordinances. Chief Wilson reported that various City Departments have looked at the property to see if anything can be done. City Administrator Mike Thompson reported that it depends on how much the Council wants to have authority over the residents' property in the City. Councilman Ebert III suggested keeping these properties under close scrutiny, he added that the litter and nuisance ordinance gives the City the most flexibility. He also reported that he would like for the Community Development Department to look into adding backyards to the City's litter and nuisance ordinance. Councilman Hellmich suggested inquiring about what other Cities do about backyard litter. Chief Wilson reported that the Police Department takes these situations seriously and they view them as crime prevention measures. If properties become littered and junked up, soon crime will set in. Ms. Lucas also reported that there are other neighbors who do not clean up feces from their yards after their dogs and she can smell the odors when it rains. Chief Wilson reported that if this is occurring in the dogs' own yards, there is nothing the Police Department can do about it. Councilman Ebert III reported that people are required per a City ordinance to pick up after their dog if they are on public right-of-ways or on other people's property. She also had a concern over a neighbor's salt pool. She reported that when it rains, the salt pool over flows and runs into her back yard causing her plants to die. Chief Wilson reported that he will have the Code Enforcement Officer to make contact with Ms. Lucas. President Trawick reported the Community Development Department will look at these issues.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

The meeting adjourned at 6:11 p.m.