



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Thursday, March 10, 2016

5:30 PM

Council Chambers

Council Meeting

Call to Order

President Wayne Trawick called the Council meeting to order at 5:30 p.m.

Roll Call

All Council members were present with the exception of Councilman Blackwell who was out of town. Others present: Vickey Southern, Mike Thompson, Chad Christian, Joey Darby, David Wilson, Mitch Nelson, Jeff Rouzie, Britton Bonner, Gloria Boatwright (Foley Holdings, LLC) Allison, Matt Denaburg (HPM); Parish Lakes Residents - John Bousquest, Andrew Hudson, Ed & Lyn Ghelardini, Ron & Judy Quilhot, Paul & Carolyn Schupp, Kenneth & Pat Cowley, Keith & Nicole Lindsey, Shilpa Amin, BJ & Janice Parker, Moneile Driver, Lee Culeman, Buddy Irish, Dave Von Lehmden, Janie Maurin, Judy Ward, Jim & Gloria Ferguson, Gail & Brian Forster, Sarah Johnston, Dick & Carol Furman; Christian Mills, Gillian Construction, Randy & Lori Davis (Grumpy's), Aaronville Community Residents: Alex Barnett, Jr., Eva Barnett, Steve Barnett; Mills Community: Jamie & William Scott, Hiwathia McGaster, Carrie L. Clark and Gloria Miner.

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

The Pledge of Allegiance was said.

Proclamation

[16-0142](#)

Proclamation: Honoring Ivan Jones on his 90th Birthday

Attachments: [IVAN JONES PROCLAMATION.pdf](#)

Mayor Koniar read the proclamation honoring Coach Ivan Jones on his 90th Birthday. There is a celebration birthday party being held at Wolf Bay Lodge where the Mayor will present the proclamation to Coach Jones later this evening.

Additions/Removals

Approval of the Minutes

[16-0111](#) Work Session Minutes of February 15, 2016.

Attachments: [02-15-2016 Work Session Minutes](#)

The Minutes were unanimously approved on motion by Councilwoman Quaites and seconded by Councilman Hellmich.

[16-0112](#) Council Meeting Minutes of February 15, 2016.

Attachments: [02-15-2016 Council Meeting Minutes](#)

The Council Meeting Minutes of February 15, 2016 were unanimously approved on motion by Councilman Ebert and seconded by Councilwoman Quaites.

Ordinances, Resolutions and Other Business

[16-0077](#) Request an adjustment to the cost of a new truck in the Sanitation Department

A motion was made by Council Member Quaites, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:

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

Abstain: 1 - President Trawick

Enactment No: 16-1047-RES

[16-0096](#) Request permission to buy a new front mount mower for the Street Department

Attachments: [city of foley 1575 and 72 deck njpa contract pricing](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1048-RES

[16-0097](#) Permission to purchase a new large tractor for the Street Department

Attachments: [city of foley 5100e quote njpa pricing contract](#)

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

Enactment No: 16-1049-RES

[16-0098](#)

Surplus Vehicle number 1059 in the Sanitation Department

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1050-RES

[16-0099](#)

Approval for the Gulf Coast Gospel Jubilee to be held Saturday, October 1, 2016 at Heritage Park

Attachments: [Gulf Coast Jubilee](#)

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

Enactment No: 16-1051-RES

[16-0102](#)

A resolution to rescind Resolution 15-2373-RES Establishing The Use Of Electronic Vote Counting Devices

Attachments: [Resolution 15-2373](#)

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

Enactment No: 16-1052-RES

[16-0103](#)

(Second Reading) A Resolution Establishing The Use Of Electronic Vote Counting Devices

Attachments: [Resolution 3393-08](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be approved on first reading. The motion carried by an unanimous vote.

Enactment No: 16-1062-RES

[16-0104](#)

Permission for Parks Dept. to purchase a new Trencher

Attachments: [Trencher Quote and Req to Trnsfr Dept Bdgt funds .pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1053-RES

[16-0107](#)

ABC License: 020- Restaurant Retail Liquor for RNR Sushi Foley LLC, applicant operating under the trade name Rock N Roll Sushi located at 2601 S McKenzie St. Suite 110.

Attachments: [ABC License Rock n Roll Sushi](#)
[Rock n Roll Sushi Map](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Agenda Item be approved. The motion carried by an unanimous vote.

16-0113

A resolution setting a public hearing to consider Planning Commission's recommendation to rezone property owned by Thomas Provost from PUD to AO

A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Resolution be adopted. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

Enactment No: 16-1054-RES

16-0114

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY THOMAS C. PROVOST FROM PUD - PLANNED UNIT DEVELOPMENT TO AO - AGRICULTURAL OPEN SPACE

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

A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Ordinance be approved on first reading. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

16-0115

Approval for the 2016 ACS South Baldwin Relay for Life to be held Saturday, April 30, 2016 at Heritage Park from 10:00 a.m. until 10:00 p.m.

Attachments: [20160223095025047](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that a Resolution approving American Cancer's Relay for Life fundraiser be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1055-RES

16-0116

Depository change for the City's Insurance Reserve Bank Account.

Attachments: [First Community Bank - Proposal](#)

A motion was made by Council Member Ebert, III, seconded by Council Member Quaites, that this Resolution be adopted. The motion carried by the

following vote:

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

Abstain: 1 - President Trawick

Enactment No: 16-1056-RES

[16-0118](#)

Parks Dept. requests permission to purchase a 72" JD 1575 Mower

Attachments: [JD Mower & Deck Quote.pdf](#)

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

Enactment No: 16-1057-RES

[16-0123](#)

Request to declare surplus and sell 2002 E-One International fire pumper

Attachments: [20160224113118816](#)

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

Enactment No: 16-1058-RES

[16-0124](#)

A Resolution Approving Change in The City's Insurance Provider for Employee Basic Life, Voluntary Life, AD&D, Short Term Disability and Long Term Disability Insurance Benefits for the Period Beginning April 1, 2016.

Attachments: [Quotes.pdf](#)
[Prudential Proposal.pdf](#)
[One America to Prudential Comparison Premium Anlysis.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1059-RES

[16-0126](#)

AN ORDINANCE REGULATING USE OF THE PUBLIC RIGHTS OF WAY IN THE CITY OF FOLEY

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

Enactment No: 16-2006-ORD

[16-0127](#)

A resolution to approve the McKenzie ASA Pro/AM contract for 2017-2021

Attachments: [ASA Pro-AM Agreement](#)

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

Enactment No: 16-1060-RES

16-0129

AN ORDINANCE CLARIFYING MUNICIPAL SERVICES BEING PROVIDED IN THE POLICE JURISDICTION

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

Enactment No: 16-2008-ORD

16-0140

Consider Randy Davis' request to add two tables with four chairs in front of Grumpy's eats and sweets

Attachments: [GRUMPYS SIDEWALK TABLE REQUEST.pdf](#)
 [Reports re GRUMPYS REQUEST 3-21-2016.pdf](#)

A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Resolution be adopted. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

Enactment No: 16-1061-RES

Mayor's Comments

Mayor Koniar reported the Dog Park is due to open this Saturday at 10:00 a.m. He asked if the Council would like to postpone it due to the weather forecast being 100% rain on Saturday and Sunday. After discussion there was a consensus to postpone the Dog Park grand opening until Saturday, March 19, 2016 at 10:00 a.m. There will be the Dedication of the new 5-Plex at 9:00 a.m., the Dog Park grand opening at 10:00 a.m. and then BBQ and Blues afterwards all on Saturday, March 19, 2016.

Visitor's Comments

Parish Lakes Subdivision:

Ms. Ward read a speech regarding the projects located on the east side of South Juniper Street as follows: They were assured they had nothing to worry about. The area would be made beautiful by landscaping and buffer zones. It sounded pretty good. Nothing could have prepared us for what we have had to endure to get to what some day is going to be a great and wonderful. Much more than a mere inconvenience, our health and damaged homes is the price

we are paying for this progress. When dirt became exposed and dry we began having issues with dust, often, very often. We could not sit on our patios, work in our yards, take a walk, and our cars are always covered in dust but by far the most pressing issue has become what is all this dust going to do to our health. I have made available to each one of you this "EPA Report" (Exhibit A). I hope you take a moment to look at what I have highlighted. It concerns the health effects of a particulate matter dispensed into the air. I printed off this EPA Report, the particulate matter form as it pertains to our health. In the upper left hand corner you will notice the date April 24, 2015. (City Clerk noticed at almost at the bottom of the page..."Last updated on 5/6/2014") We had just had a huge dust storm. It came from the exposed dirt, equipment moving about, no water trucks and high winds. On February 15, 2016 we had another huge dust storm caused by the very same situation as before. The dust blanketed the entire subdivision. You could not see your neighbor's house, you could not breathe. If you went outside much less you couldn't see. The dust continued unchecked all day and this has become a fairly common occurrence. The dust is blown in every direction; across our homes, entering our homes, and taking in with each breath we breathe. Every child, every sick person, and some of those individuals have cancer, every elderly person, every resident is exposed. Immediately following the dust storm of February 15th the dust resulted in increased respiratory problems with some of our homeowners seeking medical attention. The brick I refer to is our underlayment, I think there is another term that describes it, is covered in red-orange dust. Our patios; all our outside furniture; window screens, which cannot be cleaned; driveways, which must be pressure washed; everything must be pressure washed; automobiles, anything left outside, items in our garage; every time you open the door it sucks the orange dust in on everything; our landscaping; I grow herbs (I can no longer use herbs because they are orange); it is all covered with thick layers of orange dust. Opening a door only tends to suck the dust inside and deposits on your carpets, furniture. Our pets go outside and if they go into the grass they walk in and if they have little white feet they no longer have white feet they are orange. Individuals with swimming pools, such as the Wilsons on Tammany Court and the Colemans on Parish Lakes Drive as were every pool in our community were turned into giant mud puddles. We were left with the unbelievable consequence of this instance and that will and has been and continues to be the monumental task of cleaning up this horrible mess. We feel the price paid for progress has been too much for far too long and fella how about those lights. They are not an exactly pretty sight from our patios. We no longer can sleep beyond 6:30 a.m. because at 6:30 a.m. these workers start; the dump trucks and all the beeping of the equipment. So I ask you in the future will we be able to watch our television or go to bed early because of the noise? Have you promised no damage is being done to our homes when the packing machinery goes by our homes and it causes, literally, the vibration of the dishes in our cabinets. Not only that it rattles the windows and rattles the doors and our pictures literally move on the walls back and forth. You said the soccer fields will be finished in May. What about the other projects? Water trucks have only been used rarely. What happened to the wetlands that were not to be touched? The land has been stripped behind many of the homes and now there are huge mounds of dirt. I respectfully look at each one of you and say, what are we going to do?

Mr. Carl Synder, 685 Parish Lakes Drive, Parish Lakes Subdivision - On behalf of the residents at Parish Lakes Subdivision Mr. Synder presented a Demand Petition to the Mayor and Council in hopes that they would consider and

respond to them in-kind. (Exhibit B) Mr. Snyder read the Demand Petition as attached.

Kurt Phillips, who resides at 2081 Bourbon Street in Parish Lakes subdivision reported one of the contractors working on the construction of the ball fields/Blue Collar project lives in Parish Lakes subdivision as well and he told Mr. Phillips they are going to let mother nature take care of all the dust.

Council Member Hellmich reported that Council takes all complaints seriously and they will work hard to get this issue resolved.

Foley Housing Authority:

Alec Barnett, who was representing the Foley Housing Authority residents reported the residents are living with mold and mildew. He reported the rent increases without any benefits to the housing units. He also reported the board members that are appointed by the City of Foley are doing nothing to help the residents and the Foley Housing Authority Director Cindy Hamrick does not communicate with the residents. Mr. Barnett asked the Council to do something to help.

Council President Trawick reported the Foley Housing Authority is a federal government agency not a City agency. The City appoints members to the Foley Housing Authority Board and once they are appointed, the City has no further authority or control over them. When a board member's term expires, they can be reappointed if they are willing to serve another term or decline reappointment. Council only receives information that a member is willing to serve another term or not. If Council does not receive any information, they assume the members are doing a good job.

Mr. Barnett asked who can the residents complain to because if they complain to the Director, they fear they will be evicted from their homes. Council Member Ebert, III reported complaints can be made to the Housing Urban Development (HUD). Council Member Hellmich reported the Foley Housing Authority is the Housing Authority for all of Baldwin County. He also reported the Housing Urban Development (HUD) is the proper place to make complaints and Council will pass on the complaints to the Foley Housing Authority Board and to the Housing Urban Development.

Steve Barnett, who resides in Aaronville reported he worked for the Foley Housing Authority for five years until a few weeks ago. He reported that residents have made complaints to the Housing Urban Development and they were told to talk to Ms. Hamrick. He also reported there have been serious ethics violations within the board and Ms. Hamrick lied to the news media about the conditions of the housing units. He reported units do not get maintained because Ms. Hamrick reports there are no funds but she has her offices remodeled. President Trawick reported that staff will get the proper contact information for residents to make their complaints. City Administrator Mike Thompson reported the City welcomes any recommendations for people to be appointed to the Foley Housing Authority Board. Alec Barnett reported he would like to serve on the Board.

Council Member Quaites asked if residents have met with the Board to discuss their complaints. Mr. Barnett reported the Board will not meet with them.

Council Member Ebert, III reported the City could get an inspector to look at the facilities and that the residents must disclose every issue with the units.

Local 15 News reporter Bethany Anderson reported on March 2, 2016 she interviewed Director Cindy Hamrick. Ms. Hamrick stated she is unaware of any problems or complaints with the housing units and if there were any issues, there are outside sources that can fix them. Ms. Anderson reported within ten minutes she went inside some of the units and they were in deplorable living conditions. Ms. Anderson stated, "I wanted it known that Ms. Hamrick was asked on camera about the conditions of the units and she lied." Ms. Anderson reported she would be happy to handover the news video of the housing units to the residents.

Grumpy's Eats and Sweets Restaurant:

Randy Davis, who resides at 214 W. Rose Avenue, Foley reported he would like to place a few tables and chairs on the sidewalk outside of his restaurant Grumpy's Eats and Sweets located at 2014 E. Laurel Avenue, Foley. There was a consensus to adopt a resolution to allow Grumpy's Eats and Sweets to place tables and chairs on the sidewalk outside of the restaurant.

Mills Neighborhood:

Bertha Gibbs, who resides at 13418 Rooster Lane, Foley reported on February 27, 2016 a white Dodge Ram truck was speeding through the neighborhood and ran over cinder blocks in her yard and ran over her neighbor's mailbox and left debris from his truck in her yard. She reported she and other neighbors called the police and they arrived two hours later. She reported speed bumps need to be installed in her neighborhood to protect property and children who play outside. She also reported that garbage cans get too full since they are only picked up once a week. She reported that tree limbs and mattresses that are put out to be picked up does not get picked up for weeks at a time. President Trawick reported that she needs to call Public Works to get tree limbs and mattresses picked up. He also reported if there is extra garbage, she can call public Works and they will do an extra pick up, but if it is an every week occurrence, she will need an extra garbage can, which will cost an additional fee. Police Chief David Wilson recommended to put speed bumps in the neighborhood. President Trawick reported City Engineer Chad Christian will look into putting speed bumps down on the Police Chief's recommendation.

Executive Session

President Trawick there is a need for an Executive Session to discuss the consideration of the purchase, sale, exchange, lease or market value of real property; to discuss preliminary negotiations involving matters of trade or commerce in which the City of Foley is in competition with private individuals or entities or other government bodies in Alabama and to discuss with certain aspects of pending litigation or controversies that may lead to litigation.

City Administrator Mike Thompson reported the Executive Session will last approximately 45 minutes and there is no need for Council to return for a vote.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Charles Ebert, III.

City Administrator Mike Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, aye and Council member Ebert, III, aye. Of those present, the vote was unanimous to go into Executive Session.

The Council meeting was recessed at 7:03 p.m.

Reconvened

President Trawick called the meeting to order at 8:01 p.m. All Council Members were present with the exception of Council Member Blackwell. Also present: Mayor Koniar, City Administrator Mike Thompson. At this point President Trawick announced there was no further business to conduct.

Adjourn

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

The meeting adjourned at 8:02 p.m.