



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, April 6, 2015

5:30 PM

Council Chambers

Council Meeting

Call to Order

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

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, David Wilson, Joey Darby, Jeff Rouzie, John Jackson, Herman Doster, Mrs. Doster, Sal Muccio, Niki Whitaker, Sandy Helmstadter, Kent Cockson and press representative Jay Sowers (Onlooker).

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

Mayor's Presentation

[15-0189](#)

Proclamation: Earth Day

Attachments: [Earth Day Proclamation](#)

Mayor Koniar present the Earth Day Mobile Bay proclamation to Sandy Helmstadter.

[15-0190](#)

Proclamation: Confederate History Month

Attachments: [Confederate History Month](#)

Mayor Koniar presented the Confederate History Month proclamation to Herman Doster.

[15-0200](#)

Proclamation: Child Abuse Prevention Month

Attachments: [Child Abuse Prevention Month](#)

Mayor Koniar presented Executive Director Niki Whitaker of Care House, Inc. with a Child Abuse Prevention Month proclamation. Ms. Whitaker thanked the City for its continuing support and partnership. Because of Foley's support, Care House, Inc. is able to take more child abuse preventative measures as well as intervention work. Mayor Koniar stated that it is unfortunate that this type of work is needed. Ms. Whitaker added that raising awareness will help and she handed out Child Abuse Prevention lapel pins to the Mayor and Council.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 15-0231 to the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

[15-0198](#) Work Session Minutes of March 16, 2015.

Attachments: [3-16-15 WS Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of March 16, 2015. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[15-0197](#) Council Meeting Minutes of March 16, 2015.

Attachments: [3-16-2015 Council Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of March 16, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

[15-0109](#) **AN ORDINANCE APPROVING THE CONVEYANCE BY THE CITY OF
FOLEY, ALABAMA, OF REAL PROPERTY NOT NEEDED FOR PUBLIC OR
MUNICIPAL PURPOSES**

Attachments: [1 Purchase Agreement Draft01-30-2015.PDF](#)
[2 Easement Agreement Draft 01-29-2015.PDF](#)
[3 Foley Wolf Bay Vendor's Lien Deed \(Draft 2 6 15\).pdf](#)
[4 Foley Wolf Bay Note Guaranty Draft 2 9 15 \(1\).pdf](#)
[ACFrOgAG3NyDmKcYBvDfuOOcgRIkyvMRa48bdz7rsZ1_q9Ew52O](#)
[IUQ2Ktgjm5d84mEr4spU3c_NxVGypXzoBSMKL2v-e4YdT4Wulf8j4](#)
[kfOIJ_Vo9JOUyfuyGonIG50=.pdf](#)
[Wolf Bay Lodge Sale Compared To Lease.ppt](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the conveyance by the City of Foley, Alabama, of real property not needed for public or municipal purposes. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-1006-ORD

[15-0188](#)

Consider Resolution Approving a Proxy Vote or Appoint a Council Representative to attend AMIC's Annual Business Meeting May 16, 2015

Attachments: [AMIC Memorandum](#)

A motion was made by Council Member Ralph Hellmich to appoint Steve E. Wells, President of AMIC to transact such business as may come before the AMIC meeting on Saturday, May 16, 2015 at 1:00 p.m. and to vote to elect Mayor G. Richard Long of Jackson to the Board of Directors, with the term expiring in 2019. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2103-RES

[15-0191](#)

Street Light Request for 1204 South Juniper Street

Attachments: [Aerial - 1204 S. Juniper St. Light](#)

A motion was made by Council Member Rick Blackwell to approve installing one (1) street light on Riviera Utilities' pole no. 74 for an annual cost of \$73.20. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2104

[15-0194](#)

Ordinance: Consent for Directional Wayfinding Sign Placement

Attachments: [Directional Wayfinding Sign - Vulcan Quote & Sign](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving directional wayfinding signs placement to direct truck traffic to UTC Aerospace. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0195](#)

Change Order No. 1 for Balancing Final Quantities for the Alley Drainage Improvements Project

Attachments: [Alley Drainage Imps - Closeout](#)

A motion was made by Council Member Ralph Hellmich to approve Change Order No. 1 in the amount of \$224.80 to reflect additional work items for the Alley Drainage Improvements project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2105-RES

[15-0196](#)

ALDOT Advertising Sign Permit Application

Attachments: [ALDOT Permit & Sign](#)

A motion was made by Council Member Charles Ebert III to authorize the City Engineer to submit an advertising sign permit application to ALDOT for a directional wayfinding sign to be located along Alabama Highway 59 at CR 24/Underwood Road; to appropriate \$25.00 for an initial permit fee to be paid to ALDOT and to appropriate \$10.00 to be paid annually to ALDOT for the directional wayfinding sign. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2106-RES

[15-0201](#)

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

Attachments: [Thomas Provost Recommendation](#)

A motion was made by Council Member Hellmich to set a public hearing to consider Planning Commission's recommendation for re-zoning property owned by Thomas Provost from PUD, Planned Unit Development to AO, Agriculture Open Space/Agricultural Use. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles 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: 15-2107-RES

[15-0202](#)

A resolution setting a public hearing to consider Planning Commission's recommendation for Initial Zoning for property owned by MTSC Land Development

Attachments: [INT ZONING RECOMMEND \(2\)](#)
 [MTSC Rezone Display Ad \(1\)](#)

A motion was made by Council Member Vera Quaites to set a public hearing to consider Planning Commission's recommendation of R-3 (Residential

Multi-Family) for 20+/- acres being annexed into the corporate limits for property owned by MTSC Land Development, located south of County Road 20 and east of Bethany Drive. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2108-RES

15-0203

Funding Increase for Finance Division Office

Attachments: [McCollough Invoice](#)

A motion was made by Council Member Rick Blackwell to memorialize McCollough Architecture's invoice in the amount of \$500.00 for the office addition in the Finance Division. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2109-RES

15-0204

Sports Tourism Request to Transfer Funds

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$1400.00 from Account No. 01-628-1011 Overtime to Account No. 01-628-1015 Part-time to hire a 2015 summer intern for the Foley Sports Tourism Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2110-RES

15-0206

Request to Proceed with Airport Drainage Project Design and Repair

Attachments: [FAA Airport Project Funding Notice.pdf](#)
 [Airport Drainage Study Results.pdf](#)

President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Ebert III to approve proceeding with the complete project for \$452,580 plus \$9,052 (2% contingency) for up to \$461,632 that is eligible for 90% FAA fund of \$415,469; to approve use of this year's FAA appropriation of \$160,705 and to earmark future year appropriations to satisfy the \$254,764 grant eligible balance and to appropriate \$160,705 to Revenue account 12-5827 and up to \$461,632 Airport Drainage Improvement project account 12-665-7359 R25 VLKSA for the Foley Municipal Airport drainage design and repair project. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles 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: 15-2111-RES

[15-0207](#)

A resolution to amend Resolution 14-0537 a resolution to create a Sports Commission Advisory Board

Attachments: [14-0537 RES](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0537 a resolution to create a Sports Commission Advisory Board to include more members for a total of twenty (20) board members. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2112-RES

[15-0208](#)

Request to memorialize application for the Alabama Public Library Service FY2016 LSTA grant

Attachments: [LSTA Notice of Intent 2014](#)

A motion was made by Council Member Ralph Hellmich to memorialize the Foley Public Library's Alabama Public Library Service FY 2016 LSTA grant application and to approve the \$1,250 (25%) match. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2113-RES

[15-0210](#)

A Resolution Approving a Transfer of Funds to Coastal Alabama Farmers and Fishermans Market, Inc.

A motion was made by Council Member Rick Blackwell to approve reducing the budget for expense account 01-627-8145 (Economic Development Expense) and to increase the budget for transfers out of account 01-680-0183 (Transfers to CAFFM, Inc.) in the amount of \$2,189.00 and to approve the payment of \$2,189.00 to CAFFM to pay for the work to be performed, increasing transfers in account 60-5900 (Transfers from General Fund) and increasing expense account 60-600-4060 (Market Area Building & Grounds Maint). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2114-RES

[15-0211](#)

Subdivision Regulation Amendments

Attachments: [Subdivision Regulations red line 2015_18_3.pdf](#)
 [Subdivision Regulations 2015_18_3.pdf](#)

A motion was made by Council Member Ralph Hellmich to adopt the City of Foley, Alabama Subdivision Regulations as adopted by the Planning Commission on March 18, 2015 and submitted by the Planning Commission to be made a part of the resolution, which is attached to the minutes as backup in its entirety. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2115-RES

[15-0212](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY OTP Associates Gulf Shores LP FROM B1A, Extended Business District TO PUD, Planned Unit Development.

Attachments: [OTP Backup for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to rezone property owned by OTP Associates Gulf Shores LP from B1A, Extended Business District TO PUD, Planned Unit Development. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0213](#)

Enter into a five-year contract with Volkert, Inc. to provide Professional Services for the Foley Municipal Airport

Attachments: [Owner Consultant Contract - Draft.pdf](#)

President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Ebert III to approve entering into a new five-year contract with Volkert, Inc. to provide professional services on assignment for the Foley Municipal Airport. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles 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: 15-2116-RES

[15-0214](#)

A resolution for the use of either the Five Plex or the Horse Arena for the Bay Area Retriever Club "Hunt Test" event.

Attachments: [Bay Area Hunting.tif](#)

A motion was made by Council Member Rick Blackwell to permit the use of either the Five Plex or Horse Arena as requested by the Bay Area Retriever Club for their hunt test event on May 9 & 10, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2117-RES

[15-0215](#)

Amending Ordinance 1143-10 to include off-leash activities.

Attachments: [1143-10 Vicious Dog Ordinance \(amended draft\)](#)

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance amending Ordinance 1143-10 to include off-leash activities. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0216](#)

Approve Additional Funds for the FAA to Commission Runway 36 PAPI

President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Blackwell to appropriate additional funds in the amount of \$3,252.93 which will be reimbursed to the City by the

contractor and to authorize the Mayor to sign an amendment to the original agreement with the FAA in order to complete this project. 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; Council Member Rick Blackwell, aye and Council Member Charles 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: 15-2118-RES

[15-0217](#)

Request an adjustment to the cost of a John Deere mower

Attachments: [city of foley quote redone correct amounts and old po](#)
[Previous quote from John Deere](#)

A motion was made by Council Member Rick Blackwell to approve the new purchase price of \$31,547.51 for a John Deere 1545 mower, which is budgeted for \$35,000 for which no budget adjustment is required due to other capital items coming in under their budgeted amount. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2119-RES

[15-0219](#)

An ordinance adopting the 2012 International Building (ICC) Codes and Supplemental Provisions. This Ordinance is too large for Legistar to print. The Ordinance is attached in its entirety as Exhibit A.

Attachments: [2012 Code Ordinance](#)
[2012 Code Ordinance Work Copy](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance adopting the 2012 International Building (ICC) Codes and Supplemental Provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0220](#)

GCNP New Roadway to Wolf Bay Drive

Attachments: [GCNP New Rdwy - HMR Proposal](#)
[GCNP New Rdwy - GeoCon Proposal](#)

A motion was made by Council Member Ralph Hellmich to approve Hutchinson, Moore & Rauch, LLC's survey proposal and GeoCon's geotechnical services proposal; to approve direct owner purchase of materials for the new roadway and to appropriate \$350,000 for total project costs for the Graham Creek Nature Preserve roadway to Wolf Bay Drive. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2120-RES

[15-0221](#)

Declaring Surplus Deputy Chief Randy Bishop's Badge and Service Weapon

A motion was made by Council Member Ralph Hellmich to declare Deputy Police Chief Randy Bishop's badge and service weapon as surplus and to authorize these items to be given to Deputy Chief Randy Bishop upon his retirement from the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2121-RES

[15-0222](#)

Transfer of IT Funds

A motion was made by Council Member Vera Quaites to transfer \$3,615 from the IT small tools account to IT dues and subscriptions account. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2122-RES

[15-0223](#)

Authorizing the City of Foley to recognize and include same-sex spouses in the City's self-funded group health insurance plan.

A motion was made by Council Member Ralph Hellmich to authorize the City of Foley to recognize and include same-sex spouses in the City's self-funded group health insurance plan contingent upon those employees wishing to add same-sex spouses to the health insurance plan present proof of marriage in the form of an official marriage license to be eligible for coverage. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2123-RES

[15-0224](#)

Graham Creek Nature Preserve Interpretive Center Bid Award

Attachments: [Bid Tab - Interpretive Center.pdf](#)

[Award Recommendation - Interpretive Center.pdf](#)

President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Quaites to accept the lowest responsible bid submitted by Youngblood-Barrett Construction and Engineering LLC in the amount of \$1,250,000 contingent upon the ability to reduce the cost of the project by 10% or \$125,000.00 after performing a value engineering evaluation; to appropriate an additional \$125,000 to account 12-665-7342 R18 CONST and to approve using proceeds of the 2014 General Obligation Bonds for this project if the listed conditions are met. 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; Council Member Rick Blackwell, aye and Council Member Charles 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 Quaite, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 15-2124-RES

[15-0226](#)

Acceptance of Easements and Appropriating Construction Funding for Graham Creek Estates Drainage Improvements

Attachments: [GCE - Construction Cost](#)

A motion was made by Council Member Ralph Hellmich to approve accepting and legally acquiring for perpetuity three permanent drainage easements between Lots 7 and 8, Lots 9 and 10, and Lots 15 and 16 from Graham Creek Estates Unit 1 Owner's Association, Inc. and legally acquire and accept acknowledgement and access to the permanent easements and temporary easements from the respective owners of each lot and to appropriate \$181,500.00 for construction costs associated with the Graham Creek Estates Drainage Improvements project. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 15-2125-RES

[15-0227](#)

Graham Creek Estates Amended Engineering Agreement

Attachments: [GCE - Sawgrass Amended Agreement](#)
[Res. 14-0146 - GCE Drainage Sawgrass Proposal](#)

A motion was made by Council Member Vera Quaite to approve amending Resolution No. 14-0146 to reflect a total contract amount of \$37,530.00 with Sawgrass, LLC. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2126-RES

[15-0229](#)

Proposal to retain Axia Creative for assistance with gateway signs

Attachments: [City of Foley Gateway Proposal](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$5,000 from account 01-625-5210- to account 01-625-3020 for the purpose of retaining Axia Creative for technical assistance with new gateway signage, to be located on Hwy. 59 at the north and south city limits and also on the Foley Beach Express at the north and south city limits. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2127-RES

[15-0230](#)

A Resolution Transferring Funds to Create a Uniform Account for the Marketing Dept.

A motion was made by Council Member Ralph Hellmich to approve the transfer of funds within the Marketing Department budget to create a uniform account to be used to purchase shirts with the city logo for welcome center employees, who may also work at the city kiosk located at the Tanger Outlet Mall. The

motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2128-RES

[15-0231](#)

A Resolution to move Forrest Mixon from an alternate member and to appoint one regular member and one alternate member to the Personnel Actions Committee.

Attachments: [Personnel Actions Committee](#)

A motion was made by Council Member Ralph Hellmich to approve moving Forrest Mixon from an Alternate member to a regular member and to appoint Perry Wilbourne to the Personnel Actions Committee beginning April 7, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2129-RES

Mayor's Comments

None to report.

Visitor's Comments

None to report.

Executive Session

City Administrator Mike Thompson reported that Economic Development Director Jeff Rouzie has requested an Executive Session for the purpose of discussing preliminary negotiations for trade or commerce. Mr. Thompson reported the Executive Session will take approximately 30 minutes and that the Council will not return to take a vote.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Rick Blackwell. Mr. Thompson took the following roll call vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote was unanimous to go into Executive Session.

The Council recessed at 6:07 p.m. to go into Executive Session.

The Council reconvened at 6:39 p.m.

Hearing no further comments, the adjourned at 6:40 p.m.

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 6:40 p.m.