



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, April 20, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0237](#)

Public hearing to consider the passage of an ordinance approving the conveyance by the City of Foley, Alabama, of real property not needed for public or municipal purposes.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the passage of an ordinance approving the conveyance by the City of Foley, Alabama, of real property not needed for public or municipal purposes. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0239](#)

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

President Trawick opened the public hearing at 5:31 p.m. to consider Planning Commission's recommendation to rezone property owned by Thomas Provost from PUD to AO. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0240](#)

A public hearing to consider passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley owned by MTSC Land Development.

President Trawick opened the public hearing at 5:32 p.m. to consider passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley owned by MTSC Land Development. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:33 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, Miriam Boutwell, Joey Darby, David Wilson, Jeff Rouzie, LaDonna Hinesley, Craig Miller, Janley Miarka, Karen Conner, Joseph Conner, Jack Godwin, Kim Heard, John Williams, Brenda McGaster and press representative Tammy Leytham (Gulf Coast Media).

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

[15-0261](#)

Proclamation: National Safe Boating Week

Attachments: [National Safe Boating Week](#)

Mayor Koniar presented the National Safe Boating Week proclamation to Joseph Conner and Jack Godwin. Mr. Godwin reported that most people do not realize how large fines are for children not wearing life jackets while on the water. The fines are \$5,000 and up to six (6) years imprisonment for endangering a child's life.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 15-0253, 15-0268 and 15-0269 to the agenda and to remove item 15-0250. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of the Minutes

[15-0264](#)

Work Session Minutes of April 6, 2015.

Attachments: [4-6-15 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of April 6, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0233](#)

Council Meeting Minutes of April 6, 2015.

Attachments: [4-06-15 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaite to approve the Council Meeting Minutes of April 6, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Audit the Accounts

[15-0265](#) Audit the accounts of March, 2015.

A motion was made by Council Member Ralph Hellmich to approval auditing the accounts of March, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Reports

[15-0259](#) March 2015 Bid Activity

Attachments: [March 2015.pdf](#)

The March 2015 Bid Report is attached as backup to the minutes.

[15-0260](#) March 2015 Sales, Lodging and Rental Tax Reports

Attachments: [20150414155247748.pdf](#)

City Administrator Mike Thompson reported that March 2015 sales tax is up by 9.5% for the month and up 8.2% year-to-date. Lodging tax is up 22.5% for the month and up 30.3% year-to-date. Rental tax is down 6% for the month and down 6.7% year-to-date.

[15-0252](#) Marketing Quarterly Report - Jan, Feb and March 2015
See attachments for details.

Attachments: [Visitor Center Status Oct 12014 - Mar 2015](#)
 [Marketing Quarterly Report](#)

Marketing Director LaDonna Hinesley gave a synopsis of the Marketing Quarterly Report, which is attached as backup to the minutes.

[15-0245](#) March 2015 CDD Report

Attachments: [March CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the March 2015 CDD Report, which is attached as backup to the minutes.

[15-0255](#)

Fire Department Monthly Report March 2015

Attachments: [Council March 15 4-15](#)

Fire Chief Joey Darby gave a synopsis of the March 2015 Fire Department Report, which is attached as backup to the minutes. He reported there were two (2) structure fires, one being a residential fire on Cross Lane at a tri-plex apartment building. The fire appeared to be suspicious and the State Fire Marshall is investigating the fire as a possible arson. The residents were displaced. The other fire was at a mobile home on Brewer Road that is believed to have been caused by electrical wiring in the wall. The fire was extinguished quickly and the residents were not displaced. He also reported the additional Fire Inspector began April 7, 2015.

[15-0258](#)

March 2015 Foley PD Monthly Report

Attachments: [20150413153704373](#)

Police Chief David Wilson gave a synopsis of the March, 2015 Police Department report, which is attached as backup to the minutes. He also reported there were two drug raids in the City and the Department will always keep up their efforts against drug dealers to keep them on the run out of the City. The Department also started a new program that is becoming popular with the kids and parents throughout the City called the Sports Liaison Officer Program. Patrol Officers look for opportunities to get out into the neighborhoods and play sports with the children of all ages. The officers report how many kids they make contact with and their ages. It is a good program that is promoting relationship building and mentoring.

Councilman Hellmich asked how long it takes for a broken down vehicle that has been tagged by police to be removed. Captain Bullock reported that it will be removed immediately if it is a road hazard; 48 hours if it is on the right-of-ways and five days if it is on private property.

Ordinances, Resolutions, and Other Business

[15-0020](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (MTSC Land Development)

Attachments: [Annexation Petition](#)
[Proposed Annexation Map](#)
[MTSC Annexation.1.9.15 Environmental Report.pdf](#)
[Annexation Report for Mayor and Council MTSC.pdf](#)
[MTSC VALUATIONS.pdf](#)
[INT ZONING RECOMMEND \(2\)](#)
[MTSC Rezone Display Ad \(1\)](#)

A motion was made by Council Member Ralph Hellmich to approve the petition for annexation and to bring property into the corporate limits of the City of Foley owned by MTSC Land Development. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-1005-ORD

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_q9Ew52OIUQ2Ktqjm5d84mEr4spU3c_NxVGypXzoBSMKL2v-e4YdT4Wulf8j4kfOIJ_Vo9JOUyfuyGonIG50=.pdf](#)
[Wolf Bay Lodge Sale Compared To Lease.ppt](#)

A motion was made by Council Member Charles Ebert III to approve conveying of real property that is being leased to Wolf Bay Lodge not needed for public or municipal purposes. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-1006-ORD

15-0165

Thomas Provost Rezoning Ordinance

Attachments: [Recommendation Letter & Doc Thomas Provost.pdf](#)

A motion was made by Council Member Blackwell approve Planning Commission's recommendation to rezone 20+/- acres from PUD (Planned Unit Development) to AO (Agricultural Open Space) owned by Thomas Provost. The property is located east of Bodenhamer Road and south of Breckner Road. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Vera Quaites, aye; Council member Ralph Hellmich, aye; President Trawick, aye; Council member Rick Blackwell, aye and 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: 15-1007-ORD

[15-0205](#)

Authorizes FY2015 ADECA CDBG Application For Sewer Rehabilitation

A motion was made by Council Member Ralph Hellmich to authorize Riviera Utilities and Grant Management, LLC to move forward with preparing a FY15 CDBG application to request funding from ADECA to address City sewer rehabilitation needs. Riviera Utilities will be responsible for any required matching funds and the long-term operation and maintenance of the improved facilities and will bring the project back before the Council for final consideration once cost estimates are finalized. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2130-RES

[15-0234](#)

Transfer funds to retain temporary position with the Environmental Division

A motion was made by Council Member Charles Ebert III to approve personnel request and to transfer funds in the amount of \$4746 from 01-620-8151 and \$2508 from 01-615-7040 to the following personnel accounts: Part Time Salaries 01-615-1015 - \$6567; Payroll Tax 01-615-1030 - \$502; Workers Comp 01-615-1160 - \$185. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2131-RES

[15-0235](#)

Adoption of the Graham Creek Nature Preserve Master Plan

Attachments: [Graham Creek Nature Preserve Master Plan 2.27.15 \(1\)](#)

President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Blackwell to adopt the Graham Creek Nature Preserve Master Plan as a guidance document, which is attached as backup to the minutes. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Vera Quaites, aye; Council member Ralph Hellmich, aye; President Trawick, abstained; Council member Rick Blackwell, aye and 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: 15-2132-RES

[15-0236](#)

Request to Partner with Mobile Bay National Estuary Program on the Bon Secour River Watershed Management Plan

Attachments: [Scope of Services Bon Secour](#)

A motion was made by Council Member Ralph Hellmich to approve the City serving as the project manager for the Mobile Bay National Estuary Program for the development of a comprehensive watershed management plan for the Bon Secour River. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2133-RES

[15-0238](#)

A resolution to approve the locations of the directional wayfind signs on the Foley Beach Express as defined by the Economic Development Director.

Attachments: [Directional Wayfinding Signs](#)

A motion was made by Council Member Charles Ebert III to approve the locations of the directional wayfind signs on the Foley Beach Express as defined by the Economic Development Director. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2134-RES

[15-0241](#)

A resolution setting a public hearing to consider passage of an 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: [Planning Commission Recommendation- OTP](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider Planning Commission's recommendation to rezone property consisting of 35+/- acres owned by OTP Associates Gulf Shores LP from B1A, Extended Business District to PUD, Planned Unit Development. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2135-RES

[15-0242](#)

A resolution setting a public hearing to consider passage of an ordinance amending Ordinance No. 1143-10 Vicious Dog Ordinance.

A motion was made by Council Member Rick Blackwell to set a public hearing to consider passage of an ordinance amending Ordinance No. 1143-10 Vicious Dog Ordinance to include off-leash activities. The motion seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2136-RES

[15-0243](#)

A resolution setting a public hearing to consider passage of an ordinance adopting the 2012 International Building (ICC) Codes and Supplemental Provisions.

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider passage of an ordinance adopting the 2012 International Building (ICC) Codes and Supplemental Provisions. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2137-RES

[15-0244](#)

Approval of the Kids Park playground assessment invoice.

Attachments: [Foley Assessment Inv 4-9-15](#)

A motion was made by Council Member Charles Ebert III to appropriate \$1300 for a site assessment under Consultant Account 01-620-3020 to make an assessment of the Foley Kid's Park. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2138-RES

[15-0246](#)

Appropriation of Funds for Drainage Improvements

Attachments: [Aerial - N. Oak & W. Berry](#)
 [Aerial - W. Orange Alley](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$19,000.00 for drainage improvement projects, with an estimated cost of \$6,000.00 for the alley north of West Orange Avenue at South Cedar Street, and an estimated cost of \$13,000.00 for North Oak Street and West Berry Avenue. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2139-RES

[15-0247](#)

UTC Sign on CR 24

Attachments: [Aerial of CR 24 Sign Location](#)
 [UTC Sign for CR 24 - Vulcan Quote](#)
 [UTC Sign for CR 24](#)

A motion was made by Council Member Rick Blackwell to appropriate \$175.00 to purchase wayfinding sign to be installed by Baldwin County Highway Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2140-RES

[15-0248](#)

School Zone Speed Limit Sign for Cedar Street at US 98

Attachments: [School Zone Speed Limit Sign - Drawing](#)
 [School Zone Speed Limit Sign - Vulcan Quote](#)
 [School Zone Speed Limit Sign & Xwalk Sign - Aerial](#)

A motion was made by Council Member Charles Ebert III to approve the installation and purchase of one (1) school zone speed limit sign and two (2)

crosswalk signs in the amount of \$219.88. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2141-RES

[15-0250](#)

Approval of 011-Lounge Retail Liquor- Class II (Package) ABC License for Peddlers Package

Attachments: [Peddlers Package ABC License Application](#)
[ABC_License Peddlers Package Map](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda until the applicant obtains the proper building permits as recommended by Fire Chief Joey Darby. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[15-0266](#)

A resolution to amend Resolution 15-2119 Request an adjustment to the cost of a John Deere mower.

Attachments: [15-2119 RES](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 15-2119 to reflect the correct cost of \$31, 547.51 for the John Deere mower instead of \$37,352.37 as stated in Resolution 15-2119. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2142-RES

[15-0267](#)

Consider donation of 8' strip of land along Sunflower Avenue

Attachments: [2330-04 RES.pdf](#)
[761 SO MCKENZIE LLC LETTER OF DONATION.pdf](#)
[761 SO MCKENZIE LLC DEED TO COF.pdf](#)
[761 SO MCKENZIE LLD PLAT.pdf](#)
[761 SO MCKENZIE LLC WARRANTY DEED.pdf](#)
[OPERATING AGREEMENT 761 SO MCKENZIE LLC.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the donation of 8' strip of land along Sunflower Avenue. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2143-RES

[15-0253](#)

Foley Beach Express Wingwall Repair

A motion was made by Council Member Ralph Hellmich to approve \$35,000.00 for materials and equipment rental for the Foley Beach Express wingwall repair to be performed by City forces. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2144-RES

[15-0268](#)

Approves the placement of a yield sign in Meadow Run Estates.

A motion was made by Council Member Ralph Hellmich to approve the placement of a yield sign in Meadow Run Estates. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2145-RES

[15-0269](#)

Aaronville Speed Bumps

A motion was made by Council Member Charles Ebert III to approve the placement of six (6) speed bumps in Aaronville. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2146-RES

Mayor's Comments

None to report.

Visitor's Comments

Craig Miller of 8040 Lockridge Road, Foley addressed the City Council with his concerns of multiple police vehicles being intimidatating to the children present at an Easter egg hunt at the Aaronville Park. He also reported that the City's growth is bringing outsiders into the communities and there is a divide between the community and law enforcement. He further reported it will take some cooperation from both sides to bring the communities and law enforcement together. President Trawick reported that the best thing to do is to invite police to the events that are held and the police will come and speak with and inter-mingle with those in attendance. Mr. Miller reported that it would be better to see the officers in person instead of just police vehicles.

Brenda McGaster of 411 South Pecan Street addressed the City Council with her concerns that some of Beulah Heights Park's playground equipment needs to be repainted. She also reported that there are no doors on the bathroom stalls. Councilman Ebert asked how the new playground equipment is working out. Ms. McGaster reported the new playground equipment is nice but the older equipment has chipping paint and they need to be repainted. City Administrator Mike Thompson reported that some of the older equipment may be moved out of the park if they no longer meet safety standards. The City's Parks Department is currently looking into it and that may be why the older equipment has not yet been repainted. Ms. McGaster reported that the park in Aaronville needs some lights so the kids can play basketball when it gets dark outside. Councilman Hellmich reported there are a few different things that will be taking place at some of the parks, one of which will be the installation of grills so people can cook at the parks. Councilman Ebert asked what was going on at the Aaronville park last Sunday because there were a lot of people and vehicles there. Ms. McGaster reported that there was a community gathering at the park. Police Chief Wilson reported he likes to see the community gatherings but there were flyers on poles throughout the City advertising a "Thug Fest" that was bringing people to Foley from as far away as Atmore with the intent to turn it into a street party and that is why there were police vehicles present at the Easter egg hunt that Mr. Miller referred to. Ms. McGaster reported it was "Hood Fest" not "Thug Fest". Chief Wilson then reported that the AVP (Aaronville Posse) was hosting the event and the police

had to break up a fight. Ms. McGaster denied a fight ever took place while she was there.

Tommy Gardner of 13808 Magnolia Creek Drive reported there was a fight Sunday at the gathering and that police officers were there prior to the fight and had an opportunity to resolve the conflict before the fight began. He reported he asked an officer to make the aggressor leave and the officer failed to do so. The aggressor was a young lady who tried to hit another young lady. The officer said he would let them all stay. Chief Wilson reported that he appreciates the help but they were in a public park and officers are not going to make someone leave because another person tells them to. Mr. Gardner reported that more face to face interaction with police officers would be helpful.

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 20 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 6:30 p.m. to go into Executive Session.

The Council reconvened at 6:44 p.m.

Adjourn

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

The meeting adjourned at 6:45 p.m.