



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, October 20, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0744](#)

Public Hearing to consider passage of an ordinance and to consider amending the zoning code of the City of Foley to permit legal nonconforming billboards in certain areas to be converted into digital billboards under certain circumstances, term requirements and conditions.

President Wayne Trawick called the Public Hearing to order at 5:30 p.m. regarding amending the zoning ordinance to permit legal nonconforming billboards in certain areas to be converted into digital billboards under certain circumstances, term requirements and conditions. Hearing no comments President Trawick closed the public hearing.

[14-0777](#)

Public Hearing To Be A Public Nuisance And Order Its Abatement at 1817 Candlestick Court East.

Attachments: [1817 Candlestick Court East.](#)

President Trawick opened the public hearing to consider abating a public nuisance at 1817 Candlestick Court East. Hearing no comments he closed the public hearing.

Call to Order

President Trawick called the Council meeting to order at 5:32 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, Mike Thompson, Vickey Southern, Miriam Boutwell, David Wilson, John Jackson, Joey Darby, Cale Ebert, James Akins, and Press Representative Cathy Higgins.

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 Presentations

[14-0771](#) Proclamation: J.M. Lee

Attachments: [J.M. Lee Proclamation](#)

Mrs. Lee was ill and could not attend the Council meeting so this item was carried over until the next meeting.

[14-0772](#) Proclamation: Teen Driver Safety Week

Attachments: [Teen Driver Safety Week Proclamation](#)

Mayor Koniar read the proclamation that stated the number one cause of teen deaths was motor vehicle crashes and Alabama ranks #2 in the nation for teen fatalities caused by motor vehicle accidents. He presented the proclamation to Mr. James Akins on behalf of Mr. David Watson, Driver's Ed teacher.

[14-0773](#) Proclamation: College Application Week

Attachments: [College Application Week Proclamation](#)

Mayor Koniar presented the proclamation celebrating Alabama College Application Week to James Akins of Foley High School. Mr. Akins stated that ten Alabama High School's will be participating in the event, which assists first-generation and low-income students to apply and enroll in college. They will be doing a big push for colleges with South Alabama, Springhill College and some others. Only 25-30% of the population have a degree and most people are not attending college. They are also pushing technical career colleges. Mr. Akins thanked the Mayor and Council for their support.

Additions/Removals

Councilman Hellmich made a motion to add file id 14-0741 the Police Department Report and carry over items 14-0760 A resolution amending the bid process and 14-0771 a proclamation honoring J.M. Lee. Councilman Blackwell seconded the motion and the vote passed unanimously.

Approval of Minutes

[14-0763](#) Work Session Minutes of October 6, 2014

Attachments: [Work Session Minutes of October 6, 2014](#)

The Minutes was unanimously approved on motion by Councilman Ebert and seconded by Councilwoman Quaites.

[14-0764](#)

Council Meeting Minutes Of October 6, 2014

Attachments: [Council Meeting Minutes of October 6, 2014](#)

The Minutes was unanimously approved on motion by Councilman Blackwell and seconded by Councilman Hellmich.

Audit of the Accounts

[14-0774](#)

Audit the accounts of September, 2014

Auditing Accounts for payment was unanimously approved on motion by Councilman Hellmich and was seconded by Councilman Ebert.

Reports

[14-0762](#)

Marketing Quarterly Report July, August and September 2014

Mrs. LaDonna Hinesley reported at the end of August the North Visitors Center closed. She thanked Mrs. Snook for letting the City lease the building. During the time the Center was open 24,087 visitors stopped at this location. The overall numbers were down and it was contributed to the closing of the North Visitors Center and the closure of businesses due to extremely cold weather. To make up for those numbers from Visitor Center North Facebook, twitter, Google+, You Tube, Instagram and Pinterest accounts have been opened. Facebook numbers have increased 12.82% YTD and in September 20,397 unique users viewed some content from the City's Facebook page. This is almost as many visitors that visited the Visitors Center North.

Councilman Hellmich reported the numbers appear to be very constant. Mrs. Hinesley agreed and reported they are working with a company that agreed to post two new items a day. When you look at May's numbers of 32,319 she felt that it depicted tourists looking to see where they would go on vacation prior to school letting out for the Summer.

In the Fall the Center will be open anytime there is an event, such as Uptown Halloween, Tour de Foley, Oyster Run, and Christmas Events. The Holmes Medical Museum will also be open during this time.

Mrs. Hinesley thanked the City for letting her attend the second of a three year marketing program. It is the best education you can get in the Country and she is glad to be a part of it. She further explained that with the new marketing

tools they can do larger photos, more photos, and have a better interface on the new website. They were able to drop a very expensive database so they are saving money.

They continue to put out the quarterly newsletter that includes 8,500 via U.S. Postal Service and 9,000 distributed. The Marketing Department worked on graphics for the Centennial Planning to advertise the Centennial event. The report is included in its entirety as an attachment to the Minutes.

The Council thanked Mrs. Hinesley for a good report.

[14-0747](#)

September 2014 Sales, Lodging and Rental Tax Reports

Attachments: [20141010141519448.pdf](#)

City Administrator Mike Thompson reported the accruals are not done yet but the revenue numbers should increase some. For the Fiscal Year revenues were \$12,638,000 and ten of the twelve months were record breaking months. The two months that were not were only off by a couple of thousand dollars. We were up 6.53% over last year. The City staff has worked very hard this past year on retail business and the City is reaping some of those benefits. He is very proud of what staff has accomplished. The lodging tax was up 98.91% YTD and this is largely due to the increase in lodging tax rate and it is the highest year in lodging tax that the City has had. The rental tax rose 2.5% YTD. The reports are included in their entirety as attachments to the Minutes.

[14-0739](#)

September 2014 CDD Report

Attachments: [September 2014 CDD Report for Council.pdf](#)

Mrs. Miriam Boutwell presented the September 2014 Monthly Report, which is included in its entirety and attached to the Minutes.

[14-0746](#)

CDD FY 2013_14 Annual Report

Attachments: [2013_14 Annual Fiscal Year CDD Report.pdf](#)

Mrs. Boutwell's Annual Report is attached to the Minutes in their entirety. She gave some highlights as follows:

1,466 permits were issued for FY14 for a permit valuation of \$46,688,180. Permits were up 36% from last year and the permit fees were up 27%. There were 164 new Single Family Residential permits issued for a permit valuation of \$26,619,116. Ten new commercial permits were issued for a permit valuation of \$7,889,916 and these included, but were not limited to, Aspen Dental, Big Lots, Dollar General, HCP Pumps, Hobby Lobby, Popeyes, Whataburger, and Graham Creek Park. They have their first wedding booked at the Park.

President Trawick reported the Economic Development team has been working on these businesses for several years. Ms. Boutwell reported this does not include the permit for Academy Sports.

[14-0765](#)

Fire Department Monthly Report September 2014

Attachments: [Council September 14 10-14](#)

Chief Joey Darby reported the number of incidents were down for September. The month started with a fire on Labor Day at the Super 8 Hotel, which was caused by a cigarette butt can located too close to the building. The residents assisted in evacuating the building. We are looking at getting the owner to upgrade that facility as it is one of the older hotels that was grandfathered. There was only smoke damage and we were fortunate not to have any injuries. The other fire was in a trailer and was considered suspicious. The State Fire Marshall's office is handling this. To date there have been no arrests. Chief Darby further reported that the Mutual Aid Agreement between the U.S. Navy and the City has been signed. Chief Darby will be meeting with the Commander and his staff later this week.

The Fire Department hosted all of the 4th grade classes for a total of 216 children and 15 adults. They brought cookies to the Fire Department in appreciation for their services. He reminded everyone that CPR and First Aid classes are still offered at no charge to the public and Foley is one of the few agencies that offer this service.

The entire report is attached to the Minutes.

[14-0741](#)

Sept 2014 Foley PD Monthly Report

Attachments: [20141007164940336](#)

Chief Wilson gave a synopsis of the September report, which is attached to the Minutes in their entirety. He reported the Police Expo at Aaronville had a great turnout. Sgt. Steve Smith was in charge of demonstrating the white Hum "V" for high water rescues. They also had finger print kits for children, loaded the children up on their four wheelers and turn the lights and sirens on and road through the park. They also served hamburgers and hot dogs. The Department tries to do four of these type of events each year at different locations.

There were approximately 330 officers who attended the Forensics Seminar held October 8-10. It was very successful and the attendees came from all around the region. They even identified attendees who have attended all seven years.

President Trawick reported the Police Department is doing some preliminary work on EBOLA training. Rachel Keith sent out an email regarding the meeting that took place last Friday with the three hospitals and first responders for Ebola-like symptoms in case there is a need.

Ordinances, Resolutions, and Other Business[14-0558](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY JONATHAN BYRD FROM B1A TO PUD

Attachments: [Byrd Property Rezoning Recommendation.pdf](#)
[Byrd Conceptual Plan.pdf](#)
[PUD Byrd Property Rezoning Application & Survey 8_13_14](#)

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

Enactment No: 14-1027-ORD

[14-0706](#)

Reject Bids for Gasoline and Diesel Fuel and Grant Permission to Re-Bid

Attachments: [BID RESULTS FORM - Gas & Diesel.pdf](#)

This Resolution was unanimously adopted on motion by Councilman Blackwell and was seconded by Councilman Ebert.

Enactment No: 14-0434-RES

[14-0731](#)

Memorialize Purchase of Sound Equipment

Attachments: [Alpha Sound & Lighting](#)

This Resolution was unanimously adopted on motion by Councilman Hellmich and was seconded by Councilwoman Quaites.

Enactment No: 14-0435-RES

[14-0733](#)

Declaring Ingram, Baker & Taylor, Baker & Taylor Entertainment, Over Drive, Recorded Books, and Gale/Cengage Learning as Primary Sources for Purchases for the Library

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

Enactment No: 14-0436-RES

[14-0738](#)

Memorialize Purchase of Police K9

Attachments: [K9.capital.fiscal.15](#)

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

Enactment No: 14-0437-RES

[14-0740](#)

A resolution to memorialize the approval of a Special Event ABC License for the Chicago Street Supper Club.

Attachments: [2014 Chicago St Supper Club rental \(3\)](#)

A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Resolution be adopted. The motion carried 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: 14-0438-RES

[14-0743](#)

A Resolution Approving a Transfer of Funds

A motion was made to move \$7,000 from General Government Public Relations/Community Development Account 01-620-8110 to a new Account inadvertently omitted from the FY15 budget Account 01-620-1222 - State of the City Address, by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 14-0439-RES

[14-0748](#)

Request To Bid Alleyways Improvements

Attachments: [Alley Construction Cost Estimate](#)

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

Enactment No: 14-0440-RES

[14-0749](#)

Award Bid for Wayfinding Signage

Attachments: [Wayfinding Signage](#)

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

Enactment No: 14-0441-RES

[14-0750](#)

Purchase Foley Beach Express/Baldwin Beach Express Directional Sign

Attachments: [Quote - Vulcan Directional Sign](#)
[Directional Sign](#)
[Aerial - Directional Sign Location](#)

A motion was made by Council Member Charles Ebert, III, to carry this item over until November 3rd, seconded by Council Member Vera Quaites. The motion carried by an unanimous vote.

Enactment No: 14-0485-RES

[14-0751](#)

Request Permission To Solicit Bids for the Justice Center Flume

Attachments: [Construction Estimate - Justice Center Flume](#)

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

After the vote President Pro-temp 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: 14-0442-RES

[14-0752](#)

Permission To Solicit Bids for Engineering Dept. Truck

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: 14-0443-RES

[14-0753](#)

ICOP In Car Video Storage Device

Attachments: [icop.storage.4.2014](#)

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: 14-0444-RES

[14-0754](#)

A Resolution Modifying the Management of Infrastructure Improvement, Maintenance and Repair Projects

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

Enactment No: 14-0445-RES

[14-0755](#)

Request to Apply for ADEM NPDES General Permit, ALG140000, as required for the Foley Municipal Airport

Attachments: [ADEM Compliance Evaluation Inspection](#)
[14-P1002 City of Foley Airport NPDES Permit & BMP Plan \(1\)](#)

President Trawick turned the meeting over to President Pro-temp Hellmich. Councilman Blackwell made a motion to approve the request to apply for ADEM NPDES permit for the Municipal Airport, and Councilwoman Quaites seconded the motion. President Trawick abstained. The vote carried by a majority.

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0446-RES

[14-0756](#)

CR 20 ATRIP Cost Sharing

Attachments: [Actual Cost Breakdown - CR 20 ATRIP Agreement](#)

A motion was made by Council Member Ebert, III, seconded by Council Member Quaites, that this Resolution be adopted. This resolution outlines the cost between the City and the County. The motion carried by the following vote:

After the vote President Pro-temp 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: 14-0447-RES

[14-0757](#)

Request to Install Electrical Vendor Outlets at Graham Creek Preserve

Attachments: [Proposal for Vendor Hookups \(1\).pdf](#)

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

Aye: 4 - President Trawick, Council Member Quaites, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 14-0448-RES

[14-0758](#)

Resolution accepting Roof Doctor quote to replace roof on Welcome Center

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

City Administrator Mike Thompson asked if the quote does not include the peel and stick under roof would the Council prefer for this item to be brought back to Council. City Planner Miriam Boutwell reported it is a requirement to have some type of under roof and there can be some substitutions. There was a consensus to bring it back for an updated quote if the quote did not include it. The motion carried by an unanimous vote.

Enactment No: 14-0449-RES

[14-0759](#)

Request to host the Graham Creek Shootout, a Southern Nationals Disc Golf Tournament

Attachments: [Graham Creek Shootout Overview.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: 14-0450-RES

[14-0760](#)

A Resolution Amending the Bid Process

This item was carried over until the next meeting.

Enactment No: 14-0483-RES

[14-0761](#)

Permission To Solicit Bids for Resurfacing Ph. V

Attachments: [Aerial - North of 98 Resurfacing Ph. V](#)
[Aerial - South of 98 Resurfacing Ph. V](#)

President Trawick turned the meeting over to President Pro-temp Hellmich. 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:

After the vote President Pro-temp 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: 14-0451-RES

[14-0766](#)

Memorializes Electrical Upgrades To Lamppost South Of Centennial Plaza

Attachments: [plaza-lamp post revised.pdf](#)

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

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0452-RES

[14-0767](#)

Consider approval for Bay Community Church to use 20 parade barricades and 25 cones

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: 14-0453-RES

[14-0768](#)

A resolution to amend Resolution 14-0405-RES.

Attachments: [Resolution 14-0405](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0405-Res to state that Letters of Intent were approved and not a proposal for the First Responders Safe Room, and was seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 14-0454-RES

[14-0769](#)

A resolution to amend Resolution 14-0418

Attachments: [Resolution 14-0418](#)

A motion was made by Council Member Vera Quaites to amend Resolution 14-0418-Res to include waiving certain Engineering Fees, and was seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 14-0455-RES

[14-0770](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$109.00

Attachments: [Sanitation Write Offs](#)

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: 14-0456-RES

[14-0776](#)

Resolution authorizing employees to enter upon the property at 1817 Candlestick Court for the purpose of abating the public nuisance.

Attachments: [1817 Candlestick Court East.](#)

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

Enactment No: 14-0457-RES

[14-0778](#)

Consider Performance Agreement with Taking Off Hot Air Balloon Co.

Attachments: [Taking Off Hot Air Balloon Co.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: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0458-RES

Mayor's Comments

The Mayor had nothing to report.

Visitor's Comments

Chief Wilson reported that a young man, who rides his bike, complained that a street light was out on Michigan Avenue east of Winn Dixie. He will personally report it as it has been reported and it has not yet been repaired.

President Trawick recognized Mrs. Cale Ebert and welcomed her to the meeting.

Mrs. Hinesley reported this Thursday is Uptown Foley Halloween event, which thousands of people attend each year. She invited everyone to attend.

Adjourn

Hearing no further comments the meeting adjourned at 6:26 p.m. on motion by Councilman Hellmich and was seconded by Councilman Ebert.