



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, December 1, 2014

4:00 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the Work Session to order at 4:00 p.m.

Roll Call

All Council members were present with the exception of Councilman Blackwell, who was out of town. Mayor Koniar was also out of town. Others present: Mike Thompson, Vickey Southern, Sandra Pate, Steve Smith, Leslie Gahagan, Miriam Boutwell, John Graham, Dan Hellmich, David Wilson, Chad Christian, Taylor Davis, Rachel Keith, LaDonna Hinesley, Joey Darby, Jeff Rouzie, Donna Watts (Chamber), David Vosloh. Marc D. Anderson (Press Register/AL.com), and Stephen Delanhunty (Sawgrass).

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

Discussion Items

[14-0887](#)

Discuss Performance Contract and Storage

Attachments: [Agenda Request Form](#)

This item was removed.

[14-0888](#)

Report: South Baldwin Chamber of Commerce Performance Contract

Attachments: [Performance contract for ALFOF](#)
[Performance contract for ED](#)
[Performance Contract for Student Teacher Grants](#)

Ms. Donna Watts has three reports for the Council regarding their performance contracts. The first report deals with the economic and industrial development performance contract. She reported she needs to get with Mike to amend the language in the contract to update it. They continue to maintain relationships

with lots of entities, i.e. Baldwin County Economic Development Alliance. They help promote new development, new business coming in and to support existing businesses. Most jobs come from existing businesses. They keep up with the Alabama Department of Commerce, Alabama Revenue Commission and Alabama Port Authority, and Baldwin County Commission. Each year they try to conduct very good quality programs for the existing businesses. Many of the programs are open to all businesses to help them become stronger, more resilient to economic changes that take place throughout the years, and natural and man-made disasters. She has a list included in the written report of workshops they held during the past year, i.e. U.S.D.A. grants workshop on conserving energy with LED lighting for small businesses, and protecting your assets with a local attorney. The Small Business Award rewards those small businesses that are doing well. They work with LaDonna Hinesley, City of Foley's Marketing Director, on the Snowbird Reception. The Walton M. Vines Free Enterprise Award has been going on 40+ years and is very well respected in the community. They offer a Hospitality 101 teaching employees how to go that extra mile in customer service, to help our visitors have a positive experience because we know in doing so we build a loyal returning customer base.

The South Baldwin Chamber Foundation has a \$25,000 for student/teacher grants. They took the administration over for the City. She listed a group of items in the written report, such as "Seed to Market" that established a 21st Century e-book library through a grant, which is not only for the school but also for the Public Library. An "After School Tutoring Program" was done with the Foley Intermediate School as they have some students that are really struggling. She read a portion of a letter from Principal Branton Bailey wrote. "The students involved have a much better chance of academic success and achievement because the Foundation made our program to them." He said the Foundation is truly an asset to the area and to the students. They built a new choral program at the Foley Middle and High Schools. They had one years ago and it went away but it is coming back through the help of the Foundation. They did one Excel Math grant, Hometown Heros grant, and STEM training for teachers. Councilman Hellmich asked how many teachers are reached through the STEM or how does it work? Ms. Watts reported last year they did the Foley High School and the Foley Middle School. This year they are helping the Foley Middle School. They don't ever seem to have enough funds to go around but what they do is significant. They also have Camp Lion Pride and the main event, which are orientations right before school starts. This year they had a record breaking numbers of students coming. They are not made to come and don't get a grade for coming. They are invited to come and the turnout was overwhelming at both the Middle and High Schools. It addresses so many issues for the beginning of school with the teachers and administrators. Junior Ambassadors are also under the Foundation. There are 28 students in that group, which is the most in any group that they have had. They are first seeing the cycle complete itself. The chairman for the past two years of the Foundation Board is a former Junior Ambassador and this year the liaison with Foley High School was a Junior Ambassador as well. They are very pleased to see that start to make the circle after 17 years.

Ms. Watts believes what the two organizations to very well is help raise the quality of life for the entire community when you look at all the things they offer. They either help people get jobs or save their jobs and they are none the wiser that the Chamber is involved with any of that. It is a very rewarding thing

for her to participate in and very blessed to have that opportunity.

The last contract deals with the Alabama Festival of Flavor. The original intent with this event was to bring attention, exposure, and awareness to our locally grown and produced crops. Baldwin County doesn't have everything so we want to reach out throughout Alabama and focus on things that are grown and produced throughout the State of Alabama. It helps to make the event more interesting. For the first time this year the Chicago Street Supper Club, which is a farm to table dinner, the reception was held at the Farmers Market. They want to work more with the Farmers Market and the whole opportunity to do more together. The other part of the event is to use Faulkner State Culinary Arts Department and the Gulf Shores High School Culinary Academy. They learn a lot. They want to give them real world experiences to help them, hopefully come out of the educational experience, and be qualified and skilled work force for the 70+ restaurants we have in Foley. They also had an entertainment series that the public embraced through well attended events. Through that series they focused on local businesses and give a how to, i.e. how to make your own rain barrel, how to hydroponic and aquaponic gardening. It is amazing to listen to what they are doing. The foodie fix area with the Festival of Flavor sold out too quick and they need to grow that area but it helps bring attention to and be exposed to the City's local restaurants and their wonderful food. They also had a food truck at the Festival and she introduced Councilmen Hellmich and Blackwell to Rudy Rudolph, Chef. They have an opportunity with food trucks especially with the Farmers Market because they need a base in which to operate out of and the Farmers Market could be that base. This would give the Farmers Market the opportunity to actually have food prepared on site that is actually sold to the public. It would also be good to have a food truck day in downtown Foley. She feels that it would be an easy thing to do and hopes to be able to work on that as the year goes by.

Councilman Hellmich reported that they appreciate taking the money for educational purposes. Ms. Watts reported that she works with people that are not connected with the schools so that it is fair and balanced and they look at the number of students touched. They do not do field trips. They want something longer lasting to make it very valuable for a number of years for a lot of students. Councilman Hellmich felt they do a good job. Ms. Watts thanked him.

Discuss Council Meeting Agenda of December 1, 2014

14-0824 Public Hearing to consider proposed zoning ordinance amendment - Miriam Boutwell reported there are spaces that have to be available for these types of uses in the City. They added more buffering based on some other things the Planning Commission has done the past year. This item remained on the Council meeting agenda.

14-0861 Presentation: Alabama People Against a Littered State 2014 Governor's Award - Mike Thompson reported the Public Works Department received the Governor's Award from PAL's. They do the Coastal Cleanup and they recognized Dan and his Department, not just for what they do during Coastal Cleanup but for what they do throughout the year. They are also recognizing the Council because they fund the headcount necessary for Dan and his crew to do the regular clean up along the primary roads within the City.

It is a nice recognition of the efforts that Dan and his crew make. This item remained on the Council meeting agenda.

Additions/Removals - 14-0892 President Trawick reported there is one addition authorizing the Mayor to enter into an easement agreement in regards to Fire Station #3. File ID's 14-0866 and 14-0878 are carry overs.

14-0873 Planning Commission recommendation of Public Projects - Ms. Boutwell reported once the City adopts a comprehensive plan the Planning Commission is required to make a recommendation on the public projects. Typically over the past two years after the budget has been approved they send the entire list to Planning Commission to recommend approval and they do realize that they may not all be done this fiscal year but if they are then have the Planning Commission's blessings. This is required by law. Previously they had not had a list from the budget and Ms. Boutwell had to contact Department Heads for the information but they were being approved by Planning Commission. This item remained on the Council meeting agenda.

14-0853 Approval of 010- Lounge Retail Liquor - Class I for applicant The Billiard Club, LLC - Chief Darby reported they had some extensive renovations to make so they worked closely with them. They have done everything they have asked. This is the old restaurant in front of Vallerta's. This item remained on the Council meeting agenda.

14-0860 Request to procure one new, latest model, full sized, half ton, 4x4 extended cab truck for the Horticulture Department - President Trawick reported this will be the first purchase under the new finance protocols so if they find one below or at budget they don't have to come back to Council and can move forward with making the purchase. This item remained on the Council meeting agenda.

14-0863 Replacement dump body for the Street Department - Dan reported that it came in under budget by \$105 and they had one replaced last year and this one is the same model truck that they just need the dump body replaced. This item remained on the Council meeting agenda.

14-0864 John Deere Gator TX and after market accessories for the Street Department - Dan reported this is to replace one of the Gators and it will be third one with a top on it to protect the men from the weather. It came in under budget at \$8531 and was budgeted at \$9500. This item remained on the Council meeting agenda.

14-0865 Request by Public Works Director to procure two full sized half ton 4x2 crew cab trucks - Dan reported this is a replacement truck for the Sanitation Department and one for the Street Department. They have another truck that is at Freeman's that was involved in a collision that may be totaled so he might be coming back to Council in the future. This item remained on the Council meeting agenda.

14-0869 T750 Bobcat Compact Loader for the Street Department - Dan reported this item was budgeted for \$65,000 and came in \$90.14 over budget. They had three different models and in the end they got a little more for the money, more horsepower and bigger bucket. If the Council agrees they would like to purchase it. This item remained on the Council meeting agenda.

14-0866 A resolution reappointing Patricia Smith to the Foley Housing Authority - President Trawick reported this item will be carried over since we have not heard from Ms. Smith.

14-0867 Request from Faith Factory Gulf Coast Church to use Max Griffin Park for a Church Youth Event - President Trawick asked if either of the Chiefs had been contacted. Neither had and he requested that it be approved under the condition of the approval of both chiefs. This item remained on the Council meeting agenda.

14-0868 Amending the Pay Classification Plan for a Restructure of two positions in General Government with a Neutral Effect to the Budget - Sandra Pate reported they moved some job duties around in General Government. The Beautification Board is being moved to the Receptionist and that will raise her pay grade two levels and we are removing those duties from Suzanne's job, which is downgrading that job two grades. In effect the shifting of job duties the positions were reanalyzed and it is a neutral effect because one is going down two grades and the other is going up two grades. Suzanne has been promoted. This request is to actually approve the position changes. This item remained on the Council meeting agenda.

14-0870 Establish an account for Claude Peteet Building expenses - Rachel Keith reported the City is leasing the building to Performing Arts Association (PAA) and there has not been a budget established to take care of expenses for routine maintenance and maybe things that need to happen since that building is being occupied. She and Pam have compile a list of things that need to be done just for the upkeep of the building and then the first two items on the list are things that have been mentioned by PAA but have not been approved. The budget does include those two items. The amount is \$5,000. This item remained on the Council meeting agenda.

14-0871 Resolution approving renewal of Blue Cross Blue Shield of Alabama contract for Administrative Claims Payment Services for the 2015 Calendar Year - Sandra reported this contract is a renewal of the BCBS Administrative self-funded plan. There are no changes to the contract. This item remained on the Council meeting agenda.

14-0872 Zoning Ordinance Amendments regarding wireless telecommunication towers and tall structures - Miriam reported the ordinance was outdated relating to towers and due to the Federal Communications Act and various court cases City attorney Casey Pipes had to redraft the City's ordinance to give the City the ability to control where cell towers went and how tall they can be, which is limited. They have to prove that they cannot co-locate and there was not really a set back before and now the fall zone is the height of the tower. So the higher you go the bigger parcel you have to have, which matches a lot of other cities. It is basically a match to the Federal law. This item remained on the Council meeting agenda.

14-0874 Accept bid for alleyways drainage improvements - Taylor Davis reported R&S Paving and Grading had the low bid of \$87,420 for the drainage improvements behind Manning Jewelry and Gift Horse Restaurant. Councilman Ebert asked about a truck doing some work in that area. Taylor reported they have been working on the old fishbone clay pipe sewer lines. If

you start working on anything relative to excavation it will collapse so they have been curing it. Councilman Hellmich asked if it included one or more alleys. Taylor reported it was the alley and then the drainage improvement by Paul's Barber Shop. It will include an inlet and a small flume that will cost approximately \$3500. It came in higher than HMR's budget but they did go back to do some more milling and lower the profile so that if the inlet go clogged or anything happened the water could go east/west instead of toward the alleyway behind Mannings. It was budgeted at \$68,000. Chad Christian reported they surveyed the finished floor of the business and got the alleyway profile lower to at or below that so that even if the pipes were full or another 100 year storm the water could still daylight across the top of the ground to flow toward the street instead of the businesses. We need to appropriate an additional \$25,000 for the project. This item remained on the Council meeting agenda.

14-0875 Accept bid and memorialize ad costs for reconstruction of flume adjacent to Justice Center - President Trawick turned the meeting over to President Pro-tem Hellmich. Taylor reported this flume was damaged during the flood event in April and he recommended the low bid from Ammons & Blackman of \$67,346.25. This item remained on the Council meeting agenda.

Councilman Ebert asked if anyone notice the stream water restoration and how good it looks. Leslie Gahagan reported they will have a planting day in January. Councilman Ebert reported that at one time Councilman Bob Schreiber recommended putting in walking paths along that area and tying into the Rose Trail. Mike reported the TIGER Grant will be putting in sidewalks on Peachtree Avenue, Berry Avenue, and a couple of others that could be connected. Councilman Ebert reported that they could even use hard packed gravel.

14-0876 Accept bid and memorialize ad costs for Resurfacing PH V - Taylor reported this is accepting the bid from Mobile Asphalt, who was the low bidder, in the amount \$702,184.58. It should begin after the first of the year. Mike reported it was budgeted at \$750,000 and the project is coming in about \$48,000 less than what was anticipated in the capital plan. This item remained on the Council meeting agenda.

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

14-0877 Amend Resolution 14-0476 - Chad reported this is for ad costs for the East Michigan asphalt repair. The work is actually going to be part of the TIGER grant work. They had already placed the ads so it will already be part of the TIGER grant. This item remained on the Council meeting agenda.

14-0878 Request to develop a Graham Creek Preserve website and marketing campaign - This item was carried over.

14-0880 Waive fees for Parks Department Shed Roof - Chad reported Engineering is designing the detail on the lean to for the Parks Department because the existing building is over the set back it has to go to the Board of Adjustments and Appeals. This request is to waive the application fees. Mike reported the building is the old washateria next to Parks. The plan is to put a lean to on the East side of the building for the entire length so they can put equipment, barricades, and trailers under it. The front of the building sets at

17' and the set back is 30' and that is why they have to go before the Board of Adjustments and Appeals (BAA).

President Trawick asked if the City could rezone it. Miriam reported that parcel is zoned B-1A and doesn't remember if that specific parcel is B-1A or not. Would it be better to take the property line out? Technically they are already considering that because when you build to the east it's not going to meet that set back requirement but they did consider if both lots were in identical ownership you still have a corner street side yard set back of 30' requirement. You don't gain anything. They looked at several alternatives to avoid going to the Board and it is just an old building that might have been in compliance until at some point until the street got widened or something. Chad reported the building is 112' long. Mike reported instead of building 112' they could build the lean to at 98' to be in compliance. What they want to do is maximize the amount of cover the Parks Department would have for Parks equipment. President Trawick requested they look at it again to be sure that there were no other options. Miriam reported the item had already been advertised to be on next Monday night's the BAA agenda. This item remained on the Council meeting agenda.

14-0883 West Section Drainage Improvements - Chad reported this was an area damaged in the April flooding event and were hopeful that FEMA would consider paying for the replacement of the existing pipes, which are rusted metal. FEMA looked at it and all they would approve was some minor shoulder work that Public Works has already taken care of. They have an engineer's estimate for \$147,000 that has a 10% contingency. He is asking for \$150,000 to do the improvements. They have the plans, Leslie has the Corp permit in hand, and they just need an additional appropriation of approximately \$120,000 for the project. He further reported this would remove and reconstruct the retaining wall. The other drainage project at Pine and Fern is upstream of this one and they need the capacity enhancement that they would get from these improvements. The metal pipes will be changed out to concrete pipes. This item remained on the Council meeting agenda.

Councilman Ebert stated there are a lot of fiber optic lines going in and wanted to know if that would affect the drainage improvements along Pine Street. Chad reported they will have to accommodate the City and either go under or above. They will have to move it at their cost.

14-0884 Appropriates funds for landscaping at Foley Centennial Plaza - John Graham reported the on-site contractor had the irrigation and grading. The City is left with above ground (till the soil, install a truck load of sod and approximately 2,000 plants). Mike reported the tree removal will be part of the TIGER grant because one is in the footprint of the pedestrian walkway. He was a little disappointed because he thought it would be completed for Christmas in the Park. They might be able to play some songs, but really not sure about that yet. They should find out about that when Verdin comes in tomorrow. The problems are the capstones and they should have been in late August and some of them just came in last week. The white capstones are doing a lot of work putting them in place, which should have been done a month and a half ago. He believes they will still meet their January 8th deadline for the City's 100th anniversary but is disappointed that we don't have it for Christmas in the Park this Friday. They do hope that they can get some lights on the tower so people will be able to see it for this weekend. This item remained on the

Council meeting agenda.

14-0885 A resolution setting a public hearing to consider a zoning ordinance amendment regarding wireless telecommunication towers and tall structures - They just need the public hearing prior to completing the final reading of the ordinance. This item remained on the Council meeting agenda.

14-0886 Memorialize ad costs for alleyways drainage improvements - Chad reported this item is to cover the advertising costs for the bid under file 14-0874. This item remained on the Council meeting agenda.

Add on Item

14-0892 - Constructing an access road for Fire Station #3 - Joey reported the site plan encompasses an access road on the east side of the property, which is part of the development around the Station. In order to prepare the site and not have additional work they would like to move forward with the access road. He has spoken with Casey Pipes and it looks like the best thing to do is work with the property owner and work on an easement so that the work can be done now. He requested Council to authorize the Mayor to enter into such an easement agreement for the benefit of the Fire Station #3 and then if we need to we can come back to memorialize the agreement. It will be a permanent easement once the other development is completed. This item remained on the Council meeting agenda.

14-0859 Ordinance amending Ordinance 14-1023 Section 3 - Vickey reported this is a housekeeping matter to clarify the zoning. This item remained on the Council meeting agenda.

Add on Item

14-0893 Jeff Rouzie reported TTL (Tuscaloosa Testing Lab) has submitted a proposal in the amount of \$3,400 to do a Phase I environmental study on the property the City is considering purchasing for the sports facility. It is something that has to be done prior to the City purchasing the property. Mike reported the City has an environmental study completed previously and the City's attorney tells us the City needs one updated within six months of the purchase. Their environmental study dates back to when they purchased the property eighteen months ago. Councilman Ebert stated he thought CTL was doing the work. Jeff reported that CTL is doing the material testing and not the environmental study. This item will be added to the Council meeting agenda.

Mayor's Comments

There were no comments to report.

Visitor's Comments

David Vosloh reminded staff that on Friday night the City of Foley and the Foley Rotary Club is sponsoring the Mobile Youth Symphony Orchestra to do a concert at 7:30 p.m. after the Christmas tree lighting. It is free but they are taking donations. They spoke at Rotary this past week and are very impressed with what Foley is doing that they want to do even more for us. Councilman Hellmich reported they are very talented.

LaDonna reminded everyone of Christmas in the Park on Friday at 6:00 p.m., the Youth Symphony that same evening, the Christmas Parade at 10:00 a.m. on Saturday, and Let It Snow in Heritage Park at 11:00 a.m. and that evening Coastal Choral, and then on Monday the Baldwin Pops will be playing on Monday night.

Adjourn

Hearing no further comments the meeting adjourned at 4:54 p.m.