



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, June 15, 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: City Clerk Vickey Southern, Katy Taylor, Steve Smith, Leslie Gahagan, Randy Kurtts, David Wilson, Joey Darby, Chad Christian, John Jackson, Delbra Clemon and Mary Hall-Muir. Mayor John Koniar and City Administrator Mike Thompson were absent due to being out of town.

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

[15-0392](#)

Proclamation: Summer Food Service Program Week

Attachments: [20150612140724435](#)

Council Member Ralph Hellmich read the Summer Food Service Program Week Proclamation, which is attached as backup to the minutes.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 15-0393 to the agenda and to remove item 15-0389 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[15-0371](#)

06-01-2015 Work Session Minutes

Attachments: [06-01-2015 Work Session Meeting Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of June 1, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0368](#)

Council Meeting Minutes of June 1, 2015.

Attachments: [06-01-2015 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of June 1, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Audit the Accounts

[15-0369](#)

Audit the accounts of May, 2015.

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

Reports

[15-0375](#)

May 2015 Bid Activity

Attachments: [Bid Tab - Debris Monitoring & Grant Consulting Services.pdf](#)
 [Bid Tab - Disaster Debris Removal.pdf](#)
 [May 2015 Bid Awards.pdf](#)

The May, 2015 Bid Activity report is attached as backup to the minutes.

[15-0388](#)

May 2015 Sales, Lodging and Rental Tax Reports

Attachments: [Sales, Lodging & Rental Tax Report](#)

President Trawick reported the tax reports indicate the City is still progressing very well.

Councilman Blackwell reported that the rental tax is now trending upward. He asked if the state auditors figured out why the rental tax was declining in the past. Councilman Hellmich reported that the rental tax was declining due to the taxes being paid to the wrong entities, which the state has corrected.

[15-0373](#)

May 2015 CDD Report

Attachments: [May 2015 CDD Report for Council.pdf](#)

Leslie Gahagan gave a synopsis of the May, 2015 CDD Report, which is attached as backup to the minutes.

[15-0372](#)

Fire Department Monthly Report May 2015

Attachments: [Council May 15 6-15](#)

Fire Chief Joey Darby gave a synopsis of the May, 2015 Fire Department Report, which is attached as backup to the minutes. He also reported there were no significant structure fires during the month of May. There was one passenger vehicle fire that was quickly extinguished but caused significant damage to the vehicle. There was a significant rescue involving a trench collapsing on a Riviera Utilities worker on Hickory Street. The worker was life flighted with serious injuries and has had a few surgeries but he is expected to recover. The Fire Department took quick action and Chief Darby reported he is very proud of his staff.

Council Member Quaites asked if the burn ban was still in effect. Chief Darby reported that the burn ban will be in effect until November 1, 2015. Council Member Quaites asked if residents needed a permit to burn trash. Chief Darby reported burning trash would not be eligible for a permit due to the ADEM requirements. The fires that are allowed are cooking or ceremonial fires. These types of fires do not need a permit; however, the Fire Department asks that people call the Department to make them aware of them. Agricultural and silvicultural fires are also allowed but people need to call the State Forestry Department first before setting these types of fires, which include burning a wheat field for example or burning a wooded area. Burning debris of any type is not allowed.

[15-0366](#)

May 2015 Foley PD End of Month Report

Attachments: [20150605092938630](#)

Police Chief David Wilson gave a synopsis of the May, 2015 Police Department Report, which is attached as backup to the minutes. He reported that he was present during the trench collapse rescue and the Fire Department did a phenomenal job rescuing the Riviera Utilities worker. He also reported that there were twelve commercial burglaries, which is a lot but they did catch the perpetrators.

Council Member Quaites reported she attended the Citizens Police Academy graduation and she was very impressed with it.

Ordinances, Resolutions and Other Business

[15-0344](#)

ORDINANCE APPROVING INITIAL ZONING OF Babikow, Radford, Radford, Flowers & Horne Properties

Attachments: [Initial Zoning for Council.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance approving the initial zoning of Babikow, Radford, Radford, Flowers & Horne properties. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1016-ORD

[15-0352](#)

A resolution to rescind Resolution 15-2180 A resolution to move the gate on Pecan Street located at the property of John Foley.

Attachments: [15-2180 RES](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 15-2180 A resolution to move the gate on North Pecan Street located at the property of John Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2195-RES

[15-0353](#)

Acceptance Of The Alabama Historical Commission Historic Preservation Fund Grant For FY 2016

Attachments: [201506031324](#)

A motion was made by Council Member Ralph Hellmich to accept the Alabama Historical Commission Historic Preservation Fund Project Number AL-15-024 in the amount of \$2,000.00 for Preservation training; to appoint Miriam Boutwell to serve as the Grant Manager, who will be responsible for submitting all required reports, reimbursement requests, and other correspondence to the Granting Agency and the City's Grant Administrator; to approve the expenditure of the grant funds and to amend the budget for the following accounts: Expense Account 01-615-3085 increase \$2,500 and Revenue Account 01-4963 increase \$2,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2196-RES

[15-0357](#)

A Resolution to reappoint Herman F. Doster to the Senior Citizen Board.

Attachments: [Board Appointment- H. Doster](#)

A motion was made by Council Member Rick Blackwell to reappoint Herman F. Doster to the Senior Citizen Board. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2197-RES

[15-0358](#)

A Resolution to reappoint Terry Underwood to the Foley Revitalization & Beautification Advisory Board.

Attachments: [Board Appointment - T. Underwood](#)

A motion was made by Council Member Vera Quaite to reappoint Terry Underwood to the Foley Revitalization & Beautification Advisory Board. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2198-RES

[15-0359](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$22.73.

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Charles Ebert, III to write off certain residential sanitation accounts in the collective amount of \$22.73. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2199-RES

[15-0361](#)

Reduce Speed Limit Along a Portion of Wolf Bay Drive

Attachments: [Wolf Bay Drive Speed Limit Aerial](#)

A motion was made by Council Member Rick Blackwell to reduce the current speed limit from 45 mph to 35 mph along an approximate 1.2 mile portion of Wolf Bay Drive from the curve to Bay Pines Lane. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2200-RES

[15-0362](#)

Appropriate Funds to Pay Remainder of Safe Routes To School Construction Cost

Attachments: [SRTS Agreement](#)
 [SRTS Final Invoice](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$29,402.75 to pay the remaining balance of construction costs for the Safe Routes To School project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2201-RES

[15-0363](#)

Set Public Hearing to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Jim Brown from R3 (Residential Multi-Family) to PUD (Planned Unit Development).

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Jim Brown from R3 (Residential Multi-Family) to PUD (Planned Unit Development). The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2202-RES

[15-0364](#)

Acceptance of Dog Park Construction Bids

Attachments: [EJ Builders - Steel Shade Structures.pdf](#)
 [EB Masonry Labor.pdf](#)
 [Harris Stone Works - Pavers.pdf](#)
 [RCI Electric - Dog Park Electrical.pdf](#)

A motion was made by Council Member Blackwell to accept the sole bid for electrical work submitted by RCI Electric in the amount of \$3,900; to accept the sole bid submitted by E-J Builders, Inc. for two sloped steel canopies in an amount up to \$32,063; to accept the quote provided by Harris Stone Works LLC in the amount of \$22,874.62 to provide and install pavers and to accept the quote provided by E. B. Masonry, LLC. to provide labor only for masonry work in the amount of \$39,500. 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 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: 15-2203-RES

[15-0365](#)

Accept Award from The Dollar General Literacy Foundation

A motion was made by Council Member Ralph Hellmich to accept the award of \$3,000.00 from the Dollar General Literacy Foundation; to appoint Kelley Wansley to serve as the grant manager, who will be responsible for submitting all required reports to the Granting Agency and to the City's Grant Administrator and to amend the budget accordingly and approves the expenditure of the grant funds. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2204-RES

[15-0367](#)

A resolution to rescind Resolution 15-2166 and Resolution 15-2194 to adopt one resolution authorizing the sale of 1.37 acres of land to Craine Creek Farms.

Attachments: [5-1-15 PFCD Resolution 15-0111](#)
 [15-2166 Res.](#)
 [15-2194 Res.](#)

A motion was made by Council Member Hellmich to rescind Resolutions 15-2166 and 15-2194 in order to adopt one resolution; to approve the sale of 1.37 +/- acres of land located at the Northwest corner of the Wilson Pecan property to Craine Creek Farms in the amount of \$35,000 for the use of a hydroponics production facility. If Craine Creek Farms defaults on the financing, the City will have the first right of refusal, and the property's use will be restricted to the use of hydroponics/aquaponics, retail or restaurant, all of which is contingent upon the re-subdivision of the property and Planning Commission's approval. The motion was seconded by Council Member Blackwell 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 Council Member Charles Ebert, III, nay. The vote passed by a majority vote.

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

Nay: 1 - Council Member Ebert III

Enactment No: 15-2205-RES

15-0370

Street Light Request for 316 W. Peachtree Avenue

A motion was made by Council Member Charles Ebert, III to approve installing one (1) street light on an existing Riviera Utilities' pole on West Peachtree Avenue for a yearly cost of \$73.20. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2206-RES

15-0374

Request to Apply for Remaining Appropriation Grant Funds

Attachments: [Stormwater Facilities Assessment Project Budget](#)
[Stormwater Facilities Assessment, Documentation and Inspection within the City of Foley Narrative](#)
[Grant Application Package](#)

A motion was made by Council Member Ralph Hellmich to approve the application for the remaining EPA Appropriation Grant funds in the amount of \$4107.78 that will be matched with \$3364.22 (45%) of in kind salaries to perform a storm water facilities assessment for the City. This also appropriates an additional \$3444.00 in part time salaries and \$750.00 in small tools Account No. 01-615-5015, and \$4,107.78 in revenue account 01-4923 EPA/Riviera-Waste Water Grant. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2207-RES

15-0376

Permission to appropriate funds for lighting and fencing for new soccer fields construction

Attachments: [Soccer Field Construction Project File](#)

A motion was made by Council Member Rick Blackwell to appropriate up to \$355,000 for the lighting and fencing of the two new soccer fields. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2208-RES

15-0377

Repair, Upgrade and Re-Cover the oldest greenhouse at the Horticulture Complex

Attachments: [Techne Structures Quote 01](#)

A motion was made by Council Member Ralph Hellmich to accept Techne Structures option 3 quote of \$6,600 to repair, upgrade and re-cover the oldest

Horticulture Complex greenhouse. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2209-RES

[15-0380](#)

Resolution Amending the Pay Classification Plan to Convert Sanitation Worker I's to Equipment Operator I's for the Creation of a Sidewalk Crew

Attachments: [Sanitation Worker I to Equipment Operator Conversion.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve amending the Pay Classification Plan to convert four Sanitation Worker I's to four Equipment Operator I's at a cost of approximately \$3,000, exact amount to be determined once personnel are promoted into the new Equipment Operator I positions, effective pay period beginning June 30, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2210-RES

[15-0381](#)

Resolution Amending the Pay Classification Plan to Re-Title the Existing Field Maintenance Worker II Position to a Field Maintenance Worker I Position at the Existing Grade 7 Rate, and, to add a New Field Maintenance Worker II Position at a Grade 9 at annual salary of \$31,667 plus benefits. No Budget Funds are Necessary to Fund the Position for the Remainder of the Fiscal Year.

Attachments: [Field Maintenance Worker I Job Description.pdf](#)
[Field Maintenance Worker II Job Description.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve amending the Pay Classification Plan to re-title the existing Field Maintenance Worker II position to a Field Maintenance Worker I position with job duties and pay grade (G-7) remaining the same and to approve amending the Pay Classification Plan to add a Field Maintenance Worker II position at a Grade 9 at an annual salary of \$31,667 plus benefits. There are adequate budget funds available to fund the new position for the remainder of the fiscal year. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2211-RES

[15-0386](#)

Consider Renewing Ground Lease Agreement for Overflow Parking

Attachments: [Static copy of 07552 M Wallace Lease Agreement 06-16-14](#)
[Wallace Property Map](#)

A motion was made by Council Member Ralph Hellmich authorize a one-year term ground lease agreement between Wallace Living Trust for Tax Map Parcel # 05-54-08-28-2-000-036.001 and 05-54-08-28-2-000-036.000, Lots 1, 2 and 3 of Block 3 Magnolia Springs Land Company Addition. The City of Foley agrees to the maintenance and upkeep of the land to include mowing the grass and noxious weeds in areas that are needed. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2212-RES

[15-0387](#)

Dog Park Completion Items

Attachments: [E-J Builders - Fence Bid.pdf](#)
[E-J Builders - Shade Structures Bid.pdf](#)
[Bid Results - Dog Park Fence Rebid](#)

A motion was made by Council Member Hellmich to appropriate an additional \$97,368.50 into Account 12-665-7333 R12, DOG PK; to accept the lowest, responsible bid for fencing in the amount of \$41,970.50 submitted by E-J Builders, Inc. under Account 12-665-7333 R12, DOG PK; to accept the lowest, responsible bid for two steel shade structures submitted by E-J Builders, Inc. in an amount up to \$36,598 under Account 12-665-7333 R12, DOG PK and to approve the purchase of miscellaneous items and materials to be utilized by City forces in the amount of \$45,000 under Account 12-665-7333 R12, DOG PK. 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 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: 15-2213-RES

[15-0389](#)

TIGER Phase 2 Bid Award

A motion was made by Council Member Ralph Hellmich to remove item 15-0389 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[15-0393](#)

TIGER Phase 3 Bid Award

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

A motion was made by Council Member Ebert, III to approve awarding the TIGER Phase 3 project to the Morette Company as the apparent low bidder in the amount of \$1,515,478.15 for Account No. 31-665-7300 and amends Account No. 31-665-7300 by an increase of \$392,642.15 and to amend Account No. 31-665-7100 by an increase of \$505,855.19 for L1: ROADWAY PLANS in which the contract was approved in Resolution 14-0391, but did not amend the budget in accordance with the contract. \$230,250.81 of this contract will be funded by the City's Local match and coded to Account No. 31-656-7000. The motion was seconded by Council Member Blackwell 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 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: 15-2214-RES

Mayor's Comments

None to report.

Visitor's Comments

Delbra Clemon of 805 Ashland Drive, Foley, addressed Council regarding the Aaronville pool. She reported she had recently met with David Thompson and Council Member Quaites and they discussed the pool's budget and further repairs that are needed such as the pool floor and the restrooms. The seats around the pool need to be painted and Ms. Clemon reported that if the paint would be provided, she could get someone to paint them. Council Member Quaites reported that there is another meeting scheduled with David Thompson to discuss what budget funds are available for the remaining pool repairs and to repair the restrooms. Ms. Clemon reported the restrooms' sinks need to be cleaned. Council Member Quaites reported some of the sinks are old and need to be replaced because they are rusted and have sharp edges. President Trawick reported that the pool was going to be replaced with a splash pad if the leak in the pool could not be repaired. The pool leak has been successfully repaired and now the other repairs need to be made. President Trawick requested a report from David Thompson detailing what repairs need to be made and the costs for the repairs.

Ms. Clemon reported that the pool's new handicapped accessibility has been great.

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 6:10 p.m.