



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, June 1, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearings

[15-0294](#)

Public hearing to consider UTC Directional Wayfinding Sign Placement.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the UTC directional wayfinding sign placement. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0297](#)

Public hearing to consider adopting the 2012 International Building (ICC) Codes and Supplemental Provisions.

President Trawick opened the public hearing at 5:31 p.m. to consider adopting the 2012 International Building Codes and Supplemental Provisions. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:32 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, Britton Bonner, Rusty Russell, John Conti, Jeff Rouzie, David Wilson, Chad Brewer, Chad Christian, Gregg Knight, John Jackson, Cheryl Styron and Anne Smith.

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

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 15-0334 and 15-0354 to the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

[15-0346](#)

05-21-2015 Work Session Minutes

Attachments: [05-21-2015 Work Session Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of May 21, 2015. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[15-0350](#)

Council Meeting Minutes of May 21, 2015.

Attachments: [05-21-2015 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of May 21, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

[15-0194](#)

Consent for Directional Wayfinding Sign Placement

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

A motion was made by Council Member Charles Ebert, III to approve the consent for UTC Aerospace directional wayfinding sign placement. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-1012-ORD

[15-0219](#)

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

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

A motion was made by Council Member Ralph Hellmich to adopt the 2012 International Building (ICC) Codes and Supplemental Provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes. The motion was seconded by Council Member Rick Blackwell and

carried by an unanimous vote.

Enactment No: 15-1013-ORD

[15-0320](#)

Ordinance setting the admission price to the public pools.

A motion was made by Council Member Rick Blackwell to increase the general admission to the Max Griffin and Aaronville pools from \$2 per person to \$3 per person; to increase an Individual Membership from \$25 to \$30 per season; to increase a Family Pass I (families with 5 or less members) from \$50 to \$60 per season and to increase a Family Pass II (families with 6 or more members) from \$75 to \$85 per season. These increases are to help offset rising personnel and chemical costs. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-1014-ORD

[15-0332](#)

Consider recommendation from the Museum-Archive Board to have a set schedule for operating the Charlie Ebert train.

A motion was made by Council Member Hellmich to approve the set operation schedule by volunteers of the Charlie Ebert train for Tuesday, Thursday and Saturday during the months of June 1 through August 31 and Saturdays only during the months of September 1 through May 31 with the exception of City designated events or upon approval of the Museum-Archive Board. The motion was seconded by Council Member Quaite and carried by the following vote: Council Member Vera Quaite, aye; Council Member Ralph Hellmich, aye; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, abstained. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 15-2181-RES

[15-0335](#)

Ashford Park and Hampton Park Subdivisions Subsurface Investigation

Attachments: [Ashford & Hampton Pks. Subsurface Investigation - Proposal](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$1,500.00 and to approve CAG & Associates' proposal for a subsurface investigation of the soil conditions adjacent to Ashford Park and Hampton Park subdivisions. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2182-RES

[15-0336](#)

Approval of 010-Lounge Retail Liquor- Class I ABC License for Noryts Corner

Attachments: [Noryts Corner ABC License Application](#)
[Noryts Corner Map](#)

Police Chief David Wilson and Assistant Fire Chief Chad Brewer recommended moving forward with the ABC License.

A motion was made by Council Member Charles Ebert, III to approve the ABC License application for Noryts Corner located at 16972 US HWY 98 W. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0337](#)

Requesting needed Repairs/Replacements/Upgrades to Public Works Building

Attachments: [KEMCO INC Proposal.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the contracting of KEMKO INC to make all necessary repairs, replacements and upgrades to the Public Works Building for the total cost of \$8675.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2183-RES

[15-0338](#)

Re-allocation of Funds to Promote Library Events, to purchase shelving, and Supplies

A motion was made by Council Member Ralph Hellmich to re-allocate funds within the library budget to promote library events, to purchase shelving and supplies in the amount of \$6,500. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2184-RES

[15-0339](#)

Acceptance and Use of Library Patron Donation

Attachments: [Jerry Wilky Deed of Gift 5 15 signed](#)

A motion was made by Council Member Ralph Hellmich to accept the generous donation of artwork from Jerry Wilky and to approve the use of the artwork either to be displayed in the Library or to be used as auction items to fund other projects designated by the Library. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2185-RES

[15-0341](#)

A Resolution Approving Transfer of Funds and Payment of CAFR Online Implementation Fee

Attachments: [201505261032](#)

A motion was made by Council Member Rick Blackwell to transfer budget funds in the amount of \$2,000 from 01-629-1015, IT Part-time Salaries, and \$500 from 01-620-8080, Gen Gov Dues & Subscriptions, to 01-620-3500, Gen Gov Content Hosting to use CAFR Online to assist Finance personnel and Auditors with preparation of the City's Comprehensive Annual Financial Report. According to responses from several randomly selected current users of CAFR Online, the automatic updating of changes throughout the document and the ability to share live information with auditors significantly reduces time spent

and the margin for errors/omissions. A payment of \$2,500 is due now to begin implementation. The second \$2,500 implementation installment and the \$2,500 annual service fee (fixed for five years) is due 3/31/2016 and will be included in the FY16 budget. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2186-RES

[15-0342](#)

A Resolution to Correct the FY15 Budget

A motion was made by Council Member Charles Ebert, III to amend the FY15 budget to correctly reflect \$25,000 to the South Baldwin Chamber Foundation for Support Programs. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2187-RES

[15-0343](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY Jim Brown FROM R3, Residential Multi-Family TO PUD, Planned Unit Development.

Attachments: [Jim Brown Rezoning for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to rezone property owned by Jim Brown from R3, (Residential Multi-Family) to PUD, (Planned Unit Development). The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0345](#)

ORDINANCE APPROVING INITIAL ZONING OF Multiple Parcels included in the 2015 Legislative Annexation

Attachments: [PreZone Legislative Annexation for Council.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance approving Initial Zoning of multiple parcels included in the 2015 Legislative Annexation. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0347](#)

Set a public hearing to consider Planning Commission's recommendation for the initial zoning of Babikow, Radford, Radford, Flowers & Horne properties.

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider Planning Commission's recommendation for the initial zoning of Babikow, Radford, Radford, Flowers and Horne properties. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2188-RES

[15-0348](#)

Set Public Hearing to consider Planning Commission's recommendation to adopt an Ordinance Approving Initial Zoning of Multiple Parcels included in the 2015 Legislative Annexation

A motion was made by Council Member Ralph Hellmich to set a Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving the Initial Zoning of multiple parcels included in the 2015 Legislative Annexation. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2189-RES

[15-0349](#)

Accepting Annexations by Legislative Act 2015-174

Attachments: [LEGISLATIVE ACT 2015-174.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the Annexations by Legislative Act 2015-174. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 15-2190-RES

[15-0351](#)

Approving ADECA CDBG Funds through HUD for Sewer Rehabilitation in Older Neighborhoods

Attachments: [Foley FY15 CDBG Cost Estimate \(1\).xls](#)

A motion was made by Council Member Vera Quaite to authorize the submission of a grant application to ADECA requesting \$450,000 in Program Year 2015 Large City CDBG Funds; through Riviera Utilities, to provide \$686,580 in cash matching contributions toward the project, for a total project cost of \$1,136,580; to approve the City's Finance Division to setup a capital project fund to record the project budget and track the project activities in accordance with grant guidelines. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2191-RES

[15-0354](#)

A Resolution Approving Various Road Improvements in and around the Sports Tourism Area to Include Beck Road

A motion was made by Council Member Ralph Hellmich to approve improvements to roads in the Sports Tourism area to include Beck Road and to appropriate \$850,000 under Account 12-665-7340 payable from the Series 2014 General Obligation Bond proceeds in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2192-RES

[15-0334](#)

Discuss Pride Drive Supplemental Agreement

Attachments: [ATRIP Pride Dr. - Volkert Supplemental Agreement](#)

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

A motion was made by Council Member Ebert, III to accept Volkert Inc.'s Supplemental Agreement No. 1 to perform the redesign for a new detention pond location and to appropriate \$16,600 into Account No. 12-665-7311, Q88 PROF in support of this action. The motion was seconded by Council Member

Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 15-2193-RES

Mayor's Comments

None to report.

Visitors Comments

Elberta Council Member John Conti thanked the Council for allowing him to sit in the Work Session and Council meetings to see how a larger city conducts its meetings. He reported he was very impressed with the organization of the meetings and how well Council, Mayor and City Administrators conducted themselves.

Executive Session

President Trawick reported the need for an Executive Session to discuss the consideration of the purchase, sale, exchange, lease or market value of real property and negotiations involving matters of trade or commerce. City Administrator Mike Thompson reported the Executive Session will take approximately 40 minutes and that the Council will 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 Charles Ebert, III. 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 5:45 p.m. to go into Executive Session.

The Council reconvened at 6:37 p.m.

All Council members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, John Conti, Britton Bonner and Rusty Russell.

[15-0356](#)

A resolution to authorize the selling of 1.37 acres of land to Craine Creek Farms

A motion was made by Council Member Ralph Hellmich to authorize the sale of 1.37 acres of land to Craine Creek Farms at the negotiated price; contingent upon re-subdivision of the property and Planning Commission's approval; and

with the City having the first right of refusal. The motion was seconded by Council Member Rick Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, 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: 15-2194-RES

Adjourn

A motion was made by Council Member Charles Ebert, III to adjourn the Council meeting. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

The meeting adjourned at 6:40 p.m.