



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, September 21, 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 with the exception of Council Member Vera Quaites, who was absent due to work obligations. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, David Wilson, Miriam Boutwell, Joey Darby, Al Lugo, Jeff Rouzie, Nick Klarman, Gregg Knight and Diane Saunders.

Present: 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - Council Member Vera Quaites

Pledge of Allegiance

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 15-0573 and 15-0574 to the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

[15-0533](#) 09-08-2015 Work Session Minutes

Attachments: [09-08-2015 Word Session Draft Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of September 8, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0566](#) Council Meeting Minutes of September 8, 2015.

Attachments: [09-08-2015 Council Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of September 8, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Audit the Accounts

[15-0568](#) Audit the accounts of August, 2015.

A motion was made by Council Member Charles Ebert, III to audit the accounts of August, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Reports

[15-0540](#) August 2015 Bid Activity

Attachments: [August 2015 Bid Awards.pdf](#)

The August 2015 Bid Activity Report was presented to Council for review. The report is attached as back to the minutes.

[15-0557](#) August 2015 Sales, Lodging and Rental Tax Reports

Attachments: [August 2015 Sales, Lodging and Rental Tax Reports](#)

City Administrator Mike Thompson reported the sales tax is up 3.4% year-to-date. The lodging tax is up 16% for the month and up 15.5% over last year's numbers. The rental takes is just roughly one half percent above last year.

[15-0554](#) AUGUST 2015 COMMUNITY DEVELOPMENT DEPARTMENT REPORT

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

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

[15-0570](#) Fire Department Monthly Report August 2015

Attachments: [Council August 15 9-15](#)

Fire Chief Joey Darby gave a synopsis of the August 2015 Fire Department Report, which is attached as back up to the minutes. He also reported there were three structure fires. There was a fire in a shed on South Cedar Street.

The cause of the fire has not yet been determined. There was a single family residence fire in the Arbor Walk subdivision that caused significant damage as a result of an unattended cooking fire. There was a fire in an RV that was being used as a permanent residence on County Road 49. The RV was a total loss and the fire is considered to be a suspicious fire and the State Fire Marshall is investigating.

[15-0544](#) August 2015 Foley Police Dept Monthly Report

Attachments: [20150908123540105](#)

Police Chief David Wilson introduced Officer Al Lugo, who will be retiring in October 2015. Officer Lugo gave a synopsis of the August 2015 Police Department Report.

Ordinances, Resolutions and Other Business

[15-0491](#) Resolution seeking approval for new gateway signage design for six entrance locations: Foley Beach Express north and south, Highway 98 east and west and Highway 59 north and south.

Attachments: [2015 Axia Gateway proposal Foley Gateway-v2](#)
[GATEWAY SIGNAGE COSTS.pdf](#)
[pbs.al59.cr10.A](#)
[pbs.al59.FBE - site of existing Al 59 sign north](#)
[pbs.fbe.bbe.A](#)
[pbs.fbe.cr12.A](#)
[pbs.us98.cr55.A](#)
[pbs.us98.sandy.A](#)

A motion was made by Council Member Charles Ebert, III to approve the new gateway signage design for six entrance locations: Foley Beach Express north and south, Highway 98 east and west and Highway 59 north and south. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2294-RES

[15-0500](#) A Resolution Amending the Budgets of City Funds.

Attachments: [Section \(8\) - Airport Improving Funding Agreement](#)
[Section \(7\) - BCLC Invoice](#)
[Section \(16\) - A-C Quotes](#)

A motion was made by Council Member Ralph Hellmich to amend the budgets of various City Funds and to acknowledge action taken by various boards as stated in the resolution. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2295-RES

15-0509

This Ordinance is too large to print from Legistar. The Ordinance is attached.

Attachments: [Application for Pretrial Intervention and Diversion Program.pdf](#)
[Pretrial Diversion Program Ordinance CITY.of.FO.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Pretrial Intervention and Diversion Program for the Municipal Court. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-1020-ORD

15-0542

A Resolution Amending the City's Fund Balance Policy

Attachments: [2015-09 Fund Balance Policy](#)

A motion was made by Council Member Ralph Hellmich to rescind resolutions 3649-09 and 4648-11 and to supersede all previous regulations regarding fund balance policy; to adopt a revised Fund Balance Policy dated September, 2015, that is made a permanent part of this resolution, effective for the upcoming fiscal year of October 1, 2015 - September 30, 2016 and to direct the City Treasurer to prepare an Addendum to the FY16 Budget that recalculates the minimum fund balance goal for consideration at the first Council Meeting in October. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2296-RES

15-0545

Amendment of Resolution 14-0577 appointing members to the Graham Creek Advisory Board

A motion was made by Council Member Ralph Hellmich to approve the amendment to Resolution 14-0577, paragraph four, first sentence to state the following: "Whereas, Generally, meeting shall commence the first Thursday of the month, as necessary to conduct business regarding the Graham Creek Nature Preserve, at City Hall, 407 East Laurel Avenue, in the Conference Room." The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2297-RES

15-0546

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 406 EAST MYRTLE AVE

Attachments: [Weed Abatement.406 E Myrtle Ave.](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing to declare weeds to be a nuisance and to order its abatement at 406 East Myrtle Avenue. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2298-RES

15-0547

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 510 W CAROLYN AVE

Attachments: [Weed Abatement.510 W Carolyn Ave](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a nuisance and ordering its abatement at 510 West Carolyn Avenue. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2299-RES

15-0548

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 620 EAST PEDIGO

Attachments: [Weed Abatement.620 E Pedigo](#)

A motion was made by Council Member Rick Blackwell to set a public hearing declaring weeds to be a nuisance and to order its abatement at 620 East Pedigo. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2300-RES

15-0550

A Resolution to appoint a new member to the Museum Archive Board.

Attachments: [Larry Davenport](#)

[Drew.Wenzel.Resume.Dated.Sep.08.2015 \(1\)](#)

A motion was made by Council Member Ralph Hellmich to appoint Drew Wenzel to the Museum Archive Board beginning retroactively April 21, 2015 and ending on April 22, 2018 to fill the vacancy left by the passing of Al Stapel. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2301-RES

15-0552

Request to apply for the Legacy Environmental Education Grant for Graham Creek Preserve

Attachments: [2016-Environmental-Education-Grant-Application](#)

A motion was made by Council Member Charles Ebert, III to approve the grant application for the Legacy Environmental Education Grant for Graham Creek Preserve. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2302-RES

15-0553

Approval For the Dia dela Raza Festival to be held Sunday, October 18, 2015 at the Foley Heritage Park

Attachments: [Dia de la Raza 2015 Flyer](#)

A motion was made by Council Member Ralph Hellmich to approve the use of Foley Heritage Park for the annual Dia dela Raza Festival to be held on Sunday, October 18, 2015 from 8:00 a.m. until 5:00 p.m. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2303-RES

15-0555

Approval for the Gulf Coast Gospel Jubilee to be held Saturday, October 3, 2015 at the Foley Soccer Complex from 9:00 a.m. until 5:00 p.m.

Attachments: [2nd Annual Gulf Coast Gospel Jubilee 2015](#)

A motion was made by Council Member Rick Blackwell to approve the Annual Gulf Coast Gospel Jubilee to be held Saturday, October 3, 2015 at the Foley Soccer Complex from 10:00 a.m. until 6:00 p.m. Set up and break down of the event will be from 8:00 a.m. until 8:00 p.m. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2304-RES

15-0558

Request to Purchase Field Striping Equipment and Paint

Attachments: [Paint Striping Equipment and Paint Quotes](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of 2 field lining sprayers totaling \$15,900.00; to approve the purchase of Striping Paint totaling \$1,600.00; to approve the transfer of \$15,900.00 from Account No. 01-628-8075 Event Operations to Account No. 01-628-5010 Small Tools and to approve the transfer of \$1,600.00 from Account No. 01-628-8075 Event Operations to Account No. 01-628-5020 Supplies. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2305-RES

15-0559

Authorizing Certain Accounts to be Written off as Uncollectable

Attachments: [20150914142453863.pdf](#)

A motion was made by Council Member Charles Ebert, III to write off certain accounts as uncollectable in the amount of \$3,883.96. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2306-RES

15-0560

Amending Pay Classification Plan for Position Change in the Recreation Department

Attachments: [201509141436.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend the Pay Classification Plan to retitle the Recreation Secretary/Receptionist position (Grade 7) to the Recreation Officer Manager (Grade 9), Non-Exempt. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2307-RES

15-0561

Acceptance of Dog Park Irrigation Bid

Attachments: [Kents Landscaping - Dog Park.pdf](#)
[Bid Results - Dog Park Irrigation.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the lowest, responsible bid in the amount of \$9,700.00 submitted by Kent's Landscaping LLC plus a 10% contingency of \$970.00 under Account 12-665-7333 R12 DOG PK as there are funds remaining in the account to cover this project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2308-RES

15-0562

ABC License - 150 Special Retail License - 30 Days or Less for On the Ball Auto Mall LLC.

Attachments: [ABC Application](#)

A motion was made by Council Member Charles Ebert, III to approve the ABC license for On the Ball Auto Mall LLC contingent upon prior approval from the Fire and Police Departments. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

15-0563

Reallocation of funds for Recreation Capital Account for the purchase of field drag with attachments and a pull type blower.

Attachments: [City of Foley 09-09-15r1](#)
[Toro ProForce Trubo Pull behind Blower 9.14.15](#)

A motion was made by Council Member Rick Blackwell to approve the reallocation of \$32,000 from the "SUV" and "pool lane ropes" to "Infield Drag" and "Pull-Type Blower", under account 1-622-7010 and to approve the purchase of the same through the National IPA Discount, NIPA16146 through Jerry Pate Turf & Irrigation, provided possession can be taken prior to October 1, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2309-RES

15-0564

Request to enter into a contract with Facility Maintenance Consultant, Jason Mills, for the Sports Tourism Complex for FY 2016

Attachments: [Jason Mills Contract Labor FY16](#)

A motion was made by Council Member Ralph Hellmich to approve the contract with Facility Maintenance Consultant, Jason Mills, for the Sports Tourism Complex for FY 2016 for the amount of \$2500 per month, for 50 hours of consulting, for a total of \$30,000.00 for FY 2016 and to approve any required additional hours of consulting over the 50 allotted per month to be at a rate of \$50.00 per hour. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2310-RES

15-0567

Set a public hearing for October 5, 2015 to consider revocation of a business license

A motion was made by Council Member Charles Ebert, III to set a public hearing for October 5, 2015 to consider the revocation of a business license. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2311-RES

15-0571

A resolution to approve letter of intent from Riviera Utilities for well site exchange at Graham Creek Nature Preserve.

Attachments: [Letter of Intent](#)

A motion was made by Council Member Ralph Hellmich to approve the letter of intent submitted by Riviera Utilities to evaluate three well sites at Graham Creek Nature Preserve. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2312-RES

15-0572

Residential Sanitation Write Offs as Uncollectible in the Amount of \$45.15.

Attachments: [Sanitation Write offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts in the collective amount of \$45.15 as uncollectible. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2313-RES

15-0573

A resolution to approve entering into a lease contract with Modspace for the Sports Tourism Department.

Attachments: [ModSpace Quote 24x56 Office Unit](#)

A motion was made by Council Member Charles Ebert, III to approve the Sports Tourism Department to enter into a twelve (12) month contract with Modspace for a modular office unit; to approve the use of funds from Account No. 01.628.3220 to be used for the (12) month contract with Modspace and to approve the cost of utilities and set-up of utilities for the office space for FY16. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2314-RES

15-0574

Approval to enter into contract with r360 LLC.

Attachments: [r360 Agreement](#)

A motion was made by Council Member Ralph Hellmich to approve the Economic Development to enter into an agreement with r360 LLC in the amount of \$16,000 annually with the option to renew each year. The motion

was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2315-RES

Mayor's Comments

Mayor Koniar reported that former City of Foley Mayor Author Holk will be celebrating his 90th birthday on October 16th, 2015 at the Heritage Park Pavilion from 4:00 p.m. until 6:00 p.m. and the public is invited to attend.

Council Member Ralph Hellmich reported that former Foley City Administrator Perry Wilbourne suffered a heart attack on September 19, 2015. He is currently in the hospital and will be undergoing surgery for a blocked artery.

Council Member Rick Blackwell reported former City Clerk Lillian Fell passed away. She was 103 years old.

Visitor's Comments

There were no comments to report.

Executive Session

President Trawick reported there was a need to go into an Executive Session.

City Administrator Mike Thompson reported the Executive Session is to discuss three topics. Two topics are to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. One topic is to discuss preliminary negotiations involving matters of trade or commerce in which the City is in competition with private individuals or entities or other governmental bodies. Mr. Thompson reported the Executive Session is anticipated to last approximately 35-45 minutes and Council will reconvene to vote on two topics.

Councilman Hellmich made a motion to go into Executive Session. The motion was seconded by Councilman Ebert, III.

Mr. Thompson took the following roll call vote: Council Member Hellmich, aye; Council Member Blackwell, aye; Council Member Ebert III, aye and President Trawick, aye. Of those present, the vote was unanimous to go into Executive Session.

The Council meeting recessed at 6:18 p.m.

Reconvened

President Trawick called the meeting to order at 7:09 p.m. All Council Members were present with the exception of Council Member Quaites. Also present: City Administrator Mike Thompson, Mayor Koniar, Vickey Southern, Katy Taylor, Steve Smith, Nick Klarman and Jeff Rouzie.

15-0576

Consider lease agreement for Peavey Building

A motion was made by Council Member Ralph Hellmich to approve a resolution to negotiate a lease agreement with Woerner/Bon Secour Valley Ingredient LLC. and to move forward on the needed Peavey building changes contingent upon the protections in the lease and CAFFM Board agreement. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2316-RES

15-0577

Approve NMTC Reservation Letter

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign the New Market Tax Credit reservation letter for the Event Center and to authorize the associated funding for professional services fees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2317-RES

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 7:13 p.m.