



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, August 3, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0453](#)

Public Hearing to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Smart Living LLC. from PUD (Planned Unit Development-Condo) to PUD (Planned Unit Development-Residential Single Family).

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Smart Living LLC from PUD (Planned Unit Development-Condo) to PUD (Planned Unit Development-Residential Single Family). 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 5:31 p.m.

Roll Call

All Council Members were present with the exception of Council Member Vera Quaites who was absent due to a work schedule conflict. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, Joey Darby, David Wilson, Jeff Rouzie, Gregg Knight, Steven Pumphrey, Bill Swanson, John Jackson, Kurt Hellmich and press representative Jay Sowers (Onlooker).

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

Presentations

[15-0471](#) Citation Honoring the Memory of Hattie Little Smith

Attachments: [Citation- Hattie Little Smith](#)

Mayor Koniar read aloud the Citation honoring the memory of Hattie Little Smith, which is attached as back up to the minutes. Mayor Koniar also reported that Mrs. Smith was a great lady and she was a great asset to the community for many years.

[15-0472](#) Citation in Honor of Kenny "Snake" Stabler

Attachments: [Citation-Ken Stabler](#)

Mayor Koniar read aloud the Citation in memory of Kenny "Snake" Stabler, which is attached as back up to the minutes.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to carry over item 15-0463 to the August 17, 2015 Council meeting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[15-0464](#) 07-20-2015 Work Session Minutes

Attachments: [07-20-2015 Work Session Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of July 20, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0452](#) Council Minutes of July 20, 2015.

Attachments: [7-20-15 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of July 20, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[15-0383](#) A Resolution to reappoint Les Polk as an Alternate Member to the Construction Board of Adjustment and Appeals.

Attachments: [L. Polk-Const. BAA List](#)
[Les Polk Email](#)

A motion was made by Council Member Ralph Hellmich to reappoint Les Polk as an Alternate Member to the Construction Board of Adjustment and Appeals. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2248-RES

[15-0414](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY Smart Living LLC FROM PUD Four-Plex TO PUD Single Family

Attachments: [Kensington Place for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to rezone property owned by Smart Living LLC from PUD (Planned Unit Development-Condo) to PUD (Planned Unit Development-Residential Single Family). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1018-ORD

[15-0441](#)

Accept bid submitted by Gulf Equipment Corp. for Airport Drainage Project and transfer funds to project account

Attachments: [Award Recommendation.pdf](#)
[Pre-Project Checklist.pdf](#)

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

A motion was made by Council Member Ebert, III to accept the lowest, responsible bid submitted by Gulf Equipment Corp. in the amount of \$484,241.40 and to approve the transfer of \$24,610 from account 01-613-6050 to account 12-665-7359 R25 VLKSA (\$22,610 to construction and \$2,000 to Volkert) to cover the difference between the estimated project construction cost and the actual bid amount. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Hellmich, aye; President Trawick, abstained; Council Member Blackwell, aye and Council Member Ebert, aye. Of those present, the vote passed by a majority vote.

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

Aye: 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 15-2249-RES

[15-0450](#)

An Ordinance Prohibiting the Possession, Use or Attempted Use of Shoplifting Devices

Attachments: [07552_ Theft Detection Shielding_ Ordinance.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance prohibiting the possession, use or attempted use of shoplifting devices. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-1019-ORD

[15-0451](#)

Request permission for the Street Department to go to bid on a replacement vehicle

A motion was made by Council Member Charles Ebert, III to acknowledge an insurance settlement for a total-loss wrecked vehicle in the amount of \$20,238.00 and to increase the budget for Revenue Account No. 01-5142; to approve the insurance settlement amount plus \$4,000 (\$24,238 total) in additional funding to Account 01-607-7010 for a replacement truck and to approve the bidding and purchase of a new vehicle for the Street Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2250-RES

[15-0454](#)

Resolution Authorizing Transfer of Funds in the Amount of \$4,210.52 for the Creation of a Part-Time Foley Depot Museum Operations Assistant.

Attachments: [Foley Depot Museum Operations Assistant.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize the creation of a part-time, permanent position of "Foley Depot Museum Operations Assistant" at 29 hours per week; to authorize placing employee #01-0141 into the new position of Foley Depot Museum Operations Assistant beginning pay period August 11, 2015 and to authorize the transfer of funds in the amount of \$4,210.52 in support of this action as follows: \$3,762.75 from Acct #01-611-1011 to Acct #01-623-1015; \$288.23 from Acct #01-611-1030 to Acct #01-623-1030; \$159.54 from Acct #01-611-1160 to Acct #01-623-1160. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2251-RES

[15-0455](#)

Nominating Council Representative For Consideration To Serve On Baldwin County Board Of Equalization

Attachments: [ADOR BR OF Equalization](#)

A motion was made by Council Member Ralph Hellmich to nominate Brock Wells as the City of Foley's representative to be considered to serve on the County Board of Equalization for the term beginning October 1, 2015. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2252-RES

[15-0456](#)

Re-allocation of Funds to Purchase Shelving

Attachments: [Shelving Quote 7 15](#)

A motion was made by Council Member Rick Blackwell to approve the re-allocation of \$3,500.00 and its use to purchase and install shelving for the Foley Public Library. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2253-RES

[15-0458](#)

Transfer of IT Funds

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$9,000 from 01-629-2021 to 01-629-01-629-5010; \$13,000 from 01-629-5020 to 01-629-3500; \$2,000 from 01-629-6020 to 01-629-3500; and \$6,000 from 01-629-7010 to 01-629-5010 for the IT Department. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2254-RES

[15-0459](#)

Permission for City of Foley Library to Apply for Walmart Foundation Grant

Attachments: [Walmart Grant Guidelines 7 15](#)

A motion was made by Council Member Rick Blackwell to approve the application by the City of Foley Library for Walmart Foundation Grant funds in the maximum amount allowed of \$2,500 as a means of funding the Library's Annual Halloween Extravaganza. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2255-RES

[15-0460](#)

East Orange Avenue and South Poplar Street Intersection Change

A motion was made by Council Member Ralph Hellmich to approve changing the East Orange Avenue and South Poplar Street intersection to a four-way stop. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2256-RES

[15-0462](#)

Request to Formalize Contract with Mobile Bay National Estuary Program on the Bon Secour River Watershed Management Plan

Attachments: [Scope of Services Bon Secour](#)

A motion was made by Council Member Ralph Hellmich to approve the City serving as the project manager for the Mobile Bay National Estuary Program for the development of a comprehensive watershed management plan for the Bon Secour River and to formalize the contract with the MBNEP with a revenue of \$20,000 for FY16. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2257-RES

[15-0463](#)

Watershed Update and Request for Support of Mobile Bay National Estuary Program

A motion was made by Council Member Ralph Hellmich to carry this item over to the August 17, 2015 Council meeting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2262-RES

[15-0466](#)

Permission to purchase panic buttons for the Welcome Center

Attachments: [Hunter Security Porposal for panic buttons for the Welcome Center](#)

A motion was made by Council Member Ralph Hellmich to approve the Marketing Department to use existing budget funds to purchase panic buttons and the necessary equipment from Hunter Security in the amount of \$750 and to approve entering into an agreement to monitor the system for \$35 per month to provide additional safety for the staff of the Welcome Center; to approve the use of existing budget funds from Account No. 01-625-5010 for the equipment and installation and Account No. 01-625-4010 for the monitoring of the system. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2258-RES

[15-0470](#)

Resolution transferring funds in the Parks Department to cover unexpected maintenance costs.

A motion was made by Council Member Rick Blackwell to authorize the transfer of funds in the amount of \$3,000 from Overtime Account #01-611-1011 to Park/Field/Swing/Etc. Maintenance Account #01-611-4030 for the Parks Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2259-RES

[15-0474](#)

RESOLUTION AUTHORIZING AN AGREEMENT OF SALE AMONG
THE CITY OF FOLEY, ALABAMA AND CRAINE CREEK FARMS, LLC

Attachments: [Resolution - City of Foley - Craine Creek Farms, LLC.PDF](#)

A motion was made by Council Member Hellmich to authorize an agreement of sale among the City of Foley, Alabama and Craine Creek Farms, LLC. Craine Creek Farm, LLC desires to purchase approximately 1.37 acres for the purpose of expanding the Coastal Alabama Farmers and Fishermens Market to include a hydroponics facility in order to produce locally-grown fresh fruits and vegetables as well as educationing the public. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, nay. Of those present, the vote passed by a majority vote.

Aye: 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

Nay: 1 - Council Member Ebert III

Enactment No: 15-2260-RES

[15-0475](#)

Consider a Resolution approving a Ground Lease between the City of Foley and Peace Lutheran Church

Attachments: [Peace Lutheran Ground Lease](#)

A motion was made by Council Member Charles Ebert, III to approve entering into a Ground Lease Agreement for five (5) years with Peace Lutheran Church for a nominal fee of \$1 per year for the use of approximately one (1) acre of land to be used by the Police Department as a K9 training course in exchange for grass mowing. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2261-RES

Mayor's Comments

None to report.

Visitor's Comments

Gregg Knight of 809 E. Azalea Avenue addressed the Council with his concern of the roundabout on Rivieria Boulevard. He asked if signage could be placed to direct traffic to stay to the right side of the roundabout to avoid a collision. Councilman Ebert suggested the Engineering Department should look into installing proper signage for the roundabout. City Engineer Chad Christian reported there is an advanced roundabout sign that could be placed there.

Adjourn

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

The meeting adjourned at 5:50 p.m.