



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft

### City Council

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Monday, December 19, 2016

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearing

##### 16-0739

Public Hearing declaring weeds to be a nuisance and ordering its abatement at 317 W. Berry Avenue. **PROPERTY HAS BEEN ABATED BY THE OWNER. NO FURTHER ACTION IS REQUIRED.**

Council President Wayne Trawick opened the public hearing at 5:30 pm. to declare weeds to be a nuisance and ordering its abatement at 317 W. Berry Avenue. President Trawick reported the property has been abated by the owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

##### 16-0740

Public Hearing declaring weeds to be a nuisance and ordering its abatement at 608 W Marigold Avenue. **PROPERTY HAS BEEN ABATED BY THE OWNER. NO FURTHER ACTION IS REQUIRED.**

Council President Wayne Trawick opened the public hearing at 5:31 pm. to declare weeds to be a nuisance and ordering its abatement at 608 W. Marigold Avenue. President Trawick reported the property has been abated by the owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

##### 16-0741

Public Hearing declaring weeds to be a nuisance and ordering its abatement at the Lot North of 512 6th Avenue.

Council President Wayne Trawick opened the public hearing at 5:32 pm. to declare weeds to be a nuisance and ordering its abatement at the lot north of 512 6th Avenue. President Trawick reported the property has been abated by the owner and no further action is required. He 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 5:33 pm.

#### Roll Call

All Council Members were present. Also present: City Administrator Mike

Thompson, Vickey Southern, Katy Taylor, John Gleaton, Joey Darby, David Wilson, Miriam Boutwell, Thurston Bullock, Jeff Rouzie, Chad Christian, Daisha Barns, Meg Hellmich, Kate Embry, Pam Harris, LaDonna Hinsely, Heyward Hosch, Amanda Bond, Dr. Fred Fedok, Mrs. Fedok, Roddy Burkle and press representative Alison Woodham (Onlooker). Mayor Koniar was absent.

**Present:** 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 1 - Mayor J Koniar

## Pledge Of Allegiance

## Mayor's Presentation

[16-0748](#) Proclamation: Dr. Fred G. Fedok

**Attachments:** [Dr. Fedok Proclamation](#)

President Pro-temp Ralph Hellmich present Dr. Fred Fedok with a proclamation, which is attached as back to the minutes. Dr. Fedok reported his training and medical career has taken him around the country and he has had the privilege to lecture internationally. He reported Foley is his home and he is privileged to live and work along the Gulf Coast.

## Additions/Removals

A motion was made by Council Member Ebert, III to add items 16-0709, 16-0764 and 16-0768 and to remove item 16-0742. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

Aye: 1 - President Trawick

## Departmental Reports

[16-0736](#) November 2016 Bid Activity

**Attachments:** [November 2016 Bid Awards.pdf](#)

The November Bid Activity report is attached as back up to the Minutes.

[16-0746](#) November 2016 Tax Reports

**Attachments:** [20161208130916957](#)

City Administrator Mike Thompson reported Sales Tax 9% for the month and up 6.71% for the first two months of the fiscal year; Lodging Tax is up 15% for the month and up 10.85% for the first two month of the fiscal year and Rental tax is up 33% for the month and up 27.8% for the first two month of the fiscal year.

**16-0749****NOVEMBER 2016 CDD REPORT**

Attachments: [November 2016 CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the November 2016 CDD Report, which is attached as back up to the Minutes.

**16-0759****Fire Department Monthly Report November 2016**

Attachments: [Council November 16 12-16](#)

Fire Chief Joey Darby gave a synopsis of the November 2016 Fire Department Report, which is attached as back up to the minutes. He also reported there was a fire at McDonald's in the HVAC duct work which caused the business to close down for a couple of hours. There was a small kitchen fire on Bay Street and there was a fire in a mobile home at the intersection of Grantham Road and Azalea Avenue. The mobile home was a total loss. No injuries were reported with these fires.

**16-0753****November 2016 Police End of Month Report**

Attachments: [20161212152915461](#)

Police Chief David Wilson gave a synopsis of the November 2016 Police Department Report, which is attached as back up to the Minutes.

**Approval of the Minutes****16-0743****Work Session Minutes of December 5, 2016**

Attachments: [12-05-16 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of December 5, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

**16-0744****Council Meeting Minutes of December 5, 2016**

Attachments: [12-05-16 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of December 5, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

## Ordinances

[16-0732](#) (Second Reading) ORDINANCE APPROVING INITIAL ZONING OF RICHARD AND WYNONA LITTLE PROPERTY.

Sponsors: Planning Commission

**A motion was made by Council Member Vera Quaites to approve the first reading of an ordinance approving the initial zoning of property owned by Richard and Wilma Little. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

[16-0760](#) (Second Reading) AN ORDINANCE ENACTING AND LEVYING A TEMPORARY, ADDITIONAL ONE PERCENT (1%) MUNICIPAL SALES AND USE TAX ON CERTAIN TYPES OF TRANSACTIONS OR ACTIVITIES.

**A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance enacting and levying a temporary, additional one percent municipal sales tax and use tax on certain types of transactions or activities. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

[16-0709](#) (Second Reading) Amend the 2012 Code Ordinance to adopt the 2015 International Fire Code, as amended.

Attachments: [2012 Code Ordinance 2015 IFC Changes 11-2016](#)  
[IFC Significant Changes from the 2012 to the 2015 Edition](#)  
[2015 IFC Ordinance amendment 11-2016](#)  
[ORD. 16-2020](#)

**A motion was made by Council Member Charles Ebert, III to amend the 2012 Code Ordinance to adopt the 2015 International Fire Code. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-2030-ORD

## Resolutions and Other Business

[16-0724](#) REQUEST TO USE HERITAGE PARK AND HAVE FEES WAIVED FOR THE WOMEN'S CARE MEDICAL CENTER'S ANNUAL WALK-A-THON

Attachments: [Park Request](#)

**A motion was made by Council Member Ralph Hellmich to waive the fees for the use of Heritage Park requested by the Women's Care Medical Center for their fundraiser on March 11, 2017 from 7:30 a.m. until 10:30 a.m. The motion was seconded by Council Member Charles Ebert, III and carried by an**

unanimous vote.

Enactment No: 16-1337-RES

16-0726

**A resolution waiving fees for the use of Heritage Park and Pavilion for South Baldwin Chamber Foundation's annual BBQ & Blues Cook-Off fundraising event.**

**Attachments:** [BBQ Blues](#)

**A motion was made by Council Member Charles Ebert, III to waive the fees for the use of Heritage Park and Pavilion requested by the South Baldwin Chamber Foundation for their fundraiser on March 18, 2017 and to approve the application for a special events retail license to serve beer and wine only at BBQ & Blues Cook-Off fundraising event on March 18, 2017 in a specific area of Heritage Park and Pavilion. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1338-RES

16-0728

**Accept Grant Award From ADECA**

**Attachments:** [CDBG Project](#)

**A motion was made by Council Member Ralph Hellmich to accept the grant award from ADECA. The motion was seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried. by an unanimous vote.**

Enactment No: 16-1339-RES

16-0729

**A resolution authorizing the placement of appropriate advertisements, letters and postings soliciting for the CDBG Project**

**Attachments:** [CDBG Large City Fund Sewer Improvements](#)

**A motion was made by Council Member Charles Ebert, III to authorize the placement of appropriate advertisements, letters and postings soliciting Requests for Proposals from qualified grant administration firms for said services. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1340-RES

16-0733

**Consider 040- Retail Beer (on or Off Premises) and 060- Retail Table Wine ( On or Off Premises) ABC License transfer from Piggly Wiggly Foley Inc. to Manning INC. under the trade name of Piggly Wiggly Foley located at 1200 South McKenzie Street, Foley, AL.**

**Attachments:** [ABC License Transfer Application](#)

[Piggly Wiggly Map](#)

**Police Chief David Wilson and Fire Chief Joey Darby made recommendations to move forward with the ABC License transfer.**

**A motion was made by Council Member Ralph Hellmich to approve the ABC License transfer. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

[16-0742](#)

Resolution authorizing employees to enter upon the property at the vacant lot north of 512 6th Avenue for the purpose of abating the public nuisance.

**A motion was made by Council Member Charles Ebert, III to remove this item. The property has been abated by the property owner. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

[16-0747](#)

Street Light Request for Alley South of 721 W. Orchid Avenue

**A motion was made by Council Member Charles Ebert, III to approve the installation of one (1) street light on an existing Riviera Utilities' pole located in the alley south of 721 West Orchid Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-1341-RES

[16-0750](#)

A resolution to approve or deny business license application

**Attachments:** [Business License Application](#)  
[RES. 16-1330](#)

**A motion was made by Council Member Ralph Hellmich to deny the Business License Application filed by Amanda Bond for B&R Tires Automotive. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1342-RES

[16-0751](#)

Approving a Transfer of Funds from General Government to Sports Tourism

**A motion was made by Council Member Ralph Hellmich to transfer funds from General Government to Sports Tourism. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1343-RES

[16-0754](#)

Resolution to rescind Resolution #16-1306 and #16-1324 (authorizing changes to the City's Pay Classification Plan) due to the recent preliminary injunction by the US District Court for the Eastern District of Texas preventing the U.S. Department of Labor from implementing the revised FLSA overtime regulations on December 1, 2016.

**Attachments:** [DOL Ruling Halted.pdf](#)  
[16-1324.pdf](#)  
[16-1306.pdf](#)

**A motion was made by Council Member Charles Ebert, III to rescind Resolution #16-1306 and #16-1324 due to the recent preliminary injunction by the US**

District Court for the Eastern District of Texas preventing the U.S. Department of Labor from implementing the revised FLSA overtime regulations on December 1, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1344-RES

**16-0755**

Approving OptumHealth Contract Renewal as the City's reinsurance/stop loss provider for the 2017 Calendar Year

**Attachments:**    [Optum Renewal.pdf](#)  
[Renewal Quotes.pdf](#)  
[Paid Claims Report.pdf](#)  
[2016 Savings Report.pdf](#)  
[Cumulative Savings Report.pdf](#)

**A motion was made by Council Member Rick Blackwell to approve the OptumHealth contract renewal as the City's reinsurance/stop loss provider for the 2017 Calendar Year. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1345-RES

**16-0764**

**A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE PUBLIC ATHLETIC AND SPORTS FACILITIES COOPERATIVE DISTRICT OF THE CITY OF FOLEY, ALABAMA**

**Attachments:**    [12-19-16 PCEFCD Project User Fee](#)

**A motion was made by Council Member Ebert, III to authorize a project user fee agreement by the City of Foley and the Public Athletic and Sports Facilities Cooperative District. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; Council President Trawick, aye, Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.**

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Blackwell and Council Member Ebert III

**Abstain:** 1 - Council Member Hellmich

Enactment No: 16-1346-RES

**16-0768**

**A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE PUBLIC CULTURAL AND ENTERTAINMENT FACILITIES COOPERATIVE DISTRICT OF THE CITY OF FOLEY, ALABAMA**

**A motion was made by Council Member Ebert, III, to authorize a project user fee agreement by the City of Foley and the Public Cultural and Entertainment Facilities Cooperative District. The motion was seconded by Council Member**

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

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Blackwell and Council Member Ebert III

**Abstain:** 1 - Council Member Hellmich

Enactment No: 16-1347-RES

## **Mayor's Comments**

**No comments to report.**

## **Visitor Comments**

President Trawick reported he would like to recognize that tonight's Council meeting is the last meeting for City Clerk Vickey Southern, who is retiring at the end of the month. City Administrator Mike Thompson and Council congratulated Mrs. Southern on her retirement and wished her well.

## **Adjournment**

**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 6:06 pm.**