



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 15, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0904](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 5 Canterbury Circle.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to declare weeds to be a public nuisance and to order its abatement at 5 Canterbury Circle. President Trawick reported that the property has been abated by the owner and no future action will be required. He asked for public comments. Hearing no comments, he closed the public hearing.

[14-0905](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at Vacant Lot on N. Oak Street.

President Trawick opened the public hearing to declare weeds to be a public nuisance and to order its abatement at Vacant Lot on N. Oak Street. President Trawick reported that the property has been abated by the owner and no future action will be required. He asked for public comments. Hearing no comments, he closed the public hearing.

[14-0906](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 1608 S. Oak Street. **Property has been abated by owner.**

President Trawick opened the public hearing to declare weeds to be a public nuisance and to order its abatement at 1608 S. Oak Street. President Trawick reported that the property has been abated by the owner and no future action will be required. He asked for public comments. 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. Mayor Koniar was absent due to a prior engagement. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Miriam

Boutwell, Chad Christian, Don Staley, Jeff Rouzie, James Adams, Nick Klarman, Labaron Nichols, Garth Bacchus and press representative Cathy Higgins (Onlooker).

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 remove items 14-0908 and 14-0909 due to both properties being abated by the owners. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0912](#) 12-01-2014 Work Session Minutes

Attachments: [12-01-14 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Work Session Minutes of December 1, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[14-0903](#) Council Meeting Minutes of December 1, 2014

Attachments: [12-01-14 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of December 1, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Audit the Accounts

[14-0923](#) Audit the accounts of November 2014.

A motion was made by Council Member Rick Blackwell to approve the accounts for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Reports

[14-0915](#) November 2014 Sales, Lodging and Rental Tax Reports

Attachments: [20141209083924184.pdf](#)

City Administrator Mike Thompson reported the month of November 2014 broke one million dollars for the first time in sales tax revenue, which is up 4.4% for the month and up 5.4% year-to-date. Lodging tax revenue is up 21.6% over last year. Rental tax is down 8% year-to-date. The Revenue Department has asked the State to research the numbers to find the cause of the decline of the Rental tax revenue.

[14-0894](#)

November 2014 CDD Report

Attachments: [November 2014 CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the November 2014 CDD Report, which is attached as backup to the minutes.

[14-0918](#)

Fire Department Monthly Report November 2014

Attachments: [Council November 14 12-14](#)

Fire Chief Joey Darby gave a synopsis of the November 2104 Fire Department Report, which is attached as backup to the minutes. He also reported there were seven structure fires and a couple of these fires had rekindled. There was a fire on Highway 59 in the Summerdale fire jurisdiction at a large 4,000 - 5,000 square foot house. The Department was dispatched due to a low response from Summerdale, the Foley Fire Department was the primary Department on scene. The house was a total loss but two pets were rescued and placed on oxygen and they are doing well today. There was a fire at a vacant mobile home on River Loop. It is believed the improper maintenance of a dryer unit is the source of the fire but the cause of the fire has been listed as undetermined. There were two fires on Thanksgiving night. There was a single family residence fire on Vail Lane in Bon Secour that was caused by a malfunction of the chimney. The house was a total loss but the Department was able to save some personal property. The fire rekindled the next morning and the Department responded to fully extinguish it. There was a single family residence fire on Bay View Drive in the Graham Creek area. The Department rescued a pet and was able to save some personal property. The cause of the fire is listed as undetermined. He also reported a fully involved mobile home fire on Community Lane in the Summerdale area of the Foley Fire Jurisdiction. The mobile home was a total loss and displaced the family. There were no injuries as a result of any of the fires. There were also a couple of passenger vehicle fires and grass fires.

[14-0917](#)

Foley PD November 2014 Monthly Report

Attachments: [20141209151442747](#)

Foley Police Chief David Wilson gave a synopsis of the November 2014 Police Report, which is attached as backup to the minutes.

Ordinances, Resolutions, and Other Business

14-0779

Roof Repair to the Justice Center

Attachments: [Foley_JC_Phase 1.roof repair](#)
 [Tremco Contract Award](#)

A motion was made by Council Member Ralph Hellmich to appropriate additional funding of \$57,472.97 to repair the roof of the Justice Center; to approve transferring \$30,000 by removal of one of six budgeted vehicles from Capital Purchases Account to Building Maintenance Account; to approve spending \$15,000 from Building Maintenance Account and to approve the expenditure of the combined totals in the amount of \$102,472.97. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0531-RES

14-0859

Ordinance Amending Ordinance 14-1023 Section 3.

Attachments: [14-1023 ORD](#)

A motion was made by Council Member Ralph Hellmich to amend Ordinance 14-1023, Section 3. to read as follows: "SECTION 3: Petitioners requested and Council approved zoning as R- 1D Residential Single Family, upon adoption of this ordinance. All fees associated with the annexation/zoning of the property are hereby waived." The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-1029-ORD

14-0866

A Resolution reappointing Patricia Smith to the Foley Housing Authority.

Attachments: [Housing Authority](#)

A motion was made by Council Member Vera Quaites to reappoint Patricia Smith to the Foley Housing Authority. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0532-RES

14-0878

Request to develop a Graham Creek Preserve website and marketing campaign

Attachments: [Graham Creek Nature Preserve website proposal final](#)
 [Graham Creek Nature Preserve - Social & Email Management](#)
 [Contract - final \(2\)](#)

A motion was made by Council Member Blackwell to approve the contract with

Pink Fish Marketing in the amount of \$5390 for the development of a Graham Creek Preserve website and seven months of a social media marketing campaign. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority with one abstention.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 14-0533-RES

[14-0889](#)

Request to contract with American Cornhole LLC

Attachments: [ACO Cornhole.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the contract with American Cornhole LLC for a November 2015 event at the Graham Creek Nature Preserve or a site to be determined by both parties per site visit and to approve the expenditure of \$5000.00 bid fee for the event. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0534-RES

[14-0895](#)

Approves the purchase of equipment for a Fire Department 4WD SUV

A motion was made by Council Member Rick Blackwell to accept the lowest, responsible bid for one new 2015 full size, four-wheel drive SUV for the Fire Department submitted by Moyer Ford Sales, Inc. in the amount of \$32,899.00 and to approve the purchase of vehicle equipment with the remaining budgeted funds in the amount of \$7,101. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0535-RES

[14-0896](#)

Resolution Amending Resolution #14-0517 - Housekeeping Matter to Correct Job Title on Resolution

Attachments: [Res #14-0517.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0517 to correct the stated job title of "Secretary/Receptionist" throughout the resolution to the correct job title of "Receptionist/Clerk". The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0536-RES

[14-0897](#)

Creation of a Sports Commission Advisory Board

Attachments: [Sports Commissions Dec 15 Presentation](#)

A motion was made by Council Member Ralph Hellmich for the City to create a Sports Commission Advisory Board with a change from five to seven voting members and to add the Recreation Director and one at large member to the Board. The purpose in creating the Board is to assist City staff in future decisions on events and programs. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0537-RES

[14-0898](#)

Resolution Amending Resolution #14-0497 - Housekeeping Matter to Extend Outgoing Library Position Through End of Decmeber

Attachments: [Resolution #14-0497.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize the position of Library Technician/Computer Operator to remain in the Pay Classification Plan through December 31, 2014 and authorizes the employee to remain in that position through December 31, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0538-RES

[14-0899](#)

Approval of 010-Lounge Retail Liquor-Class I for applicant - Maple Street Lounge, LLC.

Attachments: [ABC-Maple Street Lounge-Redacted](#)
 [Maple Street Lounge Map](#)

Police Chief David Wilson and Fire Chief Joey Darby recommended moving forward with the ABC License.

A motion was made by Council Member Ralph Hellmich to approve the 010-Lounge Retail Liquor-Class I for applicant Maple Street Lounge LLC. operating under the trade name Maple Street Lounge for their location at 709 S. Maple Street. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0900](#)

Pecan St. Culvert Replacement

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

A motion was made by Council Member Rick Blackwell to appropriate \$310,000.00 for the construction of Pecan Street Culvert Replacement and up to \$500.00 for advertising costs and to approve the solicitation of bids for the Pecan Street Culvert Replacement construction. The motion was seconded by Council Member Charles Ebert III 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 with one abstention.

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

Abstain: 1 - President Trawick

Enactment No: 14-0539-RES

[14-0902](#)

South Hickory St. Striping

A motion was made by Council Member Ebert III to approve adding striping and increase funding for up to \$5,000.00 for South Hickory Street, between West Michigan Avenue and County Road 20 West, to the Resurfacing Phase V project. The motion was seconded by Council Member Quaites 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 with one abstention.

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

Abstain: 1 - President Trawick

Enactment No: 14-0540-RES

[14-0908](#)

Resolution authorizing employees to enter upon the property at 5 Canterbury Circle for the purpose of abating the public nuisance.

Attachments: [5 Canterbury Circle](#)
[Certified Letter-5 Canterbury Circle](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda due to the property being abated by the owner. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0909](#)

Resolution authorizing employees to enter upon the property at vacant lot on N. Oak Street for the purpose of abating the public nuisance.

Attachments: [N. Oak Street](#)
[Certified Letter-N. Oak St.](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda due to the property being abated by the owner. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0911](#)

Permission to appropriate and approve the professional services fees for the 5-plex Phase 2 design and construction.

Attachments: [5-plex phase II](#)
[McKee and Associates Architectural Fee Proposal 111614](#)
[Volkert 5-plex Task Agreement December 5 2014](#)
[HPM COF Amdmnt No 2 to MSA](#)

A motion was made by Council Member Blackwell to appropriate \$38,000 for McKee and Associates and to approve the expenditures to accept the Architecture Fee Proposal, which provides architectural work for the 5-plex Phase 2 design and construction; to appropriate an additional \$211,750 for

Volkert & Associates and to approve the expenditures for Task Agreement 21 Foley Sports Complex Phase 2, which provides engineering work for the 5-plex Phase 2 design and construction; and to appropriate an additional \$139,283 for Hoar Program Management and to approve the expenditures to cover Amendment 2 of City of Foley and Hoar Program Management's Master Agreement to provide program and project management, which extends the master agreement from June 17, 2015 to December 31, 2015. The motion was seconded by Council Member Ebert III 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 with one abstention.

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: 14-0541-RES

[14-0914](#)

Capital purchase request for 5 Tahoes and Related Equipment

Attachments: [Purchase of 5 Tahoe's](#)

A motion was made by Council Member Ralph Hellmich to approve the budgeted purchase of five (5) Tahoes off of the Alabama State Bid Contract with Donohoo Chevrolet in the amount of \$150,573.20; to approve the expenditure of budgeted funds to Firehouse Sales and Service Inc. for equipment in the amount of \$11,423.45; to approve the expenditure of budgeted funds to Hurricane Electronics for radios in the amount of \$4,042.25 and to approve the expenditure of budgeted funds to Custom Order Police Specialties for installation of the equipment in the amount of \$6,449.50. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0542-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Councilman Rick Blackwell reported a citizen's request for the Engineering Department to check the street lighting at Highway 59 and Section Avenue. A resident has informed Councilman Blackwell that it is hard to see at night and he has missed the turn onto Section Avenue from Highway 59 several times.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by

an unanimous vote.

The meeting adjourned at 6:05 p.m.