



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, March 21, 2016

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[16-0122](#)

Public Hearing to consider the passage of an ordinance to amend the single member voting districts of the City of Foley.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider an ordinance to amend the single member voting districts of the City of Foley. 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 5:31 p.m.

Roll Call

All Council Members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Joey Darby, Miriam Boutwell, Chad Christian, David Wilson, Casey Pipes, Alicia Corley, Diane Saunders, Gerald Brandt, Annie Smith, Katie Spratlin, Dale Torrence and Michael Wilde. Mayor Koniar was absent due to an illness.

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 item 16-0174 to the agenda and to remove items 16-0132 and 16-0153 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[16-0130](#) Work Session Minutes of March 10, 2016.

Attachments: [03-10-2016 WS DRAFT MINUTES.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of March 10, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0131](#) Council Meeting Minutes of March 10, 2016.

Attachments: [3-10-2016 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaite to approve the Council Meeting Minutes of March 10, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Audit the Accounts

[16-0165](#) Audit the Accounts of February, 2016.

A motion was made by Council Member Charles Ebert, III to audit the accounts of February, 2016. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Reports

[16-0154](#) February 2016 Bid Activity

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

The February 2016 Bid Activity Report is attached as backup to the minutes.

[16-0146](#) February 2016 Sales, Lodging and Rental Tax Reports

Attachments: [Sales Tax Report](#)

City Administrator Mike Thompson reported the lodging tax is up 20% year-to-date over last year, the sales tax is up 4.65% year-to-date over last year and rental tax is up 13.15 % year-to-date over last year.

[16-0139](#) February 2016 CDD Report

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

City Planner Miriam Boutwell gave a synopsis of the February 2016 CDD Report, which is attached as backup to the minutes.

[16-0151](#)

Fire Department Monthly Report February 2016

Attachments: [Council February 16 3-16](#)

Fire Chief Joey Darby gave a synopsis of the Fire Department Report, which is attached as backup to the minutes. He also reported there were three structure fires. There was a fire at Fish River Grill that started in a freezer unit. The unit had a sprinkler system that extinguished the fire. The restaurant was closed for the lunch period only and then it was reopened for business. There was a fire at a camper that was being used as fixed home off of County Road 65 at the intersection of County Road 26. There were no injuries associated with this fire but the camper was a total loss. The fire is believed to have started by electrical heating equipment. There was fire in a storage shed behind Dr. Hart's office. The City's Sanitation workers saw the fire and reported it. The fire caused significant damage to the storage shed but did not spread to the office building.

[16-0136](#)

Foley PD February 2016 Monthly Report

Attachments: [20160309134245224](#)

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

Ordinances, Resolutions and Other Business

[16-0087](#)

AN ORDINANCE TO AMEND THE SINGLE MEMBER VOTING DISTRICTS OF THE CITY OF FOLEY

Attachments: [2016 Descriptions Version 3 \(3\).doc](#)
 [Annes. Table Summary - Revised.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 16-2007-ORD

[16-0103](#)

(Second Reading) A Resolution Establishing The Use Of Electronic Vote Counting Devices

Attachments: [Resolution 3393-08](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1062-RES

[16-0126](#)

AN ORDINANCE REGULATING USE OF THE PUBLIC RIGHTS OF WAY IN THE CITY OF FOLEY

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 16-2006-ORD

[16-0128](#)

ABC License: 160- Special Retail - More Than 30 Days for Bunker Cafe LLC, applicant operating under the trade name Bunker Cafe located at 9530 Clubhouse Drive, Foley.

Attachments: [ABC License Bunker Cafe-Redacted](#)
 [Bunker Cafe Map](#)

Fire Chief Joey Darby and Police Chief David Wilson made a recommendation to move forward with the ABC License.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Agenda Item be approved. The motion carried by an unanimous vote.

[16-0129](#)

AN ORDINANCE CLARIFYING MUNICIPAL SERVICES BEING PROVIDED IN THE POLICE JURISDICTION

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 16-2008-ORD

[16-0132](#)

A RESOLUTION APPROVING THE USE OF RESTRICTED COURT CASH

Attachments: [A-V Equip Quote](#)
 [MCJAF Bank Balance](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be removed. The motion carried by an unanimous vote.

[16-0133](#)

Consider resolution accepting WalMart's donation of various Mardi Gras items

Attachments: [MARDI GRAS ITEMS FROM WALMART.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1063-RES

[16-0134](#)

Consider Voting Delegate for the ALM Annual Business Session

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1064-RES

16-0137

AMIC's Annual Membership Meeting - Saturday, May 14, 2016 at 1:00 p.m.

Attachments: [AMIC ANNUAL MEETING DELEGATE.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1065-RES

16-0138

ABC License: 240 - NON - Profit Tax Exempt for Community Senior Life Inc., applicant operating under the trade name Community Hospice Harvest of Hope located at 119 N McKenzie Street, Foley, AL 36535

Attachments: [COMMUNITY HOSPICE ABC LICENSE.pdf](#)

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

Fire Chief Joey Darby and Police Chief David Wilson made a recommendation to move forward with the ABC License.

A motion was made by Council Member Blackwell, seconded by Council Member Quaites, that this Agenda Item be approved. The motion carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, abstained; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

President Pro-temp 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

16-0141

Acceptance and Use of Friends of the Library Donation

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1066-RES

16-0143

Annie Smith's request to use 6 picnic tables for Little Rock Missionary Baptist Church's Community Easter Egg Hunt on Saturday, March 26th from 9:00 a.m. until 2:00 p.m.

Attachments: [ANNIE SMITH'S AGENDA REQUEST.pdf](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1067-RES

[16-0144](#)

Approval for Faith Tabernacle Church to use Heritage Park on Saturday, May 14, 2016 for community appreciation and outreach.

Attachments: [20160311100725732](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1068-RES

[16-0147](#)

Request to Memorialize Application for Certified Local Government FY 2016 Historic Preservation Fund Grant.

Attachments: [Grant Info for Council.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1069-RES

[16-0148](#)

Amend Resolution 14-0432 Accept Bid for construction of Additional Fire Station, to amend the budget for the entire project cost.

Attachments: [14-0432 RES](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1070-RES

[16-0149](#)

Adoption of the 2015 Baldwin County Multi-Hazard Mitigation Plan

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1071-RES

[16-0150](#)

Request approval to go to bid and purchase a 4X4 extended cab pickup truck for the Fire Department.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1072-RES

[16-0152](#)

Resolution Allocating Funds for Temporary Labor for the Clerks Office

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1073-RES

[16-0153](#)

Request to use Donation for Police Equipment

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be removed. The motion carried by an unanimous vote.

[16-0155](#)

Airport Drainage Project budget transfer request

Attachments: [Budget Transfer Request \(2\).pdf](#)

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

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, abstained; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

President Pro-temp 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: 16-1074-RES

[16-0156](#)

Request permission to purchase Reading Classic II Service Body

Attachments: [FLEET SERVICE & EQUIPMENT.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1075-RES

[16-0157](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [SANITATION WRITEOFFS.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1076-RES

[16-0158](#)

A resolution to accept donation of right of way by BC Foley, LLC for the Beck Road vacation

Attachments: [BC FOLEY LLC DONATION ROW FOR BECK RD.pdf](#)

A motion was made by Council Member Quaites, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 16-1077-RES

[16-0159](#)

Authorizing Mayor to sign the Bond Purchasing Agreement related to refinancing \$9.9M of the PFCD's 2009 \$23M revenue bonds

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1078-RES

[16-0174](#)

A Resolution Supporting the I-10 Mobile River Bridge / Bay Way Widening Project

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1079-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Dale Torrence residing at 2453 S. Hickory Street reported he would like an update on the drainage issue for Hampton Park and Ashford Park subdivisions. Council Member Ralph Hellmich reported the City Engineer updated Council regarding the water drainage from the subdivisions to Hickory Street and the report was that it would not be cost effective due to the depth in which the pipes would have to be placed. The City Engineer has been talking with certain land owners to obtain an easement in order to do some work there to fix the drainage issue and the land owners were not willing at that time to give the City a temporary easement. Mr. Torrence reported there was a new home that had flooded. Councilman Hellmich and City Engineer Chad Christian both stated they were never made aware of any homes flooding in that area. Mr. Torrence reported he spoke to the home owner and there is water bubbling up through the cracks in the floor. He stated water was flowing around her house like a river. Councilman Hellmich asked for the home owner's address so she can be contacted. Councilman Ebert, III asked if she contacted the City about her home flooding. Mr. Torrence reported she has an attorney involved

now. Councilman Hellmich reported the City is limited due to home owners not giving the City temporary easements. The City will ask the home owners again to see if they are now willing to grant the City easements.

Mike Wilde residing at 2673 Gabon Drive reported there are over 280 homes and only four detention ponds draining on to Hickory Street and he asked how was a subdivision with that many homes approved to be built there without proper water outlets. Mr. Christian reported there were over two hundred homes throughout the City that were flooded during the heavy rain event in 2014. Hampton Park and Ashford Park had no flooded homes to his knowledge. He also reported that the fact that no flooded homes were reported for Hampton Park and Ashford Park, that suggests that the four detention ponds were adequate.

Councilman Hellmich reported the original subdivision was built prior to the standards being changed after the flood of 2006. The standards have changed and the original subdivision would not have been built based on the current standards. The City will have to get a maintenance easement for the ditches to keep it clean out and mowed and that may help with some of the drainage.

Mr. Christian reported he would be happy to go out there and see what needs to be done and he will make contact with the land owners about the easements.

Executive Session

President Trawick reported there is a need for an Executive Session to discuss certain aspects of pending litigation or controversies that may lead to litigation.

City Administrator Mike Thompson reported the Executive Session will last approximately 10 minutes and there is no need for Council to return for a vote.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Rick Blackwell.

City Administrator Mike Thompson took the following roll call vote: Council Member Quaite, aye; Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into Executive Session.

The Council meeting was recessed at 6:14 p.m.

Reconvened

President Trawick called the meeting to order at 6:34 p.m. All Council Members were present. Also present: City Administrator Mike Thompson and City Attorney Casey Pipes. At this point President Trawick announced there was no further business to conduct.

Adjourn

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this meeting be adjourned. The motion carried by an unanimous vote.

The meeting adjourned at 6:35 p.m.