



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, September 19, 2016

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[16-0531](#)

Public Hearing to consider the authorization by the Council, pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, of a resolution approving the execution and delivery of a Special Economic Development Grant Agreement by the City and Foley Square LLC.

Council president Wayne Trawick opened the public hearing at 5:30 p.m. to consider the authorization by the Council, pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, of a resolution approving the execution and delivery of a Special Economic Development Grant Agreement by the City and Foley Square LLC. 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: Mayor John Koniar, City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Darryl Clevenger, Miriam Boutwell, Brenda Shambo, Bob Webb, Bill Swanson, LaDonna Hinesley, Elra Barnett, Alec Barnett, Skip Davis, Pat Davis, Jeff Rouzie, Chad Christian, David White, Fran Hopkins and Kathleen Clinite.

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

Presentation

[16-0547](#)

Beautification Awards Presentation

Mayor Koniar presented the Beautification Awards to Fran Hopkins from Fran's on 59 and Kathleen Clinite from Terrezza Optical.

Additions/Removals

There were no additions or removals.

Approval of the Minutes

[16-0533](#) Work Session Minutes of September 6, 2016.

Attachments: [9-6-16 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of September 6, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[16-0534](#) Council Meeting Minutes of September 6, 2016.

Attachments: [9-6-16 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of September 6, 2016. The was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Audit the Accounts

[16-0542](#) Audit the Accounts of August, 2016.

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

Reports

[16-0544](#) Sales, Lodging and Rental Tax Report

Attachments: [Tax Report](#)

City Administrator Mike Thompson reported the sales tax for the month of August, 2016 is up 5.3% year-to-date; the lodging tax is up 13.75 % year-to-date and the rental tax is up 10.3 % year-to-date.

[16-0529](#)**August 2016 CDD Report**

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

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

[16-0530](#)**August 2016 Foley PD Monthly Report**

Attachments: [20160912101809963](#)

Police Captain David White gave a synopsis of the August, 2016 Police Department Report, which is attached as back up to the minutes.

New Business[16-0516](#)

Appointment made by the Mayor to fill upcoming vacant seat on the Planning Commission.

Mayor Koniar reported that Tom DeBell's term of office on the Planning Commission will expire on October 4, 2016. Mayor Koniar wishes to fill the vacancy with another representative of Riviera Utilities. Mr. DeBell has made the recommendation to appoint Wes Abrams to fill the vacancy and Mr. Abrams has agreed to serve on the Planning Commission.

Ordinances, Resolutions and Other Business[16-0487](#)**Oak Street Traffic Control**

Attachments: [Aaronville](#)

A motion was made by Council Member Ralph Hellmich to approve the installation of a new 3-way stop at South Oak Street and 7th Avenue and an existing 4-way stop be relocated from 6th Avenue to 5th Avenue at South Oak Street. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1247-RES

[16-0498](#)

**A RESOLUTION AUTHORIZING A SPECIAL
ECONOMIC DEVELOPMENT GRANT AGREEMENT
BY THE CITY OF FOLEY, ALABAMA
AND
FOLEY SQUARE, LLC (Phase II)**

Attachments: [Foley Square II 2016. Minutes of City Council Re Grant Agmt \(03776072\)](#)

A motion was made by Council Member Ralph Hellmich to authorize a special grant agreement by the City of Foley and Foley Square, LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1248-RES

[16-0503](#)

AN ORDINANCE ESTABLISHING A NEW TAX ON CERTAIN MOTOR FUEL
DELIVERIES MADE IN THE CORPORATE LIMITS AND POLICE
JURISDICTION OF THE CITY OF FOLEY

A motion was made by Council Member Ralph Hellmich to adopt an ordinance establishing a new tax on certain motor fuel deliveries. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2022-ORD

[16-0515](#)

A resolution to rename Aaronville Pool Park

Attachments: [Florence Mathis](#)

A motion was made by Council Member Vera Quaites to rename the Aaronville Pool Park to Florence B. Mathis Park. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1249-RES

[16-0524](#)

Rescheduling meeting dates due to holidays

A motion was made by Council Member Ralph Hellmich to approve the Work Session and Council meeting dates with the same times (4:00 p.m. and 5:30 p.m. respectively) that holidays fall are rescheduled as follows: Monday, January 18, 2017 is rescheduled for Tuesday, January 19, 2017 to accommodate Martin Luther King Day; Monday, July 3, 2016, which is a holiday gap day is rescheduled for Wednesday, July 5, 2017 to accommodate Independence Day; and Monday, September 4, 2017 is rescheduled for Tuesday, September 5, 2017 to accommodate Labor Day. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1250-RES

[16-0526](#)

Approval to waive fees for Emmanuel's Place to use Heritage Park on Saturday, July 1, 2017 from 5:00 am until 6:00 pm for a 5K Charity Run/Fundraiser to go towards the start up of Emmanuel's Place, a special needs daycare.

Attachments: [Emmanuel's Place 2](#)
 [Emmanuel's Place](#)

A motion was made by Council Member Rick Blackwell to waive fees for Emmanuel's Place to use Heritage Park on Saturday, July 1, 2017 from 5:00 am until 6:00 pm for a 5K Charity Run/Fundraiser to go towards the start up of Emmanuel's Place, a special needs daycare. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1251-RES

[16-0532](#)

A Resolution to reappoint Ken Schultz to the Museum-Archive Advisory Board.

Attachments: [Museum Brd. Member List](#)
 [Email](#)

A motion was made by Council Member Charles Ebert, III to reappoint Ken Schultz to the Museum-Archive Advisory Board. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1252-RES

[16-0536](#)

A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC FACILITIES COOPERATIVE DISTRICT (Foley Square, LLC Phase II)

Attachments: [Foley Square II 2016. City Council Minutes - User Fee Agreement \(03615156\)](#)

A motion was made by Council Member Charles Ebert, III to approve a resolution authorizing a project user fee agreement by the City of Foley, Alabama and the City of Foley Public Facilities Cooperative District. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1253-RES

[16-0537](#)

Consider resolution to waive or reduce building fees to the minimum for St. Margaret of Scotland Catholic Parish.

Attachments: [Request to Reduce Fees](#)

A motion was made by Council Member Quaites to waive or reduce building fees to the minimum for St. Margaret of Scotland Catholic Parish. The motion was seconded by Council Member Ebert, III, that this Resolution be adopted. The motion 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 vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 16-1254-RES

[16-0538](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$112.00

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts as uncollectible in the amount of \$112.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1255-RES

[16-0539](#)

A Resolution Approving Becky Hoover's Request To Hold A Rosary Rally At Max Griffin Park Saturday October 15, 2016 From 12:00 PM Until 1:30 PM.

Attachments: [20160912121732530](#)

A motion was made by Council Member Charles Ebert, III to approve the use of Max Griffin Park on Saturday October 15, 2016 from 12:00 P.M. until 1:30 P.M. for a public peace rally requested by Becky Hoover. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1256-RES

[16-0541](#)

Approval to waive fees for the Baldwin County NAACP to use Heritage Park on Saturday, October 22, 2016 from 10:00 am until 3:00 pm for a voter's registration and education event.

Attachments: [20160912123043778](#)

A motion was made by Council Member Charles Ebert, III to waive fees for the Baldwin County NAACP to use Heritage Park on Saturday, October 22, 2016 from 10:00 am until 3:00 pm for a voter's registration and education event. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1257-RES

[16-0543](#)

Amending the Pay Classification Plan to Convert the new FY17 budgeted position of Field Maintenance Worker I in the Sports Tourism Department to a Field Maintenance Worker II and transferring inter-departmental funds in the FY17 Budget in support of this action.

Attachments: [Excerpt from Budget - Sports Tourism Dept.pdf](#)

A motion was made by Council Member Rick Blackwell to authorize an amendment to the Pay Classification Plan to convert the recently approved FY17 Budgeted Field Maintenance Worker I to a Field Maintenance Worker II within the Sports Tourism Department. The motion was seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1258-RES

[16-0545](#)

A Resolution Amending City Budgets

Attachments: [Clean Up Resolution - Figures for Health Care Costs](#)

A motion was made by Council Member Ralph Hellmich to make amendments to the budgets of various City Funds and acknowledge action taken by various boards. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1259-RES

[16-0546](#)

Resolution to Transfer Funds in the FY17 General Government Budget in Support of Retaining the Current Student Intern

A motion was made by Council Member Ralph Hellmich to transfer funds out of the General Government Salaries account and into the General Government Part-Time Salaries account in support of retaining the current Finance Division Student Intern. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1260-RES

[16-0548](#)

A resolution to waive the fee for Foley Lions Club to hold their annual Tour de Foley in Heritage Park and Pavilion.

A motion was made by Council Member Hellmich to waive the fees for the use of Heritage Park and Pavilion requested by the Foley Lions Club for Tour de Foley on November 5, 2016 from 6:00 am until 4:00 pm. 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, aye; Council member Rick Blackwell, abstained and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Blackwell

Enactment No: 16-1261-RES

[16-0550](#)

A RESOLUTION APPROVING USE OF CABOOSE CLUB DONATIONS AND TO RESCIND RESOLUTION 16-1226

Attachments: [16-1226 RES](#)

A motion was made by Council Member Charles Ebert, III to approve the purchase of powder coated wire mesh rail coverings from Anytime Welding Service in the amount of \$3850.00; to authorize the Depot Museum Manager to make payment for this expenditure from the Depot Museum checking account 01-1069 and to rescind Resolution 16-1226 Resolution to approve the replacement of wire mesh rail coverings at the model train exhibit. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1262-RES

Mayor's Comments

There were no comments to report.

Visitor Comments

Alec Barnett asked if he could serve hot dogs at the NAACP event in the Heritage Park on Saturday, October 22, 2016 from 10:00 a.m. until 3:00 p.m. There was a consensus from Council that it would be okay for hot dogs to be served as long as they were free of charge. If the organization planned to sell

the hot dogs, the organization may have to get a permit from the Health Department.

Floyd "Skip" Davis commended the Council on the growth of the City. He also reported that when the financial reports are verbally stated, it is hard for the general public to understand what the percentages are exactly and that it would be helpful to state the dollar amounts.

Mayor Koniar reported the City's Finance Department has again, received recognition for excellence in accounting. The Finance Department has received this award for three years in a row.

President Trawick reported the Publix Super Cup Soccer Tournament took place over the weekend. There were 93 teams and approximately 5,000 people at the tournaments that rotated in and out. He reported he received positive feed back from attendees about the fields. The fields drained properly but there were some drainage issue in the common areas that can easily be remedied. There will also be another soccer tournament during the first and second weekend in November that will host approximately 100 teams.

Council gave updates on construction of hotels. Alec Barnett asked if any of the new hotels will have meeting rooms. He reported the NAACP plans to hold their State Convention in this area and he would rather them come to Foley instead of Mobile.

Bill Swanson, who works at the Holmes Medical Museum reported there were approximately 40 people who went through the museum last weekend.

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 6:06 p.m.