



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final

### City Council

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Monday, April 18, 2016

5:30 PM

Council Chambers

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#### Council Meeting

#### Call to Order

Council President Wayne Trawick called the meeting to order at 5:30 p.m.

#### Roll Call

All Council Members were present. Also present were: Mayor John Koniar, City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Steve Smith, Miriam Boutwell, Chad Christian, Thurston Bullock, David White, Joey Darby, Jeff Rouzie, Buddy Brackin, Diane Saunders, Jerry Brandt, Gregg Knight, Sharon Knight, Mable Rorie, Helen Jones, Inell Harale, Alicia Odom, Alec Barnett, Mary Kennedy, Charles Kennedy, Roddy Burkle, Shakira Pettibone, Nevaeha Pettibone, Ramona Brown, Elva Barnett, Betty Jean Sewell, Johnnie Sewell and Chara Pickens.

**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

#### Proclamation

[16-0206](#)

Proclamation - Building Safety Month May 2016

**Attachments:** [May 2016-Building Safety Month.pdf](#)

Mayor Koniar presented City Planner Miriam Boutwell with the Building Safety Month Proclamation, which is attached as back up to the minutes.

#### Reports

[16-0210](#)

March 2016 Sales, Lodging and Rental Tax Reports

**Attachments:** [20160412103653654.pdf](#)

City Administrator Mike Thompson reported sales tax revenue is up 15.89% from last year and lodging tax revenue is up 16.26%. He reported the ASA Archery Tournament was a contributing factor to the rise in these numbers. The rental tax revenue is up 14% over last year.

[16-0205](#)

CDD March 2016 Report

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

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

[16-0212](#)

Fire Department Monthly Report March 2016

**Attachments:**     [Council March 16 4-16](#)

Fire Chief Joey Darby gave a synopsis of the March 2016 Fire Department Report, which is attached as backup to the minutes. He also reported there was a fire in a RV that was being used as a permanent residence in Belle Terra that was caused in the electrical system and no injuries were associated with this fire. There was a fatal fire on Helton Drive in a mobile home that caused one death. This is the first fatality fire in the City of Foley in over two years. The fire is believed to have been caused by an electrical overload.

Chief Darby also reported the ADEM burn ban begins on May 1, 2016.

[16-0204](#)

Foley PD March 2016 Monthly Report

**Attachments:**     [20160407133127491](#)

Police Captain Thurston Bullock gave a synopsis of the March 2016 Police Department Report, which is attached as backup to the minutes.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 16-0221 to the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

## Approval of the Minutes

[16-0216](#)

Special Called Council Meeting Minutes of April 4, 2016.

**Attachments:**     [04-04-16 Special Called Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaite to approve the Special Called Meeting Minutes of April 4, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0217](#)

Work Session Minutes of April 4, 2016.

**Attachments:**     [04-04-16 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of April 4, 2016. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[16-0218](#)

Council Meeting Minutes of April 4, 2016.

**Attachments:**     [04-04-16 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of April 4, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Ordinances, Resolutions and Other Business

[16-0161](#)

Approval to Host the 2017 USPCA Canine Nationals

A motion was made by Council Member Rick Blackwell to approve the Police K-9 Units request to host the 2017 USPCA Canine Nationals and to approve the use of the new Sports Tourism Multi-Use Ballfield Complex and Graham Creek Nature Preserve for the event. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1088-RES

[16-0179](#)

Consider amendment to Animal Control Ordinance

**Attachments:**     [ORD. 219](#)  
                          [ORD. 1143-10](#)  
                          [ORD. 15-1010](#)

A motion was made by Council Member Ralph Hellmich to amend the Animal Control Ordinance to exclude cats in enforcement provisions in certain circumstances. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 16-2010-ORD

[16-0189](#)

A Resolution to reappoint Sandy Russell to the Museum-Archive Advisory Board.

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

A motion was made by Council Member Ralph Hellmich to reappoint Sandy Russell to the Museum-Archive Advisory Board. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 16-1089-RES

[16-0190](#)

ABC License - 140-Special Events Retail ABC License for the 2016 Gulf Coast Hot Air Balloon Festival to be held on May 6, 7 and 8, 2016.

**Attachments:**     [RES. 16-1039](#)

[ABC License Application](#)

Fire Chief Joey Darby and Police Chief David Wislon made recommendations to move forward with the ABC license.

A motion was made by Council Member Blackwell to approve the South Baldwin Chamber of Commerce's request for a Special Events Retail ABC License for the 2016 Gulf Coast Hot Air Balloon Festival. The motion was seconded by Council Member Hellmich 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, aye and Council Member Charles Ebert, III, abstained. The vote passed by a majority vote.

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

**Abstain:** 1 - Council Member Ebert III

[16-0191](#)

A resolution waiving Horse Arena fees for Jennifer Claire Moore Foundation Annual Rodeo

**Attachments:**     [20160331091908739](#)

A motion was made by Council Member Hellmich to waive the fees for the use of Foley Horse Arena requested by the Jennifer Claire Moore Foundation for their fundraiser on Thursday, July 28th and for Rodeo Week, July 31st - August 7th, 2016. 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, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, abstained. The vote passed by a majority vote.

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

**Abstain:** 1 - Council Member Ebert III

Enactment No: 16-1090-RES

[16-0196](#)

A resolution approving the use of Heritage Park for the use of displaying and distributing bible based literature to the public.

**Attachments:**     [20160404145951936](#)

A motion was made by Council Member Charles Ebert, III to approve James Knight to use the east side of Heritage Park to display and distribute bible based literature to the public on Saturdays from 7:00 am to 3:00 pm. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1091-RES

[16-0198](#)

Amendment to the Graham Creek Nature Preserve Ordinance

**A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance amending the Graham Creek Nature Preserve Ordinance. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-2011-ORD

[16-0199](#)

Graham Creek Nature Preserve Rental Fees and Policies

**Attachments:**     [Alcohol Security Form.Leslie](#)  
[Fee Schedule for contract attachment 2015.Leslie](#)  
[Regulations and Requirements.Leslie](#)  
[Rental Application Details.Page 2.Leslie](#)  
[Rental Application.Leslie](#)  
[Reservations Policy for GCNP facilities](#)  
[Security Form No Alcohol.Leslie](#)  
[What the Fee Schedule Includes.Leslie](#)

**A motion was made by Council Member Ralph Hellmich to accept the Graham Creek Nature Preserve Advisory Board's recommendation for the reservation policies, fee schedule, rental rules and requirements and the rental applications. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.**

Enactment No: 16-1092-RES

[16-0200](#)

Consider a kayak rental business at Graham Creek Preserve

**Attachments:**     [RFP for Rental Business at GCNP](#)

**A motion was made by Council Member Ralph Hellmich to accept Graham Creek Advisory Board's recommendation to seek proposals for a kayak rental business to be located at Graham Creek Nature Preserve for a one year contract with specifications on the number of boats and insurance. The motion was seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried. by an unanimous vote.**

Enactment No: 16-1093-RES

[16-0201](#)

Consider 050- Retail Beer (Off Premises Only) and 070- Retail Table Wine (Off Premises Only) ABC License for Foley Shell LLC, applicant, operating under the trade name of Foley Shell located at 7525 HWY 59, Foley, AL.

**Attachments:**     [ABC License -Redacted](#)  
[Foley Shell Map](#)

**Fire Chief Joey Darby and Police Chief David Wislon made recommendations to move forward with the ABC license.**

A motion was made by Council Member Ralph Hellmich to approve the ABC license request made by Foley Shell, LLC. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[16-0202](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$98.63

**Attachments:**     [Sanitation Write Offs](#)

A motion was made by Council Member Rick Blackwell to write off certain residential sanitation accounts as uncollectible in the amount of \$98.63. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1094-RES

[16-0203](#)

Consider Renewing Ground Lease Agreement for Overflow Parking

**Attachments:**     [George Wallace Ground Lease](#)  
                              [Wallace Property Map](#)

A motion was made by Council Member Ralph Hellmich to authorize a one-year term ground lease agreement between Wallace Living Trust for Tax Map Park #05-54-08-28-2-000-036.001 and 05-54-08-28-2-000-036.000, Lots 1, 2 and 3 of Block 3 Magnolia Springs Land Company Addition and to approve City forces to maintain and upkeep the land to include mowing grass and noxious weeds in areas that are needed. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1095-RES

[16-0209](#)

Request to transfer funds and memorialize capital lease transactions.

**Attachments:**     [Transfer Request Forms - Copier Leases](#)

A motion was made by Council Member Charles Ebert, III to memorialize the capital lease agreements entered into by the IT Department and signed by the Mayor in December 2015 and April 2016 and to approve the transfer of \$19,448.42 from expense account # 01-629-6040 to account capital lease account # 01-629-7015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1096-RES

[16-0213](#)

A Resolution Approving a Policy for Capital and Operational Equipment Leases

**Attachments:**     [Capital & Operating Lease Policy](#)

A motion was made by Council Member Ralph Hellmich to adopt a policy for the leasing of equipment. There will be no negative impact to the budget. Budgeted funds will be moved from general equipment maintenance to capital lease payments when it is determined that a lease meets the definition of a capital lease. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1097-RES

[16-0211](#)

Request to enter into a capital lease for a new wide format multifunction unit for Community Development.

**A motion was made by Council Member Ralph Hellmich to approve entering into a capital lease for a new wide format multifunction unit for Community Development. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1098-RES

[16-0219](#)

Request the use of Mel Roberts Park Pavilion and parking lot for campaign kickoff and community barbecue to be held Tuesday, April 26, 2016 from 3:00 p.m. until 7:30 p.m.

**A motion was made by Council Member Ralph Hellmich to approve Frances Holk-Jones' request to use of Mel Roberts Park Pavilion and parking lot for her campaign kickoff and community barbecue to be held Tuesday, April 26, 2016 from 3:00 p.m. until 7:30 p.m. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1099-RES

[16-0220](#)

A Resolution Authorizing a Special Agreement by the City of Foley, Alabama, with The City of Foley Public Facilities Cooperative District and Regions Bank, as Trustee

**Attachments:**     [Foley 2016. City Council Minutes - Special Agreement \(03607104\).doc](#)  
[Foley 2016. Special Agreement \(03607091\).doc](#)

**A motion was made by Council Member Ralph Hellmich to authorize a Special Agreement by the City of Foley, Alabama, with The City of Foley Public Facilities Cooperative District and Regions Bank, as Trustee. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1100-RES

[16-0221](#)

Consider resolution authorizing the Mayor to sign a letter to the Alabama Public Service Commission

**Attachments:**     [Public Service Commission re CenturyLink 04-18-2016.pdf](#)

**A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign a letter of complaint to President Twinkle Cavanaugh, of the Alabama Public Service Commission and send a copy to CenturyLink. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1101-RES

## EXECUTIVE SESSION

**President Trawick reported there is a need for an Executive Session to discuss preliminary negotiations involving matters of trade or commerce in which the**

City of Foley is in competition with private individuals or entities or other governmental bodies in Alabama.

City Administrator Mike Thompson reported the Executive Session will last approximately 30-45 minutes to discuss two items and Council will return for a vote on one of the items.

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 Quaites, 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 6:44 p.m.

#### Reconvened

President Trawick called the meeting to order at 7:24 p.m. All Council Members were present with the exception of Council Member Ralph Hellmich. Also present: City Administrator Mike Thompson, Vickey Southern, Katy Taylor Steve Smith and Jeff Rouzie.

#### 16-0215

Discuss preliminary negotiations involving matters of trade or commerce in which the City of Foley are in competition with private individuals or entities or others governmental bodies in Alabama.

A motion was made by Council Member Charles Ebert, III to abate the property taxes for BC Foley, LLC for a period of ten years once facilities are in service and excluding education taxes; to abate the sale taxes for BC Foley, LLC on materials used for the construction of the facilities and excluding education taxes. The tax abatements are contingent upon the adoption by the State of Alabama Revenue Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1102-RES

### Mayor's Comments

No comments to report.

### Visitor's Comments

Alec Barnett - 16694 Underwood Road addressed Council with his continued concerns over the conditions of Foley Housing Authority housing units. Mr. Barnett reported he spoke with Gloria Shanahan who is the HUD spokesperson in Washington D.C. and she stated that the removal of the Foley Housing Authority Director is the sole authority of the Mayor. Mr. Alec reported he obtained financial reports on the amount of money the Foley Housing Authority is receiving from HUD and he reported the money is not being used to repair and maintain the apartments. He report several residence have fallen ill because of the mold in the apartments. President Trawick reported he would like to see in writing that the Mayor has the authority to remove the director. Councilman Hellmich reported Council has never been told the Mayor has the

authority to remove anyone from the Foley Housing Authority. Council appoints the board members and the board members have the authority to hire and fire the Director. City Administrator Mike Thompson reported City staff will reach out to Ms. Shanahan and the City's attorneys to figure out how to rectify the current situation with the Foley Housing Authority.

Inell Harale - 622 East Gate Circle addressed Council with her concerns about the Beulah Heights park. She reported there are not enough playground equipment for the kids and the equipment that is currently there are old with sharp edges and the kids are getting hurt on them. Councilman Ebert, III reported some improvements have been made at the park within the past year. Ms. Harale reported only one piece of new equipment has been placed in the park. She reported she will help raise funds to get new equipment. She also reported the police force the park to close before all other parks have to close. The park has to close at dark even when the churches are holding events at the park. Police Captain Bullock reported the church is gone by dark on their own wishes. Ms. Harale reported that was not true that the church was asked to leave the park at 8:00 p.m. Captain Bullock reported there are people who go to the park after dark to cause problems and the churches are gone by then and the intent is to keep the problems with fights, drugs and alcohol out of the park after dark. Councilwoman Quaites reported the church reports the times they will be in the park to the Police Department. It is normally from 10:00 a.m. until 8:00 p.m. and that is why the Police Department closes the park down at 8:00 p.m.

Captain David White reported he is not aware of the police closing the park before an event was over. The police have never told a church group holding an event at the park that they have to leave and close the park. The church is always gone by dark on their own accord.

Roddy Burkle - 8343 Bay View Drive addressed Council regarding Century Link. Mr. Burkle is a Century Link employee and he reported he would be happy to relay complaints the City is receiving to Century Link. President Trawick reported there is a list of people who can get service and City staff will get the list to Mr. Burkle.

Sharon Knight - 809 E. Azalea Avenue address Council with her concerns over the Beulah Heights park. She reported she has spoken with Home Depot and Lowes for assistance with building a better park for the Beulah Heights community. Councilwoman Quaites reported next year's budget for the Recreation Department may have Beulah Height playground equipment. The equipment must be budgeted and planned for. Mrs. Knight reported her intent was not to wait for the City, which is why she asked Home Depot and Lowes for assistance. Councilman Hellmich asked what exactly is Home Depot and Lowes purposing to do at Beulah Heights Park. Mrs. Knight reported they will help with Beautification and the help supply materials but they will need volunteers first. President Trawick reported Recreation Director David Thompson will be contacted as well to have him look at the existing equipment and see what needs to be done.

Shakira Pettibone- Foley Housing Authority resident reported she is a resident who has become ill due to the mold in her apartment and she can no longer live there. She asked Council how the residents can get proper representation on the Foley Housing Authority Board. City Clerk Vickey Southern reported she

will take resumes for any residents who are willing to serve on any of the City boards. Resumes can be submitted to the Clerk's Office with a list of the boards of interest. When a board appointment is due to expire, names and resumes are submitted to Council for their consideration.

## **Adjourn**

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