



Meeting Minutes - Draft

City Council

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Thursday, March 10, 2016

4:00 PM

Conference Room

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Work Session

Call to Order

Council President Wayne Trawick called the Council Work Session to order at 4:05 p.m.

Roll Call

All Council members were present with the exception of Councilman Blackwell who was out of town. Others present: Mayor John Koniar, Vickey Southern, Mike Thompson, Sandra Pate, Thurston Bullock, Joey Darby, Jeff Rouzie, Darrell Russell, Gary Deisner, Chad Christian, Kate Embry, LaDonna Hinesley, David Wilson, Don Staley, Jimmy Loftin and Todd Owen (Mobile Asphalt, Gloria Boatwright (Foley Holdings, LLC), Parish Lakes Residents - Carl and Patti Snyder, Judy Ward, and Paul and Debra Workman; and press representatives Allison Woodham (Foley Onlooker).

**Present:** 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich and Council Member Charles Ebert III

**Absent:** 1 - Council Member Rick Blackwell

Presentation

[16-0092](#)

Anthony Kaiser, Chairman Governmental Affairs and Advocacy Committee for the South Baldwin Chamber of Commerce Presenting the 2016 Joint Legislative Agenda

Mr. Kaiser was not present. Staff will check with Ms. Watts to see if they want to present at a later date.

Discussion Items

[16-0108](#)

Discuss Public Hearing for Vacation of 30' Right-Of-Way North of Cater Lee Way

**Attachments:** [Baldwin County Notice of Public hearing](#)

City Engineer Chad Christian reported the City received a notice of public hearing on Tuesday, March 15, 2016 at 9:00 a.m. at the Baldwin County Administration Building from the Baldwin County Highway Department. They have an applicant who wants to develop a subdivision and is requesting the vacation of an unopened 30' right of way running approximately 1311' north off of Cater Lee Way. In reviewing the property there is 60 acres and a sizable wetland that would be very expensive to develop if the City wanted to develop a road. The mitigation costs for the wetlands would not be worth objecting to the vacation; therefore Chad's recommendation was to approve the vacation. There was a consensus from the Council to not object to the vacation. There are no further actions to be taken.

[16-0110](#)

Discuss temporary help for the Clerk's Office.

There was a discussion regarding possibly needing some funding for temporary help in the City Clerk's office. The HR Department will bring this item back at the next Council work session.

[16-0121](#)

Discuss dust next to Parish Lakes Subdivision.

**Attachments:**     [Agenda Request Form](#)  
                              [Demand Petition](#)  
                              [EPA Report](#)  
                              [Parish Lakes Photos](#)

Mr. Carl Snyder stated they have been made to endure an awful mess. The last dust storm was February 15th, which was horrendous. They want to seek the Council's help in doing something about it. They have been after your people here for over 14 months to try and get something properly abated and maintained but they haven't seen anything.

President Trawick reported he has been there and they have water trucks and under normal conditions the water trucks do pretty good where they are working but they don't when the wind picks up like it did February 15th.

Ms. Judy Ward complained about excessive dirt blowing into the subdivision; water trucks running inconsistently; big dump trucks driving along the east fence. She wasn't doubting his word but understood where they were coming from.

President Trawick reported they will go down and do a little more checking. I know that staff has been in contact with Killian is doing our part and Max is doing the road; BC Foley is doing the part further to the east of Parish Lakes. I don't know how much they run the trucks and I know there has been inquiries on putting more trucks out there on that job. What his understanding is the water trucks are to run in front of the dump trucks to keep that dust down and it will work unless the wind gets really high and then it doesn't.

Mr. Snyder, Ms. Ward and Mrs. Workham complained about the following

items:

- 1) dirt piles not being covered with geotextile material when not in use;
- 2) black pond debris;
- 3) can't breath because of all the dirt in the air (expressed concerns of health safety issues and long term health issues)
- 4) dirt is inside the homes, vents and duct work;
- 5) the expense of trying to keep the porches, pools and driveways cleaned (pressure washed); and
- 6) they have hundreds of pictures at various stages.

Ms. Ward handed out an EPA report, printed April 4/24/2015 that was last updated on 5-6-2014, to all of the Councilmembers and Mayor. She did this after they had a huge event. She stated that they have appealed on numerous occasions and they haven't received any. As a group they want one more time to ask for a positive relief. Mr. Synder stated they are ready to present a petition to the Council during the Council meeting that covers what they are asking.

President Trawick reported it is a big project site that consists of five different projects. He would like engineering to get some reports to them on how they are going to fix the problem, and where we are. The best course of action is to get it finished. He asked Chad when Foley's part of Pride Drive back to Juniper Street would be finished. Chad reported it would be late May or early June. Mr. Synder stated they can't wait that long.

President Trawick reported that what he thought needed to be done is to have some meetings with the residents, contractors, and engineers to see what can be done to remedy the situation. He thought it would be quicker on Pride Drive. They are closing in the fields as fast as they can. They have completed seven (7) fields and all 15 fields are irrigated. Mr. Thompson reported the general contractor for the fields project is running irrigation on all 15 fields no matter if it is grassed, sanded or still exposed clay.

#### Buffer Zones

Mrs. Workham asked about buffer zones to which Mr. Thompson reported the following: In terms of the buffer zones we have designed what the city is going to be putting in place. The City would be planting 557 trees and shrubs along there. Mrs. Workham replied, "No walls?" Mr. Thompson responded I don't believe we ever said walls. One thing we did suggest were berms, not walls. Mrs. Workham stated that she mis-used the term walls instead of berms. Mr. Thompson reported the previous developer was suggesting putting 8' tall and 20' wide berms along the east side of Pride Drive. Mrs. Workham asked that Mr. Thompson explain the term "berm". He reported that a berm is an earthen mound that goes horizontally along a path. What the new developer is telling the City is that would be worse for the people living the in subdivisions because they would have to take down a substantial number of trees where that earthen mound would be placed. Mrs. Workham stated the contractors had already taken the trees down. Ms. Ward stated the previous owners clear cut the major timber off the land as they exited. Mr. Thompson reported the construction manager for CIEDA indicated to him that there would be a substantial number of trees that they would have to remove to put in an earthen dam and felt the best solution would be to add to the existing vegetation as opposed to removing the existing vegetation. On the south side, where the City is responsible for creating a vegetative barrier, originally their

thoughts were to put maybe a 3' tall berm. The reason they don't think it is a good solution is because the engineering department has looked at it and realized that if they put an earthen berm along the east/west corridor then when rain storms come your back yards will not drain properly. The earthen berm will hold water in your back yards and we don't think that is a good thing for you and that is why we have changed from a small earthen berm to doing a large amount of trees and vegetative covering.

Councilman Hellmich reported on the east side when they cut the timber they used what they call "Silver Culture Practice", which met the Forestry Commission guidelines. They left a group of trees along there just on the east side of the powerline and what happened Baldwin EMC widened and went to a larger powerline and they cut that group of trees. I think there wasn't any communication because if they would have had then they could have left a wider group of trees. The smaller amount of trees left to separate the eastern barrier was cut down by Baldwin EMC when they widened the right of way, which they gave them the right of way to put the bigger powerlines in. The bigger trees went away and at that point you could see through there.

Mrs. Workham asked about the property on the other side of the multi-use fields and to confirm that it did not belong to the City of Foley. Councilman Hellmich reported that is correct. Mr. Thompson reported to the south of the multi-use fields there is a 20 acre parcel that is privately owned. They did remove trees and it is owned by an individual from Louisiana, and he thinks there is an option to purchase that property by another entity in South Baldwin. Mrs. Workham stated that she was confused because she thought that progress was being made in that area. Councilman Hellmich reported there are some plans on the property and they have an option on the property because when it is built you will see those changes. Mrs. Workham expressed her concerns that there has to be places for the people to stay and shower. Mr. Thompson reported the person who has the option on the 20 acres has brought a preliminary site plan to the Planning Commission that they approved at the last meeting. They have a site plan and a concept of what they want to build and they are going through the architectural and engineering formalities. Mrs. Workham stated the original plan that started is no longer the plan. Mr. Thompson reported that 20 acres was not part of that plan. Mrs. Workham stated that she understood now.

Mr. Thompson reported that it will be good to sit down and go through details because it isn't just one plan as it is actually five projects that are going on at one time.

## **Discuss Council Meeting Agenda Of March 10, 2016**

Addition - 16-0142 Proclamation: Honoring Coach Ivan Jones on his 90th Birthday - Mayor Koniar will be presenting this proclamation to him at his birthday celebration after tonight's Council meeting.

There were no comments made on the following items and they remained on the Council meeting agenda:

16-0111 Work Session Minutes of February 15, 2016

16-0112 Council Meeting Minutes of February 15, 2016

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

16-0077 Request an adjustment to the cost of a new truck in the Sanitation Department - Darrell Russell reported they went out to bid and they had \$18,000 budgeted for a new vehicle and it came in at \$18,950. They had a savings of \$1330 in the last purchase so they thought they would do an adjustment to the account. This is just the accounts. This item remained on the Council meeting agenda. President Pro-temp Hellmich turned the meeting back over to President Trawick.

16-0096 Request permission to buy a new front mount mower for the Street Department - Darrell reported this is a normal yearly routine of \$36,000 budgeted and they can get it for approximately \$33,000. Darrell requested permission to purchase the new front mount mower. This item remained on the Council meeting agenda.

16-0097 Permission to purchase a new large tractor for the Street Department - Darrell reported the normally purchase a Kubota or equivalent but they doubled from \$32,000 in 2011 to \$70,000 in 2016. They budgeted \$40,000 for a new tractor and \$15,000 for a bushhog and they would like to forego the bushhog and put \$54,000 to a new John Deere 5100E tractor. There is no additional money requested. This item remained on the Council meeting agenda.

16-0098 Surplus Vehicle Number 1059 in the Sanitation Department - President Trawick reported they called in and had the number incorrect it should be a 1059 instead of a 1052. This has been corrected. Darrell reported it will cost a lot of money to repair, it needs a full overhaul at a 119,000 miles. This item remained on the Council meeting agenda.

16-0099 Approval for the Gulf Coast Gospel Jubilee to be held Saturday, October 1, 2016 at Heritage Park - This is an annual event and the item remained on the Council meeting agenda.

16-0102 A resolution to rescind Resolution 15-2373-RES Establishing The Use of Electronic Vote Counting Devices - Mrs. Southern reported the rules for adopting the resolution is the same as an ordinance. The adoption was done like a regular resolution therefore it needed to be rescinded and readopted via the proper method. This item remained on the Council meeting agenda.

16-0103 (First Reading) A resolution Establishing the use of Electronic Vote Counting Devices - Mrs. Southern reported this action is to correct the above and there is plenty of time for the adoption. This item remained on the Council meeting agenda.

16-0104 Permission for Parks Dept. to purchase a new Trencher - Gary Deisner reported this came in under the Capital Purchase price and they use the trencher for special events for temporary power and water at the Balloon Fest, etc. They have rented them in the past but they are phasing them out. They want to transfer the funds from the Capital Purchase account to the Small Tools account to go towards the purchase of the new trencher. This item remained on the Council meeting agenda.

16-0107 ABC License: 020 Restaurant Retail Liquor for RNR Sushi Foley LLC, applicant, operating under the trade name Rock N Roll Sushi located at 2601 S McKenzie St, Suite 110 - The sushi restaurant is located on the north side of

the Tanger Center and will not be in the food court. This item remained on the Council meeting agenda.

16-0113 A resolution setting a public hearing to consider Planning Commission's recommendation to rezone property owned by Thomas Provost from PUD to AO - This property is out west of town and the plan was to put a large subdivision on the property. Mr. Provost purchased the property and has no plans to develop it so the Planning Commission put it back to AO-Agriculture Open Space. This item remained on the Council meeting agenda.

16-0114 Ordinance amending Ordinance No 387-87 rezoning property owned by Thomas C. Provost from PUD- Planned Unit Development to AO - Agricultural Open Space - This item remained on the Council meeting agenda for a first reading.

16-0115 Approval for the 2016 ACS South Baldwin Relay for Life to be held Saturday, April 30, 2016 at Heritage Park from 10:00 a.m. until 10:00 p.m. - This is an annual event and it remained on the Council meeting agenda.

President Trawick turned the meeting over to President Pro-temp Hellmich. 16-0116 Depository change for the City's Insurance Reserve Bank Account - Sandra Pate reported Sue is asking to use a different account that has a higher interest earning rate. It has 55 bases points instead of 35 basis points. She is asking to move funds around to get the highest interest rate. This item remained on the Council meeting agenda. President Pro-temp Hellmich turned the meeting back over to President Trawick.

16-0118 Parks Dept. requests permission to purchase a 72" JD 1575 Mower - Gary reported this is a replacement for one that is six years old. This item remained on the Council meeting agenda.

16-0123 Request to declare surplus and sell 2002 E-One International Fire Pumper - Chief Darby reported this is a new pumper on order and scheduled for delivery in September. It is on schedule. As part of the apparatus plan we are replacing /surplusing our 2002 commercial chassis pumper. Approximately one year ago he got a wholesale estimate from a company they had previously done business with that purchases fire trucks. The wholesale offer of \$60,000 was given to Foley should we sell to them. After you approved the purchase of the new pumper the Fire Chief from McCall Volunteer Fire Department, Escambia County, between Flomaton and Brewton off Highway 31, approached Chief Darby and asked about the pumper. The conversation lead to a lot of interest and has since sent a committee down, reviewed the pumper and want to purchase it. Their current engine is a 1985 model that they are very proud of but they do have limited funds. They purchased that one a few years ago in Escambia County, Florida and have since paid it off and have started a reserve account to purchase something newer. They offered Foley \$80,000 as a direct purchase of the engine. It would meet their needs for many years to come as they are a very low volume department. It is Foley's opportunity to help a Department that has limited funding and they get \$25,000 per year through cigerate tax and have been very frugal in spending. They will have to finance it but it gives Foley \$20,000 more than the wholesale estimate. Council invested \$100,000 from the General Fund coupled with the remainder from the Ad Valorum Fund and will net \$20,000 because the \$80,000 will go back to the General Fund. They have offered in their letter a \$10,000 deposit to hold the

truck but Chief Darby did not recommend it unless you feel the need to. It is a good faith effort on their part. He has assured them that if Council approved a resolution surplusing the pumper to them it will be sold to them. Once the new truck has been placed in service is when they will officially be surplused. The pumper has been their reserve for the last almost seven years. They were very, very pleased and they also know that if they purchase a new truck equipped like this they would spend approximately \$300,000. It is a great deal for both of us because fire trucks have a pretty good depreciation. This item remained on the Council meeting agenda.

16-0124 A Resolution approving change in the City's Insurance Provider for Employee Basic Life, Voluntary Life, AD&D, Short Term Disability and Long Term Disability Insurance Benefits for the Period Beginning April 1, 2016 - Sandra reported they were looking at a rate increase with our current provider so the broker did obtain quotes for Foley and they brought a resolution before Council and the back is there with the quotes. They are recommending you go with Prudential. It is a two year rate guarantee with a comparable product with the policy coming in at approximately \$27.4 savings against what they are putting out now it is a comparable product so the employees would have the same coverage available to them. The resolution is recommending Prudential. Councilman Ebert reported that it was interesting that three of them quoted the same premiums: Lincoln, Hartford and OneAmerica. It doesn't happen very often that they are exact. The rates are varying a little bit. Sandra reported when they ran it against the AD&D, Voluntary Life, Life, Prudential came in at the best rate with everything priced together. This item remained on the Council meeting agenda.

16-0126 Ordinance regulating Use of the Public Rights of Way in the City of Foley - This is a first reading on the "Demonstration" ordinance. Mr. Thompson reported Casey Pipes, City Attorney, has reviewed the ordinance and made modifications. Mainly it creates so available space near Hwy 59 & 98. Our previous ordinance excluded demonstrations there entirely and it modifies it so there is some space there for demonstrations and makes a few changes to street closure rules. Councilman Hellmich reported that all we are doing is tweaking the ordinance. This item remained on the Council meeting agenda.

16-0127 A resolution to approve the McKenzie ASA Pro/AM contract for 2017-2021 - Don Staley reported this was an incredible event that had a record number of archers and people they brought with them. The hotels and restaurants were filled. ASA Archery told him they want to be here as their home or their "Daytona" to start their season and want to do a five year contract extension. This item remained on the Council meeting agenda.

16-0129 Ordinance clarifying Municipal Services Being Provided in the Police Jurisdiction - Mr. Thompson reported this is also an ordinance that was drafted by Casey Pipes. Over the course of approximately five years we have made some changes in our PJ and what we provide services to in our PJ and there was some confusion as to what the City does. The Ordinance is intended to clarify exactly what services are performed in the Police Jurisdiction. This item remained on the Council meeting agenda.

## Mayor's Comments

Mayor Koniar reported the Foley Dog Park grand opening is supposed to be this Saturday at 10:00 a.m. President Trawick asked if they wanted to change the date due to the predictions of 100% chance of rain asked if the Council would consider moving it until next weekend after the new 5-plex dedication and open season of softball at 8:30 a.m. and before BBQ & Blues. After discussion it was decided to change the date and LaDonna Hinesley reported she could get it out on Facebook and radio.

### **Visitor's Comments**

There were no visitor's comments to report.

### **Adjourn**

Hearing no further comments the meeting adjourned at 5:00 p.m.