



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, December 21, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0724](#)

Public Hearing to declare weeds a nuisance and to order its abatement at vacant lots at Waterford Subdivision.

Council President Wayne Trawick opened the public hearing at 5:33 p.m. to declare weeds a nuisance and to order its abatement at vacant lots at Waterford subdivision. President Trawick reported the property has been abated by the owner and no further Council action is required. He asked for comments from the public. hearing no comments, he closed the public hearing.

Call to Order

President Trawick called to meeting to order at 5:34 p.m.

Roll Call

All Council Members were present. Also present were Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Tom DeBell, Mike Caney, Carolyn Hollis, Patricia Hollis, Pat Libbey, Gary Pitts, Joe Gill, Martin Teem, Brenda Shambo, Norman Bishop, John Graham, Wayne Hollis, Randy Kurtts, John Gatlin, Melissa Franks, Chason Franks, Don Staley, Bob Blessing, Dustin Watts, Daniel Gardner, Zack Fatmer, Skip Davis, Traci and Jake Cantrell, Les and Kelley Wansley, Prisila Hughes, Pam Harris, Bill Swanson, David Wilson, Mark Alexander, Miriam Boutwell, Chad Christian, Jeff Rouzie, Gary and Rachel Deisner, Joey Darby and LaDonna Hinesley.

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

Mayor's Presentation

[15-0763](#)

Mayor's Presentation of the Revitalization and Beautification Board

Mayor Koniar recognized members of the Revitalization and Beautification Board, the Parks Department, the Street Department, the Municipal Complex Department, the Christmas Subcommittee, Horticulturalist Department and the Clerk's Department for the hard work and planning that went into this year's beautiful Christmas decorations. He reported the City has received many compliments on the decorations.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 15-0760, 15-0761 and 15-0762 to the agenda and to remove item 15-0725 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[15-0719](#) 12-02-2015 Special Called Council Meeting Minutes

Attachments: [12-02-15 Special Called Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Special Called Council Meeting Minutes of December 2, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0726](#) Work Session Minutes of December 7, 2015.

Attachments: [12-07-2015 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of December 7, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0727](#) Council Meeting Minutes of December 7, 2015.

Attachments: [12-07-2015 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of December 7, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Audit of the Accounts

[15-0743](#) Audit the Accounts of November, 2015.

A motion was made by Council Member Ralph Hellmich to audit the accounts of November, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Reports

[15-0747](#)

November 2015 Sales, Lodging and Rental Tax Reports

Attachments: [20151215145939615.pdf](#)

City Administrator Mike Thompson reported sales tax is up 6.5 % for the month and 7.3 % year-to-date, lodging tax is up over 20% for the month and 26.5% year-to-date, rental tax is up 11.2% for the month up 2.8 % year-to-date.

[15-0723](#)

November CDD Report

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

City Planner Miriam Boutwell gave a synopsis of the November, 2015 CDD Report, which is attached as backup to the minutes.

[15-0750](#)

Fire Department Monthly Report November 2015

Attachments: [Council November 15 12-15](#)

Fire Chief Joey Darby gave a synopsis of the November, 2015 Fire Department Report, which is attached as backup to the minutes. He also reported there were two structure fires. One fire was on County Road 10 and was due to an electrical outlet at a single family residence. It was a minor fire and was quickly extinguished and the residents were not displaced. There was also a fire at County Road 65 and County Road 26 at a fiberglass repair shop due to improper heating. The was extinguished before it spread to other adjacent buildings. There was also a fatal motor vehicle accident at the intersection of Foley Beach Express and Baldwin Beach Express.

[15-0729](#)

November 2015 Foley PD Monthly Report

Attachments: [20151211101610079](#)

Police Chief David Wilson introduced Sergeant Mark Alexander, who is retiring from the Foley Police Department next week. Sergeant Alexander gave a synopsis of the November, 2015 Police Department Report, which is attached as backup to the minutes.

Ordinances, Resolutions and Other Business

[15-0715](#)

Consider accepting a donation of 100 three gallon buckets of native azaleas

A motion was made by Council Member Ralph Hellmich to accept 100 three gallon buckets (cans) of native azaleas valued at \$1250 from Van Der Giessen Nursery, Inc. to be placed in a suitable spot. John Graham will coordinate with Mr. Van Der Giessen on the pickup of the plants. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2385 RES

[15-0718](#)

Resolution approving the cut off dates for Annexations and Certificates of Occupancies for the purpose of Redistricting

A motion was made by Council Member Vera Quaites to approve December 31, 2015 as the cut-off date for annexations and issuing Certificates of Occupancies for the purposes of redistricting for the 2016 Municipal election. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2386 RES

[15-0722](#)

Consider 050- Retail Beer (Off Premises Only) and 070- Retail Table Wine (Off Premises Only) ABC License transfer from The Pantry INC. to Circle K Stores INC. under the trade name of Circle K Store 2721584 located at 22164 US Highway 98, Foley, AL.

Attachments: [ABC License Tranfer](#)
 [ABC License Transfer Map](#)

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

A motion was made by Council Member Ralph Hellmich to approve the ABC License transfer from The Pantry, Inc. to Circle K Stores, Inc. located at 22164 US Hwy 98, Foley, AL. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0725](#)

Resolution authorizing employees to enter upon the property at the vacant lots at Waterford Subdivision for the purpose of abating the public nuisance.

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The property has been abated by the owner and no further Council action is required. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[15-0728](#)

REQUEST TO USE MAX GRIFFIN PARK BY THE WOMEN'S CARE MEDICAL CENTER FOR THEIR ANNUAL WALK-A-THON

Attachments: [Women's Care Medical Center](#)

A motion was made by Council Member Rick Blackwell to waive the fees for the use of Heritage Park and Pavilion requested by the Women's Care Medical Center for their annual Walk-A-Thon fundraiser on March 12, 2016 from 8:00 a.m. until 10:00 a.m. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2387-RES

[15-0730](#)

Violet Avenue Pipe Replacement

Attachments: [Pre-project Checklist - Violet Ave. Pipe Replacement](#)

A motion was made by Council Member Charles Ebert, III to appropriate funds in the amount of \$19,125.00 for the construction of the Violet Avenue Pipe Replacement project. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2388-RES

[15-0731](#)

Fairway Drive Entrance Drainage Improvements and Turn Lane

Attachments: [Pre-project Checklist - Fairway Dr. Entrance Drg. Imps. & Turn Ln.](#)

A motion was made by Council Member Ralph Hellmich to appropriate funds and to approve the solicitation of bids for the construction of the Fairway Drive Entrance Drainage Improvements and Turn Lane project. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2389-RES

[15-0732](#)

Authorize City Engineer to Submit Form MB-06A and Enter Into An Agreement with ALDOT for TIGER Ph. II

Attachments: [TIGER Ph. II Form MB-06A](#)

A motion was made by Council Member Ralph Hellmich to approve the City Engineer to prepare, execute, and submit Form MB-06A to ALDOT for the TIGER Phase II Shared Use Paths grant project and to approve entering into an agreement with ALDOT for the City to maintain the asphalt shared use paths for the TIGER Phase II Shared Use Paths grant project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2390-RES

[15-0733](#)

Accept Donation of Bronze Statue for Dog Park

A motion was made by Council Member Charles Ebert, III to accept the bronze statue called "Boy and Dog with Bone", which is valued at \$3168.18 and is to be placed on the northeast end of the small dog section of the dog park. A memorial plaque will be added after its installation. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2391-RES

[15-0737](#)

N. Pine St. at W. Jessamine Av. Street Light Conversion to LED

Attachments: [Street Lights to LED](#)

A motion was made by Council Member Rick Blackwell to approve the conversion of three (3) existing street lights located at N. Pine Street at West Jessamine Avenue to LED and the increase in the monthly rate for LED in the

amount of \$4.20 per month or \$50.40 per year. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2392-RES

[15-0740](#)

RESOLUTION APPROVING FUNDING AGREEMENT BY THE CITY OF FOLEY, ALABAMA

Attachments: [Resolution-City of Foley-Woerner Lease \(2\)](#)
[CAFFM Inc \\$1.4 mil bond United Bank BSVI Fully Executed.PDF](#)

A motion was made by Council Member Ralph Hellmich to authorize the execution and delivery of a Funding Agreement between the City of Foley and the Coastal Alabama Farmers' and Fishermen's Market, Inc. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2393-RES

[15-0741](#)

A Resolution To Accept The Gulf Tourism and Seafood Promotional Fund Award of \$37,720.00

Attachments: [201512141602](#)

A motion was made by Council Member Ralph Hellmich to accept the Gulf Tourism and Seafood Promotional Fund grant in the amount of \$37,720.00 to provide funding for print, broadcast, cable and printed marketing materials to promote the City; to appoint Kate Embry as grant manager and to approve the expenditure of grant funds. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2394-RES

[15-0744](#)

Declaring Surplus Sergeant Mark Alexander's Badge and Service Weapon

A motion was made by Council Member Charles Ebert, III to declare Sergeant Mark Alexander's badge and service weapon as surplus and authorizes these items to be given to Sergeant Mark Alexander upon his retirement from the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2395-RES

[15-0748](#)

Ordinance amending Ordinance 1196-12 to Include Lot 8A and Lot 8B

Attachments: [1196-12 ORD](#)
[Master Site Plans Lots 8A 8B](#)
[S2445-B](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance amending Ordinance 1196-12. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-2000-ORD

[15-0760](#)

A RESOLUTION APPROVING FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA, THE PUBLIC CULTURAL AND ENTERTAINMENT FACILITIES BOARD OF THE CITY OF FOLEY, ALABAMA AND REGIONS BANK, AS TRUSTEE

Attachments: [Foley Cultural 2015. Minutes of City 12-21-2015 \(03473320\) \(1\).pdf](#)

A motion was made by Council Member Ralph Hellmich to approve financing documents by the City of Foley, Alabama, The Public Cultural and Entertainment Facilities Board of the City of Foley, Alabama and Regions Bank, as Trustee for the new event center. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2384-RES

[15-0761](#)

Accept donation of two parcels of land made by Easy Stop, Inc.

Attachments: [Appraisal of Real Property](#)
 [IRS Form 8283](#)

A motion was made by Council Member Rick Blackwell to accept the donation made by Easy Stop, Inc. of two parcels of land (PIN# 120251 and PIN # 83240) located at 625 E. Laurel Avenue, which is on the north side of Hwy 98 and east of Riviera property over to Wolf Creek. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2397-RES

[15-0762](#)

Fairway Drive Entrance Improvements Survey

Attachments: [Fairway @ CR 20 Survey Proposal](#)

A motion was made by Council Member Ralph Hellmich to approve Hutchinson, Moore & Rauch, LLC's contract for the survey of the Fairway Drive Entrance Drainage Improvements and Turn Lane project in the amount of \$2,000.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2398-RES

Mayor's Comments

Mayor Koniar wished everyone a Merry Christmas and happy New Year and encouraged those traveling to do so safely.

Visitor's Comments

There were no comments to report.

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 6:11 p.m.