



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft

### City Council

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Monday, July 18, 2016

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearing

##### [16-0399](#)

A Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving initial zoning of 32.64+/- acres being annexed into the corporate limits. The proposed zoning is R-1D (Residential Single Family). The property is owned by Stephen Lambert.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider Planning Commission's recommendation to adopt an ordinance approving initial zoning of 32.64+/- acres being annexed into the corporate limits. He asked for comments from the public. Hearing no comments, he closed the public hearing.

##### [16-0400](#)

Public Hearing declaring weeds to be a nuisance and ordering its abatement at the vacant lot west of 421 7th Avenue.

President Trawick opened the public hearing at 5:31 p.m. declaring weeds to be a nuisance and ordering its abatement at the vacant lot west of 421 7th Avenue. 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 5:32 p.m.

#### Roll Call

All Council Members were present. Also present: City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Darryl Clevenger, Richard Dayton, Sylvia Womack, Casey Pipes, Miriam Boutwell, LaDonna Hinesley, Chad Christian, Joey Darby, David Wilson and Thurston Bullock. 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 items 16-0408 and 16-0410 to the agenda and to remove item 16-0388 from the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

## **Approval of the Minutes**

[16-0389](#) Work Session Minutes of July 5, 2016.

**Attachments:** [07-05-16 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of July 5, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0390](#) Council Meeting Minutes of July 5, 2016.

**Attachments:** [07-05-16 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of July 5, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

## **Audit the Accounts**

[16-0404](#) Audit the accounts of June, 2016.

A motion was made by Council Member Ralph Hellmich to audit the accounts of June, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## **Reports**

[16-0391](#) June 2016 Tax Reports

**Attachments:**     [20160706163542481](#)

City Administrator Mike Thompson reported the sales tax is up 6% year-to-date, the lodging tax is up 19.1% year-to-date and the rental tax is up 5.45% year-to date.

[16-0405](#)

Marketing Department Quarterly Report April - June 2016

**Attachments:**     [2016 Marketing Department Report April May June 2016.](#)  
                              [Oct 2015 - June 2016 Consolidated \(2\)](#)

Marketing Director LaDonna Hinesley gave a synopsis of the Marketing Department Quarterly report for April-June, 2016, which is attached as back up to the minutes.

[16-0394](#)

June 2016 CDD Report

**Attachments:**     [June EOM for Council.pdf](#)

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

[16-0401](#)

Fire Department Monthly Report June 2016

**Attachments:**     [Council June 16 7-16](#)

Fire Chief Joey Darby gave a synopsis of the June 2016 Fire Department report, which is attached as back up to the minutes.

[16-0395](#)

June 2016 Foley PD Monthly Report

**Attachments:**     [20160708164215921](#)

Police Chief David Wilson gave a synopsis of the June, 2016 Police Department Report, which is attached as back up to the minutes.

## **Ordinances, Resolutions and other Business**

[16-0228](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Stephen Lambert)

**Attachments:**     [S Lambert Annexation Petition](#)  
                              [Department Reports](#)

A motion was made by Council Member Ralph Hellmich to approve the annexation of property owned by Stephen Lambert. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2016-ORD

[16-0322](#)

Rescind Ordinance 490-95 Regulating Foley Municipal Airport Extended

Parking and Move the Responsibility to the Airport Fixed Base Operator

**Attachments:**     [Ordinance 490-95.pdf](#)

**A motion was made by Council Member Rick Blackwell to rescind Ordinance No. 490-95 and to approve the transfer of extended parking responsibilities to the Airport Fixed Base Operator, which allows the FBO to establish appropriate extended parking fees with the approval of Airport Manager and to collect and retain such fees for the services provided. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-2017-ORD

[16-0346](#)

Reallocation of Aaronville Pool Park Improvements Capital Project to General Fund Account

**A motion was made by Council Member Vera Quaites to reallocate \$51,411 from account 12-665-7362 to account 1-622-4030 for replastering Aaronville Pool and to amend the budget for the transfers accounts 01-680-0165 and 12-5900 by decreasing them by \$51,411. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1174-RES

[16-0373](#)

Request to reclass operating budget from the Public Athletic & Sports Facilities Cooperative District to the City's General Fund, Sports Tourism Department.

**Attachments:**     [Budget transfer A&S to GF](#)

**A motion was made by Council Member Ralph Hellmich to reclass the operating budget from the Public Athletic & Sports Facilities Cooperative District to the City's General Fund, Sports Tourism Department. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1175-RES

[16-0388](#)

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT 1508 MULBERRY LANE

**Attachments:**     [1508 Mulberry Lane. Weed Abatement](#)

**A motion was made by Council Member Ralph Hellmich to remove this item from the agenda due to the property was abated by the owner. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

[16-0392](#)

Drive Sober or Get Pulled Over Labor Day Grant Campaign

**A motion was made by Council Member Charles Ebert, III to accept the Southwest Alabama Regional Highway Safety Office (SWAHSO) Drive Sober or Get Pulled Over Grant #16-HD-M5-007 funds in the amount of \$3500.00 for the period of August 19, 2016 through September 5, 2016. The City understands there is no match required; to amend the budgets for Account Nos. 01-4987 &**

01-608-1033, for a zero increase to the total budget and to appoint Kelly O'Donnell to serve as the traffic safety coordinator, who will be responsible for submitting required documentation, reports and reimbursement statements to the SARHSO on or before the 7th of each month following the month of performance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1176-RES

[16-0398](#)

Resolution authorizing employees to enter upon the property at the vacant lot west of 421 7th Avenue for the purpose of abating the public nuisance.

**Attachments:**     [Weeds- west of 421 7th Ave.](#)

A motion was made by Council Member Ralph Hellmich to authorize employees to enter upon the property at the vacant lot west of 421 7th Avenue for the purpose of abating the public nuisance. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1177-RES

[16-0403](#)

Request to upgrade firewall.

A motion was made by Council Member Rick Blackwell to approve the purchase of a new firewall from CDWG under a National IPA contract under account 01-629-7010 not to exceed \$13,700 and to declare the current firewall (asset 9740) surplus and authorizes its disposal by the best means possible. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1178-RES

[16-0406](#)

Request to move funds from operating budget 01-625-5210 to Capital Projects fund 12-665-7364

**Attachments:**     [Budget Transfer Sheet](#)

A motion was made by Council Member Charles Ebert, III to transfer \$32,000 from the Marketing Department's Advertising Budget 01-625-5210 into Capital Projects fund 12-665-7364 for the new gateway signs. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1179-RES

[16-0407](#)

A Resolution Approving Parish Lakes Buffer

**Attachments:**     [Parish Lakes Buffer-PreProject Checklist](#)  
                          [Parish Lakes Buffer -dwg160613 PLB-ConsSet](#)  
                          [WAS Invoice \(3\)](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$235,000 to Capital Project account 12-665-7373 R27 for the cost of installing a vegetative buffer along the south side of Parish Lakes Subdivision, being the north side Pride Boulevard east of Juniper Street and to approve payment to

**WAS Design, Inc. in the amount of \$4,500 for the buffer design plans. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1180-RES

[16-0414](#)

Consider Addendum to and Amendment of Standard Form of Agreement between Owner and Contractor by PCEFCD and Dunn Building Company, LLC

**Attachments:**     [Addendum](#)

**A motion was made by Council Member Ralph Hellmich to authorize an addendum to and amendment of the Standard Form of Agreement between Owner and Contractor dated June 10, 2016 by The Public Cultural and Entertainment Facilities Cooperative District of the City of Foley, Alabama and Dunn Building Company, LLC, to be entered into by the City of Foley, Dunn Building Company, LLC, and the Public Cultural and Entertainment Facilities Cooperative District of the City of Foley, Alabama and to authorize the Mayor to execute the necessary documents. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1181-RES

[16-0415](#)

A resolution approving Sarabeth Chambers with City Hope Church to use Max Griffin Park on Saturday, July 16, 2016 from 9:00 am to 1:00 pm for a Community Outreach Block Party

**Attachments:**     [20160715100905356](#)

**A motion was made by Council Member Charles Ebert, III to memorialize City Hope Church to use Max Griffin Park for a Community Outreach Block Party on July 16, 2016 from 9:00 am to 1:00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-1182-RES

[16-0416](#)

Accepting the portrait of Alan Goldman and acknowledging the placement of portrait

**A motion was made by Council Member Charles Ebert, III to accept the donation of the portrait of Mr. Alan Goldman from Mrs. Kat Goldman, which will be hung in a strategic location of the world class railroad exhibit. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1183-RES

[16-0408](#)

Discuss sign replacement costs for Lake View Estates Property Owners Association

**Attachments:**     [Lake View Estates Request](#)

**A motion was made by Council Member Ebert, III to appropriate \$6,185.00 to help with the cost of a sign replacement for Lake View Estates. The motion was seconded by Council Member Quaites and 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 past 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: 16-1184-RES

#### [16-0410](#)

Discuss the use of property west of the 10-plex sports fields.

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

A motion was made by Council Member Rick Blackwell to authorize the Mayor to sign an agreement to use property west of the 10-plex sports fields contingent upon legal review. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1185-RES

### **Mayor's Comments**

No comments to report.

### **Visitor's Comments**

No comments to report.

### **Executive Session**

President Trawick reported there is a need for an Executive Session.

City Attorney Casey Pipes reported there are four topics to discuss pertaining to certain aspects of threatened and potential litigation. He also reported the Executive Session will last approximately 20 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 Charles Ebert, III.

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 6:24 p.m.

Reconvened

President Trawick called the meeting to order at 7:01 p.m. All Council Members were present. Also present: City Administrator Mike Thompson and

Casey Pipes. At this point President Trawick announced there was no further business to conduct.

## **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 7:02 p.m.