



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, November 5, 2012

5:30 PM

Council Chambers

Call to Order / Roll Call

Others present: City Administrator Mike Thompson, Vickey Southern, Daryl Pichoff, Lulas Phillips, Trvanne Stansel, Diamond Stansel, Rose Morris, John and Mary Herndon, Mauree and Baily Phillips, Kim Hudson, Dylan Hudson, Logan Davis, Karen Buffinton, Bob Schreiber, Amy and Wade Palmer.

Present: 5 - Council Member Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Public Hearings

[12-0027](#)

Accepting Costs for Weed Abatement at 528 Verbena Loop and Authorizing a Copy be Sent to the Baldwin County Tax Collector

Attachments:

[Resolution - Ordering Abatement.pdf](#)

[Chamber Door Abatement Cost Posting 528 Verbena Loop 10-2012.docx](#)

[Resolution Accepting Costs for Weed Lien 528 Verbena Loop and Authorizing Copy to be Sent to Tax Collector.docx](#)

President Wayne Trawick opened the public hearing at 5:35 p.m. to consider the costs for a weed abatement at 528 Verbena Loop and authorizing the City Clerk to send a copy of the costs in the amount of \$112.65 to the Baldwin County Tax Collector. Hearing no comments the Council President closed the public hearing.

Enactment No: 13-0068

[13-0165](#)

Resolution Accepting Costs for Weed Abatement at 805 E. Verbena Avenue and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: [Public Hearing Notice.docx](#)
[Chamber Door Abatement Cost Posting 805 E Verbena Ave.docx](#)
[Resolution Accepting Costs for Weed Lien 805 E Verbena and
Authorizing Copy to be Sent to Tax Collector.docx](#)

President Trawick opened the public hearing to consider the cost of abating weeds at 805 East Verbena Avenue and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's Office. The costs are in the amount of \$591.61. Hearing no comments the President closed the public hearing.

Enactment No: 13-0069

The Council President noted that three public hearings were properly advertised but were not listed on the Council agenda for today's meeting. The Council will hear persons wishing to speak on the following items:

12-0090 Council President Trawick opened the public hearing to consider accepting costs in the amount of \$287.26 for abating weeds at 426 West Peachtree Avenue and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's office. Hearing no comments President Trawick closed the public hearing.

12-0128 Council President Trawick opened the public hearing to declare weeds a nuisance and violating the City's weed abatement ordinance at 761 S. McKenzie Street. Hearing no comments the President reported the weeds were abated and no further action was required, and closed the public hearing.

13-0241 Council President Trawick opened the public hearing to consider accepting costs in the amount of \$5,689.52 for abating weeds at 2651 South Juniper Street a/k/a Victoria Place and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's office. Hearing no comment President Trawick closed the public hearing.

President Trawick reported no action will be taken on 12-0090 and 13-0241 today. These items will be listed on the November 19th Council meeting agenda to allow the public to comment and any action will be taken at that time.

Call to Order / Roll Call

Others present: City Administrator Mike Thompson, Vickey Southern, Daryl Pichoff, Lulas Phillips, Trvanne Stansel, Diamond Stansel, Rose Morris, John and Mary Herndon,

Present: 5 - Council Member Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Approval of the Minutes

[13-0245](#)

COUNCIL WORK SESSION MINUTES OF OCTOBER 15, 2012

Attachments: [10-15-12 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that the Minutes be approved. The motion carried by an unanimous vote.

[13-0265](#)

Council Meeting Minutes of October 29, 2012

Attachments: [10-29-12 Council Meeting Minutes.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that the Minutes be approved. The motion carried by an unanimous vote.

Ordinances, Resolutions, Proclamations & Other Business

[12-0110](#)

Name Wolf Creek Park Property

Attachments: [General Park Area](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be approved on second reading. The motion carried. by an unanimous vote.

Enactment No: 13-1019

[12-0027](#)

Accepting Costs for Weed Abatement at 528 Verbena Loop and Authorizing a Copy be Sent to the Baldwin County Tax Collector

Attachments: [Resolution - Ordering Abatement.pdf](#)
[Chamber Door Abatement Cost Posting 528 Verbena Loop 10-2012.docx](#)
[Resolution Accepting Costs for Weed Lien 528 Verbena Loop and Authorizing Copy to be Sent to Tax Collector.docx](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0068

[13-0165](#)

Resolution Accepting Costs for Weed Abatement at 805 E. Verbena Avenue and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: [Public Hearing Notice.docx](#)
 [Chamber Door Abatement Cost Posting 805 E Verbena Ave.docx](#)
 [Resolution Accepting Costs for Weed Lien 805 E Verbena and](#)
 [Authorizing Copy to be Sent to Tax Collector.docx](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0069

[13-0175](#)

Declaring US Foods as Primary Distributor for Food Products

Attachments: [Food Vender 2012.2013](#)

A motion was made by Council Member Charles Ebert, III , seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried. by an unanimous vote.

Enactment No: 13-0070

[13-0194](#)

Discuss Gateway Sign Design

Attachments: [Foley gateway signage options](#)
 [Gateway Sign option 1](#)
 [Gateway Sign option 2](#)
 [Gateway Sign option 3](#)
 [Airport Sign option](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0071

[13-0228](#)

Public Hearing to Consider Amending the Building Code Ordinance

Attachments: [Building Code Amendments 10 29 12.doc](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Ordinance be adopted. The motion carried by an unanimous vote.

[13-0236](#)

Engineering Contract for Wolf Creek Park Grant

Attachments: [PSA Wolf Creek](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0072

[13-0237](#)

Approves the Purchase of Step Down Transformers

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0073

[13-0238](#)

Discuss a bronze statue of Chief Cobb

Attachments: [Support Letter for Chief Cobb Statue](#)

This Resolution was removed.

[13-0239](#)

APPOINTMENTS TO THE HISTORICAL COMMISSION AND PLANNING COMMISSION

A motion was made by Council Member Charles Ebert, III, to appoint Mrs. Pat Davis to the Historical Commission and Sandi Caudill to the Planning Commission, seconded by Council Member Vera Quaites, and that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0074

[13-0241](#)

Resolution Accepting Costs for Weed Abatement at 2651 S. Juniper St. and Authorizing a Copy to be Sent to the Baldwin County Tax Collector

Attachments: [Chamber Door Abatement Cost Posting Victoria Place SD 10-2012.docx](#)
 [Resolution Accepting Costs for Weed Lien 2651 S Juniper and Authorizing Copy to be Sent to Tax Collector.docx](#)

This Resolution was carried over to the City Council due back on 11/19/2012

Enactment No: 13-0066-RES

[13-0242](#)

Awards Project Administration Services Contract To Grant Management, LLC For The 2012 CDBG Sewer Rehabilitation Project

Attachments: [Foley 12-007 CDBG Administration Contract](#)
 [Foley CDBG 12-007 Rating Sheet- Admin](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution awarding the project administration services contract to Grant Management, LLC for the 2012 CDBG Sewer Rehabilitation Project in the amount of \$50,000 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0075

[13-0244](#)

RESOLUTION TO TRANSFER FUNDS IN COMMUNITY DEVELOPMENT PERSONNEL ACCOUNTS

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution transferring \$1,699.30 in Community Development Personnel be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0076

[13-0246](#)

Memorialize Overage for Intersections Project.

Attachments: [Backup Doc. - Memorialize Overage for Intersections Project](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution memorializing \$7,500.41 for overages for the Intersections Project be adopted. Even though there were overages the bid on the project came under budget so even with the overages it still leaves the project well under the budgeted amount. The motion carried by an unanimous vote.

Enactment No: 13-0077

[13-0247](#)

Battaglia Property Survey.

Attachments: [Backup Doc. - Battaglia Property Survey](#)
 [Resolution - Battaglia Property Survey.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that a resolution authorizing the expenditure of \$900 for a survey of the property be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0078

[13-0248](#)

Amending Parks Department FY2012-13 Budget

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution amending the Parks Department FY12-13 Budget in the amount of \$17,000 be adopted. The motion carried by an unanimous vote. It was noted the Parks Department is very frugal in spending money; however, the Department did not receive their new truck prior to the end of last fiscal year, thus the reason for the budget amendment.

Enactment No: 13-0079

[13-0249](#)

ALDOT Resurfacing US 98.

Attachments: [Resolution - ALDOT US 98 Resurfacing](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0080

[13-0250](#)

REQUEST TO GO TO BID ON (1) EXTENDED CAB 4X4 PICKUP

A motion was made by Council Member Rick Blackwell, seconded by Council

Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0081

[13-0251](#)

DISCUSS DONATION OF PROPERTY ON FAIRWAY DR. FOR PROPOSED NEW FIRE STATION

This Agenda Item was removed

[13-0258](#)

ACCEPT DONATION AND APPROVE PURCHASE OF FREDDIE THE FIRETRUCK

Attachments: [S22C-112103012440](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that the Foley Assembly of God Church's donation in the amount of \$3,000 be accepted and the purchase of "Freddie the Firetruck" in the amount of \$10,500 be approved by resolution. The motion carried. by an unanimous vote.

Fire Chief Joey Darby reported the Church held a car show and gave the donations to the Fire Department to be used for the Fire Education program. He stated he appreciated the organization supporting them on this endeavor as "Freddie" will be a great catalyst for their program.

Enactment No: 13-0082

[13-0260](#)

ACCEPT E-J BUILDER'S PROPOSAL FOR ROSE TRAIL GAZEBO

Attachments: [Backup Doc. - Discuss Rose Trail Gazebo](#)

The Council discussed costs of replacing versus repairing the gazebo on the Rose Trail. It was noted that repairing the gazebo with the same type materials would ultimately lead to more repairs and the replacement cost for a concrete structure would pay off in future years. A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that a Resolution be adopted approving E-J Builders' proposal in the amount of \$20,990. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0083

[13-0261](#)

Consider Michael Fisher's request to use Aaronville Park for a Community Outreach program

A motion was made by Council Member Vera Quaites , seconded by Council Member Ralph Hellmich, that this Agenda Item be approved. The motion carried by an unanimous vote.

[13-0264](#)**APPROVES GOING TO BID ON REPAIRS TO CACTUS CAFE BUILDING****Attachments:**[Foley Bakery Building - Complaint Form 02-08-12.pdf](#)[Foley Bakery Building - Building Permit 03-27-12.pdf](#)[Foley Bakery Building - Nuisance Ord 1076-08.pdf](#)[Foley Bakery Building - Personal Representative Letter12-15-2011.pdf](#)[Foley Bakery Building - Declaring Property Public Nuisance 10-15-12.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution declaring the building at 118 West Laurel Avenue a nuisance and approving going to bid for the cost of repairs be adopted. The motion carried by an unanimous vote.

Councilman Hellmich reported the City has been working on this proejct for two years and we want to maintain the building integrity becuase it is historic in nature.

Enactment No: 13-0084

[13-0266](#)**APPROVING FUNDS FOR KIWANIS CLUB'S CHRISTMAS PARADE****Attachments:**[Foley Kiwanis Club Xmas Parade request 11-05-12.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution approving the Kiwanis Club's Annual Christmas parade and route, as well as declaring the expenditure of \$250 for the event a good and useful purpose of public funds be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0085

[13-0267](#)**Consider request to hold a Mardi Gras Parade**

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that the Mardi Gras Parade and the Foley Police Department approved route February 9, 2013 be approved. The motion carried by an unanimous vote.

[13-0268](#)**APPROPRIATING FUNDS FOR MARKETING AWARENESS OF AMENDMENT 2 ON THE NOVEMBER BALLOT**

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution appropriating \$500 for Marketing Awareness of Amendment 2 on the November 6th ballot be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0086

[13-0175](#)**Declaring US Foods as Primary Distributor for Food Products****Attachments:**[Food Vender 2012.2013](#)

Enactment No: 13-0070

Added items by Council

[13-0219](#)

Consider Wayfinding Sign Ordinance

Attachments: [Ordinance - Directional Signs.docx](#)
[Application for Directional Sign.pdf](#)
[Administration of ORDINANCE AUTHORIZING CERTAIN SIGNS
WITHIN THE FOLEY BEACH EXPRESS RIGHT.pdf](#)
[Ord 1142-10 Authorizing Wayfinding Signs.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be approved on second reading. The motion carried by an unanimous vote.

Enactment No: 13-1020

[13-0233](#)

Resolution Amending Travel Policy

Attachments: [Travel Policy and Procedures - Updated Draft for 11-5-12 Council Meeting](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0087

[13-0234](#)

Approving Christmas/New Year Holiday Schedule for 2012

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution approving closing four hours on December 14, 2012 for City employees to attend the State of the City address beginning at 1:00 p.m. and closing eight hours on Monday, December 31, 2012 for New Year's Eve be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0088

[13-0304](#)

Memorializes Payment to CDM Smith For ATRIP Grant Application

Attachments: [CDM Smith Invoice for ATRIP Grant App](#)
[CDM Smith Proposal for ATRIP Grant App](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution memorializing payment to CDM Smith for the ATRIP Grant application in the amount of \$34,650 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0089

[13-0305](#)

Approves Repairs and Maintenance To The Fountain Pool at John B. Foley Park

Attachments: [Blue Haven Quote11-12](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution approving repairs and maintenance to the John B. Foley Park fountain pool by Blue Haven Pools and Spas in the amount of \$5,200 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0090

Visitor Comments

Amy Palmer, 2693 South Hickory Street, Foley - Mrs. Palmer stated her family lives in the last phase of Ashford Park Subdivision and there are no street lights in the last phase. The developer does not want to add the decorative lighting to this section and is requesting the City consider the light installation at an approximate cost of \$400. Councilman Hellmich reported the City Engineer is out of town but explained the City will be happy to install the standard wooden lights but was not sure if the residents would be in agreement since they do not match the decorative light fixtures in the other part of Ashford Park. The cost of the decorative lighting would be \$1200. If the Council agrees the City would ask the property owners to pay the difference between the standard and the decorative lights.

John Herndon, President of the homeowners association, stated the Association would be willing to pay the difference. Councilman Hellmich asked that Randy Kurtts get in touch with them to set up the light installation.

Logan Davis, 1407 N. Alston Street - Logan is a Boy Scout from Cub Scouts Pack 77. This young man asked the Council what they were going to do with abandoned buildings in Foley. Councilman Hellmich reported the Cactus Cafe building is such a building and explained the process of getting the owners to come into compliance prior to the City having them either repaired or torn down. He also reported the old warehouse owned by the Gatlin's was torn down because the owners did not want to repair it.

Adjourn

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this meeting be adjourned. The motion carried by an unanimous vote and the meeting adjourned at 6:15 p.m.