



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, March 18, 2013

5:30 PM

Council Chambers

City Council Meeting

Call to Order

Council President Wayne Trawick called the hearing to order at 5:35 p.m.

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

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Joey Darby, David Wilson, Randy Bishop, Miriam Boutwell, Leslie Gahagan, Jeff Rouzie, Katy Taylor, Butch Stokes, Meg Hellmich, Casey Pipes, Al Lugo, Rosa Blas, Jorge Blas, Bill McReynolds, Darlene Staimpel, Brenda Nash and press representative Cathy Higgins (Foley Onlooker).

Public Hearing

[13-0441](#)

Discuss matters relating to the business license for Panaderia Taqueria Blas

Attachments: [03-18-13 Public Hearing Notice for Panaderia Taqueria Blas .pdf](#)

President Trawick opened the public hearing at 5:36 p.m. to discuss matters relating to a business license for Panaderia Taqueria Blas. He called on Chief Darby to present his report. Chief Darby reported the business was involved in several fire code violations. They have all been corrected and there are no issues at this time. Hearing no further comments, President Trawick closed the public hearing.

Call to Order

President Trawick called the Council meeting to order at 5:36 p.m.

Roll Call

All Councilmembers were present. The same people that were in attendance for the public hearing were present.

Pledge of Allegiance

Additions/Removals

Councilman Hellmich requested to add file ID 13-0478 and to remove file ID 13-0541. There was consensus by the Council to make the changes.

Approval of the Minutes

[13-0534](#)

Work Session Minutes of March 4, 2013.

Attachments: [Work Session Minutes of March 4, 2013](#)

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

[13-0554](#)

Council Meeting Minutes of March 4, 2013

Attachments: [03-04-13 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.

Reports

[13-0533](#)

CDD February 2013 Monthly Report

Attachments: [February 2013 CDD Report.pdf](#)
 [FEBRUARY 2012_2013 Bldg Reports.pdf](#)

City Planner Miriam Boutwell gave the February 2013 monthly report, which is included in its entirety as back up to the minutes. Ms. Boutwell reported as a preview to next month's meeting, one new business was permitted at Tanger, (Under Armour) and two new business permits are under review for Big Dog and Lens Crafters.

[13-0555](#)

Fire Department Monthly Report February 2013

Attachments: [Council February 13 3-13](#)

Chief Darby reported there were 75 incidents, which was down from last month. He reported that there were several structure fires reported and all were minor in nature and related to cooking fires. He further reported that they assisted Summerdale's fire department on a few occasions. Chief Darby reported that out of the 72 people who attended their CPR training, 61 were City employees.

Chief Darby advised that the Fire Department is having their annual Boston Butt sale for Easter and all proceeds benefit the Foley Explorers Post 77 and the Ralph Schumacher Scholarship Fund.

[13-0536](#)

Foley Police Department Monthly Report for February 2013

Attachments: [Feb.2013.Monthly.report](#)

Chief Wilson gave a synopsis of his monthly report. Mayor Koniar commended the Police Department on behalf of Tanger Outlet Mall for the Police Department's response to reports of shoplifters. Councilmember Quaites commended the Police Department for their burglary arrests. Council President Wayne Trawick asked if the Department would obtain space at Tanger and Chief Wilson reported they are looking into it.

Councilman Hellmich asked if the food costs for the prisoners were satisfactory and Chief Wilson reported they currently are; however, those costs may rise if they have more arrestees.

[13-0546](#)

February 2013 Tax Reports

Attachments: [2013 Revenue Report.pdf](#)

Mayor Koniar reported that February 2013 was higher than February 2012.

Audit the Accounts

Councilman Hellmich moved to pay the bills for the month and Councilman Elbert second the motion. The motion was passed unanimously.

Ordinances, Resolutions and Other Business

[13-0522](#)

Awarding Bid for One (1) Truck Chassis with a Flatbed Body for the Street Department

Attachments: [Moyer Ford Bid - Flatbed Truck for Street Dept](#)
[BID RESULTS - Flatbed Truck - Street Dept](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution awarding Moyer Ford the bid in the amount of \$42,312 be approved. The motion carried by an unanimous vote.

Enactment No: 13-0207-RES

[13-0428](#)

Ordinance approving the initial zoning of R-1A for the Battaglia property

Attachments: [Battaglia Zoning Recommendation.pdf](#)
[Draft Ordinance.pdf](#)

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.

Enactment No: 13-1029-ORD

[13-0530](#)

Memorialize Purchase Of Materials To Install Streetscape Site Furnishings From Gatlin Lumbar For \$102.73

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution to purchase material in the amount of \$102.73 from Gatlin Lumbar be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0208-RES

[13-0523](#)

Accepting a \$5000.00 (FIVE THOUSAND) donation from the Friends of the Library

Sponsors: Library and Horn

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

Enactment No: 13-0209-RES

[13-0524](#)

Resoluton authorizing the library to establish a working relationship with Ingram Book Distributers

Sponsors: Library and Horn

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: 13-0210-RES

[13-0527](#)

Memorialize ADCNR Coastal Access Grant application

Attachments: [Proposed Wolf Creek Park Expansion & GCNP Class Construction.2.25.13](#)
[Wolf Creek Park Expansion](#)

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: 13-0211-RES

[13-0528](#)

Purchase Two (2) John Deere 72" Commercial Side Discharge Mower Decks for the Parks Department

Attachments: [John Deere Mower Deck Quote](#)
[NJPA Approval Letter](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution to purchase two John Deere mower decks in the amount of \$7,371.98 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0212-RES

[13-0529](#)

Grass Violation at Iberville Square vacant lots owned by Crossroads, LLC

Attachments: [Iberville Square.3.6.13](#)

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

Enactment No: 13-0213-RES

[13-0531](#)

Approves Purchase Of 50 New Leaping Buck Cobra Pole Mounted Christmas Decorations From Universal Concepts Not To Exceed \$12,000

Attachments: [Universal Concepts Leaping Buck](#)
[Universal Concepts Leaping Buck Quote](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution to purchase 50 new leaping buck cobra pole mounted Christmas decorations from Universal Concepts not to exceed \$12,000 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0214-RES

[13-0532](#)

Requesting funding to purchase and install emergency equipment on Police Vehicles

Attachments: [13-0183 RES Non Patrol Vehicles Purchase 02-18-13.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution to purchase emergency lighting from Fire House Sales and Service, Inc. in the amount of \$20,482 and the installation by Customer Order Police Specialities in the amount of \$6,000 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0215-RES

[13-0535](#)

Annual Paving and Striping Projects

Attachments: [Paving List](#)
 [Striping List](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution giving permission to seek a professional service contract from a qualified firm to maximize the paving and striping projects be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0216-RES

[13-0537](#)

Acceptance of Cellular Phone Bid from Verizon

Attachments: [Recap of Cell Phone Service PD 03-18-13.pdf](#)
 [Verizon Bid Results 03-18-13.pdf](#)

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

Enactment No: 13-0217-RES

[13-0538](#)

An Ordinance ratifying Resolution 03-18-57 that established the Foley Public Library Board

Attachments: [Resol 03-18-57-AL 1975 11-90-3](#)
 [Section 11 90 3.pdf](#)
 [MX-6201N 20130328 085654.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaite, that this Ordinance be adopted for first reading. The motion carried by an unanimous vote.

Enactment No: 13-1030-ORD

[13-0539](#)

An Ordinance ratifying the creation of and defining the operational scope of the Recreational Activities Fund.

Attachments: [Resols est Rec Act Fund](#)

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

Enactment No: 13-1031-ORD

[13-0541](#)

Discuss amendment to service agreement with Baldwin County

Attachments: [FIRST AMENDMENT TO SERVICE AGREEMENT - City of Foley.pdf](#)

This Agenda Item was removed and carried over until April 1, 2013 Council meeting to bring back a contract from Baldwin County Commission.

Enactment No: 13-0229-RES

[13-0542](#)

Consider request from Fortis College to close a portion of Chicago Street for their Open House event on March 23, 2013 between the hours of 8:00 a.m to 3:00 p.m.

Attachments: [map of Chicago St. for Open House on March 23. 2013.pdf](#)

In work session today it was noted Lt. Bullock reported that there was minimal traffic on this portion of South Chicago Street and there were no objections from the PD for the temporary closure. However, Fire Chief Joey Darby noted that he did not want the hydrant located on the northwest corner to be blocked. He will coordinate with Fortis College staff on this.

The temporary road closure was unanimously approved on motion by Councilman Hellmich and seconded by Councilman Blackwell.

[13-0545](#)

Purchase Visitor publication, full-page color ad

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution to purchase a full page color ad in the Gulf Coast Newspaper's Vistor publication in the amount of \$1,350 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0218-RES

[13-0547](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [Sanitation Write Offs 03-05-13.pdf](#)

A motion was made by Council Member Rick Blackwell, to approve \$46.85 as uncollectible for Residential Sanitation Write Offs. Council Member Ralph Hellmich seconded the motion. The motion carried by an unanimous vote.

Enactment No: 13-0219-RES

[13-0548](#)

Letter of Intent to Sub-Lease Old CVB Building

Attachments: [Letter of Intent - Robinson.pdf](#)
 [MX-6201N_20130313_160306.pdf](#)

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

[13-0549](#)

Select voting delegate to represent the city at the Official Business Meeting held at the ALM Annual Covention on May 20, 2013 at 3:45 pm.

Attachments: [Voting Delegate Letter 03-18-13.pdf](#)
 [Voting Delegate Authorization Form 03-18-13.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution selecting Council Member Vera Quaites as delegate and Councilman Rick Blackwell as the alternate delegate be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0220-RES

[13-0550](#)

Purchase of Automated External Defibrillators (AED) for Various Departments

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that this Resolution to purchase three (3) AEDs in the amount of \$4,650 to be placed in the Civic Center, Public Works and Parks Department be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0221-RES

[13-0553](#)

Resoluton to Appropriate Additonal Funds for City Hall Renovaton

Attachments: [City Hall Renovation](#)

A motion was made by Council Member Ralph Hellmich to approve additional funds in an amount not to exceed \$5000 for the City Hall renovation. Council Member Charles Ebert, III, seconded the motion. The motion carried by an unanimous vote.

Enactment No: 13-0222-RES

[13-0557](#)

**A RESOLUTION OPPOSING THE PASSAGE BY THE ALABAMA
LEGISLATURE OF COMPANION BILLS HB257 AND SB217 AND ANY
OTHER SIMILAR LEGISLATION**

Council President Trawick asked Mayor Koniar to give Council an update on the proposed Resolution regarding HB257 and SB217.

Mayor Koniar reported when Council attended the NLC Convention they were informed of the bills in the State Legislature that amends Alabama's Constitution prohibiting the county or municipality to impose a business license tax on rental residential real estate on a per unit basis. These bills would negatively impact the City and Mayor Koniar recommended adopting the resolution.

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

Enactment No: 13-0223-RES

[13-0478](#)

Appropriates Funds for Trash and Recycle Containers

Attachments: [Attachment Sanitation 03-18-13.pdf](#)
[Attachment #1 Sanitation 03-18-13.pdf](#)
[Attachment #2 Sanitation 03-18-13.pdf](#)
[Attachment #3 Sanitation 03-18-13.pdf](#)

A motion was made by Council Member Ralph Hellmich to appropriate up to \$45,000 for garbage and recycle containers. Council Member Rick Blackwell seconded the motion and the motion carried unanimously.

Enactment No: 13-0224-RES

Mayor's Comments

Mayor Koniar reported he attended the ribbon cutting for the I-10 corridor held south of Highway 90 at the Foley Beach Express in Robertsedale. Governor Riley, Fob James and ALDOT Director John R. Cooper were in attendance. He met with Governor Riley and it was a good meeting.

Visitor's Comments

There were no visitor comments.

Executive Session

Councilman Hellmich made a motion to go into Executive Session to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

City Administrator Mike Thompson took the following Roll Call Vote:

Councilmember Quaite, aye; Councilman Hellmich, aye; Council President Trawick, aye; Councilman Blackwell, aye; Councilman Ebert, aye. Of those present, there was an unanimous vote to go into Executive Session. Council President Trawick reported Executive Session would take approximately 40 minutes and they would reconvene to take up a couple of items.

The Council recessed at 6:12 p.m. to go into Executive Session.

RECONVENED:

Council President Trawick called the meeting to order at 6:49 p.m.

All Councilmembers were present. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Casey Pipes and Bill McReynolds.

[13-0560](#)

Roads, Event Center and Utility Ball Field Construction

Attachments: [03-18-13 BC Foley, LLC](#)

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: 13-0225-RES

[13-0559](#)

Authorizing the purchase or condemnation of certain real property currently owned by DCF, LLC

Attachments: [03-18-13 Hwy 59 Property](#)

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

Enactment No: 13-0226-RES

Motion to Adjourn

This Council meeting was adjourned at 6:51 p.m.