M I N U T E S
CITY OF FOLEY, ALABAMA
407 E. LAUREL AVENUE
COUNCIL CHAMBERS
CITY COUNCIL MEETING OF SEPTEMBER 17, 2012
5:30 P.M.

PUBLIC HEARINGS:
Mayor John Koniar called the public hearing to order at 5:35 p.m. to consider Planning Commission's recommendation for the initial zoning of B-1A (Extended Business District) for .70± acres located on the northeast corner of Foley Beach Express and US Hwy 98. Applicant is **John A. Springsteen**. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing to consider Planning Commission's recommendation for the initial zoning of B-1A (Extended Business District) for 5± acres located on the northeast corner of Foley Beach Express and US Hwy 98. Applicant is **Betty S. Walker**. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at Hickory Bend Subdivision Common Areas. He reported the property had been abated and no further action was required. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 405 S. Poplar Street. Hearing no comments the public hearing was closed.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 426 W. Peachtree Avenue. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 318 W. Orange Avenue. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 231 Woodsong Drive. Hearing no comments the Mayor closed the public hearing.

COUNCIL MEETING:
Mayor Koniar called the council meeting to order at 5:39 p.m. Council members present: Wayne Trawick, Vera Quaites, Ralph Hellmich, Rick Blackwell and Charles J. Ebert, III. Others present: City Administrator Mike Thompson, City Clerk Vickey Southern, Miriam Boutwell, David Wilson, Joey Darby, Butch Stokes, David Thompson, Mable J. Rorie, Herman F. Doster, Alex Barnett, Jr., Edna Barnett, Annie Smith, Cheryl Morrow, and press representatives Guy Busby and Cathy Higgins.

CANVASSING ELECTION RESULTS:
City Clerk Vickey Southern distributed the appropriate envelops to the Mayor, Canvassing Board and City Clerk. The District numbers were called out noting the total amount of votes cast with the total votes for each candidate along with the absentee votes. It was noted that there were two Provisional Ballots cast and the Provisional Ballot Box opened to confirm that there were two envelops. The report from the Board of Registrars office confirmed there were two provisional ballots and that these were rejected and not to be counted. The total votes cast was 990 for John Koniar and 292 votes were cast for James Wood.

The total votes cast were as follows:

John E. Koniar	***District 1***	***District 2***	***District 3***	***District 4***	***District 5***	***District 6***	***Totals***
	302	86	137	204	241	6	976
Absentee	10		0	2	2	0	14
Vote Total	312	86	137	206	243	6	990
Provisional	0	0	0	0	0	0	0
Vote Total	312	86	137	206	243	6	990
							990

James M. Wood	***District 1***	***District 2***	***District 3***	***District 4***	***District 5***	***District 6***	***Totals***
Vote Tally	52	87	33	60	57	0	289
Absentee	0		2	1	0	0	3
Vote Total	52	87	35	61	57	0	292
Provisional	0	0	0	0	0	0	0
Vote Total	52	87	35	61	57	0	292
							292

A resolution confirming the canvassing of the results of the 2012 Municipal election as presented passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

APPROVAL OF THE MINUTES
Councilman Trawick made a motion to approve the Council meeting Minutes of September 4, 2012. Councilman Hellmich seconded the motion and the vote passed unanimously.

NEW BUSINESS: None to report.

REPORTS:

Community Development Department - City Planner Miriam Boutwell gave the 2012 August report as attached in its entirety. Councilman Hellmich asked if the total number of permits reflected an average of $3 million. City Planner Miriam Boutwell reported that it did. The residential permits have held steady and the commercial permits did good this past month. They included Fred's.

Fire Department – Chief Joey Darby reported the ninety incidents for August 2012 have been consistent with the last few months. The Fire Department is an all hazard agency that handles 31 types of responses. The Department had one building fire, which was a home in Bon Secour that was caused by a dryer left unattended. The family was displaced for a short period of time. Another item of significance was their response to assist with a medical crew (a/k/a technical rescue) in rescuing a mine pit worker who fell down into a sand pit. The Department also participated in the City's Health and Wellness Fair and assisted the Foley Elementary Kindergarten classes the first week of school with their lunches. Dr. Lawrence and the teachers appreciated their assistance and they bond with the children early on. They are also ahead on existing occupancy inspection for the fiscal year. He thanked his staff for all their efforts and look forward to getting through the surveys for the ISO rating period.

Councilman Hellmich asked after their review how soon it would be before they get an answer on the rating. Chief Darby reported that it could take six month for the published rating. If there are any issues they will let him know prior to the rating.

Police Department – Chief David Wilson gave the monthly report for August 2012, which is included in its entirety in the minutes as attached. Of items to note Chief Wilson reported there were 50-80 children that participated in "Midnight Basketball" in Aaronville. He also said there were four new officers that had been hired and they introduced themselves and they are as follows: Johnathan Kahl who is from Silverhill spent the last three years in the National Guard and served in Iraq. Daniel Hudson is from Gulf Shores and served in the Army Infantry for three years; lived outside of Atlanta and served as U.S. Department of Security at U.S. Embassies protecting U.S. VIP's; also served in Bagdad. Chris Dilks is from Iowa and served in the Army Infantry overseas. Emmanuel Seals taught Adjunct at the University of New Orleans and was a Corrections Officer in Fairhope.

Councilwoman Quaites enquired if there was going to be a GED Graduating class this year. Chief David Wilson reported there was going to be one but they have a couple of people who they are waiting on to finish. He will advise them when graduation will take place.

A resolution approving Residential Sanitation Write-off's for the 120 day period in the amount of $159.64 passed unanimously on motion by Councilman Ebert seconded by Councilman Trawick.

AUDITING ACCOUNTS

Councilman Hellmich made a motion to pay the accounts and Councilman Blackwell seconded the motion. The vote passed unanimously.

ORDINANCES, RESOLUTIONS AND OTHER BUSINESS:

The first reading of an ordinance approving Planning Commission's recommendation for the initial zoning of B-1A (Extended Business District) for .70± acres located on the northeast corner of Foley Beach Express and US Hwy 98 and owned by John A. Springsteen passed unanimously on motion by Councilman Trawick and was seconded by Councilwoman Quaites.

The first reading of an ordinance approving Planning Commission's recommendation for the initial zoning of B-1A (Extended Business District) for 5± acres located on the northeast corner of Foley Beach Express and US Hwy 98 and owned by Betty S. Walker passed unanimously on motion by Councilman Hellmich and seconded by Councilman Blackwell.

Councilman Hellmich reported a business will locate on these parcels and it will be a good addition to the City.

Mayor Koniar asked for consideration of a resolution declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 405 S. Poplar Street, 426 W. Peachtree Avenue, 318 W. Orange Avenue and 231 Woodsong Drive. Then Mayor Koniar reported 405 S. Poplar Street had been abated.

Councilman Ebert made a motion to approve the resolution as amended. Councilman Hellmich seconded the motion and the vote passed unanimously.

A proclamation declaring September 17-23, 2012 as Constitution Week passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

A resolution approving five Consent Agenda items passed unanimously on motion by Councilman Blackwell and was seconded by Councilwoman Quaites.

A resolution approving the Snook Youth Club of Foley's request for waiving rental fees for Heritage Park and Pavilion to hold the Ratthan Jones Gurney Bowl on Saturday, November 17, 2012 from 3:00 p.m. until 8:00 p.m. passed unanimously on motion by Councilman Ebert and seconded by Councilman Hellmich.

A resolution approving request for funding in the amount of $5,000 for Repair Baldwin, a coalition of organizations that repair homes owned by low income families who are unable to make the repairs, and waiving all but the minimum permit fees passed unanimously on motion by Councilman Blackwell and seconded by Councilman Ebert.

A resolution waiving Heritage Park Pavilion rental fees, and approving the "Invest In Progress" Parade and Rally on Sunday, October 28, 2012 passed unanimously on motion by Councilwoman Quaites and seconded by Councilman Hellmich.

A resolution accepting insurance proposal from VFIS's for the Fire Department's assets and liability insurance coverage passed by a majority vote on motion by Councilman Hellmich and was seconded by Councilman Trawick. Councilman Ebert abstained.

A resolution approving the purchase of a pump for the new fountain for John B. Foley Park passed unanimously on motion by Councilman Blackwell and seconded by Councilwoman Quaites.

A resolution accepting Fund Raisers Ltd.'s bid for the brick paver Centennial Committee fundraiser passed unanimously on motion by Councilman Hellmich and seconded by Councilman Ebert.

A resolution accepting AMEA's Community Support Projects Grant in the amount of $1,000 passed unanimously on motion by Councilman Trawick and seconded by Councilwoman Quaites.

A resolution approving the purchase of 500 Centennial Plaza ornaments from Photofabrication Engineering Inc (PEI) in the amount of $2,315.00 passed unanimously on motion by Councilman Hellmich and seconded by Councilman Blackwell.

A resolution accepting the FY2012 CDBG Grant in the amount of $450,000 for sewer system rehabilitation in Aaronville passed unanimously on motion by Councilwoman Quaites and seconded by Councilman Trawick.

Councilman Hellmich reported this is a $1 million grant that will help this area. Councilman Ebert reported Riviera Utilities will be providing matching funds.

A resolution awarding bid in the amount of $234,271.35 for the Streetscape Phase IV Project passed unanimously on motion by Councilman Ebert and was seconded by Councilman Trawick.

A resolution approving Volkert, Inc.'s Task Agreement #9 for Foley Beach Express Industrial Park Concept Plan and Access Road Design in the amount of $211,300 passed by a majority vote on motion by Councilman Hellmich and was seconded by Councilman Blackwell. Councilman Trawick abstained.

A resolution approving a change of insurance provider for employee Life Insurance and Short and Long Term Disability passed unanimously on motion by Councilman Trawick and seconded by Councilman Ebert.

A resolution approving a change of insurance provider for employee mental health services passed unanimously on motion by Councilman Hellmich and seconded by Councilman Blackwell.

A resolution accepting CenturyLink's bid for Inmate Phone Services passed unanimously on motion by Councilman Trawick and seconded by Councilman Hellmich.

A resolution approving the FY 2012-2013 Budget and related capital equipment, capital project and personnel request as defined in the Final Draft of the budget passed unanimously on motion by Councilman Hellmich and seconded by Councilwoman Quaites.

Mayor Koniar thanked the City's staff for their work on this budget that began in June. It is a very conservative balanced budget.

A resolution adopting the Extra-territorial Jurisdiction Agreement for subdivision planning passed unanimously on motion by Councilman Trawick and seconded by Councilman Hellmich.

City Planner Miriam Boutwell reported that she had met with the County and worked with the Planning Commission on the ETJ boundaries. Councilman Hellmich reported each city has to revise their boundaries prior to October. He thanked Miriam Boutwell, Butch Stokes and the City's attorneys for working on this project.

VISITOR COMMENTS:

Cheryl Morrow of the Foley Indoor Flea Market – Ms. Morrow expressed her concerns of not being able to have the inflatable balloon by the highway to promote her business, which is open Thursday through Monday. She stated that the Market lost two vendors and a third one will be leaving at the end of September; that business has dropped in half and speculated that her twenty booths would drop to ten. She requested Council reconsider their previous decision that lifted the ban on temporary signage.

City Planner Miriam Boutwell recommended that she meet with her on looking at alternatives to the inflatable balloon and reported amendments have been done for special events signage that she would qualify but it would not allow you to have it year round; however, she could have a larger year round sign. She further stated that if the City had a hundred businesses along Hwy. 59 that wanted the inflatable balloon it would become a problem and the rules are applicable to all the business in Foley.

Anne Smith – Mrs. Smith commended the Council for all they have done for Little Rock Baptist Church and thanked them for their support. She stated that she had a complaint and explained that it was about being informed that she resigned from the Centennial Committee. She stated that she missed some meetings; one because she went back home to visit and the other time was in August when she spent two weeks to help her granddaughter move because she transferred to Auburn University. When she returned she received a letter stating that she had missed meetings and was informed that \she resigned. Mrs. Smith stated she was asked to be on the Centennial Committee and "I did not resign and I really don't want to." She said that she spoke with someone, but didn't mention the name of the person, that told her that she was trying to make it easier for her by staying on the Committee as an honorary board member. Mrs. Smith told her that she would think about it. On Thursday Mrs. Smith came to City Hall to sign a resignation letter and she further stated that she doesn't want to continue to be on a board if she could not vote. She stated that she had attended meetings and even waited in the rain for the meetings to start and even a couple times when there wasn't a quorum.

Councilman Ebert reported that the Committee was set up with attendance requirements, which she failed to meet. His understanding was that the Chairman contacted her to move her to an honorary status that gives Mrs. Smith the opportunity to continue to be involved in all the meetings, without voting rights, but does not have the attendance requirement. He further reported that it was his understanding that Mrs. Smith was in agreement with this move.

City Administrator Mike Thompson reported that when the Centennial Committee was created there was an attendance requirement for board members. The Committee included honorary board members for those people who could not keep up with the attendance. They honorary board members can give their input but they are not voting members. This all came about when I asked Suzanne Kellams to collect the attendance records because they were having difficulty in getting a quorum.

Mabel Rorie – Ms. Rorie agreed with Mrs. Smith. She explained that she had a death and illnesses in her family. "I've waited to attend the meetings". She also had an option to serve on the Centennial Committee as an honorary board member and she did sign a letter of resignation.

EXECUTIVE SESSION

Mayor John Koniar reported the Council needed to discuss the possible purchase of real property and asked for a motion to go into Executive Session.

Councilman Hellmich made the motion to go into Executive Session and Councilman Trawick seconded. City Administrator Mike Thompson took the following roll call vote: Councilman Trawick, aye; Councilwoman Quaites, aye; Councilman Blackwell, aye;

Councilman Ebert, aye; and Mayor Koniar, aye. Of those present there was unanimous consent to go into Executive Session.

Mayor Koniar reported the Council would be in Executive Session for approximately a half hour and that there would be no further business. The Council meeting convened at 6:33 p.m.

RECONVENED
Mayor Koniar called the meeting to order at 6:55 p.m. All Council members were present. Others present: City Administrator Mike Thompson, City Clerk Vickey Southern and Steve Smith.

There being no further business to conduct Councilman Trawick made a motion to adjourn. Councilman Hellmich seconded the motion. The vote passed unanimously.

ADJOURN
The meeting adjourned at 6:55 p.m.

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John E. Koniar, Mayor

ATTEST:

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Victoria Southern, CMC
City Clerk