



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final-revised City Council

Monday, May 6, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

13-0645

Public Hearing to consider violations of the City's Lot clearing and Weed Removal Ordinance 1095-09 at vacant lots at Iberville Square Subdivision

Attachments: 5-06-13 Notice of Public Hearing
 MX-Iberville Square

Council President Wayne Trawick called the public hearing to order at 5:35 p.m. President Trawick asked for public comments and after hearing none he closed the public hearing.

Call to Order

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

Roll Call

Council members present: Council President Wayne Trawick, Council member Vera Quaites, Councilman Ralph Hellmich, Councilman Rick Blackwell, and Councilman Charles Ebert III. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Chad Brewer, Butch Stokes, Dan Hellmich, Meg Hellmich, Leslie Lassitter, LaDonna Hinsley, Michael Stafford, Bill McReynolds, Nancy Thompson, Steve James and press representative Cathy Higgins (Foley Onlooker).

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

13-0641

Proclamation declaring May Motorcycle Awareness Month

Attachments: MX-Motorcycle Awareness Month

Mayor Koniar presented Michael Stafford with the Motorcycle Awareness Month proclamation.

13-0672 Proclamation

Attachments: MX-53rd Annual Public Works Procamation

Mayor Koniar presented Dan Hellmich with the 53rd Annual Public Works proclamation.

Additions/Removals

Council member Hellmich made a motion for 13-0661 and 13-0675 be carried over to the Council meeting of May 15, 2013. Items 13-0679 be removed due to the property being abated; 13-0687 be removed due to being a work session discussion only item. Councilman Ebert seconded the motion. The vote passed unanimously.

Approval of the Minutes

13-0659 Council Work Session Minutes of April 15, 2013

Attachments: Work Session Minutes of 4-15-13

A motion was made by Council member Rick Blackwell to approve the April 15, 2013 Council Work Session Minutes. The motion was seconded by Council member Vera Quaites and carried by a unanimous vote.

13-0657 Council Meeting Minutes of April 15, 2013

Attachments: Council Meeting Minutes of 4-15-13

A motion was made by Council member Ralph Hellmich to approve the April 15, 2013 Council Meeting Minutes. The motion was seconded by Council member Charles Ebert III, and carried by a unanimous vote.

Audit the Accounts

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

New Business

13-0662

Consider 040-Retail Beer (ON OR OFF PREMISES) and 060-Retail Table Wine (ON OR OFF PREMISES) to Humble Pie Foley LLC. applicant, operating under the trade name Portabellas located at 321 South McKenzie Street Suite B. Foley, Alabama 36535

Attachments: 5-6-13 Portabellas ABC License
 Portabellas Map location.pdf

The Police Department and Fire Department recommended moving forward with the license. Councilman Hellmich made a motion to approve the application and send it forward to the ABC License Board. The motion was seconded by Councilman Blackwell and carried by an unanimous vote.

13-0663

Consider 040-Retail Beer (On or Off Premises) and 060 Retail Table Wine (On or Off Premises) for Squashed Grapes LLC, applicant, under the trade name of Squashed Grape, for their location at 2770 S. McKenzie Street, Suite B, Foley, AL 36535

Attachments: SQUASHED GRAPE.pdf
 Squashed Grape Map Location.pdf

Council President Trawick turned the meeting over to President Pro-tem Hellmich. The Police Department and Fire Department recommended moving forward with the license. A motion was made by Council member Quaite to approve the application and send it forward to the ABC License Board. The motion was seconded by Councilman Blackwell and carried by the following vote: President Trawick, abstained; Councilman Hellmich, aye; Council member Quaite, aye; Councilman Blackwell, aye; Councilman Ebert, aye.

Aye: 4 - Council Member Quaite, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

13-0684

Consider 140- Special Events Retail License for South Baldwin Chamber of Commerce, applicant, under the trade name of 2013 Gulf Coast Hot Air Balloon Festival, for their location at Foley Sports Complex, U.S. Highway 98, 300' west of Cedar Street in Foley, Alabama. The festival will be held June 14-16, 2013 and will serve alcoholic beverages in a non-corralled designated area.

Attachments: MX-ABC License Hot Air Balloon Festival

A motion was made by Council Member Hellmich to approve the application and send it forward to the ABC Board. The motion was seconded by Council Member Blackwell and carried by the following vote:

Aye: 4 - Council Member Quaite, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Ordinances, Resolutions, and Other Business**13-0635**

A resolution reappointing Sandy Russell to the Museum Archive Advisory Board

Attachments: 05-06-13 Museum-Archive Brd Reappointment

A motion was made by Council Member Charles Ebert, III, to reappoint Sandy Russell to the Museum-Archive Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0275-RES

13-0639

A resolution to amend Resolution 13-0259 Foley Police Department Bulletproof Vest Partnership

Attachments: 13-0259RES Bulletproof Vest Partnership.pdf

A motion was made by Council Member Ralph Hellmich to amend Resolution 13-0259 which stated that the Police Department requested \$22,100 with up to 50% reimbursement of \$11,050 for the bulletproof vest partnership. The actual requested amount is \$11,805 with up to 50% reimbursement of \$5,525. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0276-RES

13-0640

A resolution to amend Resolution 13-0262 Residential Sanitation Write Offs

Attachments: Res. 13-0262
 Sanitation Write Offs

A motion was made by Council Member Rick Blackwell to amend Resolution 13-0262 Residential Sanitation Write Offs to reflect a one cent data entry error. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0277-RES

13-0642

A resolution waiving Horse Arena fees for Jennifer Claire Moore Foundation Annual Rodeo

Attachments: jennifer claire moore.pdf

A motion was made by Council Member Ralph Hellmich to waive the fees for the use of Heritage Park and Pavilion requested by the Jennifer Claire Moore Foundation for their fundraiser on Thursday, July 18, 2013 with a rain date of Thursday, July 25, 2013 and for Rodeo Week, July 27 - August 3, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0278-RES

13-0643

A resolution waiving fees for Heritage Park Pavilion for American Heart Association's Annual Heart Walk

Attachments: [heart walk 2013.pdf](#)

A motion was made by Council Member Charles Ebert, III to waive the fees for the use of Heritage Park and Pavilion requested by the American Heart Association for their Annual Heart Walk fundraiser on October 4-5, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0279-RES

13-0646

A resolution approving the use of Beulah Heights Park for Angels of Hope Cure For Cancer

Attachments: [Angels of Hope.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the use of Beulah Heights Park for the Angels of Hope Cure For Cancer event to benefit Brett Autry on May 12, 2013 at 2:00 p.m. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0280-RES

13-0647

River Trace Ph. II Remaining Street Lights Transfer

Attachments: [River Trace II Remaining Street Lights](#)

A motion was made by Council Member Ralph Hellmich to approve taking over River Trace Phase II subdivision street lighting cost in the monthly amount of \$16.05. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0281-RES

13-0650

Power Pole for Streetscape

Attachments: [Streetscape Pole for Lighting - Hellmich Electric](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of one new power pole in the amount of \$970.00 to replace the existing power pole that is in great disrepair located at the southwest corner of Verbena Avenue and Highway 59. The motion was seconded by Council Member Vera Quaite and carried by the following Roll Call Vote: Council member Vera Quaite, aye; Council member Ralph Hellmich, abstained; Council President Trawick, aye; Council member Rick Blackwell, aye; Council member Charles Ebert III, aye.

Aye: 4 - President Trawick, Council Member Quaite, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 13-0282-RES

13-0651

Rescheduling May 20, 2013 Council Meeting to Accommodate the ICSC Conference and the ALM Conference

Attachments: May Calendar.pdf

A motion was made by Council member Ralph Hellmich to reschedule the Council meeting of May 20, 2013 to May 15, 2013 with the Work Session meeting to begin at 2:30 p.m. and the Council meeting to begin at 4:00 P.M. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0283-RES

13-0652

Approves Purchase Of New Garland And Bows For Pavilion In Heritage Park From Universal Concepts Not To Exceed \$2,500

Attachments: Universal Concepts Garland and Bows Quote

A motion was made by Council Member Rick Blackwell to approve the purchase of new garland and bows for the Pavilion in Heritage Park from Universal Concepts not to exceed \$2,500. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0284-RES

13-0653

Approves Application for FY 2013 COPS Hiring Program

Attachments: FY13 COPS Hiring Announcement

A motion was made by Council Member Ralph Hellmich to approve the COPS Hiring Program grant application for the new hire of one sworn officer position as a School Resource Officer to address the issue of school safety. The total funding request will be \$180,585.12 over a three-year period, with a federal reimbursement of up to \$125,000 and a City minimum match of \$55,585.12. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0285-RES

13-0654

A resolution rescinding action on File ID No. 13-0540 Setting a public hearing for solid waste ordinance amendments

Attachments: File ID 13-0540 Setting PH for Solid Waster Amendments.pdf

A motion was made by Council Member Ralph Hellmich to rescind Council action on April 1, 2013 approving the solid waste amendments and approves setting the public hearing for the consideration of the same. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0286-RES

13-0655

Set a public hearing to consider the vacation of an unimproved alley way located between the East side of Chicago Street and the West side of

Cypress Street

Attachments: Proposed vacation of alley 05-06-2013.pdf

A motion was made by Council Member Charles Ebert, III to set a public hearing on June 17, 2013 to consider the vacation of an unimproved alley located east/west and north of HWY 98 between North Cypress Street and North Chicago Street. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0287-RES

13-0658

A resolution authorizing entering into a Ground Lease Agreement for property adjacent to Heritage Park

Attachments: Wallace Living Trust Ground Lease Agreement 05-06-13.pdf

A motion was made by Council Member Ralph Hellmich to authorize a one-year term ground lease agreement in an amount of \$1.00 annually between the Wallace Living Trust for Tax Map Parcel No. 05-54-08-28-2-000-036.000 and 05-54-08-28-2-000-036.001, Lots 1,2 and 3 of Block 3 Magnolia Springs Land Company Addition. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0288-RES

13-0661

Accepts the Alabama Historical Commission Historic Preservation Fund Grant for FY2013

Attachments: AL-13-017 grant agreement

Carried over to May 15, 2013

This Resolution was carried over to the City Council due back on 5/15/2013

Enactment No: 13-0304-RES

13-0665

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT

Attachments: complaint 1205 Sloane Cv
 Photo Two 1205 Sloane Cove(2).pdf
 Photo One 1205 Sloane Cove (1) .pdf

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 1205 Sloane Cove in the Kennedy Park subdivision. The motion was seconded by Councilman Charles Ebert III, and carried by an unanimous vote.

Enactment No: 13-0289-RES

13-0666

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE
A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: complaint 1221 Sloane Cv
 1221 Sloane Cove Avenue.pdf

A motion was made by Council member Charles Ebert III, to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 1221 Sloane Cove in the Kennedy Park subdivision. The motion was seconded by Councilman Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0290-RES

13-0668

Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to the issuance fee and local liquor tax rates for retailers of liquor

Attachments: 1018-07 ORD.pdf
 Act 2006-586.PDF

This Ordinance was unanimously approved on first reading on motion by Councilman Hellmich and seconded by Council member Quaites. It is noted that the amendment includes an issuance fee increase from \$10 to \$12 and for future automatic increases based upon the (CPI) Consumer Price Index.

Also noted was the continuance of the 10% tax for retail dealers conducting retail sales of liquors for consumption on premises; and a decrease to 3% tax for retail dealers conducting retail sales of packaged liquors for consumption off premises.

13-0669

Security Upgrades to Fire Station 1

Attachments: S22C-113042515480

A motion was made by Council Member Rick Blackwell to approve the purchase of parts and labor for security upgrades from Two-Way Communications, Inc. for \$7800 for the Foley Fire Station. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0291-RES

13-0670

Purchase of Advanced Defibrillator Monitor for Fire Dept.

Attachments: Estimate 1031 from Lifestar Bio Medical
 Estimate 1030 from Lifestar Bio Medical

A motion was made by Council Member Charles Ebert, III to approve the purchase of a used Zoll M-Series Advanced Defibrillator Monitor from Lifestar Bio Medical in the amount of \$2,200.00. The motion was seconded by Council Member Rick Blackwell and was carried by an unanimous vote.

Enactment No: 13-0292-RES

13-0671

Approve Fire Records Management Software Upgrade

Attachments: Fire & Vision Plus - Order Form - Foley Fire Department - 2013

A motion was made by Council Member Ralph Hellmich to accept the proposal from Emergency Reporting for their web-based fire records management package in the amount of \$1859.00. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0293-RES

13-0673

Reallocation of Capital Funds for Radio Install

Attachments: Radio request. 4.29.13

Firehouse Invoice. 4.13

A motion was made by Council Member Ralph Hellmich to approve the use of budgeted vehicle equipment funds for additional work in the amount of \$3,731.42 required for the remote head control installation by the authorized dealer to make the needed connections and approves the transfer of the remaining \$2,870 in the Capital Account for five fully equipped police vehicles to the Vehicle Maintenance Account for upgrades to existing vehicles. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0294-RES

13-0674

A Resolution Approving a Big Beautiful Baldwin Ad

Attachments: Big Beautiful Baldwin Rate Sheet.pdf

A motion was made by Council Member Charles Ebert, III to authorize the expenditure of \$375 for a half-page, full color ad in the Gulf Coast Newspaper publication "Big, Beautiful Baldwin". The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0295-RES

13-0675

Request funds for office space and setup for IT and GIS

Attachments: Request for office space for IT&GIS

GIS PRINTER

Fiber to IT office

WASCAL Lease

This Resolution was carried over to the City Council due back on 5/15/2013.

13-0676

Consider resolution creating temporary positions for the police department.

A motion was made by Council Member Ralph Hellmich to approve two temporary Patrol Officer positions and two temporary Correction Officer positions for the Police Department beginning May 7, 2013 to fill vacancies left by promotions. The employees in these temporary positions will replace the promoted employees and they will become permanent full-time employees while their temporary positions are eliminated. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0296-RES

13-0678

A RESOLUTION APPROVING A BILLBOARD FOR VISITOR CENTER NORTH

Attachments: cmp_12x40-CR_VisitorCenter_ONright Proposed Copy
Foley Welcome Center - production + 6 flights.pdf

A motion was made by Council Member Rick Blackwell to authorize the expenditure of \$2,520 for a billboard ad from Lamar Advertising for the Visitor Center North. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0297-RES

13-0679

Resolution authorizing employees to enter upon vacant lots at Iberville Square for the purpose of abating the public nuisance

No action necessary - properties were abated.

13-0680

Appropriates Up To \$500 To Purchase Materials To Reinstall Streetscape Site Furnishings

A motion was made by Council Member Ralph Hellmich to appropriate up to \$500 to purchase materials to reinstall and better secure Streetscape site furnishings. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0298-RES

13-0681

Memorializes Project Safe Neighborhoods/Anti-Gang Initiative Grant Application for \$7,861.67

Attachments: FY2013 PSN Announcement

A motion was made by Council Member Ralph Hellmich to memorialize the grant application to the Project Safe Neighborhoods/Anti-Gang Initiative Grant for \$7,861.67 for specific equipment to further the initiative to reduce gun and gang violence in the community. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0299-RES

13-0683

A resolution approving the use of Max Griffin Park for American Legion Memorial Day ceremony.

Attachments: Memorial Day.pdf

A motion was made by Council Member Charles Ebert, III to permit the use of Max Griffin Park requested by the American Legion and Veterans of Foreign Wars for their Memorial Day event on May 27, 2013 at 10:30 a.m. until 12:00 p.m. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0300-RES

13-0687

Consider Snook Youth Club Proposal

Attachments: [Snooth Youth Club Proposal.pdf](#)
 [Snooth Youth Club Proposal Pages 2-4.pdf](#)

This Agenda Item was removed.

Mayor's Comments

Mayor Koniar reported the earlier audit reading was very complimentary and the City maintains a strong financial position. He thanked the staff at City Hall and especially the Finance Department for their hard work during the audit.

Visitor's Comments

There were no visitor comments.

Executive Session

Councilman Hellmich made a motion to go into Executive Session to discuss certain aspects of Council's desire and plans to lease/purchase certain real property and its desire to sell certain other real property. Councilman Rick Blackwell seconded the motion. City Administrator Mike Thompson took the following Roll Call Vote: Council President Trawick, aye; Council member Quaite, aye; Councilman Hellmich, aye; Councilman Blackwell, aye; Councilman Ebert, aye. There was a unanimous vote to go into Executive Session. City Administrator Mike Thompson reported the Executive Session would take approximately 30 minutes and they would reconvene to take a vote on the item discussed during Executive Session.

The Council recessed at 6:05 p.m. to go into Executive Session.

Reconvened:

Council President Trawick called the meeting to order at 6:25 p.m. Council members present: Council member Quaite, Councilman Hellmich, Council President Trawick, Councilman Blackwell and Councilman Ebert. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith and Jeff Rouzie.

13-0688

A Resolution Authorizing Mayor and City Staff to negotiate the terms and conditions to lease the Peavy Building

Attachments: [MX-5-6-13 Executive Session-Casey Pipes](#)
 [MX-Peavy Building Map](#)

A motion was made by Councilman Charles Ebert III to authorize the Mayor and City Staff to negotiate the terms and conditions to lease the Peavy Building. The motion was seconded by Council member Vera Quaite and carried by a unanimous vote.

Enactment No: 13-0301-RES

13-0689

A Resolution Authorizing Mayor and City Staff to negotiate the terms and

conditions to lease the building on the Wilson Pecan Property

Attachments: MX-5-6-13 Executive Session-Casey Pipes
 MX-5-6-13 Wilson Pecan Property Map

A motion was made by Councilman Charles Ebert III to authorize the Mayor and City Staff to negotiate the terms and conditions to lease a building on the Wilson Pecan property. The motion was seconded by Council member Vera Quaite and carried by a unanimous vote.

Enactment No: 13-0302-RES

Motion to Adjourn

Councilman Hellmich made a motion to adjourn. Councilman Blackwell seconded the motion and the vote passed unanimously. The meeting adjourned at 6:26 p.m.