



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, July 1, 2013

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 5:30 P.M.

Roll Call

Council members present: President Wayne Trawick, Councilman Ralph Hellmich, Councilman Rick Blackwell, Councilman Charles Ebert III., Council member Vera Quaites was absent due to a schedule conflict. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickie Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Jeff Rouzie, Sal Muccio, Trudi Hume and press representative Cathy Higgins (Onlooker).

Present: 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - Council Member Vera Quaites

Pledge of Allegiance

Additions/Removals

Councilman Hellmich made a motion to add items 13-0810, 13-0811 and 13-0812 to the agenda and to add item 13-0772 to the July 15, 2013 agenda. The motion was seconded by Councilman Ebert and carried by an unanimously vote.

Approval of Minutes

13-0802 Work Session Minutes of June 17, 2013.

Attachments: [06-17-13 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of June 17, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

13-0803 Council Meeting Minutes of June 17, 2013.

Attachments: [6-17-2013 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of June 17, 2013. The motion was seconded by Council Member Charles Ebert and carried by an unanimous vote.

Reports

13-0780 Fire Department Monthly Report May 2013

Attachments: [Council May 13 6-13](#)

Fire Chief Joey Darby gave a synopsis of his report for May 2013 which is attached as back up to the minutes. He reported that he was attending a conference during June's reporting session. He also reported that the number of incidents were down in the month of May. There were two structure fires with one being outside of Foley's jurisdiction in Summerdale but Foley's Fire Department was the first responder to arrive on the scene to assist. The occupants of this structure were displaced. The other structure fire was on 6th Avenue. There were no injuries as a result of either fire. There were two wheat field fires in the month of May and he reported there was one wheat field fire in the month of June which will be in June's Fire Department Report. Chief Darby reported that these wheat fires were a result of equipment failure and each fire spread very quickly. He reported he would like to work with farmers in preventing such fires. He also reported that the Department has been very busy with public education and people from neighboring counties come to Foley for their training. He also reported that the new fire station was in the final phases with the architect.

New Business

Ordinances, Resolutions, and Other Business

13-0772 Rescind Resolution 13-0241 and approve an amended Intergovernmental Service Agreement for CR 20 Improvements ATRIP Phase II

Attachments: [13-0772 - Intergovernmental Agreement for CR 20 Improvements](#)
 [Resolution 13-0241](#)

This Resolution was carried over to the City Council meeting July 15, 2013.

13-0781 An Ordinance Amending Ordinance No. 538-97, Codified As Section 7-6, Code Of Ordinances, Pertaining To Municipal Lodging Taxes.

Attachments: [7-1-13 Ordinance 538-97](#)

Approved on First Reading

A motion was made by Council Member Charles Ebert, III to approve the first

reading of An Ordinance Amending Ordinance No. 538-97, Codified As Section 7-6, Code Of Ordinances, Pertaining to Municipal Lodging Taxes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

City Administrator Mike Thompson reported that the City of Foley currently has an 8% lodging tax on hotels and this ordinance would allow for a tax rate increase that is equivalent to sister cities.

13-0785

A resolution to amend Resolution 10-1-79 and Resolution No. 2779-06 and defining the scope of the Senior Citizen Advisory Board.

Attachments: Resolution 10-1-79
 Resolution No. 2779-06

A motion was made by Council Member Ralph Hellmich to amend Resolution 10-1-79 and Resolution No. 2779-06 and define the scope of the Senior Citizen Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0366-RES

13-0786

A resolution to approve and appropriate funds in the amount of \$2,566.14 for a new sound system for the Foley Civic Center.

Attachments: 6-17-13 Alpha Sound Quote

A motion was made by Council Member Ralph Hellmich to approve and appropriate funds in the amount of \$2,566.14 for a new sound system for the Foley Civic Center in order to be in compliance with FCC regulations. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0367-RES

13-0787

Consider appointment to fill a vacancy on the Senior Center Advisory Board.

Attachments: Candidates for Senior Center Advisory Brd

A motion was made by Council Member Ralph Hellmich to appoint Gene Mader to fill the open vacancy on the Senior Center Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0368-RES

13-0789

An Ordinance Approving Solid Waste Ordinance Amendments

Attachments: Ordinance 1186-11

A motion was made by Council Member Rick Blackwell to approve the second reading of An Ordinance Approving Solid Waste Ordinance Amendments. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-1034-ORD

13-0790

A resolution approving the use of the Kids Park for the Seventh Day Adventist Church for their annual VBS program.

Attachments: [VBS 2013.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the use of Kids Park for the Seventh Day Adventist Church for their annual VBS program July 15 through July 19, 2013 from 8:30 A.M until 11:00 A.M. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0369-RES

13-0791

Approves Benches and Lighting for Rose Trail Gazebo

Attachments: [Keystone Ridge Quote](#)
 [Hellmich Electric Quote](#)

A motion was made by Council Member Ebert, III to approve and appropriate \$2,775.20 for two 4' benches from Keystone Ridge Designs and \$533.00 for lighting and an electrical outlet from Hellmich Electric for the Christmas lights for the Rose Trail Gazebo for a total of \$3,308.20. The motion was seconded by Council Member Blackwell and carried by the following vote: Council President Trawick; aye, Councilman Hellmich; abstained, Councilman Blackwell; aye, and Councilman Ebert; aye.

Aye: 3 - President Trawick, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 13-0370-RES

13-0792

Marketing Department transfer of funds within current budget

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$1,500.00 from the General Equipment Maintenance account to Travel and Training Expense account to cover expenses for the Marketing Department. The motion was seconded by Council Member Charles Ebert and carried by an unanimous vote.

Enactment No: 13-0371-RES

13-0793

Permission to Bid 121 North Alston Street Project

A motion was made by Council Member Charles Ebert, III to grant permission to bid the remodeling project for the office space for the City's use at 121 North Alston Street which is estimated at approximately \$100,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0372-RES

13-0795

Approve renewal of billboard contract with Lamar Advertising

Attachments: City of Foley - July Renewal - 7-25-2013

A motion was made by Council Member Rick Blackwell to approve the renewal of the billboard contract with Lamar Advertising for the period of July 25, 2013 through January 24, 2014 in the amount of \$4,200 for the Visitor Center North billboard located on the east side of Highway 59 less than one mile north of the Center. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0373-RES

13-0797

Approves the purchase of two sets of new soccer goals in the amount of \$3200

A motion was made by Council Member Ralph Hellmich to approve the purchase of two sets of new soccer goals, which are needed in different sizes for soccer tournaments, in the amount of \$3200.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0374-RES

13-0798

Request Permission to Reject All Bids for Runway Improvements and Rebid

A motion was made by Council Member Ralph Hellmich to grant permission to reject all bids for the Runway Improvements at the Foley Municipal Airport and re-bid due to the FAA having a significant design change in the project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0375-RES

13-0799

Approves purchase of new field drag in the amount of \$15,000 for sports complex.

A motion was made by Council Member Rick Blackwell to approve the purchase of a new field drag in the amount of \$15,000 for the sports complex. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0376-RES

13-0810

Accepts Project Safe Neighborhoods/Anti-Gang Initiative Grant For \$7,861.67

Attachments: Payment for FY13 PSN Grant

A motion was made by Council Member Charles Ebert, III to accept the Project Safe Neighborhoods/Anti-Gang Initiative Grant in the amount of \$7,861.67. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0377-RES

13-0811

Rescind Resolution No. 5123-12 and Authorize The Mayor To Enter Into An Extraterritorial Subdivision Jurisdiction Agreement.

Attachments: [7-01-13 Res. 5123-12](#)
 [7-01-13 ETJ Agreement](#)
 [7-01-13 ETJ Exhibit A](#)
 [7-01-13 ETJ Exhibit B](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution No. 5123-12 and authorize the Mayor to enter into an Extraterritorial Subdivision Jurisdiction Agreement. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0378-RES

13-0812

A resolution approving lease agreement with Pitney Bowes for software and inserter.

Attachments: [7-01-13 Pitney Bowes](#)

A motion was made by Council Member Ralph Hellmich to approve the lease agreement in the amount of \$1,371.00 to be paid Quarterly with Pitney Bowes for software and inserter for the centralized postage machine at City Hall. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0379-RES

Mayor's Comments

Mayor Koniar wanted to remind everyone that City Hall will be closed on July 4th and July 5th, 2013 in observance of the 4th of July Holiday.

13-0801

Appointments made by the Mayor to fill vacant seats on the Planning Commission.

Attachments: [7-01-13 David Horton Resignation](#)
 [7-01-13 John Foley IV Resignation](#)
 [7-01-13 Planning Commission Appointment Letters](#)

Mayor Koniar announced his appointments to the Planning Commission to fill the vacancies left by David Horton who accepted a new position out of the area and John Foley IV who resigned. Mayor Koniar has appointed Christi Koehle who works at the Chamber of Commerce and Tom DeBell who works at Riviera Utilities. Mayor Koniar reported that both of these individuals are very active in the community and both would be a valuable asset to the Planning Commission. Mayor Koniar also thanked David Horton and John Foley IV for their years of service on the Planning Commission.

Visitor's Comments

There were no visitor's comments.

Executive Session

A motion was made by Councilman Ebert to go into Executive Session to discuss the City's desire to purchase certain real property and to discuss certain aspects of the City's lease of City-owned real property. The motion was seconded by Councilman Rick Blackwell. City Administrator Mike Thompson took the following Roll Call vote: President Trawick, aye; Councilman Hellmich, aye; Councilman Blackwell, aye; Councilman Ebert, aye. Of those present, the vote was unanimous to go into Executive Session.

City Administrator Mike Thompson reported the Executive Session should be approximately 20 minutes and the Council meeting will reconvene to vote on the items.

Recess

The Council meeting was recessed at 6:00 P.M. to go into Executive Session.

Reconvene

Council President Wayne Trawick called the meeting to order at 6:36 P.M. Council members present: President Trawick, Councilman Hellmich, Councilman, Blackwell, and Councilman Ebert. Council member Vera Quaites was absent due to a schedule conflict. Also present: Mayor Koniar, City Administrator Mike Thompson, Katy Taylor, Steve Smith and Jeff Rouzie.

13-0815

A resolution approving the purchase of a 3000 sq. ft. metal building adjacent to the Parks Department in the amount of \$82,500.00

Attachments: Acquisitions 204 E. Rose Ave.
 Boundary Survey 204 E. Rose Ave.
 Executive Session - Real Estate Purchase

A motion was made by Council Member Ralph Hellmich to purchase a 3000 sq. ft. metal building located at 204 E. Rose Avenue and which is adjacent to the Parks Department in the amount of \$82,500. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0380-RES

13-0816

A resolution declaring certain real property no longer needed for municipal purposes and authorizing the sale of the same to the Industrial Development Board of the City of Foley.

Attachments: Executive Session-Lease of City-owned Property

A motion was made by Council Member Charles Ebert, III to declare certain real property no longer needed for public or municipal purposes and authorize the sale of the same to the Industrial Development Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0381-RES

Motion to Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the Council meeting. The motion was seconded by Councilman Ebert and carried by an

unanimous vote.

The meeting adjourned at 6:40 P.M.

J. Wayne Trawick, President

Victoria Southern, CMC
City Clerk