



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 16, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-1215](#)

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 510 South Hickory Street.

Council President Wayne Trawick called the public hearing to order at 5:30 p.m. to declare weeds to be a public nuisance and order its abatement at 510 South Hickory Street. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

Council President Trawick called the meeting to order at 5:31 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Britton Bonner, Jeff Rouzie, Miriam Boutwell, Butch Stokes, Kipp Trawick, William McClintic, Bruce Benton, Chuck Corley, Glen Bilbo and press representative Cathy Higgins (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

Additions/Removals

Councilman Hellmich made a motion to add item 13-1232 that was published however this item did not appear on some agendas. The motion was seconded by Councilman Blackwell and passed unanimously.

Approval of Minutes

[13-1221](#)

Work Session Minutes of December 2, 2013.

Attachments: [12-2-13 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of December 2, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[13-1222](#)

Council Meeting Minutes of December 2, 2013.

Attachments: [12-2-13 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of December 2, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Reports

[13-1228](#)

November 2013 Sales, Lodging and Rental Tax Reports

Attachments: [MX-6201N_20131210_154738.pdf](#)

The November 2013 Sales, Lodging and Rental Tax Report was presented and is attached as back up to the minutes. President Trawick reported that Foley has had a very good start of the fiscal year for sales and lodging tax.

[13-1209](#)

November CDD Report

Attachments: [November Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the November CDD Report that is attached as backup to the the minutes.

[13-1211](#)

Foley PD November 2013 Monthly Report

Attachments: [20131206102955784](#)

Police Chief David Wilson gave a synopsis of the November 2013 Foley Police Department Report that is attached as backup to the minutes.

[13-1231](#)

Fire Department Monthly Report November 2013

Attachments: [Council November 13_12-2013](#)

Fire Chief Joey Darby gave a synopsis of the November 2013 Fire Department Report that is attached as backup to the minutes. Chief Darby reported that the number of incidences are up and there was an increase of motor vehicle accidents. There were three reported structure fires in single family homes. Two of these fires were extinguished very quickly and those families were not displaced however, one fire that was out on Little Rock Road was a well

involved fire that started with a malfunction in a clothes dryer so it is not a suspicious fire and unfortunately it did displace the family. The Fire Department requested aid for the family through the American Red Cross and they received assistance.

New Business

Ordinances, Resolutions and Other Business

[13-1172](#)

Riviera Utilities Easement

Attachments: [City of Foley Easement](#)

A motion was made by Council Member Ralph Hellmich to declare that two acres of real property owned by the City located at Lot 1, Foley Beach Express West Industrial Park, Phase I is no longer needed for public or municipal purposes and to authorize the sale to the Utilities Board of the City of Foley, as an easement. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-1053-ORD

[13-1177](#)

AN ORDINANCE AMENDING ORDINANCE 13-1043 ADOPTING THE 2009 INTERNATIONAL BUILDING (ICC) CODES AND SUPPLEMENTAL PROVISIONS TO UPGRADE THE VARIOUS CODES RELATING TO THE INSPECTION ACTIVITIES OF THE CITY OF FOLEY AND ENFORCEMENT OF THE BUILDING PROVISIONS AND FIRE SAFETY AS PROVIDED IN SAID CODES

Attachments: [Ordinance 13-1043 Building Code](#)

A motion was made by Council Member Charles Ebert III to amend Ordinance 13-1043 Adopting the 2009 International Building Codes and Supplemental Provisions to include the Climatic and Geographic Design Criteria table. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1054-ORD

[13-1204](#)

A RESOLUTION APPROVING USE OF CABOOSE CLUB DONATIONS

Attachments: [Foley Train Show FY14 budget](#)

A motion was made by Council Member Ralph Hellmich to approve the Foley Train Show event budget in an amount up to \$2,000 and to authorize the Depot Museum Manager to make payment for the expenditures. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0602-RES

[13-1205](#)

Permission to use Aaronville Park for "Community Social & Fellowship"

Attachments: [2013 Community Social.pdf](#)

A motion was made by Council Member Vera Quaites to approve the use of Aaronville Park requested by Mike Fisher for a community social and fellowship on December 21, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0603-RES

[13-1207](#)

YMCA request to host Y Get Dirty Obstacle Race at Graham Creek Nature Preserve

A motion was made by Council Member Ralph Hellmich to approve the request for the YMCA to host the Y Get Dirty Obstacle Race at Graham Creek Nature Preserve on March 29, 2014 and to serve one beer per racer over 21 years of age, according to ABC Board requirements. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0604-RES

[13-1208](#)

Centennial Fund Donation Write Off as Uncollectible

A motion was made by Council Member Charles Ebert III to approve a City of Foley Centennial Fund donation in the collective amount of \$10.00 be written off the books of the City for fiscal year 2012-13. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0605-RES

[13-1210](#)

(First Reading) CITY OF FOLEY ADDRESSING ORDINANCE

A motion was made by Council Member Ralph Hellmich to approve the first reading of the City of Foley Addressing Ordinance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[13-1212](#)

Request To Initiate Construction Of The Foley Dog Park And Overflow Parking For DownTown Foley.

Attachments: [12-16-13 WAS Design Dog Park](#)
[Pages from WAS Design Dog Park and Overflow Parking Option 3.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve moving forward with construction of the dog park and parking lot on property acquired from Whoville, LLC. and to appropriate up to \$290,500 in support of this action and to approve hiring WAS Design as the architectural design firm for the project at an estimated cost of \$11,700 and to authorize City staff to initiate bids, as necessary, for the components of the project being hired out. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0606-RES

[13-1214](#)

Street Light Account Transfer

Attachments: [Backup Doc. - W. Rosetta Street Light](#)

A motion was made by Council Member Ralph Hellmich to approve taking over Pole No. 18938 street lighting cost for an annual cost of \$73.20. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0607-RES

[13-1216](#)

Resolution authorizing employees to enter upon the property at 510 South Hickory Street for the purpose of abating the public nuisance.

Attachments: [510 S. Hickory](#)

A motion was made by Council Member Rick Blackwell to authorize employees to enter upon the property at 510 South Hickory Street for the purpose of abating the public nuisance. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0608-RES

[13-1218](#)

A Resolution Approving Request To Hold A Soup-Off Competition Fundraiser At the Coastal Alabama Farmers & Fishermens Market

Attachments: [12-16-13 Soup-Off](#)

A motion was made by Council Member Ralph Hellmich to approve the Soup-Off Fundraiser for Shmily Pack to be held on February 8, 2014 from 8:00 a.m. until 3:00 p.m. at the Coastal Alabama Farmers & Fishermens Market. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0609-RES

[13-1220](#)

Underwood Property Survey

Attachments: [Backup Doc. - Underwood Prop. Survey](#)

A motion was made by Council Member Ralph Hellmich to approve Hutchinson, Moore & Rauch, LLC's proposal for the survey of the parcel of land adjacent to the Foley Sports Complex in the amount of \$1,800.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0610-RES

[13-1223](#)

Interior remodel to Fire Station #1 Office Area

A motion was made by Council Member Charles Ebert III to approve the planned interior remodel to Fire Station #1 office area for \$3,500 and to approve the remaining budget for the purchase of office furniture from Office Max for an amount not to exceed \$1,500. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0611-RES

[13-1225](#)

Resolution to amend the Pay Classification Plan to create the Executive Director, COF Multi-Use Community Sports Facility position that was funded in the FY14 budget and granting permission to advertise.

A motion was made by Council Member Ralph Hellmich to authorize the creation of the Executive Director, COF Multi-Use Community Sports Facility position at a Grade 35, Exempt, Safety Sensitive, in the City's Pay Classification Plan and to authorize the immediate advertising and filling of the position. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0612-RES

[13-1226](#)

Request permission to purchase off the state bid list/cooperative of a new tractor with a box blade and spreader for sports complex.

A motion was made by Council Member Rick Blackwell to approve the purchase of a new tractor with a box blade and spreader for the sports complex from the state bid list/cooperative. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0613-RES

[13-1227](#)

Approval to extend water and electrical service at Foley Municipal Airport

A motion was made by Council Member Ralph Hellmich to approve extending water and electric services and to appropriate up to \$8,000 in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0614-RES

[13-1232](#)

A Resolution Approving Provider Contract Renewals for Employee Benefits for the 2014 Calendar Year

Attachments: [2014 BCBS SELF-FUNDED HEALTH AGREEMENT.pdf](#)
[2014 AMERICAN BEHAVIORAL INTEGRATED AGREEMENT ADDENDUM A.pdf](#)
[2014 AMERICAN BEHAVIORAL CERTIFICATE OF COVERAGE PLAN 300 ADDENDUM B.pdf](#)
[Stop Loss Quotes 2014.pdf](#)
[FINAL OPTUM RENEWAL 12-12-13.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the provider contract renewals for employee benefits for the 2014 calendar year. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0615-RES

Mayor's Comments

Mayor Koniar wished everyone a Merry Christmas.

Visitor's Comments

William McClintic, 410 Hamilton Blvd., Foley - asked Council why his garbage pick up was cut in half but the bill was the same. President Trawick answered that the City was picking up garbage twice a week and recycling once a week and to off set the costs, a decision had to be made to either raise the rates or drop down to once per week garbage pick up and once per week recycling pick up. The City does not get much of a return on the recycle but it eliminates the large cost amount to deliver garbage to the landfill. This is to better manage the City's money. President Trawick advised Mr. McClintic to call the Public Works Department and get a large recycle can. This new recycle can is as large as a garbage can and it has a lid so nothing will get wet. People are finding out that they actually have more recyclable material than actual garbage. Councilman Hellmich also reported that the new recycling cans roll so you can keep it by your garbage can and it will cut garbage by 50% and it has kept the City's costs down and stalled any rate increases on the citizens of Foley. Foley's garbage rates are considerably reasonable compared to other cities. This is an effort also to push people to recycle more. The more people who recycle the more costs can be kept down. President Trawick clarified that the garbage pick up was not cut in half. Garbage was picked up along with the recycling pick up and now the recycling is the only pick up on the recycling pick up day. City Administrator Mike Thompson reported garbage rates have not increased in six years. Mr. McClintic said he was told he would need a permit to take care of his garbage himself and City Administrator Mike Thompson answered that he believed he was referring to needing a permit to haul his own garbage to the landfill and that is correct he would have to apply for and receive a permit. President Trawick assured Mr. McClintic that once he gets a new recycling can it will help him and that the City's intent was to operate as efficiently as possible without making the sanitation rates increase. Mr. McClintic thanked the Council for their answers.

Executive Session

Council President Trawick announced the need to go into executive session to discuss the terms and price the City is willing to offer to lease/purchase real property. The real property discussion exception allows for the City to discuss in an executive session the consideration that it would be willing to offer to purchase real property and discuss certain price it is willing to offer certain real property for sale. Under this exception, only those people representing the City's interests can attend the meeting (not the party the City would be dealing with).

City Administrator Mike Thompson reported the Executive Session will take approximately 30-45 minutes and Council will then return to take a vote.

A motion was made by Councilman Blackwell to go into executive session. The motion was seconded by Councilman Hellmich.

City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. It was a unanimous vote to go into executive session.

The Council meeting recessed at 6:02 P.M. to go into executive session.

The Council meeting reconvened at 6:41 P.M.

All Council members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Jeff Rouzie, Glen Bilbo, Bruce Benton and Chuck Corley.

[13-1237](#)

A Resolution Authorizing The Mayor To Finalize A Master Development Agreement Between The City Of Foley And Blue Collar Destinations, LLC.

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to finalize the master development agreement between the City of Foley and Blue Collar Destinations LLC. The motion was seconded by Council member Quaites and carried by a unanimous vote.

Enactment No: 13-0616-RES

Adjourn

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

The Council meeting adjourned at 6:42 p.m.