



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, March 17, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing Public Hearing

[14-0110](#)

Public Hearing to consider the vacation of an unimproved alley way.

Council President Wayne Trawick opened the public hearing at 5:35 p.m. to consider the vacation of an unimproved alley way. President Trawick asked for any comments from the public. Hearing no comments, he closed the public hearing.

[14-0180](#)

A Public Hearing For A Resolution Continuing the Approval of Financing Documents by the City of Foley, Alabama and the City of Foley's Public Facilities Cooperative District

Council President Wayne Trawick opened the public hearing at 5:36 p.m. to consider a resolution continuing the approval of financing documents by the City of Foley, Alabama and the City of Foley's Public Facilities Cooperative District. President Trawick asked for any comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order 5:37 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, Miriam Boutwell, Joey Darby, David Wilson, Terry Underwood, Jeff Rouzie, Don Staley, Calvin Hunt, Thomas Padgent, Herman Doster, George Wallace, Evelyn Wallace, Tom DeBell and Thomas Rhodes.

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 Presentations

[14-0186](#) Proclamation - Men's Breast Cancer Awareness

Attachments: [Male Breast Cancer Awareness Proclamation](#)

Mayor Koniar presented Terry Underwood with a Men's Breast Cancer Awareness proclamation. Mr. Underwood stated that he is the most blessed person in the room. He is a Christian and he said when a miracle happens in your life, you never forget it. He awoke from a dream that a voice was telling him he had breast cancer. He then felt a lump in his breast. He went to the doctor and had a mammogram. The mammogram showed the early stages of a very aggressive form of breast cancer. Mr. Underwood underwent a total mastectomy and has since been cancer free. He further reported that he will take every opportunity to speak about men's breast cancer awareness at Relay For Life events.

[14-0187](#) Proclamation - Confederate History Month

Attachments: [Confederate History Month](#)

Mayor Koniar presented Herman Doster with a Confederate History Month proclamation. Mr. Doster announced that on April 6, 2014 there will be a ceremony at 2:00 .m. with cannons and battle reenactments at Point Clear Cemetery in honor of the 200 Confederate soldiers buried there and on April 12, 2014 at the Foley Public Library there will be a Confederate History display.

Additions/Removals

Council Member Ralph Hellmich made a motion to approve the additions of items 14-0196, 14-0198, 14-0199 and 14-0194 to the agenda and to carry over items 14-0175 and 14-0176 to the Council meeting of April 7, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of Minutes

[14-0184](#) Work Session Minutes of March 3, 2014

Attachments: [03-03-2014 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of March 3, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0160](#) Council Meeting Minutes of March 3, 2014

Attachments: [03-03-2014 Council Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of March 3, 2014. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Audit of the Accounts

[14-0190](#) Audit The Accounts Of February 2014

A motion was made by Council Member Ralph Hellmich to approve the accounts of February 2014 for payment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Reports

[14-0196](#) February 2014 Sales, Lodging and Rental Tax Reports

Attachments: [DOC009.pdf](#)

The February 2014 Sales, Lodging and Rental Tax Report is attached as back up to the minutes. City Administrator Mike Thompson reported sales tax was up 1.5 % from January but lower from the previous year due to being closed for three days because of icy road conditions. Rentals were up 12.5 % which is indicative to our growth. Lodging was lower also due to the bad weather conditions across the state.

[14-0165](#) February CDD Report

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

City Planner Miriam Boutwell gave a synopsis of the February CDD Report, which is attached as back up to the minutes.

[14-0174](#)

Fire Department Monthly Report February 2014

Attachments: [Council February 14 3-2014](#)

Fire Chief Joey Darby gave a synopsis of the February 2014 Fire Department Report, which is attached as back up to the minutes. Chief Darby also reported that the Department responded to three structure fires; one of which, was an unoccupied home on 3rd Avenue that was under renovation. The fire was quickly extinguished. There was a fire at a business on County Road 10 that was quickly extinguished with help from the Bon Secour Fire Department

before the flames did any major damage. The business was able to resume operations the following day. There was also a significant fire in an apartment on Peachtree Avenue that resulted in Foley's first fire fatality in four years. Chief Darby also reported this fatality was the 39th fire fatality in the state of Alabama in 2014 and that number has grown to over forty five fire fatalities across the state. The Foley Fire Department and other Fire Departments are working with State Fire Marshalls across the state to aggressively combat these incidents to stop the growing number of fire fatalities. There was a recreational motor vehicle fire at Bella Terra RV Resort that started in the air conditioning unit. The fire was extinguished before causing any damage to the RV.

[14-0169](#)

February 2014 Monthly PD Report

Attachments: [20140310141921929](#)

Police Chief David Wilson gave a synopsis of the February 2014 Police Department Report, which is attached as back up to the minutes.

Ordinances, Resolutions and Other Business

[14-0198](#)

A Resolution Waiving The Fees For The Use Of Graham Creek Nature Preserve On March 29, 2014.

Attachments: [13-0604 RES](#)
 [the Y letterhead](#)

A motion was made by Council Member Charles Ebert III to approve waiving the usage fees in the amount of \$250.00 for the use of Graham Creek Nature Preserve on March 29, 2014 for the 2nd annual "Y" Get Dirty Mud Run. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0080-RES

[14-0199](#)

Approval To Hold A Community Skate Contest At The Skate Park On March 29, 2014 From 12:00 p.m. Until 4:00p.m.

Attachments: [skate.park.mar.2014](#)

A motion was made by Council Member Ralph Hellmich to approve the use of the Foley Skate Park for a community skate boarding contest on March 29, 2014 from 12:00 p.m until 4:00 p.m. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0081-RES

[14-0194](#)

A Resolution Approving Participation In The Baldwin County Comprehensive Solid Waste Management Plan

A motion was made by Council Member Charles Ebert III to approve the City's participation in the Baldwin County Comprehensive Solid Waste Management Plan. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0082-RES

[14-0111](#)

Vacation Of Unimproved Alley Way Running East/West North of Highway 98 Between the East side of Chicago Street and the West Side of North Cypress Street

Attachments: [Vacation of Alley Map](#)
 [Vacate Alley - FA#3788](#)

A motion was made by Council Member Charles Ebert III to approve the vacation of the unimproved alley way running east/west north of Highway 98 between the east side of Chicago Street and the west side of North Cypress Street. This alley way is behind the old Dixie Furniture Warehouse Building. The vacation process was repeated due to a lack of notice given to the City of Foley's Public Facilities Cooperative District. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0083-RES

[14-0159](#)

Declaring Cobra Pole Decorations As Surplus And Authorizing Their Disposal

A motion was made by Council Member Rick Blackwell to declare fifty four (54) wreaths, forty six (46) candles and forty four (44) tree cobra pole decorations as surplus and authorizes their disposal by the best possible means. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0084-RES

[14-0161](#)

Going to Bid on Glenlakes Bike Path Ph. II and Memorialize Ad Cost

A motion was made by Council Member Ralph Hellmich to approve memorializing the advertising cost in the amount of \$360.00 and soliciting bids for the Glenlakes Bike Path Phase II project and to amend Account No. 12-665-7281 Q65 Bid accordingly. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0085-RES

[14-0162](#)

Approval to Purchase Point-Of-Sale System for Depot Museum

Attachments: [General Store - Dell POS Bundle](#)
 [General Store quote](#)

A motion was made by Council Member Vera Quaite to approve the purchase of a Dell Point-Of-Sale Solution with a 90 day tech support plan from the General Store in the amount of \$2,400.00 as budgeted and to approve the General Store's annual tech support service, effective 90 days after purchase; to transfer \$350.00 of the \$800.00 savings shown in Section 1 from Capital Account 01-623-7010 to General Equipment Maintenance Account 01-623-6040 to cover this service. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0086-RES

[14-0163](#)

WAIVING FEES FOR HERITAGE PARK FOR THE CABOOSE CLUB

Attachments: [2014 Caboose Club.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 Caboose Club for their Model Train Show on March 22 & 23, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0087-RES

[14-0164](#)

March 2014 Airport Lease Payment Release

Attachments: [Request from Lightning Aviation](#)

A motion was made by Council Member Charles Ebert III to waive Lightning Aviation Inc.'s \$500.00 lease payment for the month of March 2014 as a show of good faith. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0088-RES

[14-0172](#)

Resolution Amending Pay Classification Plan for IT Division

Attachments: [IT Division Cost Analysis](#)

A motion was made by Council Member Rick Blackwell to authorize the creation of an Information Service Technician I in the City's Pay Classification Plan at a Grade 10 (\$33,074 minimum annual salary), non-exempt, safety sensitive and appropriates \$21,500 for salaries and benefits for the remainder of FY14; to authorize converting the current position of IS Coordinator (G-15) to an Information Services Manager (G-18/ \$49,304 minimum annual salary) in the City's Pay Classification Plan, exempt, safety sensitive, and appropriates \$1,950 for the remainder of FY14 and to authorizes the current employee to remain in this position upon conversion. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0089-RES

[14-0166](#)

Renew Annual Contract with Baldwin County CIS for IT Services

A motion was made by Council Member Ralph Hellmich to renew the contract through September 30, 2015 for \$107,000 annually for 60 hours of support per week and to authorize the Mayor to enter into an amendment to Baldwin County's contract pending County Commission approval. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0090-RES

[14-0167](#)

Purchase additional servers

Attachments: File Server and Backup Server
 [System Center Server](#)
 [SHI Quote-7733661](#)
 [Server Cost Allocation \(1\)](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of three new servers from CDWG under the National IPA Technology Solutions Contract #130733 in the amount of \$33,214.51; to approve the purchase of server software from SHI International under State Contract T497 in the amount of \$1,736.43 and to transfer \$9,878.94 from IT/GIS Services xx-xxx-3900 budget to General Government IT Capital account 01-620-7020. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0091-RES

[14-0168](#)

John Deere 1565 Front Mount Mower

Attachments: [JD 1565 FRT MNT MWR](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of a John Deere 1565 Front Mount Mower from John Deere through HGAC in the amount of \$30,049.63 bugeted in the amount of \$ 40,000. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0092-RES

[14-0170](#)

Resolution amending Pay Classification Plan for the creation of a budgeted Chief Building Inspector and authorizes advertising and filling of the position.

A motion was made by Council Member Ralph Hellmich to authorize the creation of the Chief Building Inspector at a Grade 23 in the City's Pay Classification Plan and authorizes 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: 14-0093-RES

[14-0171](#)

A resolution waiving fees for Heritage Park Pavilion for the Christian Life Church's annual "Breakfast With the Bunny".

Attachments: [Breakfast with Bunny.pdf](#)

A motion was made by Council Member Vera Quaites to waive the fees for the use of Heritage Park and Pavilion requested by the Christian Life Church for their "Breakfast with the Bunny" event on April 12, 2014 from 8:30 a.m until 11:30 a.m. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0094-RES

[14-0173](#)

Resolution Amending Pay Classification Plan to Convert a Vacant Parks Laborer Position to a Parks Maintenance Worker I Position.

A motion was made by Council Member Rick Blackwell to authorize the conversion of one vacant Parks Laborer position to a Parks Maintenance Worker I position in the City's Pay Classification Plan. Budget funds are available and no budget adjustment is needed for this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0095-RES

[14-0175](#)

Renegotiate Medistat Storage Lease

Attachments: [Lease.pdf](#)
 [Lease Addendum.pdf](#)
 [Medistat Email](#)
 [OfferToSellBuildingMessage](#)

A motion was made by Council Member Ralph Hellmich to carry over item 14-0175 to the City Council meeting of April 7, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[14-0176](#)

Approve Funding Agreement Form

A motion was made by Council Member Ralph Hellmich to carry over item 14-0176 to a future Council Meeting date to be determined by the City's attorney. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[14-0177](#)

A Resolution Reappointing Calvin Hare To The Planning Commission

Attachments: [Planning Commission Calvin Hare](#)
 [Calvin Hare Email](#)

A motion was made by Council Member Ralph Hellmich to reappoint Calvin Hare to the Planning Commission beginning March 15, 2014. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0096-RES

[14-0178](#)

Permission to use the Max Griffin Park for an "Easter Celebration"

Attachments: [2014 Easter Celebration.pdf](#)

A motion was made by Council Member Charles Ebert III to grant the use of Max Griffin Park requested by the Generations Church for their Easter Celebration event on April 5, 2014 from 1:00 p.m. until 3:00 p.m. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0097-RES

[14-0181](#)

A Resolution To Rescind Resolution 14-0078

Attachments: [14-0078-RES](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0078 A resolution continuing the approval of financing documents by the City of Foley, Alabama and the City of Foley's Public Facilities Cooperative District. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0098-RES

[14-0183](#)

A Resolution Continuing the Approval of Financing Documents by the City of Foley, Alabama and the City of Foley's Public Facilities Cooperative District

Attachments: [Foley Facilities 2014 City Resolution - Farmers Marketv3 \(1\)](#)

A motion was made by Council Member Ralph Hellmich for the public hearing that was published in the Foley Onlooker on February 14, 2014 setting the public hearing date for March 3, 2014 to be continued to March 17, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0099-RES

[14-0185](#)

Approval Of Parade Route For The Good Life Foundation's 5th Annual Ride To The HangOut In Gulf Shores, Alabama

Attachments: [Parade Route](#)

A motion was made by Council Member Charles Ebert III to approve the Good Life Foundation's parade route for the 5th annual ride to the Hangout in Gulf Shores, Alabama on May 11, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0100-RES

[14-0188](#)

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$48.00

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain City of Foley residential sanitation accounts in the collective amount of \$48.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0101-RES

[14-0189](#)

A resolution to waive the fee for Foley Lions Club to hold their annual Baldwin Bicycle Fest in Heritage Park and Pavilion.

A motion was made by Council Member Ebert III to waive the fees for the use of Heritage Park and Pavilion requested by the Foley Lions Club for their fundraiser Baldwin Bicycle Fest on November 1, 2014 from 6:00 a.m until 4:00 p.m. The motion was seconded by Council Member Hellmich and carried by the following vote: President Trawick, aye; Council Member Quaites, aye; Council

Member Hellmich, aye; Council Member Blackwell, abstained and Council Member Ebert III., aye

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - Council Member Blackwell

Enactment No: 14-0102-RES

[14-0192](#)

A Resolution To Approve An Amendment To The Certificate Of Incorporation Of the City Of Foley Public Facilities Cooperative District

Attachments: [City of Foley Resolution](#)

A motion was made by Council Member Charles Ebert III to approve the proposed form of Amendment of Certificate of Incorporation of the City of Foley Public Facilities Cooperative District as attached to the Application for Amendment; the City expressly grants its permission and consents to the filing of said Amendment to Certificate of Incorporation with the Alabama Secretary of State and Judge of Probate of Baldwin County and any other actions as may be required by law. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0103-RES

[14-0193](#)

Accepting the Order of Deannexation from the Judge of Probate

Attachments: [Order of Deannexation](#)

A motion was made by Council Member Ralph Hellmich to accept the Baldwin County Judge of Probate's Order of Deannexation dated the 25th of February, 2014 thereby deannexing the property owned by James E. Roberts and Kimberly D. Roberts. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0104-RES

Mayor's Comments

Mayor Koniar reported that he received a phone call from the National Guard that the armory has received funding in the 2019 cycle. The new armory will be located on Foley Beach Express and the existing armory will be appraised. They will continue to work with Legislators to move it up to the 2016 cycle. When the new facility is completed the City will have the current National Guard Armory appraised. The Council is hopeful, through the appraisal, the land swap will come out even.

Jeff Rouzie introduced Don Staley, the City of Foley's new Executive Director of Sports. Mr. Staley comes from Tuscaloosa where he is the former head coach of soccer for the University of Alabama and he ran various sports programs for the City of Tuscaloosa.

Visitor's Comments

There were no visitor comments.

Adjourn

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

The meeting adjourned at 6:16 p.m.