



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final City Council

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Monday, April 1, 2013

5:30 PM

Council Chambers

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### Council Meeting

#### Call to Order

Council President Wayne Trawick called the meeting to order at 5:34 p.m.

#### Roll Call

Council members present: Council President Wayne Trawick, Councilman Ralph Hellmich, Councilman Rick Blackwell and Councilman Charles Ebert III. Council member Vera Quaite was absent due to a schedule conflict. Also present: Mayor Koniar, City Administrator Mike Thompson, Donna Poole, Katy Taylor, Randy Bishop, Steve Smith, Joey Darby, Butch Stokes, Gary Gover, Niki Whitaker, Dr. William Lawrence, Rashid Sindhu, Carolyn Hollis, Janay Dawson and press representative Cathy Higgins (Foley 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 Quaite

#### Pledge of Allegiance

#### Mayor's Presentations

[13-0561](#)

Centennial Committee Check Presentation

*Dr. William Lawrence along with several Foley Elementary students presented Mayor Koniar and Councilman Ebert with a check in the amount of \$2500 for a commemorative plaque at the North Entrance of the Centennial Park.*

**This Agenda Item was presented**

[13-0592](#)

Proclamation of Child Abuse Prevention Month

**Attachments:**     [04-01-13 Care House Child Abuse Prevention Month.pdf](#)  
[Child Abuse Prevention Month Proclamation.pdf](#)

*Mayor Koniar presented a proclamation declaring April Child Abuse Prevention Month to Niki Whitaker, the Executive Director of Care House, Inc.*

This Proclamation was presented

[13-0593](#)

Proclamation declaring April 1, 2013 Earth Day

**Attachments:** [Earth Day Proclamation 04-01-13.pdf](#)

*Mayor Koniar presented a proclamation declaring April 1, 2013 Earth Day to Gary Gover.*

This Proclamation was presented

### **Additions/Removals**

There were no additions or removals.

### **Approval of the Minutes**

[13-0602](#)

Council Work Session Minutes of March 18, 2013

**Attachments:** [03-18-13 WS Minutes Draft.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that these Minutes be approved. The motion carried by an unanimous vote.

[13-0603](#)

Council Meeting Minutes of March 18, 2013.

**Attachments:** [03-18-13 Council Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that these Minutes be approved. The motion carried by an unanimous vote.

[13-0604](#)

Special Called Council Meeting Minutes of March 25, 2013.

**Attachments:** [3-25-13 Special Call Council Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that these Minutes be approved. The motion carried by an unanimous vote.

### **Ordinances, Resolutions, and Other Business**

[13-0538](#)

An Ordinance ratifying Resolution 06-16-80 that established the Library Advisory Board

**Attachments:**     [Resol 03-18-57-AL 1975 11-90-3](#)  
                              [Section 11 90 3.pdf](#)  
                              [MX-6201N\\_20130328\\_085654.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Ordinance be approved on the first reading. The motion carried by an unanimous vote.

Enactment No: 13-1030-ORD

[13-0539](#)

An Ordinance ratifying the creation of and defining the operational scope of the Recreational Activities Fund.

**Attachments:**     [Resols est Rec Act Fund](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 13-1031-ORD

[13-0540](#)

Set public hearing to consider Solid Waste Ordinance Amendments

**Attachments:**     [Solid Waste Collection Ordinance \(2\).Attorney Comments.3.11.13](#)  
                              [1186-11 Ord Control Collection and Disposal of Refuse.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be approved. The motion carried by an unanimous vote.

[13-0541](#)

Discuss amendment to service agreement with Baldwin County

**Attachments:**     [FIRST AMENDMENT TO SERVICE AGREEMENT - City of Foley.pdf](#)

A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: 13-0229-RES

[13-0563](#)

Request to go to bid for Construction of Wolf Creek Park

**Attachments:**     [4792-12 RES ADCNR GRANT WCP.pdf](#)  
                              [13-0011 RES ADCNR GRANT FUNDS WCP.pdf](#)

A motion was made by Council Member Blackwell, seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: 13-0230-RES

[13-0564](#)

Discuss Coastal Wildlife Rescue Center Lease

**Attachments:**     [Lease Expiration Letter.3.15.13](#)  
                                 [Coastal Wildlife Rescue Center Land Use Agreement](#)

*Information item was discussed; no formal action taken.*

**No action taken**

[13-0565](#)

Consider Memorial Tree Grove Project at Graham Creek Nature Preserve

**Attachments:**     [Memorial Grove\\_0014](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0231-RES

[13-0566](#)

A resolution approving a partnership with Wolf Bay Watershed Watch for the Jog the Bog 5K for Earth Day and recognizing park event participation

**Attachments:**     [Jog the Bog 2013 Flyer](#)

**A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.**

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

Enactment No: 13-0228-RES

[13-0568](#)

Discuss Foley Municipal Airport Fuel Tank

**A motion was made by Council Member Blackwell, seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0232-RES

[13-0569](#)

No Solicitation Signs at Azalea Trace

**Attachments:**     [1097-09 ORD.pdf](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the**

**following vote:**

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

Enactment No: 13-0233-RES

[13-0570](#)

**A Resolution approving transfer of funds for Memorial Train storage container refurbishment**

**Attachments:** [04-01-13 Event Train Layout for rebuilding Storage container.pdf](#)

[04-01-13 Event Train Photos of storage building.pdf](#)

[04-01-13 Event Train Storage Container Damage.pdf](#)

**A motion was made by Council Member Ebert, III, to approve the transfer of \$2,500 from the Caboose Club Revenue Account to the Archives Display-Renovation Account. The Motion was seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0234-RES

[13-0572](#)

**A Resolution Going to Bid and Advertising Resurfacing Ph. IV Project**

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution going to bid and advertising authorizing the amount of \$1700 be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0235-RES

[13-0573](#)

**Accepts Donation From Tanger Mall**

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution accepting a \$500 donation from Tanger Mall to the Foley Fire Department to be used to purchase a ceramic grill be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0236-RES

[13-0575](#)

**Acceptance of Bid for Cactus Cafe Building Repairs**

**Attachments:** [Highland Wake Construction's Bid - Cactus Cafe Building Repairs](#)

[Bid Results - Cactus Cafe Repair](#)

[MX-Cactus Cafe Bid Award Res. 13-0237](#)

**A motion was made by Council Member Ebert, III, seconded by Council**

**Member Hellmich, that this Resolution not to exceed \$150,000 to stabilize the building be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0237-RES

[13-0576](#)

**Request Permission to Bid Pipe and Culvert As Needed**

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0238-RES

[13-0577](#)

**Abiding Love Fellowship's Children's Outreach**

**Attachments:** [Abiding Love Fellowship Letter Griffin Park Apr 20 2013](#)

**A motion was made by Council Member Ebert, III, seconded by Council Member Hellmich, that this Resolution approving the use of Max Griffin Park on April 20, 2013 for Abiding Love Fellowship's Children's Church Outreach be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0239-RES

[13-0578](#)

**RESOLUTION TO AMEND THE PAY CLASSIFICATION PLAN TO CONVERT ONE (1) PATROL OFFICER POSITION (G6) TO ONE (1) SCHOOL RESOURCE CORPORAL POSITION (G7) FOR THE FOLEY POLICE DEPARTMENT**

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0240-RES

[13-0579](#)

**City-County Agreement for Roadway Improvements**

**Attachments:** [Intgovt. Svcs. Agreement](#)  
[13-0014 RES.pdf](#)

**A motion was made by Council Member Ebert, III, seconded by Council Member Hellmich, that this Resolution be adopted accepting the agreement. The motion carried by the following vote:**

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

Enactment No: 13-0241-RES

[13-0580](#)

**RESOLUTION TO AUTHORIZE TRANSFER OF FUNDS FOR TUITION  
EDUCATION REIMBURSEMENT PROGRAM**

**A motion was made by Council Member Blackwell authorizing the transfer of \$18,000. The motion was seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0242-RES

[13-0582](#)

**APPROVING LANDSCAPE AND IRRIGATION RECOMMENDATIONS FOR  
STREETSCAPE PROJECT PHASE IV**

**Attachments:**     [Streetscape Phase IV Landscaping and Irrigation Recommendation](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution approving landscape and irrigation recommendations in the amount of \$29,325.00 be adopted. The motion carried by the following vote:**

**Aye:** 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

Enactment No: 13-0243-RES

[13-0583](#)

**Bridge Structures Safety Inspections**

**A motion was made by Council Member Blackwell, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0244-RES

[13-0584](#)

**Appropriate funds for temporary relocation of city staff**

**A motion was made by Council Member Hellmich to appropriate \$9400 for the temporary relocation of City staff seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 3 - President Trawick, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

Enactment No: 13-0245-RES

[13-0585](#)

Request Permission to go to Bid for Barricades and Trailers

**A motion was made by Council Member Ebert, III to appropriate \$14,995 for parade barricades and up to \$ 10,500 for two trailers. Motion seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0246-RES

[13-0588](#)

A resolution approving Residential Sanitation Write Offs as Uncollectible in the amount of \$115.79

**Attachments:** [04-01-13 Res Sanitation Writeoffs.pdf](#)

**A motion was made by Council Member Hellmich to approve residential sanitation write offs in the amount of \$115.79. Motion seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0247-RES

[13-0589](#)

Consider request from Kid Plus Child Development Center to close a portion of South Bay Street for their "Trike Rally" fund raiser on April 26, 2013 between the hours of 9:30 a.m. to 11:00 a.m.

**Attachments:** [04-01-13 Kid Plus Request Temp Street Closure.pdf](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Agenda Item be approved. The motion carried by an unanimous vote.**

[13-0590](#)

Approve Purchase of new Fuel Managment System

**Attachments:** [NJPA Public Accounts Letter 04-01-13.pdf](#)  
[04-01-13 Mike Hoffman's Equipment Svc Quote.pdf](#)

**A motion was made by Council Member Blackwell to approve the purchase of a new fuel managment system in the amount of \$24,294.60 which is \$6000 under budget. The motion seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0248-RES

[13-0591](#)

Declare Vehicles and Equipment to be Surplus and Authorize Disposal



of Same

**Attachments:**     [Surplus Log - Master \(1\).pdf](#)

Council Member Hellmich made a motion to declare certain vehicles and equipment listed in the Surplus Log dated March 25, 2013 as surplus and authorizes the disposal of same. Councilman Blackwell seconded the motion. The motion carried by the following vote:

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

Enactment No: 13-0249-RES

[13-0594](#)

A resolution approving a fundraiser for the Marine Corps League

**Attachments:**     [04-01-13 Letter from Cmdnt Cpl Whitehead Marine Corps League.pdf](#)

A motion was made by Council Member Ebert, III, to approve a roadside fundraiser hosted by the Marine Corps League at the intersection of Alston Street and HWy 98. The collected funds will benefit a detachment and a family in need in the City of Foley. The motion was seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:

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

Enactment No: 13-0250-RES

[13-0595](#)

**WAIVING FEES FOR HERITAGE PARK PAVILION FOR COMMUNITY HOSPICE OF BALDWIN COUNTY**

**Attachments:**     [04-01-13 Community Hospice Request](#)

Council President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Blackwell, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote: President Trawick; abstained, Councilman Hellmich; aye, Councilman Blackwell; aye, Councilman Ebert; aye. President Pro-tem Hellmich turned the meeting back over to President Trawick

**Aye:** 3 - Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

**Abstain:** 1 - President Trawick

Enactment No: 13-0251-RES

[13-0596](#)

Consider 050 - Retail Beer (OFF PREMISES ONLY) and 070 - Retail Table Wine (OFF PREMISES ONLY) license transfers from Hyat and Sam LLC to WAQIA LLC operating under trade name "S and A Food Mart" located at 609 North McKenzie Street Foley, Alabama.

**Attachments:**     [WAQIA LLC dba S AND A FOOD MART](#)  
                              [WAQIA LLC dba S AND A FOOD MART Map.pdf](#)

*Police Deputy Chief Randy Bishop and Fire Chief Joey Darby made recommendations to move forward.*

**A motion was made by Council Member Ebert, III, seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0252-RES

[13-0597](#)

A resolution reappointing Joseph Bullard to the Board of Adjustment and Appeals retroactive to February 1, 2013

**Attachments:** [04-01-13 BAA Joseph Bullard Reappointment 1](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0253-RES

[13-0598](#)

A resolution reappointing Gary Pitts To The Foley Revitalization and Beautification Board retroactive from March 5, 2013

**Attachments:** [04-01-13 Beautification Board Reappointment](#)

**A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0254-RES

[13-0599](#)

A resolution reappointing Barbara Wagner and Jack Purser to the Foley Historic Commission

**Attachments:** [04-01-13 Historic Commission Reappointments](#)

**A motion was made by Council Member Blackwell, seconded by Council Member Hellmich, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0255-RES

[13-0600](#)

CR 65/Hwy 98 Intersection Project Funding Participation with County

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0256-RES

[13-0601](#)

Discuss Baldwin County placing a recyclable dumpster for public use on Industrial Development Board property

**Attachments:** [IDB-CR 49.pdf](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0257-RES

[13-0605](#)

Approves Architect for New Fire Station #3

**Attachments:** [Adams Stewart Architects, LLC.pdf](#)

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Resolution approving the architect for a new fire station in the amount of up to \$43,200 be adopted. The motion carried by the following vote:**

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

Enactment No: 13-0258-RES

## Mayor's Comments

*Mayor Koniar had no comments.*

## Visitor's Comments

**Councilman Hellmich expressed his appreciation for all the board members and commended them for their work and dedication to the boards they serve.**

## Motion to Adjourn

**A motion was made by Council Member Hellmich, seconded by Council Member Ebert, III, that this Council meeting be adjourned at 6:05 p.m. The motion carried by the following vote:**

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