



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, February 18, 2013

5:30 PM

Council Chambers

CALL TO ORDER

Council President Wayne Trawick called the meetings to order at 5:30 p.m.

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

[13-0307](#)

Public Hearing to Consider Accepting Costs for Weed Abatement at 9590 County Road 65

Attachments: [Posted Public Hearing Notice.pdf](#)

President Trawick opened the public hearing to consider the Weed Abatement costs in the amount of \$2,055.59. Hearing no comments he closed the public hearing.

Enactment No: 13-0067-RES

[13-0466](#)

Public Hearing to Consider Planning Commission's Recommendation for the Initial Zoning of A-O for the City of Foley's Wolf Creek Park

Attachments: [Synopsis.pdf](#)

**This Agenda Item was opened for public comment. Hearing no comments
President Trawick closed the public hearing.**

[13-0467](#)

Public Hearing to consider Planning Commission's recommendation to re-zone 7± acres from R-2 (Residential Single Family & Duplex) to R-1C (Residential Single Family)

Attachments: [Synopsis.pdf](#)

**This Agenda Item was opened for public comment. Hearing no comments
President Trawick closed the public hearing.**

[13-0468](#)

Public Hearing to consider Planning Commission's recommendation to approve the initial zoning of R-1A (Residential Single Family) for 4.86± acres, Battaglia property, previously annexed into the corporate limits and located on the west side of Ralph Schumacher Lane, north of US Hwy 98.

Attachments: [Synopsis.pdf](#)

**This Agenda Item was opened for public comment. Hearing no comments
President Trawick closed the public hearing.**

[13-0469](#)

Public Hearing to consider the proposed amendments to the Ordinance Providing for the Regulation of Alarms and Penalties for Violations

Attachments: [Synopsis.pdf](#)

The public hearing to consider proposed amendments to the regulations of alarms and penalties for violations was opened for public comment. Police Chief David Wilson reported the ordinance that is currently in effect was written twenty (20) years ago. Today there is a lot of automated data the Police Department and Fire Department receive from alarm companies. The fees are unnecessary. So far public opinion responding to the changes have been good. The penalty phase of the ordinance will still be implemented.

Fire Chief Joey Darby reiterated the age of the current ordinance and needed updated language to reflect the actions of the Fire and Police Departments. The update shows the process and gives teeth about the nuisance. The Department assists the business owner in identifying where there might be problems so that they can be addressed and corrected thus resulting in fewer false alarms.

Councilman Hellmich said that if there were any other ordinances that needed to be updated to bring their suggestions to Council so that they could be addressed.

Council Ebert enquired about commercial fire alarm systems. Chief Darby reported the commercial fire alarms are tied to code mandates and are dealt with on the front end for new construction. With existing buildings they can identify problems so they are corrected in a timely manner. For renovations the business owner still has to submit plans to be approved and there are no fees involved.

Hearing no further comments President Trawick closed the public hearing at 5:43 p.m.

CALL TO ORDER

President Trawick called the Council meeting to order at 5:43 p.m.

ROLL CALL

President Trawick reported all Council members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, David Wilson, Randy Bishop, Joey Darby, Miriam Boutwell, Steve Horn, Suzanne Kellams, Steve Smith, Meg Hellmich, Dr. Bill Lawrence, Steve Wilkers, Sue Norman, Cathy Cane, David Mullins, Jim Jorris, Richard Chatham, and press representative Cathy Higgins.

ADDITIONS/REMOVALS

There were no additions or removals to today's agenda.

PRESENTATIONS

[13-0474](#)

Presentation of the 2013 Arbor Day Book Donations to the Foley Pubic School Libraries and the Foley Public Library

Attachments: [Arbor Day Book Donation 2013](#)

President Trawick turned the meeting over to Mayor John Koniar for the presentations.

Mayor Koniar presented the following Library books to local librarians:
Dr. Bill Lawrence, Principal Foley Elementary School - There Was A Tree
Steve Horn, accepting for Judy Thomas, Foley Intermediate School - Wildlife & Woodland Facts & Fun
Sue Norman, Foley Middle School - Forests (This is an Ebook available also to the Foley Public Library.)
Cathy Cane, Foley High School - From the Forest: A Search for the Hidden Roots of Our Fairytales
Steve Horn, Foley Public Library - A Leaf Can Be

[13-0484](#)

Proclamation declaring March 2, 2013 as Dr. Seuss' birthday and promoting NEA's Read Across America's reading and adult involvement in the education of our community's students.

Attachments: [Read Across America Dr Seuss Bday 2013.pdf](#)

Mayor Koniar presented a proclamation to Dr. Lawrence promoting NEA's Read Across American's reading and adult involvement in the education of our children. The school will be celebrating Dr. Seuss' birthday, which is on March 2nd, on March 1, 2013.

APPROVAL OF THE MINUTES

[13-0475](#)

Work Session Meeting Minutes of February 4, 2013

Attachments: [02-04-13 Work Session Minutes](#)
 [02-04-13 WS Sign In Sheet.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that the Minutes be approved. The motion carried by an unanimous vote.

[13-0485](#)

Council Meeting Minutes of February 4, 2012

Attachments: [02-04-13 Council Meeting Minutes.pdf](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that the Minutes be approved. The motion carried by an unanimous vote.

REPORTS

[13-0482](#)

CDD Monthly Report for January 2013

Attachments: [JANUARY2013 Report.pdf](#)
 [JANUARY2013COMMERCIAL.pdf](#)
 [JANUARY2013RESIDENTIAL.pdf](#)
 [JANUARY2012COMMERCIAL.pdf](#)
 [JANUARY2012RESIDENTIAL.pdf](#)

The January 2013 Report was presented by City Planner Miriam Boutwell. Councilman Hellmich noted that Ms. Boutwell and City Attorney Casey Pipes are working on revising the sign ordinance to swap four billboards for one electronic sign to reduce the billboards around Foley. This is still in the review process.

[13-0481](#)

Fire Department Monthly Report January 2013

Attachments: [Council January 13 2-13](#)

This Report was presented by Fire Chief Joey Darby. He noted the Department responded to four structure fires. One fire was a grease fire that was contained in the kitchen. This family was not displaced. The Department assisted the Summerdale Fire Department with a house fire and this family was displaced. The same day they also responded to two other fires: one on South Maple Street in Foley and one in Bon Secour that was a total loss. Both families were displaced and fortunately there were no injuries.

Councilman Ebert noted that the City received a new ISO rating. Chief Darby reported the City received a Class 3 ISO rating. The regulations were changed and they learned about them last week at their Fire Conference. The Council congratulated Chief Darby on the great rating as there are only a few cities in the state with this rating.

[13-0470](#)

Foley PD Monthly January 2013

Attachments: [20130207175818574.pdf](#)

This Report was presented by Chief David Wilson. He noted the lowest number in jail for January should be 30 and not 3. Overall the statistics for January were down.

[13-0471](#)

January 2013 Sales, Lodging and Rental Tax Reports

Attachments: [201302080740.pdf](#)

This Report was presented to Council during the Work Session where City Administrator Mike Thompson reported January Sales Tax collections broke \$1 million, which was the best it had been in a while. These funds were actually collected in December. The lodging tax came in under forecast this month. During the Council meeting President Trawick reiterated sales taxes broke the million dollar mark.

ORDINANCES, RESOLUTIONS & OTHER BUSINESS

[13-0360](#)

Ordinance to re-zone 7± acres from R-2 (Residential Single Family & Duplex) to R-1C (Residential Single Family)

Attachments: [Rezoning Recommendation to Council.pdf](#)

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

Enactment No: 13-1027-ORD

[13-0340](#)

Ordinance Approving Petition for Annexation for the City of Foley's Wolf Creek Park

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

Enactment No: 13-1026-ORD

[13-0404](#)

Resolution Accepting the Costs for Weed Abatement at 9590 County Road 65 and Authorizing a Copy to be Sent to Baldwin County Tax Collector

Attachments: [Posted Public Hearing Notice.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaite, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0181-RES

[13-0428](#)

First Reading of an Ordinance approving the Initial zoning of R-1A for the Battaglia Property

Attachments: [Battaglia Zoning Recommendation.pdf](#)
 [Draft Ordinance.pdf](#)

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

[13-0397](#)

First Reading to consider the proposed amendments to the Ordinance Providing for the Regulation of Alarms and Penalties for Violations

Attachments: [Draft.pdf](#)

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

Councilman Ebert asked if the staff was prepared for reimbursing funds collected. Chief Wilson reported the checks were held and will be returned.

Enactment No: 13-1028-ORD

[13-0464](#)

ABC License - 240 Non-Profit Tax Exempt for Chamber Foundation's BBQ & Blues Event March 15 & 16, 2013

Attachments: [SOUTH BALDWIN CHAMBER FOUNDATION 5TH ANNUAL BBQ AND BLUES COOKOFF \(1\).pdf](#)

A motion was made by Council Member Vera Quaite, seconded by Council Member Charles Ebert, III, that this Agenda Item be approved. The motion carried by an unanimous vote.

Chief Wilson reported they are good to go on this event and Chief Darby concurred.

[13-0465](#)

Resolution approving \$9 million Industrial Revenue Bond Series 2013 for Vulcan expansion

Attachments: [2013 minute excerpts City approval resolution 1-25-13 \(BH154626\).pdf](#)

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

Councilman Hellmich reported Foley's Industrial Development Board have already approved the bond and the City has to also sign off on the project and approve the bond.

Enactment No: 13-0182-RES

[13-0431](#)

Accept bid for six (6) vehicles for non-patrol sections of the Police Department and approves vehicle accessory purchases

Attachments: [Non-Patrol Vehicle Bid Results](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this amended Resolution be adopted. The motion carried by an unanimous vote.

President Trawick noted the approval does not include the accessories and they will need to come back to Council for the equipment and installation to be approved.

Enactment No: 13-0183-RES

[13-0472](#)

Renew Contract with Waste Pro for Commercial Solid Waste Service

Attachments: [Waste Pro Extension Letter](#)

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

Councilman Hellmich pointed out this contract will renew for a three year period at the current rate, which is very competitive.

Enactment No: 13-0184-RES

[13-0473](#)

Approves Application For The USDA's Rural Business Enterprise Grant (RBEG) For No More Than \$100,000 For Equipment For The Farmers Market

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

Enactment No: 13-0185-RES

[13-0476](#)

Request permission to go to bid for one (1) One-Ton Flatbed Truck for the Street Department

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

Enactment No: 13-0186-RES

[13-0477](#)

Purchase one (1) portable fuel tank for the Street Department

Attachments: [Tractor Supply Quote - Portable Fuel Tank](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0187-RES

[13-0479](#)

Resolution to Fund Temporary Part-Time Hours for ArcMap GIS System Upgrade in CDD

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

Enactment No: 13-0188-RES

[13-0487](#)

Purchase 34 New Fall Swag Decorations for the Streetscape Lamp Poles from Trees N Trends for \$1,155.66

Attachments: [Trees n Trends Fall Swag Quote](#)

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

Mrs. Suzanne Kellams reported these are new decorations as opposed to refurbished ones purchased last year. The current ones are in bad shape and need to be replaced.

Enactment No: 13-0189-RES

[13-0486](#)

Soccer Field Construction Equipment Rental

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

Enactment No: 13-0190-RES

[13-0455](#)

Memorializing the purchase of new Ford Truck and emergency lighting and equipment plus the installation fees

Attachments: [2012 Truck Request](#)
[Res 4998-12.pdf](#)
[Fire House Sales & Service Inc for Equipment.pdf](#)
[Custom Order Police Specialties LLC .pdf](#)

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.

Enactment No: 13-0191-RES

MAYOR'S COMMENTS

Mayor Koniar reported he had a call from Representative Steve McMillan regarding weed abatement codes. They have three bills from other cities throughout the State in addition to Foley's that they are reviewing. They are working with the Alabama League of Municipalities' attorneys to come up with a solution.

The Eagle Scouts are using Graham Creek Nature Preserve for an event for their scouts and hopefully they will use the Park for more future events.

Arbor Day Celebration will be celebrated on Saturday, February 23, 2013 at 10:00 a.m. in the Civic Center. Last year the City held it in the Civic Center and it has worked out better than trying to predict good weather to hold the event in the park.

VISITOR'S COMMENTS

None to report.

MOTION FOR ADJOURNMENT

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this meeting be adjourned. The motion carried by an unanimous vote and the meeting adjourned at 6:12 p.m.