



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 17, 2012

5:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

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

Absent: 1 - Council Member Rick Blackwell

Others present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Joseph Bouzan, Donna Poole, David Wilson, Joey Darby, Miriam Boutwell, Steven Smith, Randy Bishop, Butch Stokes, Heyward Hosch, Casey Pipes, Alec Barnett, Elva Barnett and Press Representative Cathy. Higgins.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

[13-0361](#) Public Hearing to consider Planning Commission's recommendation for the initial zoning of B-1A for 1 acre owned by Curtis & Pamela Rogers

President Wayne Trawick opened the public hearing at 5:35 p.m. Hearing no comments the President closed the public hearing.

[13-0363](#) A Public Hearing to Consider the Amendments to the City of Foley's Building Codes

President Wayne Trawick opened the public hearing. Hearing no comments the President closed the public hearing.

ROLL CALL

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

Absent: 1 - Council Member Rick Blackwell

APPROVAL OF THE MINUTES

[13-0365](#) Work Session Meeting Minutes of December 3, 2012

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

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

[13-0370](#)

Council Meeting Minutes of December 3, 2012

Attachments: [MeetingMinutes-Dec 03 2012.pdf](#)

A motion was made by Council Member Ebert, III, seconded by Council Member Quaites, that this Minutes be approved. The motion carried by the following vote:

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

DEPARTMENTAL REPORTS

[13-0368](#)

CDD November 2012 Report

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

This Report was presented

[13-0375](#)

Fire Department November 2012 Monthly Report

Attachments: [Fire November 2012.pdf](#)

This Report was presented

[13-0359](#)

Foley Police Department November 2012 Monthly Report

Attachments: [20121205152914582.pdf](#)

This Report was presented

[13-0380](#)

Revenue November 2012 Monthly Report

Attachments: [November 2012 Tax Reports](#)

This Report was presented

AUDIT ACCOUNTS

A motion was made by Council Member Hellmich, seconded by Council

**Member Quaite, that the November 2012 Accounts be approved for payment.
The motion carried by the following vote:**

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

ORDINANCES, RESOLUTIONS, PROCLAMATIONS & OTHER BUSINESS

[13-0378](#)

An Ordinance to Authorize a Policy and Procedures for Compliance of
Tax Exempt Bonds with the Internal Revenue Code

Attachments: [Foley QECB. Minutes Re Tax Policy \(02473191-2\).pdf](#)

President Trawick stated that he would entertain a motion to suspend the rules
for the adoption of an Ordinance. Councilman Ebert, III made the motion to
suspend the rules and Councilman Hellmich seconded the motion. City
Administrator Mike Thompson took the roll call as follows:

**President Trawick, Aye; Councilwoman Quaite, Aye; Councilman Hellmich,
Aye; Councilman Ebert, Aye. The motion to suspend the rules for adoption of
an Ordinance passed.**

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

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

Enactment No:

[13-0382](#)

**A RESOLUTION AUTHORIZING FINANCING DOCUMENTS BY
THE CITY OF FOLEY, ALABAMA WITH RESPECT TO \$2,920,000
FEDERALLY TAXABLE LEASE PURCHASE CERTIFICATES OF
PARTICIPATION, SERIES 2012 (QUALIFIED ENERGY
CONSERVATION BONDS - DIRECT PAY) WHICH EVIDENCE THE
PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN
LEASE PAYMENTS TO BE MADE BY THE CITY OF FOLEY,
ALABAMA PURSUANT TO A LEASE AGREEMENT WITH
RESPECT TO ENERGY CONSERVATION EQUIPMENT**

**A motion was made by Council Member Hellmich, seconded by Council
Member Quaite, that this Resolution be carried over to the City Council, due
back on 1/22/2013. The motion carried by the following vote:**

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

Enactment No: 13-0152-RES

[13-0362](#)

Second Reading of An Ordinance Approving Petition for Annexation by
Curtis & Pamela Rogers

This Ordinance was adopted

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

Enactment No:

13-0360

Set a public hearing to consider recommendation from Planning Commission to rezone property located between Cedar Street & Oak Street

Attachments: Rezoning Recommendation to Council.pdf

A motion was made by Council Member Hellmich, seconded by Council Member Quaites, that this Agenda Item be approved. The motion carried by the following vote:

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

[13-0364](#)

Second Reading of An Ordinance Approving the Amendments to the City of Foley Building Codes

A motion was made by Council Member Quaites, seconded by Council Member Hellmich, that this Ordinance be approved on first reading. The motion carried by the following vote:

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

Enactment No: 13-1025-ORD

[13-0372](#)

First Reading of an Ordinance approving Petition for Annexation for Battaglia Property

Attachments: [Battaglia.pdf](#)

President Trawick stated that he would entertain a motion to suspend the rules for the adoption of an Ordinance. Councilman Hellmich made the motion to suspend the rules and Councilman Ebert, III seconded the motion. City Administrator Mike Thompson took the roll call as follows:

President Trawick, Aye; Councilwoman Quaites, Aye; Councilman Hellmich, Aye; Councilman Ebert, Aye. The motion to suspend the rules for adoption of an Ordinance passed.

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

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

Enactment No: 13-1023-ORD

[13-0371](#)

Thank you note from Jeanne Adcock (Street Dept) and a thank you note from the family of Leesi Parker (Foley PD)

Attachments: [Thank you note Jeanne Adcock.pdf](#)
 [Thank you note Leesi Parker.pdf](#)

This Agenda Item was removed

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

[13-0351](#)

Appointment Matters for the Revitalization and Beautification Advisory Board

Attachments: [3746-09 RES](#)

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

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

Enactment No: 13-0123-RES

[13-0366](#)

Amending Resolution 4540-11 Changing the Meeting Frequency of the Centennial Committee

Attachments: [4540-11 RES](#)

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

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

Enactment No: 13-0124-RES

[13-0367](#)

Memorializes Appropriation Of Funds From The Capital Plan For Fountain Repairs

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 Quaites, Council Member Hellmich and Council Member Ebert III

Enactment No: 13-0125-RES

[13-0369](#)

Appropriates and Transfers Funds for Beautification Project

Attachments: [Landscape Workshop Proposal.pdf](#)
 [5122-12 RES.pdf](#)

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

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

Enactment No: 13-0126-RES

[13-0373](#)

Request Capital Purchase of Used Turf Gator for Use at Graham Creek Preserve in the amount of \$4,000

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

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

Enactment No: 13-0127-RES

[13-0376](#)

Approving Entering Into A Trade For Services Agreement With South Baldwin Chamber of Commerce and the Chamber Foundation

Attachments: [Chamber letter.pdf](#)

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

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

Enactment No: 13-0128-RES

[13-0377](#)

Accept Easement from Habitat for Humanity

Attachments: [13-0377 - Backup Doc. Easement](#)

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

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

Enactment No: 13-0129-RES

[13-0358](#)

Request Permission to go to Bid on Six Vehicles for \$139,000.00 for 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 Quaites, Council Member Hellmich and Council Member Ebert III

Enactment No: 13-0130-RES

[13-0374](#)

Vosloh Land Donation for Fire Station

Attachments: [FIRE STATION LAND RESOLUTION](#)

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 Quaites, Council Member Hellmich and Council Member Ebert III

Enactment No: 13-0131-RES

[13-0379](#)

Approves proposed changes to the rental procedures for the Auditorium and the Council Chambers.

Attachments: [Civic Center Rental Contract.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 Quaites, Council Member Hellmich and Council Member Ebert III

Enactment No: 13-0132-RES

[13-0383](#)

Approve Billboard contract with Lamar Advertising

Attachments: [City of Foley - Jan renewal - 1-25-2013](#)
 [Cost for Change for 2013](#)

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

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

Enactment No: 13-0133-RES

[13-0384](#)

Resolution to appropriate capital funding for new awning in the amount of \$958.48

Attachments: [Artcraft invoice for awning balnace](#)

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

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

Enactment No: 13-0134-RES

[13-0391](#)

Finance Div - request permission to transfer funds to purchase software

Attachments: [Datawatch Quote-Monarch](#)

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

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

Enactment No: 13-0135-RES

MAYOR'S COMMENTS

Mayor Koniar thanked the staff for the hard work they did putting together the bond presentation. We were one of 14 cities out of 460 that received a high rating.

The skatepark opened and has been well received.

VISITOR'S COMMENTS

None to report.

President Trawick reported hearing no further comments we will entertain a motion to go into Executive Session for approximately 30 minutes to consider a real estate matter. Councilman Hellmich made the motion to go into Executive Session and Councilwoman Quaites seconded the motion. City Administrator Mike Thompson referenced a letter from City Attorney Casey Pipes regarding the executive session law and the letter will be made a permanent part of the minutes. He then took the following roll call vote: President Trawick, aye; Councilwoman Quaites, aye; Councilman Hellmich, aye; Councilman Blackwell was absent and Councilman Ebert, aye. The vote was unanimous to go into Executive Session at 6:00 p.m.

President Trawick reconvened the Council meeting at 6:33 p.m.

[13-0392](#)

Appropriating Funds for Appraisal of Property

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

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

Enactment No: 13-0136-RES

ADJOURN

President Trawick asked for a motion to adjourn the meeting. Councilman Ebert made a motion to adjourn the meeting and Councilwoman Quaites seconded the motion. The meeting adjourned at 6:36 p.m.