



## City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

### Meeting Minutes - Final City Council

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Monday, June 17, 2013

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearing

**13-0748** Public Hearing to consider the vacation of an unimproved alley way.

**Attachments:** [Vacay of Alley - Notice of Public Hearing](#)  
[Vacay of Alley - Riviera Utilities](#)  
[Vacay of Alley - Century Link](#)  
[Vacay of Alley - Baldwin EMC](#)  
[Vacay of Alley - Freeman](#)  
[Vacay of Alley - Pak](#)  
[Vacay of Alley - Wallace](#)

Council President Wayne Trawick called the public hearing to order at 5:30 P.M. President Trawick asked for comments from the public and Mr. George Wallace asked what is going to happen to the alley way. President Trawick explained that abutting property owners will absorb a portion of the alley that is adjacent to their property. Mr. Denson Freeman thanked the City Council for the vacation of the alley way. Councilman Ebert noted that there will be another public hearing on this matter on July 15, 2013. City Clerk, Vickey Southern further explained the laws that govern the vacation procedures and there was a failure to post notice of the June 17, 2013 public hearing at the court house. Therefore, the vacation of the alley way process must be repeated. City Administrator Mike Thompson noted that any comments from the public will still be of record for the vacation of the alley way even though there will be a second public hearing on the matter on July 15, 2013.

**13-0749** Public Hearing to consider violations of the City's Lot clearing and Weed Removal Ordinance1095-09 at 1205 Sloane Cove. - Property has been abated by owner as of May 30, 2013. No Council action required.

Council President Trawick noted the property at 1205 Sloane Cove has been abated by the property owner and no Council action is required.

**13-0750** Public Hearing to consider violations of the City's Lot clearing and Weed Removal Ordinance1095-09 at 1221 Sloane Cove. - Property has been abated by owner as of May 30, 2013. No Council action required.

Council President Trawick noted the property at 1221 Sloane Cove has been abated by the property owner and no Council action is required. Council President Trawick closed the public hearings.

### **Call to Order**

Council President Wayne Trawick called the meeting to order at 5:38 P.M.

### **Roll Call**

Council members present: Council President Wayne Trawick, Council member Vera Quaite, Councilman Ralph Hellmich, Councilman Rick Blackwell and Councilman Charles Ebert III. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Randy Bishop, George Wallace, Evelyn Wallace, Chason Franks, Denson Freeman, Alec Barnett, Elva Barnett, Bill McReynolds, press representatives Russell Culburn (Fox 10 News) and Cathy Higgins (Onlooker).

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

### **Pledge of Allegiance**

### **Additions/Removals**

Councilman Hellmich made a motion for item 13-0772 to be carried over to the Council meeting of July 1, 2013 and items 13-0788 and 13-0731 be added to the June 15, 2013 agenda. Councilman Blackwell seconded the motion which passed unanimously.

### **Approval of Minutes**

**13-0761** Approval of Work Session Minutes of May 15, 2013.

**Attachments:** Work Session Minutes of May 15, 2013

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of May 15, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

**13-0762** Approval of Work Session Minutes of June 3, 2013.

**Attachments:** Work Session Minutes of June 3, 2013

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of June 3, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

**13-0763** Approval of Council Meeting Minutes of June 3, 2013.

**Attachments:** [Council Meeting Minutes of June 3, 2013](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of June 3, 2013. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

### **Audit the Accounts**

**13-0752** Audit the accounts of May 2013.

A motion was made by Council Member Ralph Hellmich that the Auditing Accounts be approved for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

### **Reports**

**13-0782** May 2013 Sales, Lodging and Rental Tax Reports

**Attachments:** [MX-6201N 20130611 134053.pdf](#)

The Sales, Lodging and Rental Tax Report is attached as backup to the minutes. Council President Trawick noted that the sales tax looks good but the lodging and rental tax is down a little.

**13-0775**

May 2013 Monthly Police Report

**Attachments:** [20130610105246690.pdf](#)

Deputy Police Chief Randy Bishop gave a synopsis of the police report which is attached as back up to the minutes. Councilman Hellmich noted that the 2013 Balloon Festival went very well. Deputy Chief Bishop reported that this year's Hot Air Balloon Festival had the largest crowd thus far.

### **New Business**

**13-0767** Consider 020-Restaurant Retail License for Dragonfly Productions LLC, applicant, under the trade name of Cornerstone Kitchen, for their location at 246 W. Laurel Ave, Foley, AL 36535

**Attachments:** [06-17-13 ABC License Cornerstone Kitchen](#)  
[Map - ABC Licence Cornerstone Kitchen](#)

Deputy Police Chief Randy Bishop recommended moving forward with the license application. City Administrator Mike Thompson reported that he spoke with Fire Chief Joey Darby regarding the ABC license and Chief Darby also recommends moving forward with the license application.

A motion was made by Council Member Ralph Hellmich to approve the ABC License application for Cornerstone Kitchen. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

**13-0777**

Consider request from American Legion Post 44 of Gulf Shores Alabama and the Baldwin County American Legion Riders to have a charity fund raising bucket drive for Cancer survivors that need help paying the over whelming treatment and hospitalization charges to be held on June 29, 2013 from 9 A.M. until 2 P.M. at the intersection of South Juniper Street and Michigan Avenue.

The Foley Police Department has been notified of request by Dave Von Lehmden of American Legion Post 44.

**Attachments:**     6-17-13 American Legion

A motion was made by Council Member Charles Ebert, III to approve the request made by American Legion Post 44 to have a charity fundraising bucket drive for cancer survivors on June 29, 2013 from 9:00 A.M. until 2:00 P.M. at the intersection of South Juniper Street and Michigan Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

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

**13-0740**

Consider Resolution Hiring Hoar Program Management

**Attachments:**     Backup 06032013.pdf

Council President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Ebert, III to approve hiring Hoar Program Management at the established hourly rates as outlined in their Master Service Agreement and appropriate \$50,000 for Hoar. The motion was seconded by Council Member Blackwell and carried by the following vote: Council President Trawick, abstained; Council member Quaite, aye; Councilman Hellmich, aye; Councilman Blackwell, aye; Councilman Ebert, aye. President Pro-tem Hellmich turned the meeting back over to Council President Trawick.

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

**Abstain:** 1 - President Trawick

Enactment No: 13-0343-RES

**13-0745**

A resolution waiving fees for Heritage Park Pavilion for Foley High

School's "Leo in the Park"

**Attachments:**     Leo in the Park.pdf

A motion was made by Council Member Ralph Hellmich to approve waiving the fees for Heritage Park Pavilion for Foley High School's "Leo In The Park" on Thursday, September 26, 2013 at 5:00 P.M. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0344-RES

**13-0747**

A resolution reappointing John Cobb to the Museum-Archive Board

**Attachments:**     6-17-13 Museum-Archive Board

A motion was made by Council Member Rick Blackwell to reappoint John Cobb to the Museum-Archive Board. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0345-RES

**13-0753**

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT VACANT LOT ON 7TH AVENUE

**Attachments:**     complaint empty lot between 421&407 7th Av

A motion was made by Council Member Ralph Hellmich to set a public hearing for 5:30 P.M. Monday August 5, 2013 to declare weeds to be a nuisance and ordering its abatement at vacant lot on 7th Avenue. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0346-RES

**13-0754**

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT 1911 S CEDAR ST

**Attachments:**     complaint 1911 Cedar St S

A motion was made by Council Member Ralph Hellmich to set a public hearing for 5:30 P.M. Monday, August 5, 2013 to declare weeds to be a nuisance and ordering its abatement at 1911 S. Cedar Street. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0347-RES

**13-0755**

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT VACANT LOT AT S CEDAR AND 7TH  
AVE

**Attachments:**     complaint SE corner of S Cedar & 7th

A motion was made by Council Member Charles Ebert, III to set a public hearing for 5:30 P.M. Monday, August 5, 2013 to declare weeds to be a

nuisance and ordering its abatement at vacant lot at the South East corner of S. Cedar Street and 7th Avenue. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0348-RES

**13-0756**

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT PEBBLE CREEK

Attachments:     complaint Pebble Creek

A motion was made by Council Member Ralph Hellmich to set a public hearing for 5:30 P.M. Monday, August 5, 2013 to declare weeds to be a nuisance and ordering its abatement at Pebble Creek. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0349-RES

**13-0757**

Accept proposal for Wolf Creek Park Improvements

Attachments:     RFP for Wolf Creek Park Structures.5.13  
                         WCP Bids

A motion was made by Council Member Ralph Hellmich to accept the proposal for Wolf Creek Park Improvements in the amount of of \$47,972.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0350-RES

**13-0758**

Request to go to bid for a qualified, experienced natural stream restoration contractor for the Wolf Creek Restoration Project.

Attachments:     Bid Packet  
                         4552-11 RES

A motion was made by Council Member Charles Ebert, III to approve the request to go to bid for a qualified, experienced natural stream restoration contractor for the Wolf Creek Restoration Project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0351-RES

**13-0759**

A resolution to memorialize setting a Public Hearing to consider the vacation of an unimproved alley way located between the East side of Chicago Street and the West side of Cypress Street.

Attachments:     vacation of alley

A motion was made by Council Member Ralph Hellmich to memorialize setting a public hearing to consider the vacation of an unimproved alley way located between the East side of Chicago Street and the West side of Cypress Street. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0352-RES

**13-0760**

A resolution approving a one time paid holiday for the City of Foley employees.

**A motion was made by Council Member Ralph Hellmich to approve designating July 5, 2013 as a one time paid personal day for City employees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 13-0353-RES

**13-0764**

An Ordinance Approving Solid Waste Ordinance Amendments

**A motion was made by Council Member Rick Blackwell to approve on the first reading an ordinance approving Solid Waste Ordinance Admendments. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.**

Enactment No: 13-1034-ORD

**13-0765**

A resolution approving various FY13 Budget appropriations, corrections and transfers

**Attachments:**     backup to Leg File 13-0765

**A motion was made by Council Member Ralph Hellmich to approve various FY13 budget appropriations, corrections and transfers. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 13-0354-RES

**13-0766**

Residential Sanitation Write Offs as Uncollectible

**Attachments:**     06-17-03 Sanitation Write Offs

**A motion was made by Council Member Charles Ebert, III that certain City of Foley residential sanitation accounts in the collective amount of \$88.37 be written off the books of the City for fiscal year 2012-2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 13-0355-RES

**13-0768**

New Fire Station site planning, engineering, infrastructure

**A motion was made by Council Member Ralph Hellmich to appropriate funds for site planning, civil engineering and preliminary infrastructure improvements in the amount not to exceed \$10,000 for the new fire station. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 13-0356-RES

**13-0769**

Memorialize the capital purchase of an ice machine for Fire Station #2

A motion was made by Council Member Charles Ebert, III to memorialize the capital purchase of an ICE-O-MATIC ice machine from Gulf Ice Systems for Fire Station #2 in the amount of \$1933.88. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0357-RES

**13-0770**

Consideration of an ordinance regulating the distribution of unsolicited materials.

Attachments:     Litter Ordinance recorded  
                             Circulars Litter Ordinance

A motion was made by Council Member Charles Ebert, III to adopt an ordinance regulating the distribution of unsolicited materials. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-1035-ORD

**13-0771**

Memorialize E-J Builders Change Order for Rose Trail Gazebo

Attachments:     13-0771 - Memorialize E-J Bldrs. CO for Rose Trail Gazebo

A motion was made by Council Member Ralph Hellmich to memorialize E-J Builders' change order for the Rose Trail Gazebo in the amount of \$2,516.47 for additional sidewalk not included in the original scope of work. The motion was seconded by Council Member Rick Blackwell and carried by the following vote: Council President Trawick, aye; Council member Quaites, aye; Councilman Hellmich, aye; Councilman Blackwell, aye; Councilman Ebert, abstained.

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

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

Enactment No: 13-0358-RES

**13-0772**

Rescind Resolution 13-0241 and approve an amended Intergovernmental Service Agreement for CR 20 Improvements ATRIP Phase II

Attachments:     13-0772 - Intergovernmental Agreement for CR 20 Improvements  
                             Resolution 13-0241

This Resolution was carried over to the City Council meeting July 1, 2013.

**13-0773**

A resolution to approve the purchase of a winch for sign truck.

Attachments:     6-17-13 Winch Quotes

A motion was made by Councilman Rick Blackwell to approve the purchase of a winch for a sign truck for the lowest quote of \$1,880.00. The motion was seconded by Councilman Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0359-RES

**13-0774**

A resolution to approve the purchase of a plasma cutter for the Public Works Department maintenance shop.

**Attachments:**     6-17-13 Plasma Cutter Quotes

A motion was made by Council Member Charles Ebert, III to approve the purchase of a plasma cutter for the Public Works maintenance shop from Wesco Gas & Welding Supply Inc. in the amount of \$2,081.55. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0360-RES

**13-0778**

Consider Resolution to Amend Job Title in the Pay Classification Plan

**Attachments:**     Job Title Finance Manager

A motion was made by Council Member Rick Blackwell to amend the job title for the Finance Supervisor to Finance Manager in the Pay Classification Plan. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0361-RES

**13-0783**

Approving Additional Funds For Marketing For Centennial Plaza Fundraising

A motion was made by Council Member Ralph Hellmich to approve additional funds in the amount of \$2,000 to purchase signage and brochures for marketing for the Centennial Plaza. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0362-RES

**13-0784**

The use of Aaronville Park and Pool for "Community Unity Day"

**Attachments:**     Angels of Hope Event Aaronville Park.pdf

A motion was made by Council Member Vera Quaite to approve the use of the Aaronville Park and Pool for the Angels of Hope Community Outreach's Community Unity Day on June 22, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0363-RES

**13-0731**

A resolution supporting the display of the national motto "In God We Trust" in a prominent location in the Foley City Hall Council Chambers.

**Attachments:**     06-03-13 In God We Trust

A motion was made by Council Member Ralph Hellmich to adopt a resolution to display the motto "In God We Trust" in a prominent area in Council Chambers. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0364-RES

**13-0788**

Consider resolution to waive or reduce building fees for Calvary Chapel Fellowship of Foley.

Attachments: 06-17-13 Calvary Chapel

A motion was made by Council Member Ralph Hellmich to waive all but the minimum Community Development Department fees relating to the remodeling of Calvary Chapel Fellowship Church. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0365-RES

**Mayor's Comments**

Mayor Koniar thanked City staff for their hard work at the Hot Air Balloon Festival and he reported there were 350 volunteers that worked the festival this year. He also congratulated the Chamber of Commerce and everyone involved with the festival for its great success.

**Visitor's Comments**

There were no visitor comments.

**Motion to Adjourn**

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote. The meeting adjourned at 6:10 P.M.

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J. Wayne Trawick, President

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Victoria Southern, CMC  
City Clerk