



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, April 15, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-0625](#)

Public Hearing to consider Planning Commissions recommendation for the Intial Zoning of R-1A for the City's Pen Air Property

Attachments: [4-15-13 Notice of Public Hearing](#)

President Trawick called the public hearing to order at 5:30 p.m. President Trawick asked for public comments and after hearing none he closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 5:32 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 an illness. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, LaDonna Hinsely, Jeff Rouzie, Miriam Boutwell, Butch Stokes 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

Additions/Removals

13-0631 carried over to the May 6, 2013 Council meeting.

The Director of Economic Development, Jeff Rouzie requested the item be carried over and there was consensus by the Council to carry the item over to the Council meeting of May 6, 2013.

Approval of the Minutes

[13-0624](#)

4-1-13 Work Session Minutes of April 1, 2013

Attachments: [04-01-13 Work Session Minutes](#)

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

[13-0632](#)

Council Meeting Minutes of April 1, 2013

Attachments: [04-01-13 Council Meeting Minutes](#)

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

Reports

[13-0615](#)

CDD Monthly Report

Attachments: [March 2013 CDD Report](#)
 [Building Permit Report](#)

City Planner Miriam Boutwell gave the March 2013 monthly report, which is included in its entirety as back up to the minutes. Councilman Ralph Hellmich asked about a bill that is in legislation pertaining to weed abatements. If passed, this bill will allow the City to add administrative costs and the costs of signs to weed abatement liens.

[13-0628](#)

Fire Department Monthly Report March 2013

Attachments: [Council March 13 4-13](#)

Chief Darby reported the Fire Department had a busy month. The March 2013 Fire Department report is attached in its entirety as back up. There were 130 incidents, which is the highest in five years. There were two unoccupied building fires that were a total loss. The Cornerstone Lodge fire was caused by a dryer and damage was limited to the building. There were 16 brush fires, one brush fire was in the Foley Beach Express Industrial Park but no buildings were involved. It was ruled as a suspicious fire and one person is in custody. Chief Darby also reported that he attended a meeting in Pennsylvania for the

new pumper truck and the meeting went very well and production is ahead of schedule. The new pumper truck will be here in approximately six months. The Fire Department will be retiring a truck that still has value and he had a very good response for offers to purchase it. He also reported that the state wide burn ban will begin May 1, 2013 and be in effect until October 1, 2013.

[13-0610](#)

Monthly Activity Report for March 2013

Attachments: [Mar.13.rpt](#)

Report Presented

Chief Wilson gave a synopsis of his monthly report. The March 2013 Police Department report is attached in its entirety as back up. He also invited Mayor Koniar and the Council to the GED graduation. Mayor Koniar then made mention that Chief Wilson recently attended another graduation. Chief Wilson then reported that he attended the graduation of five new Foley Police Officers in Anniston, Alabama. He also reported that the Guns and Hoses Blood Drive was a success and reported that Red Cross exceeded their goal of donations.

[13-0618](#)

Revenue Monthly Tax Reports

Attachments: [201304081537.pdf](#)

The monthly tax report, which was presented, is attached as back up to the minutes. This Report was presented.

[13-0623](#)

Marketing Report

Attachments: [Marketing Dept. Report - Jan - March 2013](#)
 [2013 VISITORS](#)

Report Presented

Marketing Director Ladonna Hinsley presented the first quarter marketing report as attached as back up to the minutes.

Ordinances, Resolutions, and Other Business

[13-0622](#)

Consider 040-Retail Beer (ON OR OFF PREMISES) and 060- Retail Table Wine (ON OR OFF PREMISES) to Piggly Wiggly Foley Inc. operating under the trade name Cains Piggly Wiggly 3 located at 1200 South McKenzie Street Foley, Alabama 36535.

Attachments: [4-15-13 Piggly Wiggly ABC License](#)

The Police Department and Fire Department recommends moving forward with the license. Councilman Blackwell made a motion to approve the application and send it forward to the ABC License Board. Councilman Hellmich seconded the motion, which passed unanimously.

[13-0440](#)

Ordinance approving Petition for Annexation for City of Foley Pen Air property (Second Reading)

Attachments: [Pen Air.pdf](#)
 [INT ZONING RECOMMENDATION.pdf](#)

Councilman Ebert made a motion to approve the second reading of the ordinance annexing City property. Councilman Hellmich seconded the motion and the vote passed unanimously.

Enactment No: 13-1032-ORD

[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](#)

This ordinance was unanimously approved on second reading on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

Enactment No: 13-1030-ORD

[13-0606](#)

Approval To Apply For FY2013 Bulletproof Vest Partnership For \$22,100 with 50% being reimbursed

A motion was made by Council Member Ralph Hellmich to approve the Foley Police Department to apply for the BJA FY2013 Bulletproof Vest Partnership for \$22,100 to purchase replacement and new vests. The motion was seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0259-RES

[13-0611](#)

A resolution approving Police Department Cost Sharing Training

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution approving addition of revenue in the amount of \$1,650 for Critical Incident Stress Management training class fees be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0260

[13-0612](#)

Consider request from YMCA to hold a "Y" Get Dirty Mud Run at Graham Creek Nature Preserve

Attachments: [Graham Creek Nature Preserve Reservations Application](#)
 [Y Get Dirty Mud Run Request.4.2013](#)

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: 13-0261

[13-0613](#)

A resolution approving Residential Sanitation Write Offs as uncollectible in the amount \$35.80

Attachments: [4-15-13 RES Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to approve residential sanitation write offs in the amount of \$35.80. The motion was seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0262-RES

[13-0614](#)

Volkert's Comprehensive Master Bicycle and Pedestrian Plan Agreement Time Extension

Attachments: [Volkert's Master Agreement Time Extension](#)

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0263-RES

[13-0571](#)

Volkert Inc.'s Contract for Resurfacing Ph. IV

Attachments: [Contract - Volkert Resurfacing Ph. IV](#)

A motion was was made by Councilman Ebert to approve Volkert Inc.'s contract for engineering services related to the Resurfacing Phase IV project in the amount of \$85,700.00. The motion was seconded by Councilman Blackwell, 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: 13-0274-RES

[13-0616](#)

Declare Vehicle as Surplus and Authorize its Disposal

Attachments: [Surplus Log - Ford Crown Victoria](#)

Councilman Hellmich made a motion to declare a certain vehicle, (1997 Crown Victoria, City ID.# 2498 in the Engineering Department) listed in the Surplus

Log dated April 5, 2013 as surplus and authorizes the disposal of same. Councilman Blackwell seconded the motion. The motion carried by an unanimous vote.

Enactment No: 13-0264-RES

[13-0617](#)

Approval requested for the Gulf Coast Hot Air Balloon Festival Operations Manual.

Attachments: [4-9-13 South Baldwin Chamber](#)

A motion was made by Council Member Charles Ebert, III to approve the Gulf Coast Hot Air Balloon Festival being held at the Foley Sports Complex on June 14, 15, and 16, 2013 and to approve the application to serve alcohol in a non-corralled area and to approve the Gulf Coast Hot Air Balloon Festival Operations Manual. The motion was seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0265-RES

[13-0619](#)

Heather Terrace Street Light Account Transfer

Attachments: [Heather Terrace Street Lighting](#)

A motion was made by Council Member Ralph Hellmich to approve taking over Heather Terrace subdivision street lighting costs in the monthly amount of \$135.20. Motion was seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0266-RES

[13-0620](#)

Reallocation of funds for Recreation Capital Account for the purchase of ADA compliant lift and stairs for pool access

A motion was made by Council Member Rick Blackwell to approve the reallocation of \$8,000 from the Playground Equipment-upgrade to ADA lift and stairs for pool access. The motion was seconded by Council Member Ralph Hellmich. The motion carried by an unanimous vote.

Enactment No: 13-0267-RES

[13-0621](#)

Fielding Park Street Light Account Transfer

Attachments: [Fielding Park Street Lighting](#)

A motion was made by Council Member Ralph Hellmich to approve taking over Fielding Park commercial subdivision street lighting costs in the monthly amount of \$36.40. The motion was seconded by Council Member Charles Ebert, III. The motion carried by an unanimous vote.

Enactment No: 13-0268-RES

[13-0626](#)

Select voting delegates for annual membership meeting of the Alabama Municipal Insurance Corporation to be held in Montgomery, Alabama on May 18, 2013

Attachments: [4-15-13 AMIC Notice of Annual Meeting](#)

A motion was made by Council Member Ralph Hellmich to appoint Council member Vera Quaites as voting delegate and Councilman Rick Blackwell as alternate voting delegate for the Annual Membership Meeting of the Alabama Municipal Insurance Corporation on May 18, 2013 in Montgomery, Alabama. The motion was seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0269-RES

[13-0627](#)

Authorizing Steve E. Wells, President of the Alabama Municipal Insurance Corporation to act as proxy for the City of Foley at the regular Annual Membership Meeting to be held in Montgomery, Alabama on May 18, 2013.

Attachments: [4-15-13 AMIC Proxy Voting](#)

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: 13-0270-RES

[13-0629](#)

Consider change order for Schneider Electric

A motion was made by Council Member Ralph Hellmich to approve additional network equipment for the fiber and IT infrastructure improvements that is part of the ESCO project with Schneider Electric Buildings Americas, Inc. in the amount of \$62,946.50. The motion was seconded by Council Member Rick Blackwell. The motion carried by an unanimous vote.

Enactment No: 13-0271-RES

[13-0630](#)

Liberty Church's request for use of the flag pole area in front of City Hall for the National Day of Prayer on May 2, 2013 from 12:00 p.m. until 1:00 p.m.

Attachments: [4-15-13 City Hall Flag Pole Area Request](#)

A motion was made by Council Member Charles Ebert, III to approve Liberty Church's request to use the flag pole area in front of City Hall May 2, 2013 for the National Day of Prayer from 12:00 p.m. until 1:00p.m. The motion was seconded by Council Member Ralph Hellmich. The motion carried by an unanimous vote.

[13-0631](#)

Discuss hiring a General Contractor for the Farmers Market Project

This Agenda Item was carried over to the City Council meeting of May 6, 2013.

[13-0633](#)

Request To Go To Bid For Construction For CDBG Project No.

LR-CM-PF-12-007

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: 13-0272-RES

[13-0634](#)

City ads in Gulf Coast Newspaper Publications

A motion was made by Council Member Ralph Hellmich to approve two ads in Gulf Coast News Publications for Foley High School graduates and Art in the Park in the amount of \$675.00. The motion was seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0273-RES

Mayor's Comments

Mayor Koniar congratulated the City staff, especially Leslie Lassitter and the Parks Department staff, for the success of Earth Day at Graham Creek Nature Preserve and for the Relay for Life event.

Visitor's Comments

There were no visitor comments.

Executive Session

Councilman Hellmich made a motion to go into Executive Session to discuss certain aspects of Council's desire and plans to lease/purchase certain real property and its desire to sell other real property. Councilman Blackwell seconded the motion.

City Administrator Mike Thompson took the following Roll Call Vote: Councilman Hellmich, aye; Council President Trawick, aye; Councilman Blackwell, aye; Councilman Ebert, aye. Of those present, there was a unanimous vote to go into Executive Session. City Administrator reported Executive Session would take approximately 30 minutes. They would reconvene and possibly take a vote on the item discussed during Executive Session.

The Council recessed at 6:10 p.m. to go into Executive Session.

Reconvened:

Council President called the meeting to order at 6:42 p.m. Council members present: Councilman Hellmich, Council President Trawick, Councilman Blackwell and Councilman Ebert. Council member Vera Quaites absent due to illness. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith and Jeff Rouzie.

Councilman Hellmich made a motion to accept an offer with contingencies for the property located on Chicago Street. Councilman Blackwell seconded the

motion, which passed unanimously.

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

Absent: 1 - Council Member Vera Quaites

Motion to Adjourn

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Council meeting be adjourned at 6:44 p.m. The motion carried by a unanimous vote.