



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, July 15, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-0813](#)

Public Hearing to consider the vacation of an unimproved alley way.

Attachments: [7-01-13 Public Hearing Notice](#)
[7-01-13 Notices](#)

Council President Wayne Trawick opened the public hearing at 5:30 P.M. and explained that this public hearing was for the same public hearing that was held on June 17, 2013. The public hearing was being held again due to a public notice not being posted at the Satellite Courthouse. President Trawick then asked if there were any comments from the public. Hearing no public comments, President Trawick closed the public hearing.

[13-0814](#)

Public Hearing For Weed Violation At 1904 Bay Street.

Attachments: [7-15-13 1904 Bay Street](#)
[7-15-13 Res. 13-0335](#)
[7-15-13 PH Notice](#)
[7-15-13 Notice of PH to owner](#)

Council President Wayne Trawick opened the public hearing at 5:31 P.M. and explained that this public hearing will be held and that it will also be held at a later date due to an error in the publication of the hearing. President Trawick then asked if there were any comments from the public. Hearing no public comments, President Trawick closed the public hearing.

[13-0825](#)

Public Hearing For Weed Violation At 528 Verbena Loop

Attachments: [7-15-13 528 Verbena Loop](#)
[7-15-13 Res. 13-0336](#)
[7-15-13 528 Verbena PH Notice](#)
[7-15-13 528 Verbena notice to owner](#)
[7-15-13 528 Verbena returned mail](#)

Council President Wayne Trawick opened the public hearing at 5:32 P.M. and explained that this public hearing will be held and that it will also be held at a later date due to an error in the publication of the hearing. President Trawick then asked if there were any comments from the public. Hearing no public comments, President Trawick closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 5:33 P.M.

Roll Call

Council Members present: Council President Wayne Trawick, Council Member Vera Quaites, 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, LaDonna Hinesley, Miriam Boutwell, Butch Stokes, George Wallace, David Wilson, Joey Darby, Jeff Rouzie, Sandra Pate, Clint Jones, Frank Weber, Guy Busby and Lee Lawson.

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

Pledge of Allegiance

Additions/Removals

A motion was made by Council Member Ralph Hellmich for items 13-0814 and 13-0825 to be added to the agenda to re-set public hearings due to publication errors. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of Minutes

[13-0828](#)

Attachments: [Work Session Minutes of 7-1-13](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of July 1, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[13-0829](#)

Council Meeting Minutes of July 1, 2013.

Attachments: [Council Meeting Minutes of 7-1-13](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of July 1, 2013. The motion was seconded by Council Member

Rick Blackwell and carried by an unanimous vote.

Audit the Accounts

[13-0833](#) Audit The Accounts Of June 2013.

A motion was made by Council Member Ralph Hellmich to approve the accounts for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Reports

[13-0835](#) CDD May and June 2013 Reports

Attachments: [May 2013 EOM Report for Council.pdf](#)
 [June 2013 EOM Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of her reports for May and June 2013, which are attached as back up to the minutes.

[13-0842](#) Marketing Department Quarterly Report - April, May and June 2013

Attachments: Marketing Dept. Report -April - June 2013
 [Music and Movie Flyer 2013](#)

Leisure Tourism Marketing Director LaDonna Hinesley gave a synopsis of the Marketing Departments Quarterly Report, which is attached as back up to the minutes.

[13-0839](#) June 2013 Sales, Lodging and Rental Tax Reports

Attachments: [MX-6201N 20130709 133009.pdf](#)

Council President Wayne Trawick noted that the month of June's sales tax was up and rental and lodging taxes were down. The Sales, Lodging and Rental Tax Report is attached as back up to the minutes.

[13-0844](#) Fire Department Monthly Report June 2013

Attachments: [Council June 13 7-13](#)

Chief Joey Darby gave a synopsis of his Fire Department Report for the month of June. He reported that the number of incidents were up from the month of May. He reported that there was an unoccupied mobile home fire that was a

total loss. The fire is under investigation but arson is not suspected to be the cause. He reported there was a wheat field fire that six Fire Departments assisted to get under control. He explained how the Fire Department is working with farmers to prevent these types of fires which are mostly caused by equipment failure. Chief Darby closed by noting that the Department has been active with public education for the Boy Scout Camp at Graham Creek Nature Preserve.

[13-0845](#)

June 2013 Police Report

Attachments: [June.13.Activity](#)

Police Chief David Wilson gave a synopsis of his report that is attached as back up to the minutes.

New Business

Ordinances, Resolutions, and Other Business

[13-0805](#)

Additional Cooling for the Server Room

Attachments: [request.ac.server.room.13](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of up to \$5,200.00 to the Capital Purchase account and to approve the expenditure of the funds for a separate additional cooling unit. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0382-RES

[13-0806](#)

A resolution to use the Aaronville Park for a Benefit/Fundraiser

Attachments: [benefit fundraiser.pdf](#)

A motion was made by Council Member Vera Quaites to approve the request for the use of Aaronville Park and its baseball fields on Saturday July 27, 2013 for a Benefit/Fundraiser. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0383-RES

[13-0807](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 805 E VERBENA AVE

Attachments: [805 E Verbena Av_0027](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 805 E. Verbena Ave. The motion was seconded by Council Member Vera Quaites and

carried by an unanimous vote.

Enactment No: 13-0384-RES

[13-0809](#)

Consider request to purchase materials and construct swings at Graham Creek Nature Preserve

A motion was made by Council Member Charles Ebert, III to approve the request to construct numerous swings at the Graham Creek Nature Preserve in an amount of up to \$5000.00 for materials and contractor costs. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0385-RES

[13-0817](#)

An Ordinance Amending Ordinance No. 538-97, Codified As Section 7-6, Code Of Ordinances, Pertaining To Municipal Lodging Taxes.

Attachments: [7-5-13 Ordinance 538-97](#)

A motion was made by Council Member Ralph Hellmich to amend the municipal lodging tax ordinance to increase the rate of taxation and to bring it into conformity with current state lodging tax laws. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1036-ORD

[13-0818](#)

Accepts Truck Donation from the City of Fairhope

Attachments: [Fairhope.truck.2013](#)

A motion was made by Council Member Charles Ebert, III to accept the donation of a 1983 Duce and a half AM Gen Model M35A2 truck from the City of Fairhope, Alabama to be used as a high water rescue vehicle. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0386-RES

[13-0819](#)

Transfer of Budget Funds to purchase 25 Police Vehicle gun locks

Attachments: [gunlock.vehicles.7.13](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$12,000 from capital account to small tools account and to approve the expenditure of the funds to purchase and install gun locks for police vehicles. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0387-RES

[13-0821](#)

An Ordinance approving Petition for Annexation and Bringing Property into the Corporate Limits of The City of Foley

Attachments: [Gene Morris Annexation Map.pdf](#)
[Gene Morris Annexation Petition.pdf](#)
[Gene Patricia Morris Annexation Report from Environmental Manager 07-15-2013.pdf](#)
[Annexation Report for Mayor and Council by Miriam Boutwell.pdf](#)
[Gene Morris Engineer Recommendation 07-15-2013.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the petition for annexation and bringing property into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[13-0822](#)

A Resolution to rescind Resolution No. 4081-10 and Resolution 13-0366.

Attachments: [7-15-13 Resolution 4081-10](#)
[7-15-13 Resolution 13-0366](#)
[7-15-13 Resolution 2779-06](#)
[7-15-13 Resolution 10-1-79](#)

A motion was made by Council Member Vera Quaite to affirm Resolutions 10-1-79 and 2779-06 to increase the number of Board members from five to seven and to rescind Resolutions 4081-10 and 13-0366 and to further define the scope of the Senior Center Advisory Board. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0388-RES

[13-0823](#)

Request to Declare IT Equipment Surplus

Attachments: [7-15-13 IT Surplus Equipment](#)

A motion was made by Council Member Rick Blackwell to declare the attached list of IT equipment surplus and authorizes the disposal of the same. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0389-RES

[13-0824](#)

Accept Bid for IT Equipment

Attachments: [BID RESULTS - IT EQUIPMENT](#)

A motion was made by Council Member Vera Quaite to accept Tech Depot's bid for IT equipment for 12 months with the option to renew for two additional 12 month periods and to approve the immediate purchase of two servers in the amount of \$9,624.80 and transfer the remaining budgeted amount of \$8,375.20 to purchase necessary licenses and to approve the capital purchase of a server rack not to exceed the budgeted amount of \$2,000 and approve the immediate purchase of budgeted equipment in the total amount of \$28,359.34. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0390-RES

[13-0826](#)

Turn Arrow Install at Hwy. 59 and Berry Ave.

Attachments: [ALDOT Estimate](#)

A motion was made by Council Member Charles Ebert, III to approve installing a left turn arrow for southbound US Highway 59 at the Berry Avenue intersection in the amount of \$16,000.00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0391-RES

[13-0827](#)

Approving Eligibility Guidelines for Reduced Rates for the Auditorium and Chamber

Attachments: [13-0132 RES.pdf](#)
 [3540-08 RES.pdf](#)
 [3496-08 RES.pdf](#)
 [Reduced Rate Guidelines \(2\).pdf](#)
 [Application.pdf](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 3496-08, Section 7 regarding the rates for the Civic Center Auditorium and to rescind Resolution 3540-08 "Amending Regulations regarding Rental Facilities" and to approve the attached "Eligibility Guidelines for Reduced rates for the Civic Center Auditorium and Council Chambers" and to approve the amended City of Foley Rental Application. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0392-RES

[13-0832](#)

Resolution Amending Pay Classification Plan Adding Accounting Clerk for Finance Division

Attachments: [Amending PCP - Accounting Clerk JD 07-15-13](#)

A motion was made by Council Member Charles Ebert, III to convert the temporary position of Accounts Clerk in the Finance Division to a full-time Accounting Clerk at a grade 9 in the City's Pay Classification Plan. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0393-RES

[13-0834](#)

Resolution Adopting an Optional State of Alabama Deferred Compensation Plan for City Employees

Attachments: [Alabama Deferred Compensation Plan](#)

A motion was made by Council Member Ralph Hellmich to authorize the Human Resource Division to proceed in working with the Alabama Deferred Compensation Plan, which is an optional benefit for employees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous

vote.

Enactment No: 13-0394-RES

13-0837

Approving Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley

Attachments: [Annexation Report for Mayor and Council Blue Collar.pdf](#)
[Blue Collar Annexation.2013 Leslie's Report.pdf](#)
[Engineers Report BC Foley LLC.pdf](#)
[Booker Trust Legal Descriptions.pdf](#)
[Gulf Coast Community Bank Legal Descriptions.pdf](#)
[BlueCollarAnnex.pdf](#)
[Foley Annexation Parcels \(1\).pdf](#)
[BC Foley LLC Receipt.pdf](#)
[BC Foley LLC Petition PPIN 3790.pdf](#)
[BC Foley LLC Petition PPIN 40018.pdf](#)
[BC Foley LLC Petition PPIN 62539.pdf](#)
[BC Foley LLC Petition PPIN 48909.pdf](#)
[BC Foley LLC Petition PPIN 83386.pdf](#)
[BC Foley LLC Petition PPIN 89331.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the annexation of parcels of land owned by BC Foley, LLC into the Corporate City Limits of the City of Foley. They will go through the Planning Commission at a later date for the zoning. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1037-ORD

13-0838

Residential Sanitation Write Offs as Uncollectible

Attachments: [7-15-13 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 \$125.47 be written off the books of the City for fiscal year 2012-2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0395-RES

13-0840

Memorialize the Emergency Purchase of a Gas Stove for Corrections

Attachments: [stove.quote.13](#)

A motion was made by Council Member Rick Blackwell to declare an emergency affecting public health, safety and convenience of all people working in the Justice Center as well as the Inmates housed there due to the

malfunctioning stove, which is leaking gas and memorialize the purchase of a gas stove for the Correctional facility from Mobile Fixture in the amount of \$1,395 and to amend the Corrections Fund Account. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0396-RES

[13-0841](#)

Resolution Authorizing an On-Site Clinic for City of Foley Employees

Attachments: [Resolution On-Site Clinic](#)
[Symbol Care Clinic Executive Summary](#)
[On-Site Clinic Cost Analysis FY13-FY15](#)
[Foley CareClinic Quote 07022013 FINAL](#)
[Clinic Services Agreement](#)
[Wellness Cottage Plat Map](#)
[Self Insured Savings Reports 4 yrs](#)
[Promising Potential of Clinics Article](#)
[Containing Health Care Costs 2011 Study](#)
[6.5% Growth in Medical Costs for 2014 Study](#)

A motion was made by Council Member Ralph Hellmich to approve the attached Symbol Health Care Solutions contract for an on-site clinic and wellness program for the City of Foley and to approve the use of \$45,000 surplus cash made available from departmental retirement expense accounts projected to close under budget to be used to the FY13 cost of renovation to the building at 230 E. Orange Avenue for use as a clinic to be completed and billed by Symbol Health Solutions, LLC. and to appropriate \$45,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0397-RES

[13-0843](#)

A resolution reappointing Chad Watkins to the Foley Revitalization & Beautification Advisory Board.

Attachments: [7-15-13 Chad Watkins](#)

A motion was made by Council Member Vera Quaite to reappoint Chad Watkins to the Foley Revitalization & Beautification Advisory Board. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0398-RES

[13-0850](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 1904 BAY STREET

Attachments: [7-15-13 1904 Bay Street](#)
[7-15-13 Res. 13-0335](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 1904 Bay Street. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0399-RES

[13-0851](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 528 VERBENA LOOP

Attachments: [complaint 528 Verbena Loop](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 528 Verbena Loop. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0400-RES

Mayor's Comments

Mayor Koniar reported that he was notified last week that the State is reconsidering using BP funds for the Farmer's Market.

Visitor's Comments

There were no visitor comments.

Executive Session

Council Member Ralph Hellmich made a motion to go into Executive Session to discuss certain aspects of the sale of real property and the economic development incentives the City would offer to buyer/new industrial prospect. The motion was seconded by Council member Charles Ebert, III. City Administrator Mike Thompson took the following Roll Call Vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye; and Council Member Charles Ebert,III, aye.

Of those Council Members present, the vote was unanimous to go into Executive Session.

City Administrator Mike Thompson reported that there were two different items to discuss: 1.) To discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. 2.) To discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama or in other states or foreign nations or to discuss matters or information of the character defined or described in the Alabama Trade Secrets Act. He also reported the Executive Session should take approximately 30 - 45 minutes and that Council will not reconvene to take any action.

Council went into Executive Session at 6:05 P.M.

Motion to Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote. The meeting adjourned at 6:33 P.M.