



Meeting Minutes - Draft City Council

Monday, November 5, 2012

5:30 PM

Council Chambers

Call to Order / Roll Call

Others present: City Administrator Mike Thompson, Vickey Southern, Daryl Pichoff, Lulas Phillips, Trvanne Stansel, Diamond Stansel, Rose Morris, John and Mary Herndon, Mauree and Baily Phillips, Kim Hudson, Dylan Hudson, Logan Davis, Karen Buffinton, Bob Schreiber, Amy and Wade Palmer.

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

Public Hearings

12-0027

Accepting Costs for Weed Abatement at 528 Verbena Loop and Authorizing a Copy be Sent to the Baldwin County Tax Collector

Attachments: [Resolution - Ordering Abatement.pdf](#)
 [Chamber Door Abatement Cost Posting 528 Verbena Loop 10-2012.docx](#)
 [Resolution Accepting Costs for Weed Lien 528 Verbena Loop and Authorizing](#)

President Wayne Trawick opened the public hearing at 5:35 p.m. to consider the costs for a weed abatement at 528 Verbena Loop and authorizing the City Clerk to send a copy of the costs in the amount of \$112.65 to the Baldwin County Tax Collector. Hearing no comments the Council President closed the public hearing.

Enactment No: 13-0068

13-0165

Resolution Accepting Costs for Weed Abatement at 805 E. Verbena Avenue and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: Public Hearing Notice.docx

Chamber Door Abatement Cost Posting 805 E Verbena Ave.docx

Resolution Accepting Costs for Weed Lien 805 E Verbena and Authorizing Co

President Trawick opened the public hearing to consider the cost of abating weeds at 805 East Verbena Avenue and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's Office. The costs are in the amount of \$591.61. Hearing no comments the President closed the public hearing.

Enactment No: 13-0069

The Council President noted that three public hearings were properly advertised but were not listed on the Council agenda for today's meeting. The Council will hear persons wishing to speak on the following items:

12-0090 Council President Trawick opened the public hearing to consider accepting costs in the amount of \$287.26 for abating weeds at 426 West Peachtree Avenue and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's office. Hearing no comments President Trawick closed the public hearing.

12-0128 Council President Trawick opened the public hearing to declare weeds a nuisance and violating the City's weed abatement ordinance at 761 S. McKenzie Street. Hearing no comments the President reported the weeds were abated and no further action was required, and closed the public hearing.

13-0241 Council President Trawick opened the public hearing to consider accepting costs in the amount of \$5,689.52 for abating weeds at 2651 South Juniper Street a/k/a Victoria Place and authorizing the City Clerk to send a copy to the Baldwin County Tax Collector's office. Hearing no comment President Trawick closed the public hearing.

President Trawick reported no action will be taken on 12-0090 and 13-0241 today. These items will be listed on the November 19th Council meeting agenda to allow the public to comment and any action will be taken at that time.

Call to Order / Roll Call

Others present: City Administrator Mike Thompson, Vickey Southern, Daryl Pichoff, Lulas Phillips, Trvanne Stansel, Diamond Stansel, Rose Morris, John and Mary Herndon,

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

Approval of the Minutes

13-0245 COUNCIL WORK SESSION MINUTES OF OCTOBER 15, 2012

Attachments: [10-15-12 Work Session Minutes](#)

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

13-0265 Council Meeting Minutes of October 29, 2012

Attachments: [10-29-12 Council Meeting Minutes.pdf](#)

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

Ordinances, Resolutions, Proclamations & Other Business

12-0110 Name Wolf Creek Park Property

Attachments: [General Park Area](#)

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

Enactment No: 13-1019

12-0027 Accepting Costs for Weed Abatement at 528 Verbena Loop and Authorizing a Copy be Sent to the Baldwin County Tax Collector

Attachments: [Resolution - Ordering Abatement.pdf](#)
[Chamber Door Abatement Cost Posting 528 Verbena Loop 10-2012.docx](#)
[Resolution Accepting Costs for Weed Lien 528 Verbena Loop and Authorizing](#)

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

Enactment No: 13-0068

- 13-0165** Resolution Accepting Costs for Weed Abatement at 805 E. Verbena Avenue and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: [Public Hearing Notice.docx](#)
[Chamber Door Abatement Cost Posting 805 E Verbena Ave.docx](#)
[Resolution Accepting Costs for Weed Lien 805 E Verbena and Authorizing C](#)

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: 13-0069

- 13-0175** Declaring US Foods as Primary Distributor for Food Products

Attachments: [Food Vender 2012.2013](#)

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: 13-0070

- 13-0194** Discuss Gateway Sign Design

Attachments: [Foley gateway signage options](#)
[Gateway Sign option 1](#)
[Gateway Sign option 2](#)
[Gateway Sign option 3](#)
[Airport Sign option](#)

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: 13-0071

- 13-0228** Set a Public Hearing to Consider Amending the Building Code Ordinance

Attachments: [Building Code Amendments 10_29_12.doc](#)

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

13-0236 Engineering Contract for Wolf Creek Park Grant

Attachments: PSA Wolf Creek

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: 13-0072

13-0237 Approves the Purchase of Step Down Transformers

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: 13-0073

13-0238 Discuss a bronze statue of Chief Cobb

Attachments: Support Letter for Chief Cobb Statue

This Resolution was removed.

**13-0239 APPOINTMENTS TO THE HISTORICAL COMMISSION AND
PLANNING COMMISSION**

A motion was made by Council Member Charles Ebert, III, to appoint Mrs. Pat Davis to the Historical Commission and Sandi Caudill to the Planning Commission, seconded by Council Member Vera Quaites, and that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0074

**13-0241 Resolution Accepting Costs for Weed Abatement at 2651 S. Juniper
St. and Authorizing a Copy to be Sent to the Baldwin County Tax
Collector**

Attachments: Chamber Door Abatement Cost Posting Victoria Place SD 10-2012.docx
Resolution Accepting Costs for Weed Lien 2651 S Juniper and Authorizing C

This item was set for public hearing that was properly advertised but not listed on the Agenda. In order to give the public an opportunity to make any comments Council carried this item over. Action to be taken at the November 19th Council meeting.

This Resolution was carried over to the City Council due back on 11/19/2012

13-0242 Awards Project Administration Services Contract To Grant Management, LLC For The 2012 CDBG Sewer Rehabilitation Project

Attachments: [Foley 12-007 CDBG Administration Contract](#)
 [Foley CDBG 12-007 Rating Sheet- Admin](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution awarding the project administration services contract to Grant Management, LLC for the 2012 CDBG Sewer Rehabilitation Project in the amount of \$50,000 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0075

13-0244 RESOLUTION TO TRANSFER FUNDS IN COMMUNITY DEVELOPMENT PERSONNEL ACCOUNTS

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution transferring \$1,899.30 in Community Development Personnel be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0076

13-0246 Memorialize Overage for Intersections Project.

Attachments: [Backup Doc. - Memorialize Overage for Intersections Project](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution memorializing \$7,500.41 for overages for the Intersections Project be adopted. Even though there were overages the bid on the project came under budget so even with the overages it still leaves the project well under the budgeted amount. The motion carried by an unanimous vote.

Enactment No: 13-0077

13-0247 Battaglia Property Survey.

Attachments: [Backup Doc. - Battaglia Property Survey](#)
 [Resolution - Battaglia Property Survey.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that a resolution authorizing the expenditure of \$900 for a survey of the property be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0078

13-0248 Amending Parks Department FY2012-13 Budget

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution amending the Parks Department FY12-13 Budget in the amount of \$17,000 be adopted. The motion carried by an unanimous vote. It was noted the Parks Department is very frugal in spending money; however, the Department did not receive their new truck prior to the end of last fiscal year, thus the reason for the budget amendment.

Enactment No: 13-0079

13-0249 ALDOT Resurfacing US 98.

Attachments: Resolution - ALDOT US 98 Resurfacing

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: 13-0080

13-0250 REQUEST TO GO TO BID ON (1) EXTENDED CAB 4X4 PICKUP

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: 13-0081

13-0251 DISCUSS DONATION OF PROPERTY ON FAIRWAY DR. FOR
PROPOSED NEW FIRE STATION

This Agenda Item was removed

13-0258 ACCEPT DONATION AND APPROVE PURCHASE OF FREDDIE
THE FIRETRUCK

Attachments: S22C-112103012440

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that the Foley Assembly of God Church's donation in the amount of \$3,000 be accepted and the purchase of "Freddie the Firetruck" in the amount of \$10,500 be approved by resolution. The motion carried. by an unanimous vote.

Fire Chief Joey Darby reported the Church held a car show and gave the donations to the Fire Department to be used for the Fire Education program. He stated he appreciated the organization supporting them on this endeavor as "Freddie" will be a great catalyst for their program.

Enactment No: 13-0082

13-0260 ACCEPT E-J BUILDER'S PROPOSAL FOR ROSE TRAIL GAZEBO

Attachments: Backup Doc. - Discuss Rose Trail Gazebo

The Council discussed costs of replacing versus repairing the gazebo on the Rose Trail. It was noted that repairing the gazebo with the same type materials would ultimately lead to more repairs and the replacement cost for a concrete structure would pay off in future years. A motion was made by Council Member Hellmich, seconded by Council Member Blackwell, that a Resolution be adopted approving E-J Builders' proposal in the amount of \$20,990. The motion carried by the following vote:

Aye: 2 - Council Member Trawick and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0083

13-0261 Consider Michael Fisher's request to use Aaronville Park for a Community Outreach program

A motion was made by Council Member Vera Qualtes, seconded by Council Member Ralph Hellmich, that this Agenda Item be approved. The motion carried by an unanimous vote.

13-0264 APPROVES GOING TO BID ON REPAIRS TO CACTUS CAFE BUILDING

Attachments: Foley Bakery Building - Complaint Form 02-08-12.pdf
 Foley Bakery Building - Building Permit 03-27-12.pdf
 Foley Bakery Building - Nuisance Ord 1076-08.pdf
 Foley Bakery Building - Personal Representative Letter 12-15-2011.pdf
 Foley Bakery Building - Declaring Property Public Nuisance 10-15-12.pdf

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution declaring the building at 118 West Laurel Avenue a nuisance and approving going to bid for the cost of repairs be adopted. The motion carried by an unanimous vote.

Councilman Hellmich reported the City has been working on this project for two years and we want to maintain the building integrity because it is historic in nature.

Enactment No: 13-0084

13-0266 APPROVING FUNDS FOR KIWANIS CLUB'S CHRISTMAS PARADE

Attachments: Foley Kiwanis Club Xmas Parade request 11-05-12.pdf

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution approving the Kiwanis Club's Annual Christmas parade and route, as well as declaring the expenditure of \$250 for the event a good and useful purpose of public funds be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0085

13-0267 Consider request to hold a Mardi Gras Parade

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that the Mardi Gras Parade and the Foley Police Department approved route February 9, 2013 be approved. The motion carried by an unanimous vote.

**13-0268 APPROPRIATING FUNDS FOR MARKETING AWARENESS OF
AMENDMENT 2 ON THE NOVEMBER BALLOT**

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution appropriating \$500 for Marketing Awareness of Amendment 2 on the November 6th ballot be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0086

13-0175 Declaring US Foods as Primary Distributor for Food Products

Attachments: Food Vender 2012.2013

This item is a duplicate listed on the agenda and was approved earlier in this meeting.

Enactment No: 13-0070

Added items by Council

13-0219 Consider Wayfinding Sign Ordinance

Attachments: [Ordinance - Directional Signs.docx](#)
 [Application for Directional Sign.pdf](#)
 [Administration of ORDINANCE AUTHORIZING CERTAIN SIGNS WITHIN TH](#)
 [Ord 1142-10 Authorizing Wayfinding Signs.pdf](#)

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

Enactment No: 13-1020

13-0233 Resolution Amending Travel Policy

Attachments: [Travel Policy and Procedures - Updated Draft for 11-5-12 Council Meeting](#)

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: 13-0087

13-0234 Approving Christmas/New Year Holiday Schedule for 2012

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution approving closing four hours on December 14, 2012 for City employees to attend the State of the City address beginning at 1:00 p.m. and closing eight hours on Monday, December 31, 2012 for New Year's Eve be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0088

13-0304 Memorializes Payment to CDM Smith For ATRIP Grant Application

Attachments: [CDM Smith Invoice for ATRIP Grant App](#)
 [CDM Smith Proposal for ATRIP Grant App](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution memorializing payment to CDM Smith for the ATRIP Grant application in the amount of \$34,650 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0089

13-0305

Approves Repairs and Maintenance To The Fountain Pool at John B. Foley Park

Attachments: [Blue Haven Quote11-12](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution approving repairs and maintenance to the John B. Foley Park fountain pool by Blue Haven Pools and Spas in the amount of \$5,200 be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0090

Visitor Comments

Amy Palmer, 2693 South Hickory Street, Foley - Mrs. Palmer stated her family lives in the last phase of Ashford Park Subdivision and there are no street lights in the last phase. The developer does not want to add the decorative lighting to this section and is requesting the City consider the light installation at an approximate cost of \$400. Councilman Hellmich reported the City Engineer is out of town but explained the City will be happy to install the standard wooden lights but was not sure if the residents would be in agreement since they do not match the decorative light fixtures in the other part of Ashford Park. The cost of the decorative lighting would be \$1200. If the Council agrees the City would ask the property owners to pay the difference between the standard and the decorative lights.

John Herndon, President of the homeowners association, stated the Association would be willing to pay the difference. Councilman Hellmich asked that Randy Kurtts get in touch with them to set up the light installation.

Logan Davis, 1407 N. Alston Street - Logan is a Boy Scout from Cub Scouts Pack 77. This young man asked the Council what they were going to do with abandoned buildings in Foley. Councilman Hellmich reported the Cactus Cafe building is such a building and explained the process of getting the owners to come into compliance prior to the City having them either repaired or torn down. He also reported the old warehouse owned by the Gatlin's was torn down because the owners did not want to repair it.

Adjourn

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this meeting be adjourned. The motion carried by an unanimous vote and the meeting adjourned at 6:15 p.m.