



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, August 19, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

President Trawick reported the following public hearings did not meet the signage requirements and will have to be redone. He explained that they will hold the public hearings but no action will be taken at this time.

[13-0931](#)

Public Hearing to declare weeds a nuisance and order its abatement at 805 E. Verbena Avenue.

Attachments: [8-19-13 805 E. Verbena Ave.](#)

Council President Wayne Trawick called the public hearing to order at 5:30 P.M to declare weeds a nuisance and to order its abatement at 805 E. Verbena Avenue. He asked if there were any comments from the public and after hearing none he closed the public hearing.

[13-0933](#)

Public Hearing to declare weeds a nuisance and ordering its abatement at 528 Verbena Loop.

Attachments: [8-19-13 528 Verbena Loop](#)

Council President Wayne Trawick called the public hearing to order to declare weeds a nuisance and to order its abatement at 528 Verbena Loop. He asked if there were any comments from the public and after hearing none he closed the public hearing.

[13-0934](#)

Public Hearing to declare weeds a nuisance and ordering its abatement at 1904 Bay Street.

Attachments: [8-19-13 1904 Bay Street](#)

Council President Wayne Trawick called the public hearing to order to declare weeds a nuisance and to order its abatement at 1904 Bay Street. He asked if there were any comments from the public 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, 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, Steve Smith, Joey Darby, David Wilson, Miriam Boutwell, Louise Reid, Mr. and Mrs. Coleman, Sean Sullivan, Pankaj Patel, press representative Cathy Higgins (Onlooker), and press representative Guy Busby (Press Register).

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

Mayor's Presentation

[13-0930](#)

Proclamation - Constitution Week

Attachments: [8-19-13 Proclamation Constitution Week](#)

Mayor Koniar presented the Constitution Week proclamation to Ms. Louise Reid. Mayor Koniar stated that it is a privilege and duty of the American people to commemorate the 226th anniversary of the draft of the Constitution of the United States of America with ceremonies and activities. Mayor Koniar declared September 17th through September 23rd as Constitution Week. Mrs. Louise Reid thanked the Mayor for the proclamation and stated that in 1955 Constitution Week was declared by the DAR and in 1956 President Eisenhower signed a bill making it official. Mrs. Reid stated "It was a very important time for us."

Additions/Removals

Councilman Hellmich made a motion to remove items 13-0896 waiving fees for the horse arena; 13-0935, 13-0936, and 13-0937; and to add items 13-0904 ABC License application for Y Get Dirty Mud Run, 13-0946, 13-0947, and 13-0948. The motion was seconded by Councilman Ebert and was carried by an unanimous vote.

Approval of Minutes

[13-0943](#)

Work Session Meeting Minutes of August 5, 2013

Attachments: [Work Session Minutes of August 5, 2013](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of August 5, 2013. The motion was seconded by Council Member Ralph Hellmich and the motion carried by a unanimous vote.

[13-0940](#)

Council Meeting Minutes of August 5, 2013.

Attachments: [Council Meeting Minutes of 8-5-13](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of August 5, 2013. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Audit of the Accounts

[13-0941](#)

Audit The Accounts Of July 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

[13-0916](#)

July 2013 CDD Monthly Report

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

City Planner Miriam Boutwell reviewed the report as presented. Noted was a plan review for Trax Tires to be located on the North East corner of Hwy. 98 and Foley Beach Express.

[13-0919](#)

July 2013 Sales, Lodging and Rental Tax Reports

Attachments: [MX-6201N 20130812 142655.pdf](#)

City Administrator Mike Thompson reported that the City collected the most sales tax revenue in history during the month of June 2013. The lodging tax showed a 6.3% increase and the rental tax showed a 7% increase. The months of June showed revenue increases due to tournaments and the August's monthly report will show July numbers.

[13-0926](#)

Fire Department Monthly Report July 2013

Attachments: [Council July 13 8-13](#)

Fire Chief Joey Darby gave a synopsis of the July 2013 report. He reported July was in line with other months and the Department had been busy with four structure fires. One structure fire was on Garner Road; it started in the bedroom and displaced the family. There was a fire in a utility building caused by the improper storage of a lawn mower. The storage building was a total loss. There was a fire at a house in Magnolia Springs that was confined to the garage area and a balcony fire at Alison Pointe Apartments. There were no injuries in any of the fires and no displacements occurred in the last three fires. There was a potential carbon monoxide incident caused by a golf cart when the battery got hot and expelled carbon monoxide in a garage.

Chief Darby also reported that the new custom pumper truck should arrive next month to replace the existing vehicle. The production is one to two weeks ahead of schedule.

Councilman Hellmich asked Chief Darby if the security upgrades have been completed. Chief Darby answered in the affirmative and the only area available to the public or unauthorized personnel is the reception area.

[13-0913](#)

Foley PD Monthly Report July 2013

Attachments: [20130808133156336.pdf](#)

Police Chief David Wilson gave a synopsis of the July 2013 report. He noted that there had been a lot of wrecks this past month that the officers had to work. Also noted was 54 inmates attended Alcoholics Anonymous and 145 inmates received drug counseling. He reported these are mandatory classes but hope that the inmates take it to heart so that they can better their lives.

Chief Wilson reported that there will be interviews this week for the Corporal position. There will be an oral board of examiners made up of seven officers from other cities that will interview the candidates. Chief Wilson also reported today is the first day of school and the new School Resource Officers have been busy. The new patrol cars have been very popular with the media and the schools as the signage says "School Resource Officer. Police and schools working together".

Councilman Ebert asked about the new additions to the Police Department family. Chief Wilson reported two babies were born and all are doing well.

New Business

[13-0928](#)

The South Baldwin Chamber of Commerce requests temporary road closures of downtown Foley for the Festival of Flavor beginning at 4:00 P.M. on Friday, October 18, 2013 until 10:00 P.M. on Saturday, October 19, 2013

Attachments: [Festival of Flavor Street Closures](#)

A motion was made by Council Hellmich to approve the Chamber's request for

temporary road closures in Downtown Foley for the Festival of Flavor beginning on Friday, October 18, 2013 at 4:00 P.M. until 10:00 P.M. on Saturday, October 19, 2013. The motion was seconded by Councilman Ebert and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[13-0896](#)

WAIVING FEES FOR THE FOLEY HORSE ARENA

Attachments: [WMU for Horse Arena.pdf](#)

This item was removed because the requested date for the use of the horse arena was not available. The group will need to select another date and come back to Council with their request.

[13-0902](#)

A Resolution Setting A Public Hearing
Declaring Weeds to be a Public Nuisance
And Ordering its Abatement at 2651 South Juniper Street

Attachments: [Victoria Place_2651 S Juniper St_0042](#)

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 2651 South Juniper Street. The motion was seconded by Council Member Rick Blackwell and the vote passed unanimously.

Enactment No: 13-0426-RES

[13-0903](#)

Declaring Weeds to be a Public Nuisance
and Ordering its Abatement at Vacant Property
North of 3410 S McKenzie Street

Attachments: [Woods_N side of Shakes_S McKenzie_0039](#)

A motion was made by Council Member Rick Blackwell to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at vacant property North of 3410 S. McKenzie Street. The motion was seconded by Council Member Vera Quaites and the vote passed unanimously.

Enactment No: 13-0427-RES

[13-0906](#)

Purchase And Install Parking Blocks For \$4,660 For Streetscape Phase IV

Attachments: [Wheelstop Estimate for Downtown](#)

A motion was made by Council Member Ralph Hellmich to purchase and install parking blocks in the amount of \$4,660 for the Streetscape Phase IV project. The motion was seconded by Council Member Charles Ebert, III and the vote passed unanimously.

Enactment No: 13-0428-RES

[13-0908](#)

A Resolution Setting a Public Hearing
Declaring Weeds to be a Public Nuisance

and ordiing its Abatement at 1721 N Bunner Street

Attachments: [1721 N Bunner St 0040](#)
 [1721 N Bunner St.8.2.13](#)
 [1721 N Bunner St 2.8.2.13](#)

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 1721 N. Bunner Street. The motion was seconded by Council Member Rick Blackwell and the vote passed unanimously.

Enactment No: 13-0429-RES

[13-0909](#)

Amending Resolution 13-0365 RES to correct location of remodel

Attachments: [13-0365 RES.pdf](#)

A motion was made by Council Member Charles Ebert, III to amend Resolution 13-0365 to add 1111-B to the location of the remodeling at Calvary Chapel Fellowship. The motion was seconded by Council Member Vera Quaites and the vote passed unanimously.

Enactment No: 13-0430-RES

[13-0910](#)

A Resolution Setting a Public Hearing to Determine Costs for Abating a Public Nuisance at 118 W. Laurel Avenue

Attachments: [Highland Wake's Scope of Work - Cactus Cafe.pdf](#)
 [Summary.pdf](#)
 [August 20 2013 Letters of Notice of PH 09-03-2013.pdf](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing to determine costs for abating a public nuisance at 118 W. Laurel Avenue. Council Member Blackwell seconded the motion. President Trawick reported this is the old Cactus Cafe building located in the Historic District of Downtown Foley. The City incurred costs to secure the building from further damage and to repair the roof. The vote passed unanimously.

Enactment No: 13-0431-RES

[13-0911](#)

Consider request for temporary road closure for block party at Parish Lakes

Attachments: [Parish Lakes Block Party](#)

A motion was made by Council Member Rick Blackwell to approve Mrs. Coleman's request for temporary road closure for a block party at Parish Lakes on August 24, 2013 from 4:00 p.m. until 7:00 p.m.. The motion was seconded by Council Member Ralph Hellmich and vote passed unanimously.

Enactment No: 13-0432-RES

[13-0912](#)

Consider a Resolution approving the monthly Residential Sanitation Writeoffs in the amount of \$387.95

Attachments: [Sanitation Write Offs 08-19-2013.pdf](#)

Council Member Ralph Hellmich made a motion to approve the monthly residential sanitation write-offs in the amount of \$387.95. Council member Charles Ebert, III seconded the motion and the vote passed unanimously.

Enactment No: 13-0433-RES

13-0914

Recommendation to Accept Bid for Displacement of Runway 36 Threshold

Attachments: [Page 1 Bid Recommendation - Displacement Runway 36.pdf](#)
 [Page 2 Bid Recommendation - Displacement Runway 36.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the bid for displacement of Runway 36 in the amount of \$311,631, appropriate \$61,326, accept the grant application in the amount of \$671,361 and authorize the Mayor to accept the grant award. The motion was seconded by Council Member Rick Blackwell and vote passed unanimously.

Enactment No: 13-0434-RES

13-0917

Application for Airport Improvement Projects for the Foley Municipal Airport

Attachments: [Grant Application for Airport Projects](#)

A motion was made by Council Member Ralph Hellmich to accept the grant offer and authorize the Mayor to sign the paperwork if it comes in prior to the next meeting. The motion was seconded by Council Member Vera Quaites and the vote passed unanimously.

Enactment No: 13-0435-RES

13-0918

A Resolution To Accept The Gulf Tourism and Seafood Promotional Fund Award Of \$182,500 For The Coastal Alabama Farmers And Fishermens Market

Attachments: [BP Promotional Fund Award Letter - Final Round](#)
 [Gulf Tourism and Seafood Promotional Fund Final Round Application](#)

A motion was made by Council Member Charles Ebert, III to accept the Gulf Tourism and Seafood Promotional Fund Award of \$182,500 for the Coastal Alabama Farmers and Fishermens Market. The motion was seconded by Council Member Ralph Hellmich and the vote passed unanimously.

It was noted that \$114,000 goes toward construction and the remaining funds go toward marketing.

Enactment No: 13-0436-RES

13-0921

(Second Reading) Ordinance Amending Ordinance 13-1034 Section 4.B.

Attachments: [Ordinance 13-1034](#)

Council Member Charles Ebert, III made a motion to approved the second reading of an ordinance amending Ordinance 13-1034 Section 4.B. The motion

was seconded by Council Member Rick Blackwell and the vote passed unanimously.

It was noted that the amendment contained one sentence that was inadvertently omitted in the first reading.

Enactment No: 13-1039-ORD

[13-0922](#)

A resolution to rescind Resolution 13-0423 and Setting A Public Hearing to Consider a Portion of Vacation of Right-of-Way at 8454 Palmetto Way.

A motion was made by Council Member Ralph Hellmich to rescind Resolution 13-0423 and set a public hearing to consider a portion of vacation of right-of-way at 8454 Palmetto Way. The motion was seconded by Council Member Vera Quaites and the vote passed unanimously. It was noted that this missed going through the proper advertising sequence and had to be re-done.

Enactment No: 13-0437-RES

[13-0923](#)

Request to go to bid on new fire station construction

A motion was made by Council Member Ralph Hellmich to go to bid on the new fire station construction. The motion was seconded by Council Member Rick Blackwell and vote passed unanimously. It was noted the land for the new fire station was donated by David Vosloh and is located in Glenlakes Subdivision.

Enactment No: 13-0438-RES

[13-0924](#)

Approving the South Baldwin Chamber of Commerce's Event Request

Attachments: [8-19-13 Request from Chamber of Commerce](#)

A motion was made by Council Member Charles Ebert, III to approve the request made by the South Baldwin Chamber of Commerce to hold the Festival of Flavor dinner at the Coastal Alabama Farmers and Fishermens Market on Saturday, October 5, 2013 from 7:00 P.M. until 10:00 P.M. and to serve alcoholic beverages based upon ABC Board approval. The motion was seconded by Council Member Vera Quaites and vote passed unanimously.

Enactment No: 13-0439-RES

[13-0925](#)

Resolution Authorizing Transfer of Surplus Funds For Purchasing Certain Capital Items In This Fiscal Year Instead of FY14.

Attachments: [201308131224](#)

A motion was made by Council Member Ralph Hellmich to authorize the transfer of surplus funds and to approve the purchase of time and attendance system from Gorrie Regan not to exceed \$46,268.50 and to approve the purchase of a fire proof file cabinet from Office Depot not to exceed \$3000 and to approve the purchase of NeoGov Insight Hiring Management online job application web based system not to exceed \$11,585.00. The motion was seconded by Council Member Rick Blackwell and vote passed unanimously.

Enactment No: 13-0440-RES

[13-0927](#)

Approval requested by the South Baldwin Chamber of Commerce to hold

a one day festival, Alabama Festival of Flavor on Saturday, October 19, 2013 in Historic Downtown Foley.

Attachments: [8-19-13 Festival of Flavor](#)

A motion was made by Council Member Charles Ebert, III to approve the South Chamber of Commerce's request to hold a one day festival, Alabama Festival of Flavor, on Saturday, October 19, 2013 in Historic Downtown Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0441-RES

[13-0929](#)

Consider Resolution approving issuance of a 2013-B Bond to Vulcan, Inc. for their expansion project

A motion was made by Council Member Ralph Hellmich to approve the issuance of a 2013-B Bond to Vulcan, Inc. for their expansion project. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

It was noted that this is a pass through transaction for Vulcan. They have hired 35 new employees and by 2016 will have hired up to 60 employees. The City has no obligation.

Enactment No: 13-0442-RES

[13-0932](#)

Reducing the City's Corporate Limits

Attachments: [Petition Requesting De-annexation Robert J Lay.pdf](#)
 [Code of Alabama Re De-annexation.pdf](#)
 [beacon.schneidercorp.com_RenderPDF.pdf](#)

A motion was made by Council Member Ralph Hellmich to reduce the City's corporate limits by de-annexation of property owned by Robert J. Lay. The motion was seconded by Council Member Rick Blackwell and the vote passed unanimously. It was noted that the property was inadvertently annexed under Legislative Act 2013-230.

Enactment No: 13-0443-RES

[13-0935](#)

A Resolution Declaring Growth Of Weeds, Grass and Other Vegetative Growth A Public Nuisance at 805 E. Verbena Avenue.

Attachments: [8-19-13 805 E. Verbena Ave.](#)

This item was removed.

[13-0948](#)

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

Attachments: [805 E. Verbena Ave.](#)

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

Enactment No: 13-0449-RES

[13-0936](#)

A Resolution Declaring Growth Of Weeds, Grass and Other Vegetative Growth A Public Nuisance at 1904 Bay Street.

Attachments: [8-19-13 1904 Bay Street](#)

This item was removed.

[13-0947](#)

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

Attachments: [1904 Bay Street](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing declaring weeds to be a nuisance and ordering its abatement at 1904 Bay Street. The motion was seconded by Council Member Vera Quaites and the vote passed unanimously.

Enactment No: 13-0448-RES

[13-0937](#)

A Resolution Declaring Growth Of Weeds, Grass and Other Vegetative Growth A Public Nuisance at 528 Verbena Loop.

Attachments: [8-19-13 528 Verbena Loop](#)

This item was removed.

[13-0946](#)

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

Attachments: [528 Verbena Loop](#)

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

Enactment No: 13-0447-RES

[13-0938](#)

Intergovernmental Agreement for South Baldwin Traffic Study

Attachments: [Travel Demand Model - IGSA County & City of Foley](#)

A motion was made by Council Member Ralph Hellmich to approve entering into an agreement with Baldwin County, City of Gulf Shores, and City of Orange Beach to fund a Travel Demand Model for South Baldwin County and approve the payment of the City of Foley's share in the amount of \$10,000.00

towards the cost for the work performed. The motion was seconded by Council Member Vera Quaite and the vote passed unanimously.

Enactment No: 13-0444-RES

[13-0939](#)

Consider Cooperative District's recommendations regarding funding Farmers and Fishermens Market

Attachments: [United Bank Revolving Line of Credit.pdf](#)
 [CAFFM - Project Funding-Cash Flow.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the cash transfer up to \$388,500 from the General Fund to the Project Fund with all or a portion being reimbursed by pending grant funds and to approve being the guarantor on United Bank's revolving line of credit associated with the Coastal Alabama Farmers and Fishermens Market in the amount of \$400,000 in a case where grant funds fall short. The motion was seconded by Council Member Rick Blackwell and the vote passed unanimously.

Enactment No: 13-0445-RES

[13-0944](#)

Approval Request By The South Baldwin Chamber of Commerce For Variance To Allow Merchants To Bring Merchandise Outdoors

Attachments: [8-19-13 Merchant Variance](#)

A motion was made by Council Member Vera Quaite to approve the South Baldwin Chamber of Commerce's request for a variance to allow merchants in the Historic District to bring merchandise displays outdoors on October 19, 2013 from 8:00 A.M. until 7:00 P.M. The motion was seconded by Council Member Ralph Hellmich and passed by an unanimous vote.

Enactment No: 13-0446-RES

[13-0904](#)

Consider 140- Special Events Retail License for RGB OB, LLC, applicant, under the trade name Y Get Dirty Mud Run for their location at Graham Creek Nature Preserve, 23004 Wolf Bay Drive Foley, Alabama on September 14, 2013. Licensed area will be barricaded to control entrance/exit and no alcoholic beverages are allowed to leave the licensed area. Alcoholic beverages restricted to beer only sold in 12 oz. cans and bottles.

Attachments: [8-19-13 Y Get Dirty ABC License](#)

Fire Chief Darby and Police Chief Wilson made recommendations to move forward with the special event retail ABC license for the Y Get Dirty Mud Run.

A motion was made by Council Member Ralph Hellmich to approve the special event retail ABC license for the Y Get Dirty Mud Run to be held on September 14, 2013. The motion was seconded by Council Member Charles Ebert, III and the vote passed unanimously.

Mayor's Comments

No comments to report.

Visitor's Comments

Mr. Pankaj Patel of American Best Hotel in Foley expressed his displeasure of the increased lodging tax that was adopted under enabling Ordinance 13-1036 on July 15, 2013, and further objected to the Council suspending the rules for the immediate adoption of Ordinance 13-1038 that was adopted on August 5, 2013. He felt that the Council should have met or advised the hotel managers prior to the increase to gain their input. President Trawick reported Council went through the normal process of adopting the original ordinance and the suspension of the rules to pass the amendment (the second ordinance) was done because the original ordinance had an effective date that started immediately at publication of the ordinance and the amendment was to amend the effective date to October 1, 2013. He further reported the managers were to be advised of this action.

Mr. Patel further stated the CVB held quarterly meetings to keep the business owners informed. After Cathy left there were no more meetings held. He felt that they would lose business because he felt the increase was excessive. It was noted that the Lodging Tax was increased to bring the City of Foley's lodging tax in line with the surrounding cities.

Adjourn

A motion was made by Councilman Hellmich to adjourn the meeting. The motion was seconded by Councilman Blackwell and the vote passed unanimously. The meeting adjourned at 6:16 P.M.