



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, August 5, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-0862](#)

Public Hearing For Weed Violation at Vacant Lot Off 7th Avenue.

Attachments: [8-5-13 Vacant Lot 7th Ave.](#)

Council President Wayne Trawick opened the public hearing at 5:30 P.M. and explained that the property has been abated by the owner and no further action is required by Council. He then asked if there were any comments from the public. Hearing no comments from the public, President Trawick closed the public hearing.

[13-0863](#)

Public Hearing For Weed Violations at Vacant Lot At SE Corner Lot Of South Cedar Street and 7th Avenue.

Attachments: [8-5-13 Vacant Lot S. Cedar & 7th Ave.](#)

Council President Wayne Trawick opened the public hearing at 5:30 P.M. and explained that the property has been abated by the owner and no further action is required by Council. He then asked if there were any comments from the public. Hearing no comments from the public, President Trawick closed the public hearing.

[13-0864](#)

Public Hearing For Weed Violations at 1911 South Cedar Street.

Attachments: [8-5-13 1911 S. Cedar Street](#)

Council President Wayne Trawick opened the public hearing at 5:30 P.M. and explained that the property has been abated by the owner and no further action is required by Council. He then asked if there were any comments from the public. Hearing no comments from the public, President Trawick closed the public hearing.

[13-0865](#)

Public Hearing For Weed Violations At Multiple Lots In Peeble Creek Subdivision.

Attachments: [8-5-13 Peeble Creek](#)

Council President Wayne Trawick opened the public hearing at 5:31 P.M. and explained that the property has been abated by the owner and no further action is required by Council. He then asked if there were any comments from the public. Hearing no comments from the public, President Trawick closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 5:31 P.M.

Roll Call

Council Members present: Council President Wayne Trawick, Council Member Vera Quaites, Councilman Rick Blackwell, and Councilman Charles Ebert III. Councilman Ralph Hellmich was absent due to being out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, press representative Guy Busby (Press Register), Richard Childress, Dawannah Childress, Alec Barnett and press representative Cathy Higgins (OnLooker).

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

Absent: 1 - Council Member Ralph Hellmich

Pledge of Allegiance

Additions/Removals

A motion was made by Councilman Charles Ebert III for items 13-0899 and 13-0905 to be added to the agenda and for items 13-0880, 13-0881, 13-0882, 13-0883, 13-0884 and 13-0888 be removed from the agenda. The motion was seconded by Councilman Rick Blackwell and carried by an unanimous vote.

Approval of Minutes

[13-0872](#) Work Session Minutes of July 15, 2013

Attachments: [07-15-2013 WS Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of July 15, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[13-0873](#) Council Meeting Minutes of July 15, 2013

Attachments: [Council Meeting Minutes of July 15, 2013](#)

A motion was made by Councilman Rick Blackwell to approve the Council Meeting Minutes of July 15, 2013. The motion was seconded by Councilman Charles Ebert III and carried by an unanimous vote.

New Business

Ordinances, Resolutions and Other Business

[13-0820](#)

Declaring Old Military Style Truck Surplus and Disposing Of The Same.

Attachments: [7-15-13 Military Style Truck
surplus.2.1.2.ton.truck](#)

A motion was made by Council Member Charles Ebert III to declare an old style military truck as surplus and approve the disposal of the same. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0401-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 Rick Blackwell to approve the petition for annexation and to bring property owned by BC Foley, LLC. into the corporate limits of the City of Foley. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-1037-ORD

[13-0852](#)

Approve The Purchase Of Needed Equipment For CID In The Amount Of \$3,013.39

Attachments: [camera.lens.13](#)

A motion was made by Council Member Charles Ebert, III to approve the purchase of needed camera equipment for the Criminal Investigation Division of the Foley Police Department in the amount of \$3,013.39. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0402-RES

[13-0853](#)

Resignation and Appointment To The Centennial Committee

Attachments: [David Horton Resignation](#)

A motion was made by Councilman Rick Blackwell to appoint Sandy Russell to the Centennial Committee. The motion was seconded by Councilman Charles Ebert III. Councilman Charles Ebert III asked if Council also needed to accept the resignation of David Horton from the Centennial Committee. City Administrator Mike Thompson and City Clerk Vickey Southern confirmed that Council must also accept David Horton's resignation from the Centennial Committee and at which time, a motion was made by Council Member Charles Ebert, III to accept David Horton's resignation from the Centennial Committee and appoint Sandy Russell to fill the vacant position beginning August 5, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0403-RES

[13-0854](#)

Enter an Agreement with Mobile County Commission's FY13 Bay Area Selective Enforcement Program (B.A.S.E.) For Overtime Grant Funds for Labor Day Weekend 2013/ "Drive Sober or Get Pulled Over" Campaign

Attachments: [13-HS-K8-006 Agreement](#)

A motion was made by Council Member Vera Quaite to enter into an agreement with Mobile County Commission's Bay Area Selective Enforcement Program (B.A.S.E.) for overtime grant funds for Labor Day Weekend 2013/"Drive Sober or Get Pulled over" Campaign in the amount of \$3,900 for the period of August 16, 2013 through September 2, 2013 to be used for traffic enforcement and traffic safety. The motion was seconded by Councilman Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0404-RES

[13-0855](#)

Accepting a donation from the Friends of the Foley Public Library in the amount of \$1240.11 for the purchase of additional shelving.

Sponsors: Library and Horn

A motion was made by Council Member Rick Blackwell to accept the generous donation of \$1,240.11 made by the Friends of the Library for the purchase of additional shelving. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0405-RES

[13-0857](#)

Transfer of Budget Funds and Approval to Purchase a Diesel Mower for Parks Department

Attachments: [201307231238](#)

A motion was made by Council Member Charles Ebert, III to approve the transfer of funds in the amount of \$11,356 from the overtime account to the capital account and to approve the purchase of one 60" Side Discharge Diesel Mower from John Deere Company in the amount of \$15,220.16. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0406-RES

[13-0858](#)

Consider resolution to waive BAA and permit fees for Ecumenical Ministries.

Attachments: [City of Foley Letter Ecumenical Ministries.pdf](#)

A motion was made by Council Member Rick Blackwell to waive all but the minimum Community Development Department fees relating to the renovation of Ecumenical Ministries. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0407-RES

[13-0866](#)

A Resolution Restating and Clarifying the Salary for the Accounting Clerk For Finance Division as adopted under Resolution 13-0393

Attachments: [Resolution 13-0393](#)

A motion was made by Council Member Charles Ebert, III to restate and clarify the salary for the Accounting Clerk for the Finance Division. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0408-RES

[13-0867](#)

Vacation Of Unimproved Alley Way Running East/West North of Highway 98 Between the East side of Chicago Street and the West Side of North Cypress Street

Attachments: [8-5-13 Vacation of Alley Map](#)

[Vacate Alley - FA#3788](#)

A motion was made by Council Member Vera Quaites to vacate the unimproved alley way running east/west north of Highway 98 between the east side of Chicago Street and the west side of North Cypress Street. Notice of said vacation was published and a public hearing was held on July 25, 2013 and proper notice was given to adjacent property owners. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0409-RES

[13-0868](#)

A Resolution Setting a Public Hearing
Declaring Weeds to be a Public Nuisance
and Ordering its Abatement at 9590 County Road 65 (Arbor Walk Model Home)

Attachments: [8-5-13 Model Home Arbor Walk](#)

A motion was made by Council Member Rick Blackwell to set a public hearing to declare weeds to be a public nuisance and ordering its abatement at 9590 County Road 65 (Arbor Walk Model Home). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0410-RES

[13-0869](#)

A Resolution Setting A Public Hearing
Declaring Weeds to be a Public Nuisance
and Ordering its Abatement at Vacant Lots of Riverside at Arbor Walk Phase 2

Attachments: [Arbor Walk Whitney Bank 0037](#)

A motion was made by Council Member Charles Ebert III to set a public hearing to declare weeds to be a public nuisance and ordering its abatement at vacant lots of Riverside at Arbor Walk Phase 2. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0411-RES

[13-0870](#)

Consider a resolution to waive permit fees to the minimum for Crossway Christian Fellowship Baptist Church

Attachments: [Church Waive Fees.pdf](#)

A motion was made by Council Member Vera Quaites to waive all but the minimum Community Development Department fees relating to building permits for the Crossway Christian Fellowship Baptist Church. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0412-RES

[13-0874](#)

An Ordinance Amending Ordinance 13-1036 ORD. Municipal Lodging Tax

Attachments: [Ordinance 13-1036](#)

A motion was made by Councilman Rick Blackwell to suspend the rules of having a first and second reading of the ordinance in order to consider the immediate adoption of an ordinance amending Ordinance 13-1036 Municipal Lodging Tax. The motion was seconded by Councilman Charles Ebert III and City Administrator Mike Thompson took the following roll call vote: Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Rick Blackwell, aye; and Charles Ebert III, aye. Of those Council members present, the vote was unanimous to suspend the rules.

A motion was made by Council Member Blackwell to adopt the ordinance amending Ordinance 13-1036 Municipal Lodging Tax. The motion was

seconded by Council Member Ebert, III and City Administrator Mike Thompson took the following roll call vote:
Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Rick Blackwell, aye; and Charles Ebert III, aye. Of those Council members present, the vote was unanimous.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Blackwell and Council Member Ebert III

Enactment No: 13-1038-ORD

[13-0875](#)

A Resolution Approving the Transfer of BP/AEMA Grant Funds

Attachments: [BP RPA- Farmers Market](#)
 [BP-State Funding Balance](#)
 [Reallocation Grant Agreement](#)

A motion was made by Council Member Vera Quaites to approve the transfer of AEMA BP Oil Spill grant funds held from the General Fund to the Public Facilities Cooperative District's Fund Number 41 for infrastructure enhancements and equipment at the CAFFM site and to amend the General Fund Transfer Account and the Public Facilities Cooperative Districts Transfer Account in the amount of \$132,985.40 in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0413-RES

[13-0876](#)

Accept Volkert Inc.'s Supplemental Agreement No. 9 - Amendment No. 1 for Displacement of Runway 36 and Pavement Maintenance (Construction) Project

Attachments: [Volkert Supplemental Agreement #9 - Amendment #1](#)

Council President Wayne Trawick turned the meeting over to Councilman Charles Ebert III.

A motion was made by Council Member Rick Blackwell to accept Volkert Inc.'s Supplemental Agreement No. 9 - Amendment No. 1 which includes redesign due to scope revisions and rebid of the project in the amount of \$5,979.24. The motion was seconded by Council Member Vera Quaites and carried by the following Roll Call vote:

Council President Wayne Trawick, abstained; Council Member Vera Quaites, aye; Councilman Rick Blackwell, aye; and Charles Ebert III, aye.

Councilman Charles Ebert III turned the meeting back over to Council President Wayne Trawick.

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

Abstain: 1 - President Trawick

Enactment No: 13-0414-RES

[13-0877](#)

A resolution waiving fees for Heritage Park Pavilion on Saturday, October

19, 2013 for The Orchard Ministries

Attachments: [The Orchard.pdf](#)

A motion was made by Council Member Rick Blackwell to waive the fees for the use of Heritage Park and Pavilion requested by The Orchard Ministries for their fundraiser to raise money for an orphanage in Haiti on Saturday, October 19, 2013. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0415-RES

[13-0878](#)

A resolution waiving fees for Heritage Park Pavilion for the 6th Annual BBQ & Blues Cook-Off.

Attachments: [BBQ and Blues 2014_0001.pdf](#)

A motion was made by Council Member Rick Blackwell to waive the fees for the use of Heritage Park and Pavilion requested by the South Baldwin Chamber Foundation for their fundraiser on March 13, 14, and 15, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0416-RES

[13-0879](#)

Approving Funds For Centennial Plaza

Attachments: [4901-12 RES](#)
[ps120404cw FCP-CashFlowSchd](#)

A motion was made by Council Member Rick Blackwell to appropriate and authorize the expenditure of \$22,000 for the Construction Phase and appropriate and authorize the expenditure of up to \$1,500 for a survey of the Centennial Plaza area to be performed by Raber Surveying. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0417-RES

[13-0880](#)

Resolution authorizing employees to enter upon vacant lot on 7th Avenue for the purpose of abating the public nuisance.

Attachments: [8-5-13 Vacant Lot 7th Ave. \(2\)](#)

This item was removed from the agenda. The property was abated by the property owner and no further Council action was required.

[13-0881](#)

Resolution authorizing employees to enter upon multiple vacant lots in Pebble Creek Subdivision for the purpose of abating the public nuisance.

Attachments: [8-5-13 Vacant Lots Pebble Creek](#)

This item was removed from the agenda. The property was abated by the property owner and no further Council action was required.

[13-0882](#)

Resolution authorizing employees to enter upon property at 1911 South Cedar Street for the purpose of abating the public nuisance.

Attachments: [8-5-13 1911 S. Cedar Street \(2\)](#)

This item was removed from the agenda. The property was abated by the property owner and no further Council action was required.

[13-0883](#)

Resolution authorizing employees to enter upon property at SE Corner Lot of South Cedar Street and 7th Avenue for the purpose of abating the public nuisance.

Attachments: [8-5-13 SE Corner Lot S. Cedar Street & 7th Ave.](#)

This item was removed from the agenda. The property was abated by the property owner and no further Council action was required.

[13-0884](#)

Traffic Signal at US 98 at Alston Street

Attachments: [Cameras Estimate](#)
 [Loops Estimate](#)

This item was removed from the agenda.

[13-0885](#)

Appropriate Funds For The Purchase 864 Recycling Carts

Attachments: [8-5-13 Recyclable Cart Quote](#)

A motion was made by Council Member Rick Blackwell to appropriate \$36,118.80 for the purchase of 864 64 gallon recycling carts from Toter for the Public Works Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0418-RES

[13-0886](#)

Request approval to purchase (3) positive pressure ventilation fans

Attachments: [NAFECO PPV Fans 6-2013](#)
 [Sunbelt FAN QUOTE 6-2013](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of 3 Ramfan GF165 PPV fans from NAFECO in the amount of \$4,932 for the Foley Fire Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0419-RES

[13-0887](#)

Approves the FY2013 SAFER Grant Application For \$1,082,412 Sponsored by The U.S. Department of Homeland Security

Attachments: [FY13 SAFER Announcement](#)
 [Email with salary figures](#)

A motion was made by Council Member Rick Blackwell to approve the U.S. Department of Homeland Security's SAFER Grant Application for \$1,082,412 to

be used for financial assistance to provide additional staffing for nine (9) full-time firefighters to staff the new fire station on County Road 20 for a period of 24 months. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0420-RES

[13-0888](#)

Resolution Amending Pay Classification Plan

Attachments: [Amending Pay Plan 08-05-2013 Muni Complex](#)

This item was removed from the agenda.

[13-0889](#)

Resolution Amending Pay Classification Plan

Attachments: [Amending Pay Plan 05-05-2013 Horticulture](#)

A motion was made by Council Member Charles Ebert, III to authorize the conversion of the vacant Park Maintenance Worker I position to a Horticulture Laborer in the City's Pay Classification Plan effective pay period beginning August 13, 2013 and to authorize a transfer of funds from the Parks Department to the Horticulture Department in support of this action. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0421-RES

[13-0890](#)

Resolution Authorizing Expansion of Security System to Community Development Building

Attachments: [Security Quote for CDD](#)

A motion was made by Council Member Rick Blackwell to authorize Hurricane Electronics to install the security system at the Community Development Department and appropriate \$3,626.54 in support of this action. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0422-RES

[13-0892](#)

A Resolution Setting a Public Hearing to Consider a Portion of Vacation of Right-of-Way at 8454 Palmetto Way

Attachments: [Flowers Petition of Declaration of Vacation Mailbox.pdf](#)
 [Flowers Mailbox vacation 08-05-2013.pdf](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing for Tuesday Septemebr 16, 2013 to consider a resolution approving vacation of that portion of right of way. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0423-RES

[13-0898](#)

A resolution to waive the fee for Baldwin County Trailblazers/Foley Lions Club to hold their annual Baldwin Bicycle Fest in Heritage Park and

Pavilion.

Attachments: [Baldwin Bicycle Fest.pdf](#)

A motion was made by Council Member Vera Quaites to waive the fees for the use of Heritage Park and Pavilion requested by the Baldwin County Trailblazers and Foley Lions Club for their Baldwin Bicycle Festival on November 2, 2013 from 6:00 A.M until 4:00 P.M. The motion was seconded by Council Member Charles Ebert, III and carried by the following Roll Call vote.

Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Rick Blackwell, abstained; and Councilman Charles Ebert III, aye.

Aye: 3 - President Trawick, Council Member Quaites and Council Member Ebert III

Abstain: 1 - Council Member Blackwell

Enactment No: 13-0424-RES

[13-0899](#)

Ordinance Amending Ordinance 13-1034 Section 4.B.

Attachments: [8-5-13 Ordinance 13-1034](#)

A motion was made by Councilman Charles Ebert III to approve the first reading of an ordinance amending ordinance 13-1034 Section 4.B.. The motion was seconded by Councilman Rick Blackwell and carried by an unanimous vote.

[13-0905](#)

A Resolution Appointing Marita Johnson As The Chair Person To Replace J.M. Lee And Appointing Jerry Davis As A Regular Member Of The Personnel Action Committee.

A motion was made by Council Member Charles Ebert, III to appoint Marita Johnson as the Chair Person to replace J.M. Lee and to appoint Jerry Davis as a regular member of the Personnel Action Committee beginning August 5, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0425-RES

Mayor's Comments

[13-0871](#)

Mayor's Proclamation Proclaiming Shelia Dhanda Volaria "Favored Daughter of Foley" and presentation of City Pins to Mrs. Volaria, her two daughters and nephew.

Attachments: [8-5-13 Proclamation](#)

Mayor Koniar reported he did a proclamation for Shelia Dhanda Volaria who was an exchange student from London, England in 1985-86 proclaiming her as a "Favored Daughter of Foley". Mayor Koniar also presented Mrs. Volaria and her daughters and nephew with City pins.

Mayor Koniar reported that a press conference was held in Council Chambers

with Superintendent Dr. Alan T. Lee of Baldwin County Schools and himself regarding the addition of School Resource Officers on all four school campuses in Foley.

Visitor's Comments

Alec Barnett on behalf of the NAACP, thanked the City of Foley for the use of the Civic Center. He also expressed his appreciation to Municipal Complex Director Pam Harris and staff for the help they provided in decorating the Civic Center for the NAACP's event.

Adjourn

A motion was made by Council Member Vera Quaites to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting was adjourned at 6:00 P.M.