



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, September 16, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

- 13-0983** Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement At 1904 Bay Street.

Attachments: [9-16-13 1904 Bay Street](#)

Council President Wayne Trawick called the public hearing to order at 5:30 P.M. He opened the public hearing to declare weeds a public nuisance and order its abatement at 1904 Bay Street. He asked for comments from the public. Hearing no comments, President Trawick closed the public hearing.

- 13-0984** Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement At 805 E. Verbena Avenue.

Attachments: [9-16-13 805 E. Verbena Ave.](#)

Council President Wayne Trawick called the public hearing to order. He opened the public hearing to declare weeds a public nuisance and order its abatement at 805 E. Verbena Avenue. He asked for comments from the public. Hearing no comments, President Trawick closed the public hearing.

- 13-0985** Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement At 528 Verbena Loop. - Property has been abated by owner. No further action required.

Council President Wayne Trawick called the public hearing to order. He opened the public hearing to declare weeds a public nuisance and order its abatement at 528 Verbena Loop. President Trawick reported that the property had been abated by the owner and no further action was required. He then asked for comments from the public. Hearing no comments, President Trawick closed the public hearing.

- 13-0956** Public Hearing to consider the vacation of a portion of right of way for a masonry mailbox at 8454 Palmetto Way

President Wayne Trawick called the public hearing to order. He opened the

public hearing to consider the vacation of a portion of a right of way for a masonry mailbox at 8454 Palmetto Way. He asked for comments from the public. Hearing no comments, President Trawick closed the public hearing.

Call to Order

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

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Miriam Boutwell, Jeff Rouzie, Boy Scouts Troop 77 - Terry Cunningham, Bishop Noland, Timothy Lightsey, Austin Lightsey Hunter Johnson, Logan Acreman, Logan Lightsey, Lance Wallace, Jordan Mott, Kathy Bealtmon, Linda Metcalf, Diane McKenzie, Reed McKenzie, Loran Morse, Margaret McKenzie, Scott McKenzie, William Reiller, Renaldo Dyslesi, 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

13-0994 Proclamation Recognizing Reid McKenzie For His Random Act Of Kindness

Attachments: 9-16-13 Proclamation Reid McKenzie

Mayor Koniar presented Reid McKenzie with a proclamation recognizing his random act of kindness after helping a young lady who was stranded on a dark isolated road after having a flat tire on her way home to Spanish Fort from Tuscaloosa. Mr. McKenzie selflessly pulled over and fixed her tire and followed her home to ensure her safe arrival. The young lady's parents were so appreciative of Mr. McKenzie's act of kindness that they contacted City Hall. After hearing of Mr. McKenzie's honorable actions, Mayor Koniar suggested recognizing Mr. McKenzie. After accepting the proclamation from Mayor Koniar, Reid McKenzie received a standing ovation from the public and City Council.

President Trawick welcomed Boy Scout Troop 77 and stated if they had any questions about actions taken to hold up their hand to be recognized and he would explain the process. He did note that since they were there last the form of government had changed and the Mayor is non-voting, and serves in an administrative capacity. The Council appointed the President who now presides over the meetings.

Additions/Removals

Councilman Ralph Hellmich made a motion to carry over item 13-0990 to a future Council meeting and to add item 13-1012. The motion was seconded by Councilman Rick Blackwell and carried by an unanimous vote.

Approval of Minutes

13-1013 Work Session Minutes of September 3, 2013.

Attachments: 9-3-13 Work Session Minutes

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of September 3, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

13-1014 Council Meeting Minutes of September 3, 2013.

Attachments: 9-3-13 Council Meeting Minutes

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of September 3, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Audit of the Accounts

13-1019 Audit The Accounts Of August , 2013.

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

Reports

13-1000 August 2013 Sales, Lodging and Rental Tax Reports

Attachments: MX-6201N 20130910 073525.pdf

City Administrator Mike Thompson reported that the sales tax revenue for the month of August is the highest the City has ever had. It is \$1.027 million dollars higher than August 2012. 2013 Collections showed a 5% year to date

growth. He reported that the lodging tax revenue and rental tax revenue showed a 6.2% year-to-date, which was lower than last year.

The August 2013 Sales, Lodging and rental Tax report is attached as back up to the minutes.

13-0997 CDD August Monthly Report

Attachments: [August EOM for Council.pdf](#)

City Planner Miriam Boutwell presented the CDD August Monthly Report that is attached as back up to the minutes.

13-0999 Fire Department Monthly Report August 2013

Attachments: [Council August 13 9-13](#)

Fire Chief Joey Darby gave a synopsis of his August 2013 report. He reported that the number of incidences were up from previous months. There two structure fires; one structure fire was at an apartment complex that was a result of a grease fire. The apartment had a fire sprinkler system that extinguished the fire and contained it and prevented the fire from spreading to other apartments. The occupants of the apartment were the only residents displaced and there were no injuries. The other structure fire was in a RV that used as a fixed residence. A neighbor pulled the occupant from the RV to safety. The RV was a total loss. The occupant was not injured but was displaced. The American Red Cross provided assistance. Chief Darby reported that the American Red Cross has a new branch manager for Baldwin County, Mr. Derek Boulware and that he is doing a great job. Chief Darby reported that the number of brush fires are down due to rain and he also wanted to remind everyone that there is still a state wide burn ban until November 1, 2013. He also noted that the Fire Department's new record keeping software will go live soon and the Council will see a more defined report.

13-0995 August 2013 Foley PD Monthly Report

Attachments: [20130909142705826.pdf](#)

Chief David Wilson gave a synopsis of his August 2013 report that is attached as back up to the minutes. Chief Wilson, as well as Chief Darby, explained various items on their reports to the Boy Scout Troop, and Chief Wilson reported it was very important they all obtain a high school diploma instead of having to get their GED through other means.

New Business

Ordinances, Resolutions and Other Business

13-0893 A Resolution Declaring a Portion of Right of Way to be Vacated at 8454 Palmetto Way for a Masonry Mailbox

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

A motion was made by Council Member Ralph Hellmich to approve the first reading of a resolution declaring a portion of right of way to be vacated at 8454 Palmetto Way for a masonry mailbox. The motion was seconded by Council Member Charles Ebert, III and passed unanimously by the following Roll Call Vote: Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Councilman Rick Blackwell, aye; Councilman Charles Ebert III, aye.

Aye: 5 - President Trawick, Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

13-0966 IGSA for County Road 20 ATRIP Project

Attachments: [County's ATRIP Contract](#)

A motion was made by Council Member Rick Blackwell to approve entering into an agreement with Baldwin County to fund the County Road 20 ATRIP project and to approve payment from the City of Foley for up to \$264,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0475-RES

13-0987 Approving Entering Into A Trade For Services Agreement

Attachments: [9-16-13 South Chamber of Commerce](#)
 [Chamber Civic Center Break Out](#)

A motion was made by Council Member Blackwell to approve the trade for services agreement between the City of Foley and the South Baldwin Chamber of Commerce in the amount of \$4,000 and the South Baldwin Chamber Foundation in the amount of \$1,000 for a total amount of \$5,000. The motion was seconded by Council Member Quaites and carried by the following vote: Council president Trawick, Aye; Council Member Quaites, aye; Councilman Hellmich, abstained; Councilman Blackwell, aye; and Councilman Ebert, aye.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 13-0476-RES

13-0988 Approval For The Transfer of Funds And The Purchase Of Sound Equipment For The Foley Civic Center In The Amount up to \$6,300.

Attachments: [9-16-13 Civic Center Sound Equip.](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$1,800 from small tools account, \$3,000 from supplies account and \$1,500 from Gas and Oil account totaling \$6,300 to be transferred into Capital

Purchase account and to approve the expenditure of \$6,300 to purchase needed sound equipment for the Foley Civic Center from Alpha Sound & Lighting Co. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0477-RES

13-0989

AUTHORIZING CERTAIN ACCOUNTS TO BE WRITTEN OFF AS UNCOLLECTABLE

Attachments: [MX-6201N_20130909_122638.pdf](#)

A motion was made by Council Member Charles Ebert III to approve certain City of Foley commercial sanitation and miscellaneous accounts receivable accounts in the collective amount of \$2,191.34 to be written off the books of the City for fiscal year 2012-13. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0478-RES

13-0990

Discuss Coastal Wildlife Rescue Center

A motion was made by Council Member Ralph Hellmich to carry over item 13-0990 to Council Meeting of October 7, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

13-0992

Transfer of Funds from Runway, Ramp, and NDB Maintenance to Capital Improvements Account

Attachments: [Riviera Utilities Work Order - Airport](#)

A motion was made by Council Member Ralph Hellmich approve the transfer of funds in the amount of \$1,575.00 and to accept Riviera Utilities work order in the amount of \$1,575.00 to install a new water meter to provide water access to the T-Hangers located on the south apron at the Foley Municipal Airport. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0479-RES

13-0993

Extension of Special Economic Development Grant Agreement between the City and COROC/Riviera, LLC

Attachments: [MX-6201N_20130909_140655.pdf](#)

[User Fee Agreement COROC Riviera LLC 2011.pdf](#)

A motion was made by Council Member Ralph Hellmich to extend the agreement between the City of Foley and COROC/Riviera, LLC to November 10, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0480-RES

13-0996

A Resolution Appointing Vernie Heard Jr. As A Regular Member Of The Board Of Adjustments And Appeals.

A motion was made by Council Member Charles Ebert III to appoint Vernie Heard Jr., who currently serves as an alternate, as a regular member to the Board of Adjustments and Appeals beginning September 16, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0481-RES

13-0998

Maintenance and improvements to front doors at downtown Welcome Center in the amount of \$2,871.00

Attachments: Welcome Center current front
 Welcome Center proposed lights and pediment
 MCS Contracting bid to refinish doors
 Light Fixture
 Hellmich Electric Quote

A motion was made by Council Member Blackwell to approve the maintenance and improvements to the front doors of the downtown Welcome Center in the amount of \$2,871.00. The motion was seconded by Council Member Quaites and carried by the following vote: Council President Trawick, aye; Council member Quaites, aye; Councilman Hellmich, abstained; Councilman Blackwell, aye; and Councilman Ebert III, aye.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 13-0482-RES

13-1001

Resolution authorizing employees to enter upon the property at 1904 Bay Street for the purpose of abating the public nuisance.

A motion was made by Council Member Charles Ebert III to authorize employees to enter upon the property at 1904 Bay Street for the purpose of abating the public nuisance. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0483-RES

13-1002

Resolution authorizing employees to enter upon the property at 805 E. Verbena Avenue for the purpose of abating the public nuisance.

A motion was made by Council Member Rick Blackwell to authorize employees to enter upon property at 805 E. Verbena Avenue for the purpose of abating the public nuisance. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0484-RES

13-1003

Approving contract with NAI Mobile to list the Peavey Building

Attachments: [Listing Agreement-1.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve a six month contract with NAI Mobile for brokerage services pertaining to the Peavey Building and property. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0485-RES

13-1004

A Resolution To Approve The Facade Improvement Incentive Grant Program

Attachments: [9-16-13 Facade Improvement Grant](#)

A motion was made by Council Member Hellmich to approve the facade Improvement Incentive Grant Program in conjunction with \$50,000 as approved in FY14 Budget., seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote:

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0486-RES

13-1005

A resolution setting a public hearing to consider Planning Commission's recommendation for initial zoning of certain property within the City of Foley (Alvia and Patricia Morris)

Attachments: [Planning Commission's Recommendation](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider Planning Commission's recommendation for initial zoning of certain property within the City of Foley. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0487-RES

13-1006

An Ordinance Declaring Certain Real Property No Longer Needed For Municipal Purposes and Authorizing the Sale of the Same

Attachments: [IDB Res approving sale of property.pdf](#)

A motion was made by Council Member Ralph Hellmich to declare certain real property no longer needed for Municipal purposes and to authorize the sale of the same. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1040-ORD

13-1007

Request to transfer funds to a capital account to purchase switches.

A motion was made by Council Member Charles Ebert III to approve the transfer and expenditure of \$5,800 to purchase switches for the City wide networking project. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0488-RES

13-1008

A Resolution To Approve Renewing One Year Contract With Adams & Reese, LLP

A motion was made by Council Member Ralph Hellmich to approve renewing Adams & Reese, LLP's contract in the amount of \$75,000 payable at the rate of \$6,250 monthly for one year. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0489-RES

13-1009

Reducing the City's Corporate Limits

Attachments: [Petition Requesting De-Annexation](#)
[De-annexation Map](#)

A motion was made by Council Member Ralph Hellmich to approve the de-annexation of Lot 1, Sandy Creek Acres Subdivision and to approve the new corporate limits. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0490-RES

13-1012

Amends Resolution # 13-0451

Attachments: [Premier Landscape & Stone Quote for Boulders at 59&98](#)
[Resolution 13-0451](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 13-0451 to accept Premier Landscape & Stone LLC's proposal in the amount of \$4,700 for installing six (6) large boulders for deterring traffic in the NW and SE flower beds at Hwy 59 and Hwy 98 and fifteen (15) medium size boulders in the adjacent flower beds to maintain a consistent look at all four flower beds. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0491

Mayor's Comments

Mayor Koniar reported that the City has received word from the Governor that the City of Foley has been approved to receive a grant in the amount of \$334,920 for the bicycle path along Foley Beach Express and County Road 12.

Vistor's Comments

There were no visitor comments.

Executive Session

City Administrator Mike Thompson reported that there were two items to discuss in Executive Session. One being to discuss a certain price the City is willing to offer to purchase real property. The real property discussion exception allows for the City to discuss in an executive session the consideration that it would be willing to offer to purchase real property. Under this exception, only those people representing the City's interests can attend the meeting (not the party the City would be dealing with). The second item is to discuss the City's inclination to make offers or negotiating positions as to matters involving trade or commerce, such as incentives, when the City is competing with others for this project. Someone familiar with the details needs to advise the City Council in writing or in the minutes of the open meeting that a discussion in public would be detrimental to the City's bargaining or competitive position. Mr. Thompson reported the executive session will last approximately Forty (40) minutes and they will then reconvene to vote on possibly one of the items.

Councilman Ebert made a motion to go into executive session and Councilman Hellmich seconded the motion. City Administrator Mike Thompson took the following roll call vote: Council Member Vera Quaites, aye; Councilman Hellmich, aye; Council President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. There was an unanimous vote to go into executive session. The Council adjourned at 6:20 P.M.

President Trawick called the meeting back to order at 6:45 P.M. All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith and Jeff Rouzie.

President Trawick reported a National "big box retailer" wants to locate on Hwy 59 south of Lowe's. They are requesting a one cent user fee from the Cooperative District to help with site work and infrastructure. This would not be implemented until they open for business. If the business went dark, the developer would have to fund the money back to the City. The fee would be a 25/75 split where the City would retain 25% of the fee for infrastructure. This would have to be validated through Court.

Councilman Hellmich made a motion to accept the incentive package. Councilman Blackwell seconded the motion and carried by an unanimous vote.

Adjourn

A motion was made by Council Member Charles Ebert, III to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 6:56 PM.

J. Wayne Trawick, President

Victoria Southern, CMC
City Clerk