



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Tuesday, January 22, 2013

5:30 PM

Council Chambers

CALL TO ORDER

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

ROLL CALL

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

File 13-0426 was recommended for removal.

APPROVAL OF THE MINUTES

13-0424 Work Session Meeting Minutes of January 7, 2013

Attachments: [01-07-13 Work Session Minutes.pdf](#)

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

13-0420 Council Meeting Minutes of January 7, 2013

Attachments: [MeetingMinutes Jan 07 2013.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.

DEPARTMENTAL REPORTS

[13-0418](#) Community Development Department Monthly Report December 2012

Attachments: [December 2012 for Council.pdf](#)

This Report was presented as submitted by City Planner Miriam Boutwell. President Trawick enquired about the tree survey. Ms. Leslie Gahagan reported the purpose of the survey is to make sure that the tree planting guidelines for development are met. Other items note worthy of mentioning is the increase in Single Family Residential permits. The Wal-Mart, Vulcan and Old Shell Station improvements will be included in the January report.

[13-0425](#) Fire Department Monthly Report December 2012

Attachments: [Council December 12_1-2013](#)

This Report was presented by Chief Joey Darby. Items of note worthy importance are the three structure fires this past month. Two of the structures were homes where the fire was contained and the families were not displaced. The third house fire was located in Magnolia Springs and Foley Fire Department was called to assist. Freddie the Fire Truck made it's debut during the Annual Christmas Parade. The Foley Assembly of God Church donated the startup money for Freddie and the congregation enjoyed the visit to see Freddie in action. Chief Darby thanked the Church again for their donation.

[13-0410](#) Police Department Monthly Report December, 2012

Attachments: [20130104153706244.pdf](#)
[20130104153652861.pdf](#)

This report was presented by Chief David Wilson.

[13-0411](#) Revenue Monthly Report December, 2012

Attachments: [201301090836.pdf](#)

The Revenue Report was presented and City Administrator Mike Thompson noted that the reports showed encouraging trends as the numbers consistently beat the previous years figures. The Sales report showed a 7.09% year to date increase above last year; the Lodging Tax Report showed a 20.94% year to date increase above last year; and the Rental Tax Report showed an 18.55% year to date increase above last year. The increases in the Sales and Lodging taxes were due to payments as a result of an audit.

13-0427

Marketing Department Quarterly Report Oct/Nov/Dec 2012

Attachments: [Marketing Dept. Report - Oct. Nov. Dec. 2012](#)

VISITORS 2012

Uptown Halloween Survey Results 2012

Fall 2012 Newsletter lo res

Centennial Material 2012

2013 Annual Ads HQ

[Gateway Sign option 1](#)

The Marketing Report was presented by Mrs. LaDonna Hinesley. Mrs. Hinesley noted that the number of visitors were up this past year and showed a total of 25,584. These numbers came from both Visitor's Centers, Holmes Medical Museum and the Depot Museum. The contributing factors the had an impact on the numbers were adding Conductors six (6) days a week at the Depot and measures put in place for consistant counting.

Activities for the Department for the calendar year of 2012 includes assisting the Centennial Committee with design work; hosted Uptown Halloween with other City Departments, as well as Christmas in the Park and Let It Snow; received complaints regarding Uptown Halloween and as a result did a survey, which resulted in most business owners preferring that the event stay at the same location; submitted an application of Streetscape Quality Life Award, which was not chosen this year; designed new gateway signs; ads for Alabama State Tourism Department, Visitor Magazine, Coast 360 and Concierge Magazine and other resources. The launch of the new website in May and June showed an increase in hits.

President Trawick enquired whether or not the City would be continuing mailing the newsletters if the newsletters could be sent via email. Mrs. Hinesley reported that at this time the City doesn't have the equipment to keep up with the changes but the newsletter is posted on the website for anyone to read.

AUDIT ACCOUNTS

13-0429

Approve Accounts for December 2012 to be paid.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Agenda Item be approved. The motion carried by an unanimous vote.

ORDINANCES, RESOLUTIONS, PROCLAMATIONS & OTHER BUSINESS

13-0340

Public Hearing to Consider Planning Commissions recommendation for the Initial zoning of A-O for Foley's Wolf Creek Park

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

Enactment No: 13-1026-ORD

[13-0428](#)

Set a Public Hearing to Consider Planning Commissions recommendation for the Initial zoning of R-1A for the Battaglia Property

Attachments: [Battaglia Zoning Recommendation.pdf](#)

[DRAFT.docx](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Agenda Item be approved. The motion carried by an unanimous vote.

[13-0382](#)

A RESOLUTION AUTHORIZING FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA WITH RESPECT TO \$2,920,000 FEDERALLY TAXABLE LEASE PURCHASE CERTIFICATES OF PARTICIPATION, SERIES 2012 (QUALIFIED ENERGY CONSERVATION BONDS - DIRECT PAY) WHICH EVIDENCE THE PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN LEASE PAYMENTS TO BE MADE BY THE CITY OF FOLEY, ALABAMA PURSUANT TO A LEASE AGREEMENT WITH RESPECT TO ENERGY CONSERVATION EQUIPMENT

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

Enactment No: 13-0152-RES

[13-0412](#)

Amending Resolution No. 13-0054

Attachments: [Backup Doc. - Amend Res. 13-0054](#)

[Hellmich Elec. Quote from 10-15-12 Mtg..pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Resolution be approved. The motion carried by an unanimous vote.

Enactment No: 13-0153-RES

[13-0413](#)

Residential Sanitation Write Offs in the amount of \$265.22 as Uncollectible

Attachments: [Dec 7 2012 Write Offs.pdf](#)

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

Enactment No: 13-0154-RES

[13-0414](#) Residential Sanitation Write Offs in the amount of \$88.85 as Uncollectible

Attachments: [Jan 8 2012 Write Offs.pdf](#)

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: 13-0155-RES

[13-0415](#) Memorialize ADCNR Grant Application for Outdoor Classroom Design and Educational Program Development

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 13-0156-RES

[13-0416](#) Airport Fuel System Compliance

Attachments: [Airport Fuel System Testing Quote](#)

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: 13-0157-RES

[13-0417](#) Approves Application for the Alabama Historical Commission Historic Preservation Fund Grant for FY 2013

Attachments: [AHC FY2013 Grant Cycle Announcement.pdf](#)

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

Enactment No: 13-0158-RES

[13-0419](#) Purchase of one John Deere 997 Z-Trak mower for the Parks Department at a cost of \$15,727.94

Attachments: [John Deere 997 Z-Trak Mower Quote](#)

[NJPA Approval Letter](#)

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: 13-0159-RES

13-0422

Consider the YMCA's request to hold their 5th Annual Kids Need Heroes 5K Run/Walk and One Mile Fun Run on Saturday, February 23, 2013 from 8:00 a.m. to 11:00 a.m.

Attachments: [YMCA Letter.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Agenda Item be approved. The motion carried by an unanimous vote. This event will be coordinated with the Police Department.

13-0426

Letter from Cottages on the Green

Attachments: [Cottages on the Green Letter.pdf](#)

At the beginning of the meeting a motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Agenda Item be removed. The motion carried by an unanimous vote.

MAYOR'S COMMENTS

Mayor Koniar reported Daphne's Mayor, Bailey Yelding, Jr., passed away. He requested prayers for the family.

VISITOR'S COMMENTS

No comments to report.

EXECUTIVE SESSION

President Trawick reported the Council might need to go into Executive Session to discuss a few matters. He asked City Administrator Mike Thompson to report on the items. Mr. Thompson reported there are three items for Council to discuss are as follows: 1) To provide updates on security measures and potential upgrades for certain buildings; 2) To discuss the terms and conditions to terminate a current lease agreement; and 3) To discuss the terms and conditions that the City might be willing to sell, lease or transfer certain rights of certain property owned by the City. A motion was made by Council Member Ebert, III, to recess to go into Executive Session to discuss all three items and Council Member Blackwell seconded the motion. The motion carried by the following vote and the meeting recessed to go into Executive Session at 6:00 p.m.

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

13-0434

Consider going into Executive Session to discuss current security measures and the potential security upgrades for certain City buildings.

This item was included in the motion for all three items stated previously to be discussed in Executive Session. No action on the agenda item was taken after Council reconvened.

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

13-0433

Consider going into Executive Session to discuss the terms and conditions that the City might be willing to sell, lease, or transfer certain rights in the property owned by the City.

Attachments: [Executive Session Opinion from HLHNR re Real Estate 01-22-2013.pdf](#)

This item was included in the motion for all three items stated previously to be discussed in Executive Session. No action on the agenda item was taken after Council reconvened.

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

RECONVENED

President Trawick reconvened the meeting at 7:05 p.m. All Council members were present with the exception of Council member Hellmich, who was out sick. Others present: City Administrator Mike Thompson, City Clerk Vickey Southern, Jeff Rouzie and Steve Smith.

13-0432

Discuss terms and conditions that the City might be willing to offer to terminate a lease.

Attachments: [Ground Lease Gulf Tide Development.pdf](#)
[Ord 811-04 Gulf Tide Development.pdf](#)
[Executive Session Opinion HLHNR re Gulf Tide Development Lease.pdf](#)

A motion was made by Council Member Blackwell, seconded by Council Member Quaites, that this Resolution be adopted. The motion carried by the following vote:

Aye: 3 - President Trawick, Council Member Quaites and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0160-RES

MOTION FOR ADJOURNMENT

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that the meeting be adjourned. The motion carried by an unanimous vote and the meeting adjourned at 7:09 p.m.