



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, October 21, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-1092](#)

Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of R-1A (Residential Single Family).

Attachments: [Morris Intial Zoning](#)

Council President Wayne Trawick opened the public hearing at 5:30 P.M. to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning of R-1A (Residential Single Family). He asked if there were any comments from the public. Hearing no comments, he 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 were Council Member Vera Quaites, Council President Wayne Trawick, Councilman Rick Blackwell and Councilman Charles Ebert III. Councilman Ralph Hellmich was absent due to being out of town for business and Mayor John Koniar was absent due to being out of town. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Jeff Rouzie, Miriam Boutwell, LaDonna Hinsley, David Walters, Terry Burkle, Delbra Clemon, David Watson, Jenny Pham, Lacey Bemis, Shelia Resmondo, David Vosloh, Frances Holk-Jones, Mary Hall Muir, Robert J. Clayton, press representative Guy Busby (Press Register) 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

Mayor's Presentation

[13-1099](#) Red Ribbon Drug Awareness Month

Attachments: [Proclamation Red Ribbon Week](#)

Councilman Charles Ebert III presented David Walters with a proclamation declaring the week of October 23 - 31, 2013 as Red Ribbon Week for drug abuse awareness.

[13-1106](#) Proclamation Teen Driver Safety Week

Attachments: [Proclamation - Teen Driver Safety Week](#)

Councilman Charles Ebert III presented Frances Holk-Jones from State Farm Insurance and David Watson and two peer student helpers from Foley High School with a proclamation declaring October 18-26, 2013 as Teen Driver Safety Week. Mrs. Jones thanked the Council for the proclamation and said Foley High School has an opportunity to win up to \$100,000. State Farm is giving away 5 grants in the amount of \$100. There are 80 schools in the large school category competing for the grant, which would go a long way for Foley High. 3500 schools have registered. The deadline to make a commitment is midnight October 26, 2013 at www.celebratemydrive.com.

Additions/Removals

Councilman Ebert made a motion to carry over items 13-0848 and 13-1081 to a future Council meeting and to add item 13-1109 and to remove item 13-1086. The motion was seconded by Councilman Blackwell and carried by an unanimous vote.

Approval of Minutes

[13-1070](#) Work Session Minutes Of October 7, 2013.

Attachments: [10-07-2013 Work Session Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of October 7, 2013. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[13-1071](#) Council Meeting Minutes Of October 7, 2013.

Attachments: [10-7-13 Council Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of October 7, 2013. The motion was seconded by

Council Member Rick Blackwell and carried by an unanimous vote.

Audit of the Accounts

[13-1072](#) Audit The Accounts Of September, 2013.

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

Reports

[13-1083](#) CDD September 2013 Report

Attachments: [September 2013 Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of her report that is attached as back up to the minutes.

[13-1084](#) CDD 2012/13 Annual Report

Attachments: [2012_13 Annual Report.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the 2012-2013 Annual CDD report that is attached as back up to the minutes.

[13-1102](#)

Marketing Director LaDonna Hinsley gave a synopsis of her report that is attached as back up to the minutes. In September 2012, the Uptown/Downtown Visitor's Center moved from the old CVB building to the corner of Hwy 98/59. They have shown an increase of visitors since the move. Even with the move, the Holmes Medical Museum has seen an increase of 14%.

The Marketing department has created a new City logo, business stationary, business cards, brochures, ads and press releases to include items for the Centennial Committee and now Coastal Alabama Farmers and Fishermens Market. The continue to do a quarterly newsletter and developed a Facebook page.

[13-1094](#)

Fire Department Monthly Report September 2013

Attachments: [Council September 13 10-13](#)

Fire Chief Joey Darby gave a synopsis of his report that is attached as back up to the minutes. He pointed out the new format of the report and how more detailed it is. He noted that September was a busy month for the Fire Department with having 86 incidents. There was a fire at Vulcan that did significant damage to the mill but there were no injuries. He said the fire crews

did a great job getting the fire under control and they received an immediate response from Gulf Shores and Orange Beach Fire Departments when called upon. There was a cooking fire at the Waffle House on Foley Beach Express that was quickly extinguished and had no damage or injuries and a cooking fire at an apartment on Azalea Avenue with no injuries or damage. He reported that the number of brush/grass fires are down due to fire prevention efforts as well as having a rainy summer. He also noted that October is Fire Prevention Month. He reported that he went to Pennsylvania to see the new fire truck that is on order and he said he is very pleased with it. The truck is now in Decatur Alabama and should be in Foley next week. Council Member Vera Quaites reported that she likes the looks of the new report for the Fire Department.

[13-1100](#)

End of Month Report September 2013 Foley Police Department

Attachments: [September 2013 PD Report](#)

Police Chief David Wilson gave a synopsis of his report that is attached as back up to the minutes. He reported that the next G.E.D. graduation will be in November and the City of Foley Assistant City Administrator Sandra Pate will be the key note speaker. Council member Vera Quaites asked Chief Wilson about the recent car burglaries and Chief Wilson reported that the perpetrators were in police custody.

Ordinances, Resolutions and Other Business

[13-1017](#)

Requesting Hurricane Electronics be name the Sole Provider for Two Way Radios for the City of Foley Police Department

Attachments: [Hurrican Electronics Authorized dealer 10-8-13](#)

A motion was made by Council Member Charles Ebert III to approve Hurricane Electronics as the sole provider for sales and services for the Kenwood Radio System for the Foley Police Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0524

[13-0848](#)

An Ordinance approving Petition for Annexation and Bringing Property into the Corporate Limits of The City of Foley

Attachments: [Gene Morris Annexation Map](#)
 [Gene Morris Annexation Petition](#)
 [Gene and Patricia Morris Annexation Report](#)
 [Gene Morris Annexation Report for Mayor and Council by Miriam Boutwell](#)
 [Gene Morris Engineer Recommendation](#)

This item was carried over to the City Council meeting of November 4, 2013.

[13-0860](#)

A Resolution Memorializing Setting A Public Hearing For Springdale Stores, Inc. and Delaney Development, Inc. Initial Zoning

Attachments: [Springdale to City Council.pdf](#)

A motion was made by Council Member Rick Blackwell to memorialize setting a public hearing for the initial zoning of Springdale Stores, Inc. and Delaney Development, Inc. to consider Planning Commission's recommendation B-1A and R-3 initial zoning. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0525-RES

[13-1064](#)

Accept ATRIP Round III For Fern Ave. Extension

Attachments: [ATRIP Round III Award Letter](#)
 [Volkert Task Agreement 15 - Fern Ave Ext](#)

Council President Trawick turned the meeting over to Councilman Ebert.

A motion was made by Council Member Blackwell to accept the \$3,536,030.43 (80%) ATRIP funding offered by ALDOT and to approve the City's 20% match of \$1,334,811.64 for a total estimated project cost of \$4,870,842.07 and to approve payment of 20% of the project construction cost to ALDOT prior to award of the contract to the successful low bidder and to accept Volkert's Task Agreement #15 for the Fern Avenue Resurfacing and Extension related to the ATRIP fund. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Quaites, aye; Council President Trawick, abstained; Councilman Blackwell, aye; and Councilman Ebert aye. The vote passed by a majority vote.

Councilman Ebert noted that there will be contingencies in place for traffic calming measures and to eliminate any truck traffic on Fern Ave. West.

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

Abstain: 1 - President Trawick

Enactment No: 13-0526-RES

[13-1065](#)

Accepts ALDOT's FY2013 Transportation Alternatives Program (TAP) Funds For \$334,920 For Bicycle Facilities along the Foley Beach Express and County Road 12

Attachments: [Gov Bentley letter re FY13 Transportation Alternatives Program grant award \(1\)](#)

A motion was made by Council Member Quaites to accept the \$334,920.00 TAP funding offered by ALDOT and to approve the City's match of \$83,730 for a total estimated project cost of \$418,650.00 and to accept Volkert's Task Agreement #16 for the Foley Beach Express and County Road 12 Bicycle Facilities related to the TAP fund which is included in the the total estimated project cost. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Quaites, aye; Council President Trawick, abstained; Councilman Blackwell, aye; and Councilman Ebert aye. The vote passed by a majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0527-RES

[13-1067](#)

Criminal Data Base System

Attachments: [Raptor.10.013](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of New Ops, Inc.'s cloud based data system software and installation in the amount of \$6,000. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0528-RES

[13-1069](#)

Patrol Vehicle Bid

A motion was made by Council Member Charles Ebert, III to approve going to bid on five (5) vehicles for the Foley Police Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0529-RES

[13-1073](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [10-7-13 Sanitation Wite Offs](#)

A motion was made by Council Member Rick Blackwell to approve writing off certain City of Foley residential sanitation accounts in the collective amount of \$217.99. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0530-RES

[13-1076](#)

Accepts FY2013 Bulletproof Vest Partnership Award For A 50% Reimbursement Of \$5,902.50

Attachments: [FY13 BVP Award Notification Email](#)
[Bulletproof Vest Emailed Quote](#)

A motion was made by Council Member Rick Blackwell to accept the BJA FY2013 Bulletproof Vest Partnership award of \$5,902.50 and to approve the purchase of replacement and new vests from Chief Supply for \$15,305. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0531-RES

[13-1077](#)

A Resolution Reappointing Steve Bailey To The Fire Code Of Appeals Board As An Alternate Member.

Attachments: [10-21-13 Fire Code of Appeals](#)

A motion was made by Council Member Charles Ebert III to reappoint Steve Bailey to the Fire Code of Appeals Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0532-RES

[13-1078](#)

A Resolution Reappointing Carolyn Hollis To The Foley Revitalization And Beautification Advisory Board.

Attachments: [10-21-13 Beautification Brd.](#)

A motion was made by Council Member Vera Quaite to reappoint Carolyn Hollis to the Foley Revitalization and Beautification Board. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0533-RES

[13-1079](#)

A Resolution Approving The Foley Rotary Club's Request To Hold Their Annual 5k Run And One Mile Fun Run

Attachments: [10-21-13 Foley Rotary Club 5k Run](#)

A motion was made by Council Member Blackwell to approve the Foley Rotary Club's 21st Annual 5k Run and One Mile Fun Run on Saturday, November 9, 2013 beginning at 8:00 A.M. and to approve the request for four (4) Foley Police vehicles for safety and traffic control. The motion was seconded by Council Member Quaite and carried by the following vote: Council member Quaite, aye; Council President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, abstained. The vote passed by majority vote.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0534-RES

[13-1080](#)

September 2013 Sales, Lodging and Rental Tax Reports

Attachments: [MX-6201N_20131010_094049.pdf](#)

City Administrator Mike Thompson gave a synopsis of the September 2013 Sales, Lodging and Rental Tax report that is attached as back up to the minutes. He reported that the sales tax was up 5.32%; lodging tax was up 7.7% and the rental tax was up 7.68%. We expect to see these grow next year as well.

[13-1081](#)

AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL BUILDING (ICC) CODES AND SUPPLEMENTAL PROVISIONS TO UPGRADE THE VARIOUS CODES RELATING TO THE INSPECTION ACTIVITIES OF THE CITY OF FOLEY AND ENFORCEMENT OF THE BUILDING PROVISIONS AND FIRE SAFETY AS PROVIDED IN SAID CODES

Attachments: [Building Code Amendments 10_28_13](#)
[13-1043 ORD](#)

This item was carried over to the City Council meeting of November 4, 2013.

Enactment No: 13-1043-ORD

[13-1082](#)

Flood Ordinance Amendments

Attachments: [2013 Amended Flood Damage Prevention Ordinance \(mboutwell v1\).pdf](#)

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance amending the Flood Ordinance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[13-1085](#)

Glenlakes Golf Club 160 Special Retail - ABC License Application

Attachments: [10-21-13 Glenlakes ABC License](#)
[10-21-13 Glenlakes Map](#)

A motion was made by Council Member Rick Blackwell to approve the ABC 160-Special Retail - More Than 30 Days application for Glenlakes Golf Club, Inc. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0535-RES

[13-1086](#)

2013 Alabama Festival of Flavor 140- Special Events Retail ABC License Application

Attachments: [10-21-13 Festival of Flavor ABC License](#)

This item was removed from the agenda.

[13-1087](#)

Request approval to go to bid for various Sanitation and Street Department Capital Items

A motion was made by Council Member Charles Ebert III to approve staff going to bid on a new backhoe budgeted in the amount of \$125,000, a new boom mower budgeted in the amount of \$105,000 and a new 20 yard recycle truck budgeted in the amount of \$175,000 and to approve advertising expenses in an amount up to \$1,100. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0536-RES

[13-1088](#)

Request to Reallocate Capital funds

A motion was made by Council Member Charles Ebert III to approve the expenditure of \$6,928.46 of the \$20,000 budgeted to CDW-G for equipment and licensing to increase the connection bandwidth between the core sites. The

motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0537-RES

[13-1089](#)

A Resolution Setting A Public Hearing For US HWY 98 Initial Zoning

Attachments: [10-21-13 US HWY 98 Initial Zoning](#)

A motion was made by Council Member Rick Blackwell to set a public hearing for the initial zoning of U.S. Highway 98 to consider Planning Commission's recommendation of B3 (Local Business District), B-1A (Extended Business District), M1 (Light Industrial District), MH-1 (Manufactured Home Park), R-1R (Restricted Residential Single family), and AO (Agriculture Open Space zoning). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0538-RES

[13-1091](#)

A Resolution Appointing Ken Schultz to the Museum-Archives Board

A motion was made by Council Member Charles Ebert III to appoint Ken Schultz to the Museum-Archives Board. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0539-RES

[13-1093](#)

A Resolution To Amend Resolution 13-0517 Accepts Quote From Hatch Mott MacDonald For Survey

Attachments: [Resolution 13-0517](#)

A motion was made by Council Member Rick Blackwell to amend Resolution 13-0517 to state the survey amount of \$5,200 and Environmental Phase I amount of \$2,500 to equal a total amount of \$7,700. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0540-RES

[13-1096](#)

Approve E-J Builders Change Order for 121 N. Alston Street Office Renovations

Attachments: [Change Order #1 - Alston Street Project](#)
 [Change Order #2 - Revised - Alston Street \(1\)](#)
 [Change Order #2 - Revised - Alston Street](#)

A motion was made by Council Member Blackwell to approve E-J Builders Change Order #2 in the amount of \$4,885.32. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Quaites, aye; Council President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, abstained. Of those present, the vote passed by majority vote.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0541-RES

[13-1097](#)

Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to Special Events Vendors

Attachments: [1018-07 ORD.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance amending Ordinance No. 1018-07 (Business License Ordinance relating to Special Events Vendors). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[13-1098](#)

Street Light Install on North Juniper Street

Attachments: [Aerial - 1760 N. Juniper](#)

A motion was made by Council Member Charles Ebert III to approve the installation of one (1) street light on existing Riviera Utilities pole No. 3272, located at 1760 North Juniper Street for \$73.20 yearly. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0542-RES

[13-1101](#)

A Resolution authorizing staff to move forward with the sale of property declared a nuisance at 118 West Laurel Avenue

A motion was made by Council Member Charles Ebert III to authorize City staff to move forward with giving notice by publication once per week for three consecutive weeks in a newspaper published of general circulation in the City of Foley for the public sale of the property and paying the costs of advertising. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0543-RES

[13-1103](#)

A resolution to amend Resolution 13-0486 Approving the Facade Improvement Incentive Program

Attachments: [CITY OF FOLEY FACADE GRANT PROGRAM \(Word.doc\).pdf](#)
[Revised Facade incentive Grant Program](#)

A motion was made by Council Member Blackwell to amend Resolution 13-0486 to reflect changes made by the Community Development Department. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Quaites, aye; Council President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, abstained. The vote passed by majority vote.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0544-RES

[13-1107](#)

A Resolution To Approve The Purchase Of An Electronic Message Sign And I.D. Sign For the Municipal Complex.

Attachments: [10-20-13 Electronic Sign](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of an electronic double faced. color message sign and a Foley City Hall I.D. sign from Modern Signs, LLC. in the amount of \$35,239.00. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0545-RES

[13-1109](#)

A Resolution To Approve An Event Sponsorship In The Amount Of \$275.00 For The 2013 Baldwin Bicycle Fest.

Attachments: [2013 Baldwin Bicycle Fest Sponsorship](#)

A motion was made by Council Member Ebert III to approve an event sponsorship for the 2013 Baldwin Bicycle Fest in the amount of \$275.00 being held on November 2, 2013. The motion was seconded by Council Member Quaites and carried by the following vote: Council member Quaites, aye; Council President Trawick, aye; Councilman Blackwell, abstained; and Councilman Ebert, aye. The vote passed by majority vote.

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

Abstain: 1 - Council Member Blackwell

Enactment No: 13-0546-RES

[13-1110](#)

Red Ribbons Placed Around Trees On South Side Of HWY 98 For Red Ribbon Week

A motion was made by Council Member Rick Blackwell to approve the placement of red ribbons around approximately ten (10) trees in front of City Hall on the side side of HWY 98 in honor of Red Ribbon Week for drug abuse awareness. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0547-RES

Mayor's Comments

Mayor Koniar was not present.

Visitor's Comments

There were no visitor comments.

Executive Session

Council President Trawick announced the need to go into executive session to discuss the terms and price the City is willing to offer to purchase, sell or trade 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 and discuss certain price it is willing to offer certain real property for sale. Under this exception, only those people representing the City's interests can attend the meeting (not the party the City would be dealing with).

City Administrator Mike Thompson reported the Executive Session will take approximately 15-20 minutes and no action would be taken after the Executive Session, and there was no need for Council to reconvene.

A motion was made by Councilman Ebert to go into executive session. The motion was seconded by Council member Quaites.

City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaites, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. Of those Council members present, the vote passed unanimously to go into executive session.

The Council meeting recessed at 6:23 P.M. to go into executive session.

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

Adjourn

Council President Trawick called the meeting to order at 6:23 P.M. to reconvene solely for the purpose of adjourning.

A motion was made by Councilman Ebert to adjourn the meeting. The motion was seconded by Council member Quaites and carried by an unanimous vote.

The Council meeting adjourned at 6:23 P.M.