



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Tuesday, September 2, 2014

5:30 PM

Council Chambers

Council Meeting

Call to Order

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

Roll Call

All Council Members were present with the exception of Council Member Vera Quaites, who was absent due to an illness. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Chad Christian, Sal Muccio, Louise Reid, Taylor Kleback, Sunny Kleback, Anne Smith, Melissa Byrd, Malinn Kosteclcy, Troy Barrett, Sharon Knight, press representative Cathy Higgins (Onlooker) and press representative Marc Anderson (AL.com / Press Register).

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

Absent: 1 - Council Member Vera Quaites

Pledge of Allegiance

Mayor's Presentation

[14-0620](#)

Proclamation: Constitution Week

Attachments: [Constitution Week Proclamation](#)

Mayor Koniar presented Louise Reid with a Constitution Week Proclamation. Ms. Reid reported that she represents the Daughters of the American Revolution. The proclamation will be on display at the public library during Constitution Week. She also reported that she will be going to local churches on Monday, September 8, 2014 to ask for prayers for our Government and Constitution. She will also be going to Foley High School to give information that could be used during the school's Constitution Day.

[14-0621](#)

Proclamation: Childhood Cancer Awareness Month

Attachments: [Childhood Cancer Awareness](#)

Mayor Koniar presented Melissa Byrd with the Childhood Cancer Awareness Month Proclamation. Ms. Byrd thanked Mayor Koniar, the City of Foley and the Foley Police Department for being supporters of the Jensen's Heart of Gold Foundation, which Ms. Byrd started after losing her son to cancer. She reported there are many children in Baldwin County that benefit from the foundation's fundraising efforts.

Additions/Removals

Council Member Ralph Hellmich made a motion to add item 14-0646 to the agenda; to amend the August 18, 2014 minutes to reflect that the public hearing for the revocation of a business license will be held on September 15, 2014 and to carry over item 14-0593 to a later date. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0605](#)

Approval of Graham Creek Nature Preserve Informational Meeting Minutes

Attachments: [07-28-2014 GCNP Draft Minutes.pdf](#)
[07-28-2014 Special Public Hearing re GCNP.pdf](#)
[Overview of GCNP 2014 \(1\).pdf](#)
[1052-08 ORD.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Graham Creek Nature Preserve Informational Meeting Minutes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[14-0630](#)

Work Session Minutes of August 18, 2014.

Attachments: [08-18-2014 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of August 18, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0631](#)

Council Meeting Minutes of August 18, 2014.

Attachments: [08-18-2014 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of August 18, 2014 with the amendment of the public hearing for the revocation of a business license being held on September 15, 2014. The motion was seconded by Council Member Ralph Hellmich and

carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

[14-0577](#)

A resolution appointing members to the Graham Creek Advisory Board

A motion was made by Council Member Ralph Hellmich to appoint members to the Graham Creek Nature Preserve Advisory Board. The motion was seconded by Council Member Charles Ebert III. City Clerk Vickey Southern stated the names of the members of the Graham Creek Nature Preserve Advisory Board for the record are as follows: District 1. Tommy Patterson; District 2. Greg Knight; District 3. Chad Watkins; District 4. Zana Price; District 5. Tim Closson and the Mayor appoints at large, Homer Singleton and Phillip Hinesley. The vote passed unanimously.

Enactment No: 14-0356-RES

[14-0600](#)

Approving the South Baldwin Chamber of Commerce's, Alabama Festival of Flavor Request

Attachments: [FEST OF FLAVOR EVENT REQUEST LETTER.pdf](#)
[Road Closure & Map](#)
[Alcohol Services Request Letter](#)
[Variance Request Letter](#)

A motion was made by Council Member Rick Blackwell to approve the South Baldwin Chamber of Commerce's request to hold the Alabama Festival of Flavor event on Saturday, October 18, 2014 from 10:00 a.m. until 10:00 p.m.; to approve the serving of alcoholic beverages in a non-corralled designated area; to approve the temporary road closure of Orange Avenue between Johnston & Daniel to the west and Hwy 59 to the east; Alston Street from Hwy 98 to the north and just north of Verbena Avenue between the hours of 4:00 p.m. and 10:00 p.m. on Saturday, October 18, 2014; to use the parking lot near Wright Pharmacy during this time period; to approve the City of Foley Downtown merchants to display their goods on the City sidewalks and festival designated public parking areas during the Alabama Festival of Flavor, October 18, 2014 from 10:00 A.M until 6:00 P.M. for the areas as designated on the attached map that would include the perimeter from Chicago Street on the East, Verbena Avenue to the North, Pine Street to the West, and Hwy 98/Laurel Avenue to the North. The motion was seconded by Council Member Ralph Hellmich and carried by the following Roll Call Vote: Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. Of those present, the vote passed by a majority vote.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0357-RES

[14-0606](#)

Memorializing Payment to Adams and Reese for Professional Services

A motion was made by Council Member Rick Blackwell to memorialize payment to Adams and Reese in the amount of \$112,280.77 for professional services related to the recent New Market Tax Credit financing transaction; to amend Economic Development's Legal Fees account in the amount of \$112,280.77 and to direct the City Treasurer to present this invoice to legal advisors for inclusion in the next revised Reimbursement Agreement between the City of Foley Public Facilities Cooperative District and the Coastal Alabama Farmers' and Fishermen's Market, Inc. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0358-RES

[14-0607](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$64.00

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts in the collective amount of \$64.00. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0359-RES

[14-0611](#)

Enter an Agreement with Mobile County Commission and South Alabama Regional Highway Safety Office (SARHSO) for Overtime Grant Funds for 2014 Drive Sober or Get Pulled Over/Labor Day Campaign

Attachments: [Overtime Agreement Grant # 14-HS-K8-002.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the Mobile County Commission's Grant (ADECA Grant # 14-HS-K8-002 Drive Sober or Get Pulled Over/Labor Day Campaign) funds in the amount of \$2,000 for the period August 15, 2014 through September 1, 2014 to be used for traffic enforcement. The City understands there is no match required. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0360-RES

[14-0613](#)

Enter an Agreement with Internal Revenue Service, Criminal Investigation, for Reimbursable Costs Incurred For the South Alabama Financial Crimes Task Force

Attachments: [South Alabama Financial Crimes Task Force Agreement.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the Foley Police Department to enter an agreement with the Internal Revenue Service, Criminal Investigation, for the purpose of receiving reimbursable costs incurred in providing resources for the South Alabama Financial Crimes Task Force. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0361-RES

[14-0615](#)

Approves going to bid for athletic uniforms for the Recreation Department.

A motion was made by Council Member Rick Blackwell to approve going to bid for athletic uniforms for the Recreation Department and to appropriate up to \$500 for bid related expenses to 01-620-3120. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0362-RES

[14-0619](#)

Enter an Agreement with Homeland Security Investigations, ASAC Mobile for Reimbursable Costs Incurred In Providing Resources To Joint Operations/Task Forces

Attachments: [Immigration and Customs Enforcement Agreement.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Foley Police Department to enter an agreement with Homeland Security Investigations (HSI), ASAC Mobile for the purpose of the reimbursement of costs incurred in providing resources to joint operations/task forces. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0363-RES

[14-0622](#)

Approves going to bid for gasoline and diesel fuel.

A motion was made by Council Member Ralph Hellmich to approve going to bid for gasoline and diesel fuel and appropriates up to \$500 for bid related costs. i The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0364-RES

[14-0623](#)

Memorializes The FY2014 Bulletproof Vest Partnership Application and Accepts Award

Attachments: [FY14 BVP Detail.pdf](#)
[Quote.docx](#)

A motion was made by Council Member Charles Ebert III to memorialize the Foley Police Department's application for the BJA FY2014 Bulletproof Vest Partnership for \$7,800 to purchase replacement and new vests from Chief Law Enforcement Supply. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0365-RES

[14-0624](#)

Approve One-time Grant from BC911 Board for Radio System Improvements

Attachments: [Channel Relocation Mag Springs to Seminole \(2\)](#)
[NexEdge quote 8-2014](#)

A motion was made by Council Member Ralph Hellmich to accept this one-time grant for NexEdge radio system improvements in the amount of \$78,000 from the Baldwin County E-911 Board, adding and amending Revenue Account 12-5826 and to approve the purchase and installation of Kenwood NexEdge

radio equipment from Hurricane Electronics, Inc. in an amount not to exceed \$78,000.00, adding and amending Fire Capital Purchase Account 12-665-7348. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0366-RES

[14-0625](#)

A resolution to accept resignation of Sandi Caudill from the Planning Commission and to consider appointing someone to fill the vacancy.

Attachments: [Sandi Caudill Resignation](#)

A motion was made by Council Member Charles Ebert III to accept the resignation of Sandi Caudill from the Planning Commission effective September 1, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote. Council Member Ralph Hellmich reported that he served on the Planning Commission with Ms. Caudill and on behalf of the Planning Commission, he thanked her for her service.

Enactment No: 14-0367-RES

[14-0626](#)

"Trucks Entering Roadway" Sign Request for Doc McDuffie Rd. and FBE

Attachments: [Doc McDuffie Truck Sign Plan](#)

A motion was made by Council Member Rick Blackwell to approve the installation of "Trucks Entering Roadway" signs within City rights of way along Doc McDuffie Road and the Foley Beach Express. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0368-RES

[14-0627](#)

Placement of Truck Traffic Routing Signs on W. Fern Ave. and Airport Dr.

Attachments: [UTC Truck Route Signage](#)

A motion was made by Council Member Rick Blackwell to approve the installation of truck traffic routing signs within City rights of way along West Fern Avenue and Airport Drive. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0369-RES

[14-0628](#)

A resolution to memorialize the purchase of six police vehicles.

Attachments: [stiver.ford.quote.trucks.2014](#)

A motion was made by Council Member Ralph Hellmich to memorialize the purchase of six vehicles listed on the attached quote that becomes a permanent part of the resolution from Stivers Ford Lincoln under State Contract T191L and T191A in the amount of \$170,108.00 from Capital Purchase Account No. 01-608-7010. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0370-RES

[14-0629](#)

Request to Memorialize Capital Purchase of Power Installation

Attachments: [M&M Electric Invoice](#)

A motion was made by Council Member Charles Ebert III to memorialize the capital expenditure of \$2400 for the installation of electrical service by M&M South Baldwin Electric for gates located at Stan Mahoney Lane under Account No. 01-620-7040 and to transfer budgeted funds from account 01-620-8150 to account 01-620-7040 in support of this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0371-RES

[14-0632](#)

Approve Mutual Aid Agreement with Navy Fire

Attachments: [Draft \(18 August 2014\) for Foley Alabama](#)

A motion was made by Council Member Rick Blackwell to approve a Mutual Aid Agreement between the Naval Air Station - Whiting Field and Naval Air Station - Pensacola and the City of Foley through its Fire Department for the provision of firefighting assistance and authorizes the Mayor and Fire Chief to execute the Agreement with the Commanding Officer from each Naval Air Station. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0372-RES

[14-0633](#)

Creating The Friends of the Dog Park

A motion was made by Council Member Charles Ebert III to create a Friends of the Dog Park advisory board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0373-RES

[14-0634](#)

Establishing an Annual Fire Fighter of the Year Award

A motion was made by Council Member Ralph Hellmich to approve an annual Firefighter of the Year Award through the Vosloh Charitable Foundation, in the net amount of \$1,000 (taxes and other withholdings to be absorbed by the City). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0374-RES

[14-0635](#)

New Parking Stalls on East Side of Pine St. from Jessamine Ave. South to Alley North of US 98

Attachments: [Quotes - New Parking Stalls](#)
[Parking Stalls Location Map.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the construction of 12 new parking stalls on the east side of Pine Street from Jessamine Avenue south to the alley north of US 98 and to approve R&S Paving & Grading, Inc.'s quote in the amount of \$17,557.50 and the appropriation of funds to a new account. The motion was seconded by Council

Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0375-RES

[14-0636](#)

Extending Resolution #13-0465, The Police Department SRO, For One Additional Year

Attachments: [13-0465](#)

A motion was made by Council Member Charles Ebert III to authorize extending Resolution #13-0465, to provide a School Resource Officer for one additional year. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0376-RES

[14-0637](#)

Memorialize accepting temporary easements for the Glenlakes Clubhouse Drive culvert repairs

Attachments: [RES. 14-0336](#)
 [DuBose Easement](#)
 [Mortimer Easement](#)

A motion was made by Council Member Ralph Hellmich to memorialize the acceptance of Deeds For Temporary Easement from Niland Mortimer and Jerry & Merlene DuBose for culvert repairs. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0377-RES

[14-0638](#)

A Resolution to Adopt Fiscal Year 2015 Budgets

A motion was made by Council Member Ralph Hellmich to adopt the Fiscal Year 2015 Budget. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.
Council Member Ralph Hellmich thanked the staff and City Administrator Mike Thompson and Mayor Koniar for their hard work on the FY2015 budget. Council President Wayne Trawick reported that the City is involved with many projects and it was a challenge to balance the budget this year. The City is going through business transactions to get more businesses in Foley and the City is also doing many infrastructure projects. The budget was not easily put together, it took a lot of work to get it balanced. Mayor Koniar reported that revenue will be delayed a year because the City pays for the infrastructure but it will take a year to generate the revenue from the new businesses. Council Member Charles Ebert III reported that the citizens of Foley are receiving \$28 Million in Capital Project improvements at a cost of approximately \$7 Million due to the staff's hard work in obtaining various grants.

Enactment No: 14-0378-RES

[14-0639](#)

Memorialize Allocation of Moving Expenses for City Engineer

A motion was made by Council Member Ralph Hellmich to approve the moving expense reimbursement to the City's new Engineer. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0379-RES

[14-0640](#)

Authorizing Transfer of Funds to Purchase Desk for Added Office Space in HR

Attachments: [NBF Quote](#)

A motion was made by Council Member Charles Ebert III to authorize a transfer of funds to purchase a desk for the additional office space in Human Resources. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0380-RES

[14-0641](#)

Authorizing Transfer of Funds to Retiree Awards Account to Fund an Upcoming Retirement

A motion was made by Council Member Rick Blackwell to authorize transferring funds in the amount of \$2,000 to fund an upcoming retirement. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0381-RES

[14-0644](#)

Memorial Sign in Memory of Cpl. Mike Stockwell

Attachments: [ORANGE BEACH PD MEMORIAL 8-19-14.pdf](#)

Police Chief David Wilson reported that the Foley Police Department was approached by the Orange Beach Police Department to erect a memorial sign that is paid for by the Orange Beach Police Department at the intersection of Foley Beach Express and County Road 12 in memory of Corporal Mike Stockwell of the Orange Beach Police Department to commemorate the first anniversary of the fatal automobile accident that claimed the life of Corporal Mike Stockwell on September 18, 2013.

A motion was made by Council Member Ralph Hellmich to approve The City of Orange Beach Police Department's request to place a memorial sign in the City's right of way on September 18th in memory of Cpl. Mike Stockwell. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0382-RES

[14-0646](#)

Consider Ad for WBWW Youth Fishing Rodeo

Attachments: [YouthFishingRodeo Ad 2014.pdf](#)
 [WBWW Rate Sheet.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the expenditure of \$300 for a full page black and white ad for the 11th Annual Stan Mahoney Jr. Memorial Fishing Tournament book and to amend Account 01-625-5210 accordingly. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0383-RES

Mayor's Comments

Mayor Koniar reminded everyone that there will be a ground breaking ceremony at the construction site of Academy at 2:00 p.m. on September 3, 2014. The site is across from Foley High School and next to Walmart.

Visitor's Comments

Taylor Kleback, a Foley High School Junior, addressed the Council about her wishes to be a foreign exchange student in the United Kingdom. She reported that the exchange trip will cost approximately \$9,000 but with support from the community, her dream of being an exchange student can be a reality. She also reported that she learned during research that the City of Foley has not had a student venture abroad since the late 1970's - early 1980's era. This student was an exchange student in Hong Kong, China. She reported that being a foreign exchange student would enhance her education and views of other cultures and would also give her an opportunity to share with others southern hospitality and how great Foley, Alabama is. She then quoted Henry David Thoreau stating "Go confidently in the direction of your dreams! Live the life you've imagined". She claimed this is what she plans to do.

President Trawick reported that the City appropriates funds to the South Baldwin Chamber Foundation and asked if she has spoken to them. Her mother, Sunny Kleback reported that she has contacted the Chamber but they help groups and not individual students. Council Member Charles Ebert III reported that while growing up, his family hosted several exchange students through the AFS Program and asked what program she is using. She reported her program is Study Abroad UK. Her mother also reported that they spoke with the school and the school only hosts exchange students, they do not send students abroad. There are no schools in Baldwin County that sends students abroad.

Adjourn

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

The meeting adjourned at 6:10 p.m.