

MINUTES
CITY OF FOLEY, ALABAMA
407 E. LAUREL AVENUE
COUNCIL CHAMBERS
CITY COUNCIL MEETING OF OCTOBER 15, 2012
5:30 P.M.

PUBLIC HEARINGS:

Mayor John Koniar called the public hearing to order at 5:30 p.m. to declare the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 407 E. Myrtle Avenue, Foley, Alabama. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 805 E. Verbena Avenue, Foley, Alabama. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 905 W. Peachtree Avenue, Foley, Alabama. Hearing no comments the Mayor closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at 222 W. Walnut Avenue, Foley, Alabama. He noted the property was abated and no further action is required and closed the public hearing.

Mayor Koniar opened the public hearing declaring the growth of weeds, grass and other vegetative growth a public nuisance and ordering its abatement at ten (10) vacant lots in Parish Lakes Subdivision, Foley, Alabama. He noted the property was abated and no further action is required and closed the public hearing.

COUNCIL MEETING:

Mayor Koniar called the Council meeting to order at 5:33 p.m. Council members present: Vera Quaite, Ralph Hellmich, Rick Blackwell, and Charles Ebert, III. Absent: Wayne Trawick who is out of town on business. Others present: City Administrator Mike Thompson, City Clerk Vicky Southern, Miriam Boutwell, Butch Stokes, Randy Bishop, Joey Darby, Jeff Rouzie, Todd Smith, Randy Corlew, James Richardson, Anne Smith and press representative Cathy Higgins.

APPROVAL OF THE MINUTES

Councilman Hellmich made a motion to approve both the Council Meeting Minutes of October 1, 2012 and the Council Meeting Minutes of October 10, 2012 as proposed. Councilman Ebert seconded the motion and the vote passed unanimously.

REPORTS

Community Development Department - City Planner City Planner Miriam Boutwell gave the 2012 September monthly report as presented and attached to the minutes in their entirety. Mayor Koniar noted that the Hampton Inn's new construction had a permit valuation of \$3 million and Vulcan's expansion had a permit valuation of \$2.4 million. This was a large increase from 2011 due to these two permits.

Fire Department - Chief Joey Darby gave the 2012 September monthly report and noted there were 82 incidents for the month. Noteworthy items were as follows: An uninhabited home that under renovation burned and was labeled suspicious. The Fire Marshall's office was called to assist in the investigation. There was an increase in vehicle fires, which consisted of four and one was noted a suspicious. The Fire Marshall's office was called in to assist with the investigation. Chief Darby noted that vehicle fires thought to be arson is actually considered criminal mischief and not arson. There were two fatalities from the 19 motor vehicle accidents. The fatalities occurred on the same day within just hours apart and they were totally unrelated. In one of the fatalities a wrongful death case has been filed. The Department also had a missing elderly person, who was found safe within an hour of the search. The Department assisted the Town of Elberta with a bio-

hazard matter. The month of September held lots of special activities and this weekend Chief Darby reminded everyone about the Festival of Flavors on Saturday. The Assembly of God will also hold an antique car show, with all proceeds going to the Fire Department's Fire Safety Education Program. The Department also raised \$450 for MDA, which brings the total to \$9,639 for the year. Chief Darby also announced they hired three full-time firefighters who will start on Tuesday morning at 7:00 a.m. He plans to introduce them at the next meeting.

Councilman Blackwell reported that he spoke with Commissioner Skip Gruber regarding the intersection at Fern and CR65, where the fatalities occurred, and they have requested working with the City in getting a blinking traffic signal for the intersection.

Police Department – Deputy Chief Randy Bishop gave the September 2012 monthly report, which is included in its entirety with the minutes. Of special interest it was noted that the Investigations Division received 68 cases and solved 36, a little more than half of the cases, which was very good. The highest number of inmates for the month was 56 but unofficially surpassed that total with 66 people in jail. There are a total of 17 sex offenders registered in Foley. Ky Belser does a very good at keeping close contact with these people. Deputy Chief Bishop reported the fatalities in both wrecks there have been charges filed and both are being investigated.

Marketing Department – Marketing Director LaDonna Hinesley handed out a flyer promoting Foley that has a QRReader code and Facebook, and a new brochure of the Foley Railroad Station. The flyer is the new annual ad that will be in Alabama Vacation Guide, 360 Coast Guide and area publications. All of these were designed by Fletcher for the Centennial Committee Project. The hours for the Visitor Center North are July, August – Monday through Friday, 8:00 a.m. until 5:00 p.m. and Saturday 9:00 a.m. until 4 p.m.; September Monday through Friday, 8:00 a.m. until 5:00 p.m. The Visitor Center Downtown schedule for July through September is Monday through Friday 10:00 a.m. until 4:00 p.m.

The tourists and visitors have doubled at the Depot. The Conductors working at the Depot have helped move tourists to the businesses in the downtown area and are serving their purpose. The Conductors are hired through the Electrical Municipal Grant through the summer and the Alabama Historical Commission grant.

Revenue Department - Mayor Koniar reported the City had over \$11 million in sales tax, which was a record for sales tax collection and represented 3.7% over last year. Rental tax was almost \$200,000, which was quite an increase; and Lodging taxes were at \$345,000. The best amount for Lodging taxes was approximately \$350,000 in 2007. The economy is slowly improving.

AUDIT ACCOUNTS

Councilman Hellmich made a motion to approved the accounts for payment. Councilman Blackwell seconded the motion and the vote passed unanimously.

ORDINANCES, RESOLUTIONS AND OTHER BUSINESS

The second reading of an ordinance to consider Planning Commission's recommendation for the proposed changes to the City of Foley Zoning Ordinance passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

The first reading of an ordinance repealing Ordinance 1142-10 and authorizing certain types of business signs within the right-of-way and establishing criteria and regulations for the same passed unanimously on motion by Councilman Hellmich and seconded by Councilwoman Quaite.

A resolution approving Residential Sanitation Write-off's for the 120 day period in the amount of \$113.78 passed unanimously on motion by Councilwoman Quaite and seconded by Councilman Blackwell.

A resolution amending Resolution 4874-12 and approving a one year contract with Adams & Reese, LLP passed unanimously on motion by Councilman Hellmich and seconded by Councilman Ebert.

A resolution setting a public hearing declaring weeds to be a nuisance and ordering its abatement at 18930 Sunset Circle passed unanimously on motion by Councilman Ebert and seconded by Councilman Blackwell.

A resolution declaring growth of weeds and other vegetative growth a public nuisance at 407 E. Myrtle Avenue passed unanimously on motion by Councilwoman Quaite and seconded by Councilman Hellmich.

A resolution declaring growth of weeds and other vegetative growth a public nuisance at 805 E. Verbena Avenue passed unanimously on motion by Councilman Ebert and seconded by Councilman Hellmich.

A resolution declaring growth of weeds and other vegetative growth a public nuisance at 905 W. Peachtree Avenue passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

A resolution approving five Consent Agenda items passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

Mayor Koniar reported Ms. Cheryl Morrow, who requested to extend the “Picket Permit” is now working with City Planner Miriam Boutwell and has requested that the request for extending the permit be withdrawn.

Councilman Ebert made a motion to approve Marine Corps League 1370's request to hold a fundraiser at the intersections of Alston and 98, and 98 and Juniper. Councilwoman Quaite seconded the motion and the vote passed unanimously.

A resolution approving closing Hwy. 98 between Hwy. 59 and Alston Street and Orange Avenue between Hwy. 59 and Alston Street for the annual Halloween festival passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

A resolution approving extending the Alabama Historical Commission Conductor/Tour Guide grant passed unanimously on motion by Councilman Hellmich and seconded by Councilwoman Quaite.

A resolution approving a request to go to bid on Project Sky Guardian passed unanimously on motion by Councilman Ebert and seconded Councilman Hellmich.

Mayor Koniar reported this is a \$400,000 grant.

A resolution approving the purchase of Firewalls for City Departments passed unanimously on motion by Councilman Hellmich and seconded by Councilwoman Quaite.

A resolution approving a request to go to bid for cellular phone service passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

A resolution approving purchase of new computer for Welcome Center Administrative Assistant passed unanimously on motion by Councilwoman Quaite and seconded by Councilman Hellmich.

A resolution approving purchase of Deep Freeze licenses for the Library's Lap Computers passed unanimously on motion by Councilman Ebert and seconded by Councilman Hellmich.

A resolution approving a request to go to bid for IT equipment passed unanimously on motion by Councilman Blackwell and seconded by Councilwoman Quaite.

A resolution designating Baker and Taylor and Overdrive as primary vendors passed unanimously on motion by Councilman Hellmich and seconded by Councilman Blackwell.

The first reading of an ordinance naming the Wolf Creek Park Property the “City of Foley Wolf Creek Park” passed unanimously on motion by Councilman Ebert and seconded by Councilman Hellmich.

Councilman Hellmich reported this property is the property the City worked with Baldwin County on to develop and it will compliment the Graham Creek Nature Preserve.

A resolution authorizing flu shots for employees and payroll deduction for family member’s flu shots passed unanimously on motion by Councilwoman Quaite and seconded by Councilman Ebert.

A resolution approving the purchase of a Xerox printer for the Human Resources Department passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

A resolution approving the purchase of one Canine and purchase and installation of one K-9 Canine Insert passed unanimously on motion by Councilman Blackwell and seconded by Councilman Hellmich.

Mayor Koniar reported that one canine would retire soon and the new canine would replace the retired one.

A resolution approving a request to go to bid on one (1) truck for the Engineering Department passed unanimously on motion by Councilman Ebert and seconded by Councilman Hellmich.

A resolution approving Hellmich Electric, Inc.’s quote in the amount of \$1,310.00 for installation of LED fixtures on ally arbors for the Streetscape Phase IV Project passed by a majority vote on motion by Councilman Blackwell and seconded by Councilman Ebert. Councilman Hellmich abstained.

A resolution approving Hellmich Electric, Inc.’s quote for installation of receptacles on two (2) oak trees at the old Chamber building for the Streetscape Phase IV Project passed by a majority vote on motion by Councilman Blackwell and seconded by Councilwoman Quaite. Councilman Hellmich abstained.

A resolution approving Hellmich Electric, Inc.’s quote for installation of receptacles on the new street light poles within the Streetscape Phase IV Project passed by a majority vote on motion by Councilman Ebert and was seconded by Councilman Blackwell. Councilman Hellmich abstained.

A resolution approving and appropriating funds for construction work related to the construction of the Skate Park passed unanimously on motion by Councilman Ebert and was seconded by Councilman Hellmich.

A resolution authorizing the Mayor to enter into a contract with Schneider Electric Buildings Americas, Inc. for Qualified Energy Conservation Bond process passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Ebert.

Mayor Koniar reported Schneider completed the audit and identified energy savings in the amount of approximately \$162,000. Councilman Hellmich reported this move authorized the Mayor to move forward due to timeline and Council will be working with them on any questions that arise.

A resolution authorizing the Mayor to sign QECB Application passed unanimously on motion by Councilman Ebert and was seconded by Councilwoman Quaite.

A resolution approving the Local Government Energy Loan Program passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Ebert.

A resolution authorizing the financing firm to begin the funding process with QECB funds passed unanimously on motion by Councilman Hellmich and was seconded by Councilwoman Quaite.

A resolution accepting AMEA's Special Projects Grant in the amount of \$5,000 in regards to the Train Conductors passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

A resolution accepting CDM Smith's proposal in the amount of \$29,152.50 for environmental due diligence for City Event's Center facilities and \$3,500 for additional funds for Disaster Relief Opportunity passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Hellmich.

A resolution appropriating funds for underground wiring and electrical connections for two tennis courts at Mel Roberts Park passed unanimously on motion by Councilman Blackwell and was seconded by Councilwoman Quaites.

A resolution approving purchase of zero turn mower passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

A resolution approving the Rotary Club's request to hold their annual fundraiser for the Oyster Run passed by a majority vote on motion by Councilman Hellmich and seconded was by Councilman Blackwell. Councilman Ebert abstained.

VISITOR COMMENTS

Mayor Koniar reminded the public to attend the Festival of Flavor that will showcase local cuisine. This one day festival replaced the Heritage Harbor Day's event. He encouraged everyone to attend the festival and enjoy themselves.

James Richardson – Mr. Richardson stated that his father came before Council earlier this year regarding a drainage easement at 704 E. Myrtle Avenue and didn't get response back. City Engineer Butch Stokes reported that he did speak with Mr. Richardson in his office. Mr. Stokes' recommendation was not to address the issue as the property was considered to be private property and not public property. If the City chose to work on the easement it would establish working on drainage easements on private property.

Councilman Hellmich enquired if they had a property association. Mr. Richardson stated that they did not have one but the people gave land to the developer for a drainage easement to put in a ditch and it was signed off by the City of Foley as being completed. He felt that since the drainage pipe was not put in then it is not completed. He said the property has had 3' of water. City Engineer Butch Stokes stated he has not seen any plans only the plat and has been to the sight and seen the topography. There is a large arch pipe and another pipe that goes underneath Stewart Street and empties into the drainage easement.

Councilman Ebert reported he had also been to the sight and there are a multitude of problems, including but not limited to the easement not being maintained by property owners, underbrush, and privacy fences, as well as it being located on private property.

City Planner Miriam Boutwell reported she can give the information to Leslie Gahagan and see if it complies with the weed and grass ordinance to see about getting the brush cleared.

Councilman Ebert enquired if there are any plans that actually show drainage plans. Mr. Richardson was not sure.

Councilman Hellmich reported that it was just a sheet swell and that creates part of the property restrictions. What do you do for the things that require upkeep? Mr. Richardson stated the drainage easement shows 30' and if you look at it there wasn't anything put in and nothing addressed. The City Building Department should not have signed off on it if it wasn't complete.

Councilman Hellmich, "How do you proposed to handle the wooden fences?" Councilman Ebert stated some of what I saw you can't identify the easement and you can see fences obstructing the easement. Mr. Richardson stated there are no fences obstructing the 30' area.

Councilman Ebert asked if there was a survey of the property as he questioned the location of the easement. Mr. Richardson stated he does not have a problem with having a survey done if there is not one.

The City Engineer reported there are fences that cross over the easement along Stuart Street. The adjacent subdivision abutting the property has privacy fences and that is where the water runs. Just because there is a drainage easement does not mean there has to be a ditch because it could be sheet flow. I suppose that is the way it was intended

to be but there have been privacy fences installed. Councilman Hellmich reported there are similar situations in Glenlakes and other subdivisions.

Mayor Koniar asked City Administrator Mike Thompson to check with the City’s attorney.

Mayor Koniar reported this was the last Council meeting that he will conduct as the next meeting a new Council President will begin conducting the meetings. The Mayor will still be in attendance but there will be a new look. He stated, “It has been a lot of fun and I’m looking forward to the next four years.”

ADJOURN

Hearing no further comments the meeting adjourned at 6:27 p.m.

John E. Koniar, Mayor

ATTEST:

Victoria Southern, CMC
City Clerk