



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Tuesday, September 3, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-0954](#)

Public Hearing to declare weeds a public nuisance and order its abatement at 9590 Arbor Walk (Model Home). - **Property has been abated by owner. No further action required.**

Council President Wayne Trawick called the public hearing to order at 5:30 P.M. He opened the public hearing to declare weeds to be a nuisance and to order its abatement at 9590 Arbor Walk. 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.

[13-0955](#)

Public Hearing to declare weeds a public nuisance and order its abatement at Riverside at Arbor Walk Phase 2 . - **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 to be a nuisance and to order its abatement at Riverside at Arbor Walk Phase 2. 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.

[13-0961](#)

Public Hearing - To consider report of costs associated with securing the building and roof repairs at 118 West Laurel Avenue

Attachments: [Highland Wake's Scope of Work - Cactus Cafe \(1\).pdf](#)
[Summary.pdf](#)
[Res 13-0431 Nuisance 118 W Laurel Ave Set PH.pdf](#)

Council President Wayne Trawick called the public hearing to order. He opened the public hearing to consider report of costs associated with securing the building and roof repairs at 118 West Laurel Avenue. President Trawick asked for comments from the public. Bennett Sutton stated that he is part owner of

the building and stated that he received no notification of the work being performed on the building. He further stated that when he did receive notifications of meetings pertaining to the building that he attended those meetings. City Administrator Mike Thompson explained to Mr. Sutton that notice was sent by Leslie Gahagan explaining the process on February 26, 2012 declaring the building to be a public nuisance and notice was sent again in October of 2012. The estate had forty five (45) days to address the issues. On the 44th day, Mr. Sutton obtained a permit to perform the work that was valid for six months. The repairs to the building were only partially done and water continued to come into the building. The estate's executor and its attorney were notified that the City was going to bid to have the building secured and stabilized to prevent damage to adjacent buildings. The estate's attorney Ms. Nelson attended the meeting. Joe Bouzan reported that seventeen (17) bids were sought.

Councilman Ebert asked Mr. Sutton what his thoughts were on the building and its condition. Mr. Sutton agreed that the building needed to be repaired and that he sought laborers to help repair the building but was unable to and then he had health issues. He stated that the fire marshall asked him to take care of some items and he did. He further stated that he was unaware of work being performed on the building until he drove by and saw a lift at the building. He called his sister who is an attorney and the executor of the estate and asked her to see what was going on. Councilman Hellmich stated the City only wanted to stabilize the building and if Mr. Sutton's family could work it out then the City would like to work with them to resolve the issue. Mr. Sutton advised that he will contact his family and should know something next week on how to proceed.

Council President Trawick asked if there were any further 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 5:51 P.M.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, David Wilson, Joey Darby, Jeff Rouzie, Butch Stokes, Joe Bouzan, Trudie Hume, Bennett Sutton, 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

[13-0959](#)

Proclamation: National Assisted Living Week

Attachments: [Proclamation National Assisted Living Week](#)

Mayor Koniar presented Trudie Hume with a proclamation declaring September 8 through September 14 as National Assisted Living Week. Ms. Hume thanked the Mayor and the City and said the main order is to take care of the elderly and keep them happy and healthy.

Additions/Removals

There were no additions or removals.

Councilman Blackwell made a motion to carry over item 13-0966 to a future Council meeting because the City engineer is still working with the County on an intergovernmental agreement. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Approval of Minutes

[13-0958](#) Work Session Minutes of August 19, 2013.

Attachments: [08-19-2013 WS Minutes.pdf](#)
 [Work Session Minutes of 8-19-13](#)

A motion was made by Council Member Charles Ebert III to approve the Work Session Minutes of August 19, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[13-0957](#) Council Meeting Minutes of August 19, 2013.

Attachments: [08-19-2013 Council Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of August 19, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

New Business

Ordinances, Resolutions and Other Business

[13-0949](#) Acceptance of Volkert Supplemental Agreement No. 11 for AGIS Survey

Attachments: [Volkert Supplemental Agreement No. 11](#)

Council President Trawick turned the meeting over to Pro-tem Hellmich.

A motion was made by Council Member Ebert III to accept the Supplemental Agreement No. 11 as prepared by Volkert, Inc. for professional services related to an AGIS survey required to locate the proposed Runway 36 displaced threshold and proposed PAPI units for Runway 18/36 in the amount of \$11,436.51. The motion was seconded by Council Member Quaites and carried by the following vote: Council President Wayne Trawick, abstained; Council Member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. Pro-tem Hellmich turned the meeting back over to Council President Trawick.

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

Abstain: 1 - President Trawick

Enactment No: 13-0450-RES

[13-0950](#)

Resolution To Consider Building Retaining Walls To The Annual Color Beds At Highway 98 and Pine Street

Attachments: [C.O.F. 98 and Pine St. Walls](#)

A motion was made by Council Member Ralph Hellmich to memorialize the transfer of \$4,660.77 from Beautification Board Account and \$331.05 from Beautification Board Account (Supplies-Arbor Day) for a total transfer of \$4,991.82 to Horticulture Account (Landscape Improvement) and to accept Landscape Workshop's proposal for building retaining walls to help with flooding and erosion of the annual color flower beds in the amount of \$5,818.24 for the repairs. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0451-RES

[13-0951](#)

A resolution to rescind Resolution 13-0426 and setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at 2651 South Juniper Street.

Attachments: [2651 Juniper Street](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 13-0426 setting a public hearing to declare weeds to be a public nuisance and ordering its abatement at 2651 South Juniper Street and to set a new public hearing for October 7, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0452-RES

[13-0952](#)

A resolution to rescind Resolution 13-0429 and setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at 1721 N. Bunner Street.

Attachments: [1721 N. Bunner - 1](#)
[1721 N. Bunner - 2](#)
[1721 N. Bunner - 3](#)

A motion was made by Council Member Rick Blackwell to rescind Resolution 13-0429 setting a public hearing to declare weeds to be a nuisance and ordering its abatement at 1721 N. Bunner Street and to set a new public hearing for October 7, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0453-RES

[13-0953](#)

A resolution to rescind Resolution 13-0427 and setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at 3410 S. McKenzie Street.

Attachments: [Woods N. Side of Shakes S. McKenzie](#)

A motion was made by Council Member Charles Ebert III to rescind Resolution 13-0427 setting a public hearing to declare weeds to be a nuisance and ordering its abatement at 3410 S. McKenzie Street and to set a new public hearing for October 7, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0454-RES

[13-0960](#)

Resolution Memorializing Transfer Of Funds To Purchase General Government Small Tools

Attachments: [Office Depot Invoice For HR Conf Room Furn & Equip](#)

A motion was made by Council Member Ralph Hellmich to memorialize the transfer of \$825.63 from the Beautification Board Account to General Government Account and to approve the purchase of chairs, a dry erase board and a wall clock from Office Depot for the Human Resource Department's conference room. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0455-RES

[13-0962](#)

A Resolution Fixing the Costs Associated with 118 W Laurel Avenue

Attachments: [Highland Wake's Scope of Work - Cactus Cafe \(1\).pdf](#)
[Summary.pdf](#)

A motion was made by Council Member Vera Quaites to approve fixing the costs associated with repairing the building located at 118 West Laurel Avenue for a total of \$104,025.38 which shall constitute a final assessment against the lot or parcel of land upon which the building is located and shall constitute a lien on the property for the final amount of the assessment. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0456-RES

[13-0963](#)

Acceptance of Bid for 121 N. Alston Street Office Renovations

Attachments: [E-J Builders Price Sheet - Alston Street](#)
[Bid Results - Alston Street Office Renovation](#)

A motion was made by Council Member Blackwell to accept the lowest responsible bid submitted by E-J Builders, Inc. in the amount of \$103,345.00 for 121 N. Alston Street office renovations and to accept Option A in the amount of \$2,868.00 to replace the existing HVAC system in the south building with a new system and to appropriate \$106,213.00 for bid award and \$500.00 for bid related expense to a new Capital Project Fund account. The motion was seconded by Council Member Hellmich and carried by the following vote: Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Councilman Rick Blackwell, aye; and Charles Ebert III, abstained.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0457-RES

[13-0964](#)

Request to Amend 306A Public Access Improvement Grant through ADCNR

Attachments: [Proposed GCNP Class Construction.7.25.13.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Alabama Department of Conservation and Natural Resources, State Lands Division, Coastal Section grant application in the amount of \$50,000 with the understanding that if awarded there is a 50/50 matching funds required for the Graham Creek Preserve outdoor classroom construction. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0458-RES

[13-0966](#)

IGSA for County Road 20 ATRIP Project

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

This item was carried over to the City Council meeting of September 16, 2013.

Enactment No: 13-0475-RES

[13-0967](#)

Transfer funds to upgrade SonicWall

A motion was made by Council Member Charles Ebert III to transfer \$5,754.91 and to approve the purchase of an Enterprise level firewall from TigerDirect.com. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0459-RES

[13-0968](#)

Willow Lakes Estates Street Light Account Transfer

Attachments: [Willow Lakes Estates Street Lighting](#)

A motion was made by Council Member Ralph Hellmich to approve taking over Willow Lakes Estates street lighting costs for an annual cost of \$1,116.24 or \$93.02 per month. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0460-RES

[13-0969](#)

Approval for Veteran's Day Parade and Ceremony on November 11, 2013.

Attachments: [Veterans Day Parade Request and Map](#)

A motion was made by Council Member Ralph Hellmich to approve the request made by American Legion Post 99 to hold a Veteran's Day parade and ceremony beginning at 10:00 A.M. on November 11, 2013 and to approve the use of the portable stage, chairs and speaker system. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0461-RES

[13-0970](#)

A Resolution to adopt the following the FY13-14 (FY14) budgets: General, Fire Ad Valorem Tax, Library, Recreational Activities, Gas Tax, Corrections, Public Facilities Cooperative District, and Debt Service Funds.

A motion was made by Council Member Ralph Hellmich to adopt the FY13-14 budget as proposed by City staff. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Councilman Ebert noted that the City of Foley does not have a gas tax and the gas tax goes to the state. Councilman Hellmich thanked the City staff for their hard work preparing the budget. City Administrator noted that all the department directors and Finance Manager Sue Steigerwald and her staff put a lot of time and hard work into the budget and did a great job.

Enactment No: 13-0462-RES

[13-0971](#)

Request to Accept the Wolf Creek Restoration Bid and Appropriate the Funding

A motion was made by Council Member Ralph Hellmich to accept the bid from Southern Excavating, LLC. in the amount of \$150,912.50 to construct the natural stream design along Wolf Creek and to approve the expenditure of the remaining grant funds in the amount of \$21,500 and amend the budget to reflect an additional \$135,000 to complete the natural stream restoration and vegetative planting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0463-RES

[13-0972](#)

RESOLUTION AMENDING PAY CLASSIFICATION PLAN FOR A NEW POSITION IN HORTICULTURE DEPARTMENT

Attachments: [Streetscape Technician Job Description](#)
 [Streetscape Technician Resolution](#)

A motion was made by Council Member Ralph Hellmich to authorize the

creation of a Streetscape Technician position in the Horticulture Department and to authorize the employee to be placed in this position effective September 10, 2013 and to transfer funds from Municipal Complex Department to the Horticulture Department in support of this action and to allocate funds in the new FY14 budget in the amount of \$49,566 in support of this action. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0464-RES

[13-0973](#)

RESOLUTION AMENDING PAY CLASSIFICATION PLAN FOR POSITION IN POLICE DEPARTMENT

A motion was made by Council Member Charles Ebert III to authorize inactivating one budgeted, vacant slot in position job code #1645 and replacing that with one additional temporary slot in position code #1646 in the Police Department on a temporary basis for one year at which time it will be re-assessed. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0465-RES

[13-0974](#)

Request to declare surplus and sell 1995 E-One custom fire pumper

Attachments:

[Foley FD Revised Purchase Offer](#)

[Resolution to Purchase Custom Pumper truck 3-2013](#)

[Resolution for go to bid on Custom Fire Pumper 11-2012](#)

[Truck Fire Pumper Detailed Asset](#)

A motion was made by Council Member Ralph Hellmich to declare surplus a 1995 E-One custom fire pumper and to approve the sale of the same to Brindlee Mountain Fire Apparatus, LLC for \$50,000 to be deposited in the General Fund upon arrival of the new truck. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0466-RES

[13-0975](#)

Sidewalk to new tennis courts

Attachments:

[sidewalk info](#)

A motion was made by Council Member Rick Blackwell to approve the purchase and construction of a new sidewalk and lighting for the Mel Roberts tennis courts in the amount of \$9,000 from remaining budgeted funds under the Tennis Court Construction Capital Project account. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0467-RES

[13-0976](#)

A resolution reappointing Richard Glenn To The Construction Board Of Adjustment And Appeals retroactive from August 7, 2013.

A motion was made by Council Member Rick Blackwell to reappoint Richard Glenn to the Construction Board of Adjustments and Appeals retroactive from August 7, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0468-RES

[13-0977](#)

A resolution reappointing Ethel Bodiford To The Housing Authority Board beginning September 16, 2013.

A motion was made by Council Member Rick Blackwell to reappoint Ethel Bodiford to the Housing Authority Board beginning September 16, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0469-RES

[13-0978](#)

Property Appraisal Request

A motion was made by Council Member Ralph Hellmich to hire Weldon Payne to appraise certain property in an amount not to exceed \$675.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0470-RES

[13-0979](#)

Request consideration to waive Land Disturbance Permit fee for Vosloh development and fire station construction site.

A motion was made by Council Member Rick Blackwell to declare a public good through the waiving of the Land Disturbance Permit fee of \$450.00 for the storm water runoff detention work for the site at County Road 20 and fairway Drive, which includes the new fire station site. The motion was seconded by Council Member Ralph Hellmich and carried by the following vote: Council President Wayne Trawick, aye; Council Member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Councilman Rick Blackwell, aye; and Charles Ebert III, abstained.

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

Abstain: 1 - Council Member Ebert III

Enactment No: 13-0471-RES

[13-0980](#)

Approval for Annual Ad Expenditures

A motion was made by Council Member Ralph Hellmich to approve the annual ads in the Alabama Advantage, Visitor's Magazine, Alabama Vacation Guide, Coastal 360 Guide and Coastal 360 Concierge which are a useful public purpose of public funds and authorizes the expenditure of \$11,950 for the ads. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0472-RES

[13-0981](#)

Consider change order #2 for Schneider Electric

Attachments: [Schneider Change Order #2](#)

A motion was made by Council Member Ralph Hellmich to approve Schneider Electric Buildings Americas, Inc. Change Order No.2 in the amount of \$13,390, including all materials, labor and expenses and to approve amending the ESCO Improvement Project account in the amount of \$13,390. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0473-RES

[13-0982](#)

A resolution approving Abiding Love Fellowship's request to gather around flag pole for their 2013 Cry Out America event on September 11, 2013.

A motion was made by Council Member Ralph Hellmich to approve the request made by Abiding Love Fellowship for use of the flag pole area at City Hall for their 2013 Cry Out America National Day of Prayer event on September 11, 2013 from 12:00 A.M. until 1:00 P.M. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0474-RES

Mayor's Comments

Mayor Koniar had no comments.

Visitor's Comments

There were no public comments.

Adjourn

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

The meeting adjourned at 6:15 P.M.