



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 2, 2013

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 5:30 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Katy Taylor, Steve Smith, David Wilson, David Thompson, Mary Hall-Muir, Delbra Clemon and press representative Cathy Higgins (Onlooker).

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

Additions/Removals

Councilman Hellmich made a motion to remove items 13-1173 and 13-1201 from the agenda and to remove the duplicated items 13-1183 and 13-1184. The motion was seconded by Councilman Ebert and carried by an unanimous vote.

Approval of Minutes

[13-1181](#)

Work Session Minutes of November 18, 2013

Attachments: [Council Work Session Minutes 11-18-2013.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of November 18, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[13-1182](#)

Council Meeting Minutes Of November 18, 2013.

Attachments: [Council Meeting Minutes of November 18, 2013](#)

A motion was made by Council Member Rick Blackwell to approve the Council

Meeting Minutes of November 18, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Report

[13-1175](#)

October 2013 Sales, Lodging and Rental Tax Reports

Attachments: [Sales Tax, Lodging Tax and Rental Tax Reports.pdf](#)

The Sales, Lodging and Rental Tax report is attached as backup to the minutes. The sales tax is up almost 7%.

New Business

Ordinances, Resolutions and Other Business

[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](#)

A motion was made by Council Member Charles Ebert III to approve the petition for annexation and to bring property owned by Alvia Eugene and Patricia Morris into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1051-ORD

[13-1171](#)

ORDINANCE APPROVING THE INITIAL ZONING OF U.S. HIGHWAY 98

Attachments: [HWY 98 Zoning](#)

A motion was made by Council Member Ralph Hellmich to approve the Initial Zoning of U.S. Highway 98 as B1A (Extended Business District), B3 (Local Business District), MH1 (Manufactured Home Park), R1R (Restricted Residential Single Family), AO (Agricultural Open Space), and M1 (Light Industrial District). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-1052-ORD

[13-1172](#)

Riviera Utilities Easement

Attachments: [City of Foley Easement](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance declaring certain real property no longer needed for Municipal purposes and authorizing the sale of the same to the Utilities Board of the City of Foley, Alabama. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-1053-ORD

[13-1173](#)

Revised FBE Access Units

Attachments: [Backup Doc - Revised FBE Access Units](#)
 [Backup Doc. - Revised Exhibits FBE Access Units](#)

This item was removed from the agenda.

[13-1174](#)

Bike Signs on Juniper St.

Attachments: [Quote - Juniper St. Bike Signs](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of "Share The Road" signs from Vulcan Signs, Inc. for the Juniper Street bicycle path in the amount of \$930.00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0582-RES

[13-1178](#)

Resurfacing Ph. IV Bid

Attachments: [Backup Doc. - Resurfacing Ph. IV Bids](#)

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

A motion was made by Councilman Blackwell to accept Ammons & Blackmon Construction's bid in the amount of \$645,148.67 for their base bid and three alternates for the resurfacing Phase IV. project. The motion was seconded by Councilman Ebert and carried with the following vote: Council Member Quaite, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye and Councilman Ebert, aye. The vote passed by a majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0583-RES

[13-1183](#)

Request To Purchase Recycle Truck From HGAC Through Sansom Equipment Company.

Attachments: [Sansom Equip. Quote](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a recycle truck in the amount of \$132,410.43 from Sansom Equipment Company. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0584-RES

[13-1184](#)

Request To Go To Bid For An Easy Dump

Attachments: [Par-Kan Easy Dump](#)

A motion was made by Council Member Ralph Hellmich to approve the request to go to bid for an Easy Dump that mounts directly to the chassis or bed of a pick-up truck. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0585-RES

[13-1176](#)

A Resolution Appointing Mary Hall-Muir To The Housing Authority Board To Fill Vacancy Left By Resignation Of Vernie Heard Jr.

Attachments: [Housing Authority Board Members](#)

[Mary Hall-Muir](#)

[Mark Irwin](#)

[Joseph A. Aldrete](#)

A motion was made by Council Member Vera Quaites to appoint Mary Hall-Muir to the Housing Authority Board to fulfill the unexpired term of Vernie Heard Jr. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0586-RES

[13-1177](#)

AN ORDINANCE AMENDING ORDINANCE 13-1043 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: [Ordinance 13-1043 Building Code](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance amending Ordinance 13-1043 Adopting the 2009 International Building Codes and Supplemental Provisions due to Ordinance 13-1043 not having the Climatic and Geographic Design Criteria table. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-1054-ORD

[13-1179](#)

A resolution waiving fees for Heritage Park Pavilion for The Orchard Ministries in a Festival to Raise Money for Orphanages.

Attachments: [2014 Orchard Ministries.pdf](#)

A motion was made by Council Member Vera Quaites to waive the fees for the use of Heritage Park Pavilion for The Orchard Ministries for their festival to raise money for orphanages on Saturday, October 18, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0587-RES

[13-1180](#)

Enter Into An Agreement With ALDOT Relating To A Transportation Alternatives Project (TAP)

Attachments: [TAP Agreement Project No.TAPAA-TA13\(931\)](#)

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

A motion was made by Council Member Ebert III to enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III., aye. The vote passed by a majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0588-RES

[13-1191](#)

Request To Purchase A John Deere Gator

Attachments: [John Deere Gator](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of a John Deere Gator in the amount of \$ 8,642.83 from Sunsouth, LLC. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0589-RES

[13-1185](#)

A Resolution Accepting \$2133.79 Donation To The Foley Public Library

A motion was made by Council Member Charles Ebert III to accept the \$2133.79 donation to the Foley Public Library from the Friends of the Library. The motion was seconded by Council Member Rick Blackwell and carried by an

unanimous vote.

Enactment No: 13-0590-RES

[13-1186](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 22996 US HWY 98

Attachments: [22996 U S Hwy 98 0087](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 22996 U.S. Highway 98. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0591-RES

[13-1187](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 22970 US HWY 98

Attachments: [22970 U S Hwy 98 0091](#)

A motion was made by Council Member Charles Ebert III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 22970 U.S. Highway 98. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0592-RES

[13-1188](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT SOUTH MCKENZIE STREET

Attachments: [Lots S of Pensacola Pools-pin 211746 0089](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a nuisance and ordering its abatement at lots on South McKenzie Street. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0593-RES

[13-1189](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT SOUTH MCKENZIE STREET

Attachments: [Lots S of Pensacola Pools-pin 23319 0090](#)

A motion was made by Council Member Charles Ebert III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at lots on South McKenzie Street. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0594-RES

[13-1190](#)

Authorize Thompson Consulting Services to Draft a Debris Management Plan

Attachments: [City of Foley DDMP Proposal - TCS](#)
[TCS - DDMP Task Order Directive](#)

A motion was made by Council Member Ralph Hellmich to authorize a task agreement be signed with Thompson Consulting to draft a debris management plan for the City of Foley at a cost not to exceed \$7,500.00 and to appropriate the funds in support of the this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0595-RES

[13-1194](#)

Resolution Authorizing Transfer of Funds in General Government

A motion was made by Council Member Ralph Hellmich to authorize the transfer of funds in the amount of \$2,063 for payment to Tyler Technologies for the Standard Time Clock Import Function maintenance fee. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0596-RES

[13-1195](#)

Resolution Allocating Funds and Authorizing Pay Out of Accrued Compensatory Time for Newly Exempted Employees

A motion was made by Council Member Rick Blackwell to authorize the pay out of accrued compensatory time for all newly FLSA exempt employees and to allocate funds in an amount not to exceed \$28,000 in support of this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0597-RES

[13-1196](#)

Resolution to Amend the Pay Classification Plan for a Sports and Events Sales Manager for the Recreation Department. This is a budgeted position.

Attachments: [Sports and Events Sales Manager - Recreation Dept \(1\)](#)

A motion was made by Council Member Charles Ebert III to authorize the addition of one full time, regular position to the Pay Classification Plan titled "Sports and Events Sales manager" at a Grade 13, FLSA Exempt, and Safety Sensitive effective January 14, 2014 and to authorize the current individual in that position as a contract laborer to remain in that position upon its conversion as a regular employee position in the City's Pay Classification Plan. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0598-RES

[13-1197](#)

New Soccer Field Construction

Attachments: [Proposed Soccer Fields Dec 2013](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$134,148 for the purpose of clearing, constructing and securing two new soccer fields. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0599-RES

[13-1198](#)

**APPROVING FINANCING DOCUMENTS BY THE CITY OF FOLEY,
ALABAMA, THE PUBLIC CULTURAL AND ENTERTAINMENT FACILITIES
BOARD OF THE CITY OF FOLEY, ALABAMA, AND THE BANK OF NEW
YORK**

MELLON TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE

Attachments: [Exhibit A to the Cultural and Entertainment Facilities Resolution.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve financing documents by the City of Foley, Alabama, The Public Cultural and Entertainment Facilities Board of the City of Foley, Alabama, and The Bank of New York Mellon Trust Company, National Association, as Trustee. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0600-RES

[13-1199](#)

**APPROVING FINANCING DOCUMENTS
BY THE CITY OF FOLEY, ALABAMA, THE PUBLIC ATHLETIC AND
SPORTS
FACILITIES BOARD OF THE CITY OF FOLEY, ALABAMA AND THE
BANK OF
NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION, AS
TRUSTEE**

Attachments: [Exhibit A to the Athletic and Sports Facilities Resolution.pdf](#)

A motion was made by Council Member Charles Ebert III to approve financing documents by the City of Foley, Alabama, The Public Athletic and Sports Facilities Board of the City of Foley, Alabama, and The Bank of New York Mellon Trust Company, National Association, as Trustee. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0601-RES

[13-1201](#)

A Resolution Approving Request To Hold A Soup-Off Competition Fundraiser At the Coastal Alabama Farmers & Fishermens Market

Attachments: [shmiily memo to city](#)

This item was removed from the agenda.

Mayor's Comments

The Mayor had no comments.

Visitor's Comments

City Administrator Mike Thompson reported that the Cactus Cafe building at 118 W. Laurel Avenue was auctioned this morning at City Hall. There were no bidders present. The City obtained the building for the amount that the City has paid to repair the roof of the building in the amount of \$104,000. The City will have the deed of ownership to the building and in the course of two years, the estate can potentially buy the building back from the City in the amount of the \$104,000 plus any expenses that may incur over that two year period such as insurance plus 12% interest. During this time period, the City can make repairs that are associated with public and health safety.

Council President Trawick asked if the owners have made any attempt regarding this building. Mr. Thompson answered that the owners did have an attorney that was present at the auction to follow along with the proceedings.

Councilman Hellmich asked if the owners have made any statements or comments. Mr. Thompson answered that not at this point and this is their fourth attorney on the matter.

Mr. Thompson further reported that in the future, Council will be probably be presented with requests to clean the building out due to the current state it is in, it is a health and fire hazard and to repair the second floor of the building because people can fall through it. If the building were to catch fire, the Fire Department could not send firemen into building with the floor in its current condition. It is a safety issue for the firemen and these types of repairs are what the City can be reimbursed for. Also, a request may come before Council to send an expert in the building to evaluate it for other health and safety issues such as mold.

Councilman Ebert III asked about any rodent or pest control issues. Mr. Thompson answered that he is pretty sure there are rodents and pests in the building. He asked Joe Bozan to change the locks on the building and to put the building on the City's insurance.

Mary Hall-Muir spoke to Council concerning the restrooms at the Aaronville Park and Beulah Heights Park. They do not seem to work and they are locked most of the time. When kids are at the park playing, they are not close to home and the restroom is not available to them. There also seems to be insufficient lighting at the parks after dark and also limited play ground equipment. Mrs. Hall-Muir asked if the pool is ever drained because there is still water in it. Recreation Director David Thompson who was in attendance informed Mrs. Hall-Muir that there is water still in the pool because draining the pool will cause it to crack. Councilman Ebert reported that the weight of the water stabilizes the pool.

Council President Trawick reported there are plans in the near future to make changes in the park. City Administrator Mike Thompson agreed with President Trawick and further reported that there are plans to re-develop the park. Mrs. Hall-Muir asked if that applies to both parks. Mr. Thompson said that Aaronville Park is the one being discussed at this point. Councilman Hellmich said there

is money that is budgeted for the Beulah Heights park to make repairs. Aaronville Park is a larger park and needs to be re-developed and the City is looking into pretty large grants to help re-develop the parks.

Council President Trawick stated there will have to be community involvement with these projects.

Mrs. Hall-Muir asked about security at the parks such as police presence. Councilman Hellich advised that once they are upgraded and re-developed there will be additional lighting and signage.

City Administrator Mike Thompson reported the City has a grant that is currently being worked on that will allow camera technology in the parks that can be monitored and it is anticipated to be this calendar year.

Mrs. Hall-Muir asked when will the community learn that changes will be made. Council Member Vera Quaites said that they will get together with the community and make a presentation to the community and give everyone a chance to voice their opinions.

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 6:01 p.m.