



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, November 18, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-1170](#)

A Public Hearing To Consider Planning Commission's Recommendation For Initial Zoning of U.S. HWY 98

Council President Wayne Trawick called the public hearing to order at 5:30 p.m. to consider Planning Commission's Recommendation for initial zoning of U.S. Hwy 98. President Trawick 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

All Council members present with the exception of Council member Vera Quaite who was absent due to illness. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Joey Darby, David Wilson, David Vosloh, Butch Stokes, Miriam Boutwell, Joe Turner, Mark Welytok, Duane Dickson and press representative, Cathy Higgins (Onlooker).

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

Absent: 1 - Council Member Vera Quaite

Pledge of Allegiance

Additions/Removals

A motion was made by Council Member Ralph Hellmich to remove item 13-1112 from the agenda. The motion was seconded by Council Member Charles Ebert and carried by an unanimous vote.

Approval of Minutes

[13-1154](#)

Work Session Minutes of November 4, 2013

Attachments: [11-04-2013 WS Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of November 4, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[13-1168](#)

Council Meeting Minutes Of November 4, 2013.

Attachments: [Council Meeting Minutes of November 4, 2013.](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of November 4, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Audit of the Accounts

[13-1167](#)

Audit Of The Accounts Of October, 2013.

A motion was made by Council Member Ralph Hellmich to approve the accounts for payment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Reports

[13-1155](#)

October 2013 CDD Report

Attachments: [October CDD Report 2013.pdf](#)

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

[13-1169](#)

Fire Department Monthly Report October 2013

Attachments: [Council October 13 11-13](#)

Fire Chief Joey Darby gave a synopsis of his report which is attached as back up to the minutes. He reported that Foley was very fortunate not to have any structure fires in the month of October, however the Fire Department did assist Magnolia Springs with the water tanker to extinguish a house fire. As of November 1, the state wide burn ban is no longer in effect and the Fire Department is already seeing more activity with outdoor burning and fortunately, people are adhering to the ordinance that is in place and getting permits for outdoor burning. The majority of the call volume for the Fire Department in the month of October was for motor vehicle accidents and

medical assists. The medical assist calls are up due to Chief Darby changing the call response protocol to Live Oak Village. In the past, the Department has encountered problems gaining access to the common areas in Live Oak Village. The Department has been working with Management at Live Oak Village and Chief Darby changed the protocol to automatically respond to Live Oak Village in the event they are needed to gain access into the buildings. If it appears they are not needed, they return to the station and cancel the call. The Department now has access to the lock box system so they respond to assist EMS to gain access to the patients. He reported that with the new computer software, they are able to show trending on the reports. Councilman Hellmich noted he likes the new report, President Trawick agreed and Chief Darby added that it was due to the new software and it is much easier for the Fire Department to input the data into the software and they now use less time with support issues since this report is generated on the internet.

[13-1159](#)

October 2013 Foley PD Monthly Report

Attachments: [20131108082456812.pdf](#)

Police Chief David Wilson gave a synopsis of his report which is attached as back up to the minutes. He also reported that it takes time for people to clean their property of litter and junk and the Police Department will work with people and give them plenty of time to clean the yard up before issuing a citation. If a citation is issued, it is usually for someone that will not cooperate with the Police Department. He also reported that last weekend, they had the largest GED graduation ceremony with 15 people receiving their GEDs. He reported that the key note speaker, Assistant City Administrator Sandra Pate did an outstanding job and afterwards, she stayed behind to personally speak with some of the graduates to answer any questions and to further inspire them.

New Business**Ordinances, Resolutions and Other Business**[13-1112](#)

CR 12 Box Culvert

Attachments: [CR 12 Box Culvert - R&S Estimate](#)

This item was removed from the agenda.

[13-1126](#)

An ordinance amending Ordinance No. 387-87 pertaining to the zoning of Springdale Stores Property.

Attachments: [Springdale Intial Zoning](#)
[Springdale - Legislative Act](#)
[Springdale Map](#)
[Springdale Notice of Public Hearing](#)
[Springdale Notice of Public Hearing Synopsis](#)

A motion was made by Council Member Charles Ebert III to amend Ordinance No. 387-87 pertaining to the zoning of Springdale Stores property. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-1046-ORD

[13-1127](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING
PROPERTY OWNED BY B J BLANCHARD FROM PUD TO R-3

Attachments: [Blanchard Rezoning](#)
 [Blanchard Notice of Public Hearing](#)
 [Blanchard Notice of Public Hearing Synopsis](#)

A motion was made by Council Member Rick Blackwell to amend Ordinance No. 387-87 rezoning property owned by BJ Blanchard from PUD (Planned Unit Development) to R-3 (Residential Multi-Family). The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-1047-ORD

[13-1128](#)

ORDINANCE APPROVING THE INITIAL ZONING OF R-1D FOR WILLOW
LAKES ESTATES

Attachments: [Willow Lakes Estates](#)
 [Willow Lakes Legislative Act](#)
 [Willow Lakes Nptoce of Public Hearing](#)
 [Willow Lakes Notice of Public hearing Synopsis](#)

A motion was made by Council Member Charles Ebert III to approve the initial zoning of R-1D (Residential Single Family) for Willow Lakes Estates. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-1048-ORD

[13-1137](#)

Approves Application For FY2013 Assistance To Firefighters Grant
(AFG)

Attachments: [FY2013 AFG Program Overview](#)

A motion was made by Council Member Ralph Hellmich to approve the FY2013 AFG Program application for up to \$100,000 with 5% matching funds to be used for fire equipment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0568-RES

[13-1138](#)

Request Approval To Go To Bid For Construction Of Foley Centennial Plaza

A motion was made by Council Member Ralph Hellmich to approve the City going to bid for the construction of Foley Centennial Plaza. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0569-RES

[13-1139](#)

(Second Reading) Zoning Ordinance Amendments

Attachments: [Zoning Amendments Ordinance](#)

A motion was made by Council Member Charles Ebert III to approve the Zoning Ordinance Amendments. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1049-ORD

[13-1142](#)

Request Capital Purchase of TRAFx system package for vehicular and pedestrian traffic at Graham Creek Preserve

A motion was made by Council Member Rick Blackwell to approve up to \$2345 for the purchase of the TRAFx system package from TRAFx in order to document the traffic and foot traffic flow through Graham Creek Nature Preserve. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0570-RES

[13-1143](#)

Accept the ADCNR Public Access Improvement Grant for the Construction of the Outdoor Classroom at Graham Creek Preserve

Attachments: [Response to Bid Request city of foley Graham Creek Stage Funding Application.9.2013](#)
 [Graham Creek COLOR Final Plan](#)

A motion was made by Council Member Ralph Hellmich to accept the ADCNR Public Access Improvement Grant for the construction of the outdoor classroom and learning stations at Graham Creek Preserve in the amount of \$50,000 with a 1:1 match and to appropriate \$100,000 for the total project and to accept the proposal from M&M South Baldwin Electric for the installation of the electrical service for the stage in the amount of \$2423. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0571-RES

[13-1148](#)

An Ordinance approving Petition for Annexation and Bringing Property into the Corporate Limits of The City of Foley owned by Charles & Joyce Ann Roberts

Attachments: [11-4-13 Roberts Annexation](#)
 [11-4-13 Roberts](#)
 [Roberts Petition for Annexation](#)
 [Roberts Deed](#)

A motion was made by Council Member Ralph Hellmich to approve the petition for annexation and to bring property into the Corporate Limits of the City of Foley owned by Charles and Joyce Ann Roberts and to waive the zoning fees

due to the property being left out of the annexation by the Legislative Act process while the Roberts were out of town. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-1050-ORD

[13-1149](#)

A resolution waiving fees for Heritage Park Pavilion for American Cancer Society's Annual "Relay for Life"

Attachments: [American Cancer Society's Application for Heritage Park Pavilion Use.pdf](#)

A motion was made by Council Member Rick Blackwell to waive the fees for the use of Heritage Park Pavilion for the American Cancer Society's Relay For Life event on May 3, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0572-RES

[13-1152](#)

Business After Hours Event and Road Closure Request.

Attachments: [11-18-13 After Hours Event](#)

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

Police Chief Wilson and Fire Chief Darby reported they had no issues with the temporary street closure.

A motion was made by Council Member Rick Blackwell to approve the temporary road closure of West Verbena Avenue from west side of Highway 59 to east side of South Alston Street for the South Baldwin Chamber of Commerce Business After Hours event to be hosted by Alabama Credit Union and Volkert, Inc. on November 26, 2013 from 4:30 P.M. until 8:00 P.M. The motion was seconded by Council Member Charles Ebert III and carried by the following vote: Councilman Hellmich, aye; President Trawick; abstained; Councilman Blackwell, aye; and Councilman Ebert, aye. Of those Council members present, the vote passed by majority vote.

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

Abstain: 1 - President Trawick

Enactment No: 13-0573-RES

[13-1161](#)

Approve Volkert's Change Order #1 for CDBG Project No. LR-CM-PF-12-007

Attachments: [Volkert Suncoast Change Order #1](#)

A motion was made by Council Member Ebert III to approve Volkert's change order #1 with Suncoast Infrastructure, Inc. in the amount of \$58,176.00. The motion was seconded by Council Member Hellmich and carried by the following vote: Councilman Hellmich, aye; President Trawick, abstained; Councilman Blackwell, aye; and Councilman Ebert, aye. Of those Council members present, the vote passed by majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0574-RES

[13-1153](#)

Soil Testing for Glenlakes Sidewalk

Attachments: [Estimate - CTL Soil Testing](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$500.00 and approve CTL, Inc.'s quote of the same amount for soil classification and evaluation testing for the Glenlakes Bike Path from Fairway Drive to Clubhouse Drive project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0575-RES

[13-1157](#)

A Resolution Amending TAP Grant Project Accounts assigned under Resolution 13-0527

Attachments: [13-0527 RES](#)

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

A motion was made by Council Member Ebert III to amend the TAP Grant Project accounts assigned under Resolution 13-0527. The motion was seconded by Council Member Blackwell and carried by the following vote: Councilman Hellmich, aye; President Trawick, abstained; Councilman Blackwell, aye; and Councilman Ebert, aye. Of those Council members present, the vote passed by majority vote.

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

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

Abstain: 1 - President Trawick

Enactment No: 13-0576-RES

[13-1158](#)

Resolution Amending Pay Classification Plan for Position Changes in the Finance Division

Attachments: [Archer Analysis Results - Finance Division 11-05-13](#)

A motion was made by Council Member Ralph Hellmich to amend the Pay Classification Plan for position changes in the Finance Division. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0577-RES

[13-1162](#)

A Resolution Amending Resolution 13-0528 Criminal Data Base System

Attachments: [RES. 13-0528](#)

A motion was made by Council Member Ralph Hellmich to strike and replace Section 1 of Resolution 13-0528 with: Approves the purchase of New Ops, Inc.'s cloud based data system software and installation in the amount of \$6,000 using Federal Forfeiture money held and amends PD Content Hosting account and to strike and replace Section 2 of Resolution 13-0528 with: Approves the monthly fee (a total amount of \$7,700) using Local Drug Fund money held and amends PD Content Hosting account. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0578-RES

[13-1163](#)

A RESOLUTION APPROVING THE RENEWAL OF A BILLBOARD FOR THE VISITOR CENTER NORTH

Attachments: [002.90921.DaytimeCloseUp.WS HWY 59 4TH SO FBX PF](#)
[Foley Welcome Center - Nov renewal - 11-4-2013](#)

A motion was made by Council Member Charles Ebert III to approve the Lamar Advertising contract in the amount of \$300 per month for five months for a total cost of \$1,500. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0579-RES

[13-1164](#)

A Resolution Setting A Public Hearing For Blue Collar Country Initial Zoning And Rezoning

Attachments: [11-18-13 Blue Collar Country](#)

A motion was made by Council Member Ralph Hellmich set a public hearing for the initial zoning and rezoning of Blue Collar Country to consider Planning Commission's recommendation of PDD (Planned Development District). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0580-RES

[13-1166](#)

Residential Sanitation Write Offs as Uncollectible In the Amount Of \$206.45

Attachments: [11-18-3 Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain City of Foley residential sanitation accounts in the collective amount of \$206.45. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0581-RES

[13-1171](#)

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

Attachments: [HWY 98 Zoning](#)

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance approving the initial zoning of U.S. Highway 98. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1052-ORD

Mayor's Comments

Mayor Koniar reported that the City will be starting the interview process next week for a new Library Director.

Visitor's Comments

Councilman Blackwell asked how the new medical clinic opening went. City Administrator Mike Thompson reported that the final landscaping around the building is now complete and the interior has been re-painted. Mr. Thompson recommended to the Council to stop by the clinic to see what the building looks like on the inside and he believes the clinic is going to work out really well for the City's employees. He also reported that last week, City employees wishing to attend the clinic under went medical testing of blood pressure, cholesterol, BMI, and glucose levels. Councilman Blackwell asked if the Cities of Gulf Shores and Orange Beach employees will be using this medical clinic. Mr. Thompson reported not at this time, however Gulf Shores has moved forward with the same company, Symbol Health to have a medical clinic for Gulf Shores City employees. They recently purchased property on County Road 6 by the sports complex and a part of the building is where they will be putting in their clinic. Once they open their clinic in January, Gulf Shores employees may use the Foley clinic and vice versa.

Councilman Hellmich also reported that he noticed the work is coming along on the Alston Street building where the City's IT Department and Recreation will be relocating from the Community Development Department building. Councilman Hellmich asked when that work will be completed. Mr. Thompson advised that the building is reportedly going to be ready by the first of December and moving IT and Recreation into that building will give the Community Development Department more room in their existing building.

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 6:02 P.M.