



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final

### City Council

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Monday, August 1, 2016

5:30 PM

Council Chambers

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#### 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 with the exception of Council Member Ralph Hellmich, who was out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Darryl Clevenger, Joey Darby, Thurston Bullock, David Wilson, Jeff Rouzie, Chad Christian, Lance Lipscomb, Kip Morrissette, Alfred Tribby, Ralph Acole, Randy Corlew, and Cindy Tribby.

**Present:** 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 1 - Council Member Ralph Hellmich

#### Pledge of Allegiance

#### Mayor's Presentation

[16-0437](#) Proclamation: Rose Trail Swings Donation - Foley High School Construction Class

Attachments: [Thank You Proclamation](#)

Mayor Koniar presented Foley High School Teacher Lance Lipscomb with a proclamation thanking him and his Construction Class for assembling swings that were installed along the A. Perry Wilbourne Rose Trail.

[16-0447](#) Proclamation: Rose Trail Swings Donation - Rotary Club of Foley.

Attachments: [Rotary Club Proclamation](#)

Mayor Koniar reported there is a similar proclamation for the Rotary Club to

thank them for supplying the materials to the Foley High School Construction Class to assemble the swings for the A. Perry Wilbourne Rose Trail.

### Additions/Removals

A motion was made by Council Member Charles Ebert, III to add item 16-0447 to the agenda and to carry over item 16-0430 and 16-0436. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

### Approval of the Minutes

16-0419 Work Session Minutes of July 18, 2016.

Attachments: [7-18-16 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of July 18, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

16-0420 Council Meeting Minutes of July 18, 2016.

Attachments: [07-18-16 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of July 18, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

### Ordinances, Resolutions and other Business

16-0409 A Resolution to reappoint Gregg Knight and Chad Watkins to the Graham Creek Nature Preserve Advisory Board.

Attachments: [GCNP Adv. Brd. Member List](#)  
[Gregg Knight Email](#)  
[Chad Watkins Email](#)

A motion was made by Council Member Vera Quaites to reappoint Gregg Knight and Chad Watkins to the Graham Creek Nature Preserve Advisory Board. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1186-RES

16-0418 A resolution to amend Resolution 16-1165-RES

Attachments: [16-1165-RES.](#)

A motion was made by Council Member Charles Ebert, III to amend Resolution 16-1165 to change the Hoop It Up event dates and temporary road closure from August 18-21, 2016 to October 22-23, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1187-RES

**16-0421**

Resolution Authorizing Transfer of Funds in the Railroad Depot Museum Department

**Attachments:** [Depot Museum Transfer.pdf](#)

A motion was made by Council Member Rick Blackwell to transfer funds from Building Maintenance to Personnel Accounts within the Railroad Depot Museum Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1188-RES

**16-0422**

RESOLUTION FOR COUNCIL, DISTRICT 1 ELECTED WITHOUT OPPOSITION

**Attachments:** [CERTIFICATE OF ELECTION J Wayne Trawick A.pdf](#)

A motion was made by Council Member Charles Ebert, III to declare J. Wayne Trawick be duly elected to the office of Council District 1 in the City of Foley for the term of office commencing on the first Monday in November, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1189-RES

**16-0423**

RESOLUTION FOR COUNCIL, DISTRICT 2 ELECTED WITHOUT OPPOSITION

**Attachments:** [Certification of Election Vera J. Quaites.pdf](#)

A motion was made by Council Member Charles Ebert, III to declare Vera J. Quaites duly elected to the office of Council District 2 in the City of Foley for the term of office commencing on the first Monday in November, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1190-RES

**16-0424**

RESOLUTION FOR COUNCIL, DISTRICT 3 ELECTED WITHOUT OPPOSITION

**Attachments:** [CERTIFICATE OF ELECTION Ralph Hellmich 07-20-16.pdf](#)

A motion was made by Council Member Vera Quaites to declare Ralph G. Hellmich duly elected to the office of Council District 3 in the City of Foley for the term of office commencing on the first Monday in November, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1191-RES

16-0425RESOLUTION FOR COUNCIL, DISTRICT 5 ELECTED WITHOUT  
OPPOSITION

Attachments: [CERTIFICATE OF ELECTION CHARLES J EBERT III.pdf](#)

**A motion was made by Council Member Vera Quaites to declare Charles J. Ebert, III duly elected to the office of Council District Five in the City of Foley for the term of office commencing on the first Monday in November, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1192-RES

16-0426

## RESOLUTION FOR MAYOR ELECTED WITHOUT OPPOSITION

Attachments: [CERTIFICATION OF ELECTION JOHN E KONIAR.pdf](#)

**A motion was made by Council Member Charles Ebert, III to declare John E. Koniar duly elected to the office of Mayor in the City of Foley for the term of office commencing on the first Monday in November, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1193-RES

16-0427**Facade Improvement Incentive Grant Kaiser Auto**

Attachments: [Kaiser Auto Service Grant Application.pdf](#)

**A motion was made by Council Member Rick Blackwell to approve \$2,107.00 in reimbursement to David Kaiser and/or his contractor upon meeting all the requirements in the Resolution and specifically in Section VI. Reimbursement Process. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1194-RES

16-0428

## Appointing Election Officers

**A motion was made by Council Member Charles Ebert, III to appoint Election Officers. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1195-RES

16-0430

## Consider terminating the monthly lease on the parking area (DCF, LLC) where the large American flag is currently located; asking approval to relocate the 80' flag pole and approval of suggested new location.

Attachments: [DCF, LLC Lease](#)

[Proposed New Flagpole Locations.pdf](#)

**A motion was made by Council Member Charles Ebert, III to carry this item over to the December 5, 2016 Council meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

16-0431

Capital Purchase of New K-9 and Retirement of K-9 Zax due to being diagnosed with Myasthenia Gravis

**A motion was made by Council Member Rick Blackwell to approve the retirement of K-9 Zax and to approve the purchase of a new Police K-9 utilizing funds from the restricted Federal Drug Asset Fund in the amount of \$4,000.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1196-RES

16-0432

Capital Purchase Request for converting a Tahoe into a Patrol Duty Tahoe and to Purchase a 2016 Ford Explorer to replace the wrecked Charger (Capital Asset # 6688).

**A motion was made by Council Member Rick Blackwell to approve the expenditure of funds for the conversion of Command Staff Tahoe into a Patrol Tahoe in the amount of \$3,722.41 and to approve the expenditure of funds for the purchase of a 2016 Ford Explorer to replace the wrecked Charger in the amount of \$29,338.92. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1197-RES

16-0433

Temporary Closure of a portion of N. Pine Street during Foley Varsity Football games

**A motion was made by Council Member Charles Ebert, III to approve the temporary road closure of North Pine Street during Foley High School Varsity football games starting at approximately 4:00 pm and ending approximately 30 minutes after the game. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1198-RES

16-0434

Authorizing the Mayor to enter into a Franchise Payment Agreement

**Attachments:** [Res 160719-1.pdf](#)

**A motion was made by Council Member Vera Quaites to authorize the Mayor to execute Resolution 160719-1 Exhibit A Franchise Payment Agreement. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1199-RES

16-0435

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY GULF COAST ELKS LODGE FROM PUD TO B1A

**Attachments:** [Elks Lodge Rezoning.pdf](#)

**A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance to rezone property owned by Gulf Coast Elks Lodge. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-2018-ORD

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16-0436

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY VINTAGE OAKS LLC FROM R3 TO B1A

Attachments: [WessCorp Rezoning.pdf](#)

**A motion was made by Council Member Charles Ebert, III to carry over this item to the August 15, 2016 Council meeting to allow time for staff to add needed verbiage to the ordinance, at which time the rules will be suspended for the immediate adoption of the ordinance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-2019-ORD

16-0438

Set a Public Hearing to consider passage of an ordinance rezoning property owned by Gulf Coast Elks Lodge from PUD to B1A.

**A motion was made by Council Member Charles Ebert, III to set a public hearing to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Gulf Coast Elks Lodge from PUD to B1A. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1200-RES

16-0439

Set a Public Hearing to consider passage of an ordinance rezoning property owned by Vintage Oaks, LLC from R3 to B1A.

**A motion was made by Council Member Charles Ebert, III to set a public hearing to consider the passage of an ordinance amending Ordinance No. 387-87 rezoning property owned by Vintage Oaks, LLC from R3 to B1A. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1201-RES

16-0440

A resolution to approve entering into a five year lease agreement with purchase option with Ricoh for mail postage machine

Attachments: [Postage Machine Lease Agreement](#)

**A motion was made by Council Member Rick Blackwell to approve entering into a five year lease agreement effective October 30, 2016 with Ricoh for the mail postage machine and bulk mail postage machine. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 16-1202-RES

16-0441

Resurfacing Phase VI Consultant Contract

Attachments: [Resurfacing Ph. VI Sawgrass Contract](#)

[FY 2016 and FY 2017 plan 7-22-16](#)

**A motion was made by Council Member Charles Ebert, III to approve the**

adoption of the Street Resurfacing List as presented; to approve Sawgrass Consulting, LLC's professional services contract for design fees in FY16 in the amount of \$37,351.50 and to approve Sawgrass Consulting, LLC's professional services contract for construction inspection in FY17 in the amount of \$59,061.68. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Council Member Rick Blackwell reported Kip Morrissette, who resides at 521 W. Ariel Avenue was present and had concerns about Ariel Avenue being resurfaced. Ms. Morrissette reported the road needs resurfaced. President Trawick reported a separate consulting company assesses all the roads and prioritize which roads need to be resurfaced. Ariel Avenue is not on the resurfacing list for this year.

City Engineer Chad Christian reported he will revisit the area and determine if there are repairs the Public Works Department can help with in the interim.

Enactment No: 16-1203-RES

### **Mayor's Comments**

There were no comments to report.

### **Visitor's Comments**

There were no comments to report.

### **Adjourn**

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

The meeting adjourned at 5:54 p.m.