



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Wednesday, May 15, 2013

4:00 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 4:05 p.m.

Roll Call

Council members present: Council President Wayne Trawick, Council member Vera Quaite, Councilman Ralph Hellmich, Councilman Rick Blackwell and Councilman Charles Ebert III. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vicki Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Butch Stokes, Sandra Pate, Miriam Boutwell, Leslie Lassiter, Meg Hellmich, Jay Dickson, David Stewart and press representative Cathy Higgins (Foley Onlooker).

Present: 5 - President Wayne Trawick, Council Member Vera Quaite, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Pledge of Allegiance

Additions/Removals

A motion was made by Councilman Ralph Hellmich to add File ID. 13-0719, 13-0705 and 13-0668 to the agenda. The motion was seconded by Council member Vera Quaite and passed unanimously.

Approval of Minutes

A motion was made by Council Member Ralph Hellmich to approve the meeting minutes of May 6, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Audit the Accounts

A motion was made by Council Member Ralph Hellmich to pay the bills. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Reports

[13-0699](#)

The April 2013 Community Development Department Report

Attachments: [April Report for Council.pdf](#)

City Planner Miriam Boutwell gave the April 2013 monthly report, which is included in its entirety as back up to the minutes. She also reported that the Building/Inspections Divisions have already made 15 single family residential inspections abd another 15 are in review for the month of May.

[13-0694](#)

April 2013 Sales, Lodging and Rental Tax Reports

Attachments: [MX-6201N_20130508_151155.pdf](#)

The monthly tax report is attached as back up to the minutes. Councilman Hellmich reported that the sales tax looks good.

[13-0717](#)

Fire Department Monthly Report April 2013

Attachments: [Council April 13 5-13](#)

Fire Chief Joey Darby reported that the total number of incidents for the month of April 2013 was erroneously reported in the report that is attached as back to the minutes. The actual total number of incidents is 95. Chief Darby also reported that there were no land fires due to the significant amount of rain in the month of April and he reported that the state wide burn ban is now in effect until October. He reported that there were two structure fires, one was a stove top fire which was out by the time they arrived. The other was an oven fire, which caused light smoke damage. No one was displaced as a result of these two fires. He reported that the Fire Department participated in the Operation Scared Safe event at the Foley High School. He further reported that he is very proud of his staff members who worked hard at the event and he added that there were no car accidents with injuries or fatalities on prom night.

[13-0703](#)

Foley PD Monthly Report (April 2013)

Attachments: [20130510081226654.pdf](#)

Police Chief David Wilson gave a synopsis of his monthly report which is attached as back up to the minutes. He reported that the number of dispatched calls for service has increased. He also reported that the recent GED graduation was very powerful and moving because of the testimonies that were given by the graduates. He was also pleased to report that Domestic Violence Investigator Richard Humphrey received The Shehane Award from the Governor. This award has been presented to two senators, one representative, three district attorneys and the Alabama Attorney General in prior years.

New Business

Ordinances, Resolutions, and Other Business

[13-0661](#)

Accepts the Alabama Historical Commission Historic Preservation Fund

Grant for FY2013

Attachments: [AL-13-017 grant agreement](#)

A motion was made by Council Member Ralph Hellmich to accept the Alabama Historical Commission Historic Preservation Fund in the amount of \$9,375 for Historical Commission training and to appoint Miriam Boutwell to serve as the Grant Manager, who will be responsible for submitting all required reports, reimbursement requests and other correspondence to the Granting Agency and the City's Grant Administrator and to amend AL Historic Grant revenue account \$7,500 and increase Historic Commission Expense account \$4,375. Grantee Cost Reports will be submitted to the Alabama Historical Commission on a quarterly basis. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0304-RES

[13-0667](#)

Consideration of an ordinance regulating the distribution of unsolicited materials.

Attachments: [Litter Ordinance recorded](#)
 [Circulars Litter Ordinance \(1\)](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance to regulate the distribution of unsolicited materials to reduce and eliminate litter in the City of Foley. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[13-0668](#)

Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to the issuance fee and local liquor tax rates for retailers of liquor

Attachments: [1018-07 ORD.pdf](#)
 [Act 2006-586.PDF](#)

A motion was made by Council Member Ralph Hellmich to approve the second reading of an ordinance to amend Ordinance No. 1018-07, Section 5 (c) regarding business license fees. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-1033-ORD

[13-0685](#)

Acceptance of Volkert Supplemental Agreement No. 8 to Accomplish the Construction of a Fuel Farm at the Foley Municipal Airport and Approval to Bid Project

Attachments: [Volkert Supplemental Agreement #8](#)

Council President Trawick turned the meeting over to President Pro-tem Hellmich. A motion was made by Council Member Ebert, III, to accept Supplemental Agreement No. 8 as prepared by Volkert, Inc. for professional services in the amount of \$55, 232.24 to accomplish the construction of a fuel farm at the Foley Municipal Airport and approve going to bid for the construction of a fuel farm at the Foley Municipal Airport. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Quaites, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, Aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0305-RES

[13-0686](#)

Acceptance of Volkert Supplemental Agreement No. 9 for Professional Services for Airport Improvements related to Displacement of Runway 36 and Approval to Bid Project

Attachments: [Volkert Supplemental Agreement #9](#)

A motion was made by Council Member Blackwell to accept Supplemental Agreement No. 9 as prepared by Volkert, Inc. for professional services in the amount of \$61,237.93 to accomplish the displacement of runway 36 and pavement maintenance (construction) and approve going to bid for the displacement of runway 36 and pavement maintenance (construction). The motion was seconded by Council Member Quaites and carried by the following vote: Council member Vera Quaites, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0306-RES

[13-0691](#)

Approves Application For DOT's FY 2013 TIGER Discretionary Grant For Infrastructure Improvements

Attachments: [FY13 TIGER Notice of Funding](#)

A motion was made by Council Member Quaites to approve an application for DOT for the FY 2013 Tiger Discretionary Grant program for \$6,334,383 (Federal: \$4,728,507 City match: \$1,605,876) to expand walking and bike paths throughout the city to achieve better connectivity for residents and visitors. The motion was seconded by Council Member Ebert, III and carried by the following vote: Councilmember Quaites, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0307-RES

[13-0692](#)

Approves Application For ALDOT's FY 2013 Transportation Alternatives Program (TAP) For Bike Paths Along Foley Beach Express

Attachments: [ALDOT FY 2013 TAP](#)
[2013 Transportation Alternatives Program.pdf](#)

A motion was made by Council Member Ebert, III to approve an application to ALDOT for the FY 2013 Transportation Alternatives Program for bike paths along the east side of Foley Beach Express. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Quaite, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0308-RES

[13-0693](#)

Acceptance of Volkert Inc.'s Agreement for Underground Storage Tank (UST) Closure at the Foley Municipal Airport

Attachments: [Volkert Tank Closure Agreement](#)

A motion was made by Council Member Ebert, III to accept Volkert's Proposal for the scope of services listed in the letter agreement dated May 2, 2013 in an amount up to \$23,975.00. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Quaite, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0309-RES

[13-0705](#)

A motion was made by Council Member Blackwell to approve Volkert's contracts for ATRIP Pride Drive and Juniper Street. The motion was seconded by Council Member Quaite and carried by the following vote: Council member Quaite, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, aye.

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

Abstain: 1 - President Trawick

Enactment No: 13-0323-RES

[13-0706](#)

ATRIP Application for Fern Ave. Extension

A motion was made by Council Member Quaite to approve Volkert, Inc. to complete and submit the grant application for the ATRIP Phase III project. The motion was seconded by Council Member Blackwell and carried by the following vote: Council member Quaite, aye; Councilman Hellmich, aye; Council President Trawick, abstained; Councilman Blackwell, aye; Councilman Ebert, Nay. President Pro-tem Hellmich turned the meeting back over to Council President Trawick.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Nay: 1 - Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 13-0310-RES

[13-0690](#)

A resolution approving the reclassification of Capital Purchase funds for Public Works

Attachments: [13-0248-RES.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the reallocation of \$3,600 from "Fuel and Fleet Maintenance System" to "Fiber for Public Works" and to approve the reallocation of \$3,105.40 from Capital Purchase to IT Equipment for the purchase of four laptops for Public Works Supervisors and also approves carrying over the Fleet Maintenance System with a new amended cost. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0311-RES

[13-0696](#)

Perseids and the Preserve

Attachments: [Perseids.and.the.Preserve.2013](#)

A motion was made by Council Member Ralph Hellmich to approve the request for permission to hold "Perseids and the Preserve" Family Campout at Graham Creek Nature Preserve on August 10-11, 2013. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[13-0698](#)

Approve a \$500 increase in purchase price of scanner already approved for capital expenditure.

Sponsors: Library and Horn

A motion was made by Council Member Rick Blackwell to approve a \$500 increase for the purchase of a scanner currently budgeted at \$9,500. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0312-RES

[13-0701](#)

Resolution to extend temporary, full-time, accounts clerk in Finance Division and a transfer of funds to support this action

Attachments: [4923-12](#)

A motion was made by Council Member Charles Ebert, III to approve an extension of the temporary, full time position of Accounts Clerk through the remainder of the current fiscal year. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0313-RES

[13-0702](#)

A resolution reappointing Public Facilities Cooperative District Board Members

Attachments: [MX-Cooperative District Board Members](#)

A motion was made by Council Member Rick Blackwell to reappoint Vera Quaite, Ralph Hellmich, Rick Blackwell, Charles Ebert, III., A. Clyde Abrams Jr., David Rauch and Roderick W. Burkle to the Public Facilities Cooperative District Board beginning on June 29, 2013 and ending on June 29, 2017. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0314-RES

[13-0704](#)

Revised Foley Beach Express Access Units

Attachments: [Revised FBE Access Units](#)

A motion was made by Council Member Ralph Hellmich to approve the revisions to the Foley Beach Express roadway Access Units. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0315-RES

[13-0707](#)

A resolution rescinding Resolution 13-0175 Accepts Proposal from Watkins Acy Strunk Designs, Inc. for design services for the Foley Farmers Market not to exceed \$18,000

Attachments: [MX-Res. 13-0175 WAS](#)

A motion was made by Council Member Charles Ebert, III to rescind Resolution 13-0175 which accepts the proposal from Watkins Acy Strunk Designs, Inc. for design services for the Foley Farmers Market. The City of Foley Public Facilities Cooperative District will be handling the Farmers and Fishermens Market Public Works Project. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0316-RES

[13-0709](#)

Resolution Adopting New Pay Classification Plan for the City of Foley

Attachments: [4991-12](#)
 [01-660-1000](#)

A motion was made by Council Member Ralph Hellmich to adopt the New Pay Classification Plan. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0317-RES

[13-0711](#)

A resolution creating the Coastal Alabama Farmers and Fishermens Market and transferring the Gulf Tourism and Seafood Project debts to the same.

Attachments: [MX-Gulf Tourism and Seafood Project Account](#)
[MX-PFCD Farmers and Fishermens Account](#)

A motion was made by Council Member Charles Ebert, III to establish the City of Foley Public Facilities Cooperative District's Coastal Alabama Farmers and Fishermens Market proprietary fund number 41 and transfer the debt in the amount of \$1,721.42 from the Gulf Tourism and Seafood Project Account to the Coastal Alabama Farmers and Fishermens Market Account. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0318-RES

[13-0712](#)

A Resolution To Approve Transfer of BP Promotional Grant Fund

A motion was made by Council Member Ralph Hellmich that any and all grant funding now held by the City of Foley pursuant to the 2012 award of the BP Promotional Grant for use in the development of the Coastal Alabama Farmers and Fishermens Market project shall be transferred and assigned to the City of Foley Public Facilities Cooperative District to be used consistent with the terms and conditions of said grant award and that the award amount of \$317,500 be transferred. The City of Foley General Fund will issue a check in the amount of \$254,000 to transfer grant proceeds received to date. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0319-RES

[13-0715](#)

A Resolution To Approve Property Owned By The City Of Foley To Be Included In The Boundaries Of The Cooperative District

A motion was made by Council Member Rick Blackwell that the remaining Wilson Pecan property owned by the City of Foley, Alabama and that the City hereby consents to and authorizes the District to extend the boundaries of its district to include the property. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0320-RES

[13-0716](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [MX-5-15-13 Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich that certain City of Foley residential sanitation accounts in the collective amount of \$207.96 be written off the books of the City for fiscal year 2012-2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0321-RES

[13-0718](#)

Resolution to authorize transfer of funds from CDD to General Government for movement of GIS

A motion was made by Council Member Charles Ebert, III to authorize transferring funds in the amount \$20,398. The motion was seconded by

Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0322-RES

Add On

[13-0719](#)

A resolution authorizing the Mayor to enter into a Contract For Services for the Farmers Market Operations Manager (Heather Blankenship).

Attachments: [5-15-2013 Farmers Market Contract For Service](#)

A motion was made by Council Member Ralph Hellmich to authorize Mayor Koniar to enter into a Contract For Services for the Farmers Market Operations Manager with Heather Blankenship and to appropriate funds for her salary. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0324-RES

Mayor's Comments

Mayor Koniar reported that his trip to Washington, DC was good and the meeting with both the Senator and Congressman was productive. They are in favor of the Sales Tax legislation, which would boost revenue from internet sales.

Councilman Hellmich asked Ms. Boutwell where the City stood on the Legislative annexations now that the Legislative Session was at a close. Ms. Boutwell reported all three annexations passed but we have not received copies of the Acts signed by the Governor. She will advise when the Acts go into effect upon copies of the Acts.

Visitor's Comments

There were no visitor's comments.

Motion to Adjourn

A motion was made by Councilman Ralph Hellmich, seconded by Councilman Rick Blackwell, that this Council meeting be adjourned at 4:40 p.m. The motion carried by a unanimous vote.