



Meeting Minutes - Final City Council

Monday, November 4, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-1123](#)

Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of B-1A (Extended Business District) for 77+/- Acres and R3 (Residential Multi-Family) for 313+/- Acres Located South And West Of Foley Beach Express.

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

Council President Wayne Trawick opened the public hearing at 5:34 p.m. to consider passage of an ordinance and to consider Planning Commission's recommendation for Initial Zoning of B-1A (Extended Business District) for 77 +/- acres and R3 (Residential Multi-Family) for 313 +/- acres located south and west of Foley Beach Express. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[13-1124](#)

Public Hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to re-zone 9.2+/- acres from PUD (Planned Unit Development) to R-3 (Residential Multi-Family) and located on the south side of Miflin Road (a/k/a County Road 20) east of Beck Road. Applicant is B. J. Blanchard.

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

Council President Wayne Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to rezone 9.2+/- acres from PUD (Planned Unit Development) to R-3 (Residential Multi-Family) located on the south side of Miflin Road (a/k/a County Road 20) east of Beck Road. President Trawick asked if there were any comments from the public. Hearing no comments, he closed the public hearing.

[13-1125](#)

Public Hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning of R-1D (Residential Single Family) for 10+/- acres located south of County Road 12 and west of James Road.

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

Council President Wayne Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning of R-1D (Residential Single Family) for 10 +/- acres located south of County Road 12 and west of James Road. Council President Trawick asked for 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 5:36 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Randy Bishop, Joey Darby, Britton Bonner, Brett Connally, Tom DeBell, Don Staley, 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 Mayor's Presentation

[13-1141](#)

Proclamation - National American Indian Heritage Month

Attachments: [11-4-13 Proclamation](#)

Mayor Koniar read aloud a proclamation declaring November, 2013 as National American Indian Heritage Month. No one was present to accept the proclamation.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to carry over items 13-0848 and 13-1112 to the Council meeting of November 18, 2013 and to add items 13-1147, 13-1148 and 13-1150 to the November 4, 2013 agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of Minutes

[13-1114](#) Minutes of October 21, 2013 Work Session

Attachments: [10-21-2013 WS Minutes.pdf](#)

A motion was made by Council Member Charles Ebert III to approve the Work Session Minutes of October 21, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[13-1122](#) Council Meeting Minutes of October 21, 2013.

Attachments: [Council Meeting Minutes of Oct. 21, 2013](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of October 21, 2013. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

New Business

[13-1119](#) Consider 050-Retail Beer (Off Premises Only)for Valley Ice, LLC, applicant, under the trade name of Big Mikes Ice House, for their location at 8951 Highway 59 South, Foley, AL 36535

Attachments: [11-4-13 Big Mikes Ice House](#)

Fire Chief Darby reported the Fire Department made a Fire and Life Safety Inspection and made a recommendation to move forward on the ABC License Application. Deputy Police Chief Bishop also made a recommendation to move forward.

A motion was made by Council Member Charles Ebert, III to approve the application for an ABC License for Big Mikes Ice House. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

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](#)

This item was carried over to the City Council meeting of November 18, 2013.

[13-1066](#)

Accepts the Department of Transportation's (DOT) FY2013 Transportation Investment Generating Economic Recovery (TIGER) Grant

Attachments: [Volkert Task Agreement No. 14 TIGER Grant](#)
[Gray Matter Consulting Grant Admin Agreement-TIGER](#)

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

A motion was made by Councilman Ebert to accept \$4,728,507.00 in TIGER funding offered by DOT and to approve the City's match of \$1,605,876.00 for a total estimated project cost of \$6,334,383.00 and to accept Volkert's Task Agreement #14 for the Transportation Regional Infrastructure Pedestrian System (TRIPS) TIGER Grant which is included in the total estimated project cost under the "Responsible Charge" cost portion of the City's match and to accept Gray Matter Consulting's proposal to administer the Department of Transportation's (DOT) TIGER discretionary grant program awarded to the City for FY2013 for a fee of \$4,000 per month which is included in the total estimated project cost and to approve the addition of a new City Fund for the duration of the construction and compliance periods of the grant. The motion was seconded by Councilman Blackwell and carried by the following Roll Call 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 item passed by a majority vote.

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

Abstain: 1 - President Trawick

Enactment No: 13-0548-RES

[13-1081](#)

AN ORDINANCE 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: [Building Code Amendments 10_28_13](#)
[13-1043 ORD](#)

A motion was made by Councilman Hellmich to suspend the rules for the immediate adoption of an ordinance adopting the 2009 International Building 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. The motion was seconded by Council Member Vera Quaites. City Administrator Mike Thompson took the following Roll Call Vote: Council Member Quaites, aye; Councilman Hellmich, aye; Council President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Ralph Hellmich to adopt an ordinance adopting the 2009 International Building 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. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-1043-ORD

[13-1090](#)

Approving Application for Airport Improvement Funding Assistance from the State of Alabama Department of Transportation

Attachments: [Pre-Application for Airport Funding](#)

A motion was made by Council Member Rick Blackwell to authorize the City of Foley to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation for the purpose of undertaking a project in fiscal year 2014 to make improvements at the Foley Municipal Airport. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0549-RES

[13-1108](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 510 SOUTH HICKORY ST

Attachments: [510 South Hickory Leslie 0069 \(1\)](#)

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 510 South Hickory Street. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0550-RES

[13-1111](#)

HydroCAD Software Purchase

Attachments: [HydroCAD Software Quote](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of HydroCAD stormwater modeling software in the amount of \$2,300.00 from HydroCAD Software Solutions, LLC. The motion was seconded

by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0551-RES

[13-1112](#)

CR 12 Box Culvert

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

This item was carried over to the City Council meeting of November 18, 2013.

[13-1113](#)

AN ORDINANCE AMENDING ORDINANCE #1067-08 PERTAINING TO FLOOD DAMAGE PREVENTION.

Attachments: [ORD. 13-1044](#)

A motion was made by Council Member Charles Ebert III to amend Ordinance # 1067-08 pertaining to flood damage prevention. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-1044-ORD

[13-1115](#)

(Second Reading) Amendment to Ordinance No. 1018-07 (Business License Ordinance) relating to Special Events Vendors

Attachments: [Ord. No.1018-07](#)

A motion was made by Council Member Ralph Hellmich to amend Ordinance No. 1018-07 (Business License Ordinance) relating to Special Events Vendors. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-1045-ORD

[13-1116](#)

A Resolution Appointing Pat D'Agati To The Fire Code Of Appeals Board As An Alternate Member.

Attachments: [11-4-13 Pat D'Agati](#)

A motion was made by Council Member Charles Ebert III to appoint Pat D'Agati to the Fire Code of Appeals Board. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0552-RES

[13-1117](#)

A Resolution Amending Resolution 13-0530 Residential Sanitation Write Offs As Uncollectible

Attachments: [11-4-13 Res. 13-0530 & Correct back up](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 13-0530 Residential Sanitation Write Off to reflect the correct uncollectible amount of \$313.56. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0553-RES

[13-1120](#)

Accepting the Order of Deannexation from the Judge of Probate

Attachments: [Order of Deannexation for McPhail](#)

A motion was made by Council Member Ralph Hellmich to accept the Order of Deannexation dated the 7th of October, 2013 thereby deannexing the property owned by James Randall McPhail. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0554-RES

[13-1121](#)

A Resolution Appointing Bud Durden To The Board of Adjustment and Appeals As An Alternate Member.

Attachments: [11-4-13 BAA Recommendation](#)

A motion was made by Council Member Rick Blackwell to appoint Bud Durden as an alternate member of the Board of Adjustment and Appeals. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0555-RES

[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 Ralph Hellmich to approve the first reading of an ordinance amending Ordinance No. 387-87 pertaining to the zoning of Springdale Stores Property. The motion was seconded by Council Member Rick Blackwell 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 Charles Ebert III to approve the first reading of an ordinance amending 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 Nptoe of Public Hearing](#)
[Willow Lakes Notice of Public hearing Synopsis](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance approving the initial zoning of R-1D for Willow Lakes Estates. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-1048-ORD

[13-1129](#)

A Resolution Accepting The \$700.00 Donation From The Foley Woman's Club For The Library.

A motion was made by Council Member Ralph Hellmich to accept the \$700.00 donation made by the Foley Woman's Club for the Public Library. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0556-RES

[13-1130](#)

A Resolution Declares various computer equipment At The Public Library as surplus and authorizes disposal of same.

Attachments: [11-4-13 Library Equipment](#)

A motion was made by Council Member Vera Quaites to declare certain Public Library computer equipment as surplus and to authorize its disposal by the best possible means. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0557-RES

[13-1132](#)

Request to Go to Bid on Fire Station 1 Safe Room Construction

A motion was made by Council Member Ralph Hellmich to approve going to bid on the entire construction project for the safe room addition in Fire Station 1. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0558-RES

[13-1133](#)

A Resolution Reallocating \$10,690.00 For The Public Works Fuel Management

Attachments: [11-4-13 Fuel Managment](#)

A motion was made by Council Member Ralph Hellmich to reallocate \$10,690.00 for Fuel Management for Public Works. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0559-RES

[13-1134](#)

A Resolution Approving The Purchase Of A Replacement Air Conditioner Service Center.

Attachments: [11-4-13 AC Service Center Quotes](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of a replacement air conditioner service center in the amount of \$4,189.00 from Winzer and to increase the budget for this item from \$4,000 to \$4,189. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0560-RES

[13-1135](#)

Approving The Request From Kiwanis Club To Hold Their Annual Christmas Parade Saturday December 7, 2013 at 10:00 a.m.

Attachments: [11-4-13 Kiwanis Club Parade Request](#)

A motion was made by Council Member Ralph Hellmich to approve the Kiwanis Club's request to hold the 2013 Annual Christmas Parade to be held Saturday, December 7, 2013. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0561-RES

[13-1136](#)

A Resolution Amending Resolution 13-0494 Declaring Baker & Taylor, Baker & Taylor Entertainment, Over Drive And Recorded Books As Primary Sources For Purchases For The Library.

Attachments: [13-0494 RES](#)

A motion was made by Council Member Rick Blackwell to amend Resolution 13-0494 to include Ingram Book Distributors along with Baker & Taylor, Baker & Taylor Entertainment, Over Drive and Recorded Books as primary sources for purchases for the library. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0562-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 first reading of Zoning Ordinance Amendments. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-1049-ORD

[13-1140](#)

Resolution to approve Employee Wellness Clinic Exterior Renovation Capital Project Budgeted in FY14

Attachments: [Clinic Quote](#)

A motion was made by Council Member Ralph Hellmich to appropriate funds of up to \$25,000 for Symbol Health Solutions to complete the exterior work to the Employee Wellness Clinic. The motion was seconded by Council Member Vera

Quaites and carried by an unanimous vote.

Enactment No: 13-0563-RES

[13-1144](#)

A Resolution Approving An Application To Incorporate A Capital Improvement Cooperative District Of The City Of Foley, Alabama For A Sports Complex And Authorizing Such Incorporation

A motion was made by Council Member Ralph Hellmich to suspend the rules for the immediate adoption of a resolution approving an application to incorporate a Capital Improvement Cooperative District of the City of Foley, Alabama for a sports complex and to authorize such incorporation. The motion was seconded by Council Member Vera Quaites. City Administrator Mike Thompson took the following Roll Call Vote: Council Member Quaites, aye; Councilman Hellmich, aye; President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Ralph Hellmich to approve an application to incorporate a Capital Improvement Cooperative District of the City of Foley, Alabama for a sports complex and to authorize such incorporation and to appoint Mayor John Koniar, Keith Newton, Charles Ebert III, Skip Davis as regular members and Ralph Hellmich and Duane Dickson as alternate members to serve on the board. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0564-RES

[13-1145](#)

A Resolution Approving An Application To Incorporate A Capital Improvement Cooperative District Of The City Of Foley, Alabama For An Event Center And Authorizing Such Incorporation

A motion was made by Council Member Charles Ebert III to suspend the rules for the immediate adoption of a resolution approving an application to incorporate a Capital Improvement Cooperative District of the City of Foley, Alabama for an event center and to authorize such incorporation. The motion was seconded by Council Member Rick Blackwell. City Administrator Mike Thompson took the following Roll Call Vote: Council Member Quaites, aye; Councilman Hellmich, aye; President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Ralph Hellmich to approve an application to incorporate a Capital Improvement Cooperative District of the City of Foley, Alabama for an event center and to authorize such incorporation and to appoint Mayor John Koniar, Keith Newton, Charles Ebert III, Skip Davis as regular members and Ralph Hellmich and Duane Dickson as alternate members to serve on the board. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0565-RES

[13-1146](#)

A Resolution Approving And Authorizing Certain Action By The City Of Foley, Alabama And Constituted Authorities Thereof With Respect To Establishment Of A Sports Complex And Event Center In The City Of Foley, Alabama.

A motion was made by Council Member Charles Ebert III to approve and authorize certain action by the City of Foley, Alabama and constituted authorities thereof with respect to establishment of a sports complex and event center in the City of Foley. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0566-RES

[13-1147](#)

Approval Of ABC License For Equis

Attachments: [11-4-13 ABC License Equis](#)
 [11-4-13 Equis Map](#)

Fire Chief Darby reported the Fire Department made a Fire and Life Safety Inspection and made a recommendation to move forward on the ABC License Application. Deputy Police Chief Bishop also made a recommendation to move forward.

A motion was made by Council Member Ralph Hellmich to approve the application for an ABC License for Equis. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[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 first reading of an ordinance approving the petition for annexation and bringing property owned by Charles and Joyce Ann Roberts into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

A motion was made by Councilman Hellmich to amend his motion to add waiving the fees for Charles and Joyce Ann Roberts for the annexation since they were out of town during the annexation by Legislative Act process and was subsequently missed. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-1050-ORD

[13-1150](#)

Approves Mounting and Wiring Step-Down Transformers To Cobra Pole Decorations

Attachments: [5094-12 RES](#)

A motion was made by Council Member Ebert III to approve Hellmich Electric to mount and wire the step-down transformers to the newer 120 volt LED cobra pole decorations for no more than \$2,500. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member

Quaites, aye; Councilman Hellmich, abstained; President Trawick, aye; Councilman Blackwell, aye; and Councilman Ebert, aye. The item passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 13-0567-RES

Mayor's Comments

Mayor Koniar thanked and congratulated the Lion's Club for the success of the Tour De Foley Bicycle Fest. He reported the event brought many visitors to the City of Foley.

Visitor's Comments

There were no visitor comments. President Trawick reminded everyone to get out and vote on Election Day.

Adjourn

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

The meeting was adjourned at 6:07 p.m.