

**MINUTES
CITY OF FOLEY, ALABAMA
407 E. LAUREL AVENUE
COUNCIL CHAMBERS
CITY COUNCIL MEETING OF JULY 6, 2009
5:30 P.M.**

COUNCIL MEETING:

Mayor John Koniar called the Council meeting to order at 5:30 p.m. Council members present: Wayne Trawick, Vera Quaites, Rick Blackwell and Charles J. Ebert, III. Absent: Ralph Hellmich. Others present: City Clerk Perry Wilbourne, Vickey Southern, Miriam Boutwell, Roger Prewett, Butch Stokes, Sandra Pate, David Wilson, Randy Bishop, Joey Darby, John Williams, Catherine T. Williams, Steve Smith, Evans Russell, Lenora James, Jim Stevens, and press representative Bob Morgan.

APPROVAL OF THE MINUTES

Councilman Blackwell made a motion to approve the Council meeting Minutes of June 15, 2009. Councilwoman Quaites seconded the motion and the vote passed unanimously.

OLD BUSINESS: None to report.

NEW BUSINESS

Councilman Ebert made a motion to approve a resolution setting public hearings to consider violations of the City's Grass & Weed Abatement Ordinance 701-01 on the following properties within the City of Foley, pursuant to the Code of Alabama, Sections 11-67-20 through 11-67-28:

- A. 17926 Fancy Blvd, Tax Map Parcel No. 05-55-07-36-0-000-001.030
- B. 409 Collinwood Loop, Tax Map Parcel No. 05-61-02-09-3-001-002.034
- C. 507 S Cedar Street, Tax Map Parcel No. 05-54-09-29-4-000-123.000
- D. 513 W Begonia Ave, Tax Map Parcel No. 05-54-09-29-2-000-019.000
- E. 523 W Ariel Ave, Tax Map Parcel No. 05-54-04-20-2-000-001.081

Councilman Trawick seconded the motion and the vote passed unanimously.

Councilman Trawick made a motion to accept Planning Commission's recommendation for the City's public project Sunset Loop Drainage Improvements. Councilman Blackwell seconded the motion and the vote passed unanimously.

Councilman Trawick made a motion to accept Planning Commission's recommendation for the City's public projects, subject to availability of bond issue, for Northwest Quadrant Drainage Project and Cedar Street Drainage Improvements. Councilman Ebert seconded the motion and the vote passed unanimously.

A resolution approving Dept. of Homeland Security's Assistance to Firefighters' Fire Station Construction Grants (SCG) application passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

Mayor Koniar reported this grant is 100% federally funded through the Stimulus Package with no matching funds required.

ORDINANCES, RESOLUTIONS AND OTHER BUSINESS

The second reading of an ordinance to consider Planning Commission's recommendation for the proposed amendments to the City of Foley Zoning Ordinance regarding Sign Regulations passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

A resolution to consider Herndon Oil's Petition to De-Annex property that was annexed into the corporate limits of the City of Foley, Alabama by Ordinance 902-06, which inadvertently contained the legal description for this property but not owned by the petitioner, passed unanimously on motion by Councilman Ebert and was seconded by Councilwoman Quaites.

A resolution approving the State of Alabama Department of Archives and History's "Municipal Records Disposition Authority" detention schedule and memorializing the 2009 Destruction Notices passed unanimously on motion by Councilman Trawick and seconded by Councilwoman Quaites.

A resolution approving Mr. and Mrs. John P. Williams' petition for de-annexation for their property located next to Eleanor's Ceramics passed unanimously on motion by Councilman Ebert and seconded by Councilman Blackwell.

A resolution approving: **A)** The issuance of revenue bonds by The City of Foley Public Facilities Cooperative District, **B)** The use of the proceeds of such bonds to reimburse the City for the costs of various capital improvements made by the City, pursuant to Resolution No. 3345-08 of the City, **C)** The conveyance to, and the lease from, said Cooperative District of such capital improvements by the City pursuant to an instrument of conveyance and a year-to-year (annual appropriation) lease agreement providing for annual payments by the City equal to annual principal of and interest on said bonds and **D)** The validation of the bonds passed unanimously on motion by Councilman Trawick and was seconded by Councilwoman Quaites.

A resolution approving the purchase of a new pitching machine for the batting cages at the Sportsark in an amount not to exceed \$1,900 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Trawick.

A resolution approving a \$225 donation to Foley Cheerleading Association passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

A resolution accepting JAG Grant funds in the amount of \$55,091 passed unanimously on motion by Councilman Trawick and was seconded by Councilwoman Quaites.

A resolution approving additional funds in the amount of \$13,400 through COPS Grant with no matching funds for the purchase of personal protection gear passed unanimously on motion by Councilman Ebert and was seconded by Councilwoman Quaites.

A resolution approving the request to unfreeze one frozen Patrol Officer Slot passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

Mayor Koniar reported that a Patrol Officer has been called up for active duty.

A resolution confirming active duty deferential pay for employees called to active duty passed unanimously on motion by Councilman Trawick and was seconded by Councilman Ebert.

A resolution memorializing a Security System Upgrade not carried over in the amended budget in the amount of \$4,035.83 under Capital Purchase Account No. 15-600-7010 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Trawick.

A resolution approving South Baldwin Regional Medical Center's request to use the Foley Civic Center as an alternate care site as a staging area in the event of an emergency or incident (other than a storm or hurricane) that would require them to move patients from their facility) passed unanimously on motion by Councilman Trawick and was seconded by Councilwoman Quaites.

A resolution approving the acquisition of mitigation credits in the amount of \$41,250 from Wetlands Restoration, LLC for the Airport Drive North project passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

A resolution memorializing Volkert's TA#72 for Traffic Count at CR20 and Foley Beach Express in the amount of \$2,000 passed by a majority vote on motion by Councilman Ebert and was seconded by Councilman Blackwell. Councilman Trawick abstained.

Councilman Ebert made a motion to suspend the rules for the immediate consideration of an ordinance. Councilman Blackwell seconded the motion and City Clerk Perry Wilbourne took the following roll call vote: Councilman Trawick, aye; Councilwoman Quaites, aye; Councilman Blackwell, aye; Councilman Ebert, aye; and Mayor Koniar, aye. Of those present there was unanimous consent to suspend the rules.

An Ordinance amending traffic ordinance to change speed limit on Cater Lee Way between Hickory Street and 3-way stop to 35 mph and between the three-way stop and Cater Lee Way to CR65 stop sign from 20 mph to 45 mph passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

A resolution approving the installation of a four-way stop sign at Section Avenue/Hickory Street and Cater Lee Way intersection passed unanimously on motion by Councilman Ebert and was seconded by Councilman Trawick.

A resolution setting a public hearing July 15th at 10:00 a.m. in Council Chambers to discuss amending permitting and licensing ordinances passed unanimously on motion by Councilman Blackwell and was seconded by Councilwoman Quaites.

A resolution approving the amendment to the Certificate of Incorporation of the Utilities Board of the City of Foley passed unanimously on motion by Councilman Ebert and was seconded by Councilwoman Quaites.

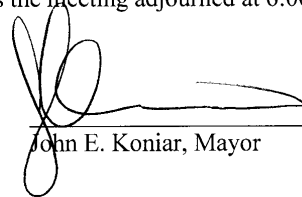
VISITOR COMMENTS

LaQuinta Stevens who lives in the Aaronville Community stated that she is a single parent of three daughters. She had a complaint regarding how some situations regarding her daughter had been handled and felt that she was not getting any assistance from the Police Department. She wanted the Council to be aware of the situation.

Mayor Koniar reported that he does not personally get involved with Police operations but was familiar with the case. Chief Wilson reported that he has met with her on several occasions and one meeting lasted two and a half hours. He further reported that he cannot speak freely about this case. There have been fourteen police reports written, seven adults arrested and more criminal charges pending. Due to the ongoing criminal case he cannot make any further comments.

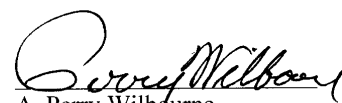
Mayor Koniar reported that we want everyone to have a good quality of life and this is on-going case. We have no issues and we want this thing settled and we are doing all we can do to get this thing settled.

ADJOURN: Hearing no further comments the meeting adjourned at 6:00 p.m.



John E. Koniar, Mayor

ATTEST:



A. Perry Wilbourne
City Clerk/Administrator