

**MINUTES
CITY OF FOLEY, ALABAMA
407 E. LAUREL AVENUE
COUNCIL CHAMBERS
CITY COUNCIL MEETING OF JULY 20, 2009
5:30 P.M.**

PUBLIC HEARINGS:

Mayor Koniar called the public hearing to order at 5:30 p.m. to consider passage of an ordinance and to consider Planning Commission's recommendation to re-zone .486± acres from A-O (Agricultural Open) to R-1A (Residential Single Family) and located on the north side of West Fern Avenue, east of Majesty Loop. Applicant is **James L. Underwood**. Hearing no comments the public hearing was closed.

COUNCIL MEETING:

Mayor John Koniar called the Council meeting to order at 5:31 p.m. Council members present: Wayne Trawick, Ralph Hellmich, Rick Blackwell and Charlie Ebert, III. Absent: Vera Quaites. Others present: City Clerk Perry Wilbourne, Vickey Southern, Leslie Lassitter, Butch Stokes, Joey Darby, David Wilson, Randy Bishop, Roger Prewett, Steve Smith, Eugenio Valle, Lyon Crow (Hanson Pipe) and press representatives Guy Busby and Bob Morgan.

APPROVAL OF THE MINUTES

Councilman Hellmich made a motion to approve the Council meeting Minutes of July 6, 2009. Councilman Trawick seconded the motion and the vote passed unanimously.

OLD BUSINESS: None to report.

NEW BUSINESS

A resolution setting a public hearing to consider violations of the City's Grass & Weed Abatement Ordinance on 501 East Verbena Avenue passed unanimously on motion by Councilman Ebert and was seconded by Councilman Blackwell.

Chief David Wilson recommended the Council move forward with the liquor license request from Country Corner Cafe. Councilman Blackwell asked Mr. Valle if they had a kitchen and served food. Mr. Valle stated that they did and they had the permits to serve the food.

Councilman Ebert made a motion to approve the 040-Retail Beer (On or Off Premises) and 060- Retail Table Wine (On or Off Premises) licenses for Country Corner Café Honduras Restaurant, LLC, Applicant, under the trade name of Country Corner Café Honduras Restaurant for their location at 8950 State Hwy. 59 S, Foley, Alabama. Councilman Hellmich seconded the motion.

Councilman Blackwell questioned Mr. Valle about the food because the answers regarding food on the application indicated that they do not serve food. Councilman Hellmich reported the ABC Board and Mr. Valle needed to review the application prior to moving forward because of the food permits. The vote to approve based on a corrected application being presented passed unanimously.

REPORTS

Community Development Department – Ms. Leslie Lassitter gave the June 2009 monthly report. The Planning Commission approved two public projects and two work session items. The Board of Adjustments and Appeals approved one variance. Planning & Zoning approved nine plan reviews, 30 permit reviews and 3 permit exemption reviews. The Environmental/Code Enforcement handled 33 Citizen Complaints; 37 Enforcement Actions; 88 Code Enforcement Inspections; 20 Environmental Inspections; 6 "Erosion & Sediment Controls" Plan Review/permits; one tree survey Plan Review/Permit and inventories of 212 GPS Outfall Structures. The Building/Inspections Department issued three "Single Family Residential" permits; 1 manufactured home; 13 Residential Miscellaneous Permits; 9 Commercial Additions/Remodels; one permit at Tanger; 3 Commercial Miscellaneous; 3 signs and 30 "Electrical, Mechanical & Plumbing" permits for a total of 63 permits with a valuation of

\$666,786. They had six new tenants in existing buildings and one new tenant at Tanger (Kenneth Cole). The Department performed a total of 172 inspections.

Others items to note are they handed out Historic District flyers to tenants; mailed the Historic District flyers to property owners and worked on GIS Geo-database conversion for zoning and addressing.

Fire Department - Chief Joey Darby reported June 2009 showed a significant increase with 92 incidents for the month. Approximately twenty-five incidents involved motor vehicle accidents. These are attributed to the higher volume of traffic coming through. The Department responded to several building fires but only one was a significant fire. The Department responded to assist Elberta with a single family home located on the edge of their jurisdiction. Wild fires were down due to the significant rain for the month of June. Public education included 44 adults being trained in CPR and 9 adults trained in first aid for a total of 53 contacts.

There were ninety-one public contacts/meetings held in June. Inspections consisted of 21 new construction and 60 existing occupancy inspections for a total of 81 inspections performed in June. We sent information out on June 28th, which marked the second anniversary of the "Super Sofa Fire" where nine firefighters lost their lives. A number of studies have been done and conclusions reached that preplanning and inspections on existing occupancies are critical. The Fire Department pushed existing occupancy inspections during the week of June 18th on six of the larger furniture stores in town. There were 31 violations, most of which were minor but six were major. The violations were dealt with on the spot and business owners understood and recognized they were making a safer environment for them as well as their customers.

Councilman Hellmich reported that the report was interesting reading and is a good reason you should encourage inspections. Chief Darby reported that we were going to be out doing the existing occupancy inspections and it is easy to overlook what we have in place making the stores the most dangerous for not only the firefighters but for the businesses themselves.

Police Department - Chief David Wilson reported June 2009 has been a busy month for wrecks. During their Comstat meeting they concentrated on MVA's in July concentrating on accident clusters mainly on Highway 59. They will have specific enforcement at various intervals. Since the terrible wreck on 59 they hope that having more enforcement will alleviate future wrecks.

The Patrol Division made 54 misdemeanor and seven felony arrests; served 101 misdemeanor warrants; made 15 DUI arrests; issued 290 citations; performed 521 close patrols; issued 573 warnings; assisted 147 motorists; worked 98 vehicular accidents; responded to 182 alarms; made 158 positive citizen contacts; and made 210 official business visits.

The Narcotics Division made four misdemeanor and four felony marijuana arrests; six controlled substance arrests; six drug paraphernalia arrests and issued two search warrants.

The Investigations Division received 53 new cases; solved 30 cases, which resulted in 11 felony arrests, ten warrants obtained and one case sent to the Grand Jury; eight were dismissed by exceptional clearance and nine follow-ups on domestic violence cases.

Assistance to Code Enforcement consisted of three warning for junk and three compliances. The Jail Division had 243 arrestees and 1,683 year to date; sixteen attended AA and 211 year to date; and 13 attended drug counseling with 61 year to date. The highest number in jail was 32 and the lowest was 17. Worker inmate hours included 680 for the month and 7,780 for the year. The Mounted Unit made three patrols and attended two community events. Animal Services had 108 calls for June. Community Outreach consisted of 36 GED participants with three classes held.

A resolution approving residential sanitation write-off's for the 120 day period passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

AUDITING ACCOUNTS

Councilman Hellmich made a motion to pay the accounts. Councilman Ebert seconded the motion and the vote passed unanimously.

ORDINANCES, RESOLUTIONS AND OTHER BUSINESS

The first reading of an ordinance to consider Planning Commission's recommendation to re-zone .486± acres from A-O (Agricultural Open) to R-1A (Residential Single Family) and located on the north side of West Fern Avenue, east of Majesty Loop and owned by James L. Underwood passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Trawick.

A resolution approving one Consent Agenda item passed unanimously on motion by Councilman Ebert and was seconded by Councilman Hellmich.

A resolution moving the first Council meeting in September to Tuesday, September 8, 2009 to accommodate the Labor Day Holiday passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

A resolution approving Baldwin Tea Party's request to use Heritage Park and Pavilion and John B. Foley Park on Saturday, September 12, 2009 between the hours of 2:00 – 5:00 p.m. to hold a 9-11 memorial service and to distribute information passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

A resolution approving a full color, half page ad in the 2010 South Baldwin Area Guide in the amount of \$1495 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

A resolution approving The Jennifer Claire Moore Foundation's request to use the Horse Arena July 28, 29, August 4, 6-8, 2009 and approving waiving light fees for horse arena passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

A resolution approving purchase of a wheel balancer, lift and cone kit set and declaring the old FMC 4100 as surplus to be sold on GovDeals passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Ebert.

The first reading of an ordinance amending Ordinance 557-98, which prohibits Door-to-Door Solicitation in the City of Foley passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

Councilman Hellmich reported the amendment gets the City in line with recent court rulings.

A resolution approving HMR's contract for various resurfacing projects passed by a majority vote on motion by Councilman Ebert and was seconded by Councilman Hellmich. Councilman Trawick abstained.

The first reading of an ordinance amending Ordinance 391-87 to provide parking, speed limits and traffic control within the City of Foley to include the speed limits on CR12S between the Foley Beach Express and the intersection of Wolf Bay Drive passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

A resolution accepting Thompson Engineering's proposed plan for monitoring well abandonment at the Parks Department in the amount of \$13,000 passed unanimously on motion by Councilman Trawick and was seconded by Councilman Ebert.

A resolution memorializing expenditure of \$240 for ADEM permit fee for Northwest Quadrant Drainage Improvement Project passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

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

An ordinance rescinding Ordinance No. 1075-08 and replacing with an amended ordinance for the clearing and maintenance of lots that constitute a public nuisance passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

Councilman Hellmich reported the amendment was clerical in nature.

A resolution amending Resolution 3756-09 to properly reflect funding and expenses not currently budgeted for JAG Grant passed unanimously on motion by Councilman Ebert and was seconded by Councilman Blackwell.

A resolution increasing the annual T-Hangar lease amounts passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Ebert.

A resolution authorizing monies from a Full-time position for Street Department personnel to a Part-time position, which require no additional monies, passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

A resolution acknowledging receipt of time extension granted by the EPA for the EPA Watershed Management Grant (in conjunction with Riviera Utilities) passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

A resolution acknowledging notification from ALDOT that the Cedar Street Sidewalk Project will be funded through TE Grant Funds (not ARRA funding at 100%) passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Ebert.

Mayor Koniar reported the total amount for the Project is \$450,000 and was awarded to the City. The funding will be through the regular TE Program that requires an 80/20 match instead of the 100% funding through ARRA. The City will move forward with the project.

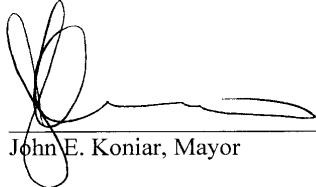
A resolution approving a \$333 refund to The Santa Foundation for reimbursement for Civic Center fees for their July 18th fundraiser passed unanimously on motion by Councilman Trawick and was seconded by Councilman Blackwell.

VISITOR COMMENTS

Rita Jones, Foley, Alabama – Ms. Jones stated that she works for Goodrich Aerospace and moved in with her mother. She has a complaint about her neighbor whose property (512 Sixth Avenue) is filled with Kudzu. She has talked with Martha and some other people and no one is able to do anything. She brought pictures for the Council's review. Ms. Lassitter reported the property owner called the City and told them she has scheduled a bush hog for this Friday to clean the property. If this is not resolved then it will come before Council.


ADJOURN

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



John E. Koniar, Mayor

ATTEST:



A. Perry Wilbourne, CMC
City Clerk/Administrator