

**MINUTES
CITY OF FOLEY, ALABAMA
407 E. LAUREL AVENUE
COUNCIL CHAMBERS
CITY COUNCIL MEETING OF MAY 26, 2009
5:30 P.M.**

COUNCIL MEETING:

Mayor John Koniar called the Council meeting to order at 5:35 p.m. Council members present: Wayne Trawick, Vera Quaites, Ralph Hellmich, Rick Blackwell and Charles Ebert, III. Others present: City Clerk Perry Wilbourne, Vickey Southern, David Wilson, Randy Bishop, Joey Bishop, Miriam Boutwell, Mr. & Mrs. Steve Horn, Roger Prewett, Mr. & Mrs. J. W. Hamburg, Mr. & Mrs. John Medberry, Bonnie Donaldson, Herman Doster, and press representatives Bob Morgan and Guy Busby.

SPECIAL GUESTS

Mr. & Mrs. John Medberry – Mayor Koniar welcomed the Medberry's to the Council meeting and presented them with a proclamation commending the 100th birthday of their home, which is located at 424 W. Berry Avenue. The original owner was Dr. Ernest A. Moore, who built the home in 1909. The house is a good representation of the Southern Raised Cottage architectural style.

Mayor Koniar announced that he and Councilman Ebert attended an afternoon tea complete with music and they have done a great job on their home. Mrs. Medberry brought a couple of pictures of the house for the Council to look at.

Mr. & Mrs. Medberry thanked the Council for the Proclamation. Mrs. Medberry stated that she was planning a tea with music by invitation only the second Saturday in October. They plan to let people walk through the home that is filled with antiques brought from England. They sold a couple of properties in Elberta, which consisted of a music studio and they have a music studio located at the West Berry Avenue location. The studio is open every Monday afternoon for people who want to learn/play string instruments (cello etc.). Mrs. Medberry plays the cello. Mr. Medberry stated they were in Washington last week and believes a new cello is in their future.

APPROVAL OF THE MINUTES

Councilman Hellmich made a motion to approve the Council Meeting Minutes of May 12, 2009. Councilman Ebert seconded the motion and the vote passed unanimously.

OLD BUSINESS: None to report.

NEW BUSINESS

Chief Wilson recommended Council moves forward on Magnolia Court Restaurant's liquor license request.

Councilman Trawick made a motion to approve the 020- Restaurant Retail liquor license request for Magnolia Court Management, LLC under the trade name of Magnolia Court Restaurant for their location at 115 North McKenzie Street, Foley, Alabama. Councilman Blackwell seconded the motion. Councilman Ebert abstained from voting and the vote passed by a majority vote.

Councilman Hellmich made a motion to approve Abiding Love Fellowship's request for using Griffin Park July 6-8, 2009 from 9:00 a.m. – Noon. Councilwoman Quaites seconded the motion and the vote passed unanimously.

REPORTS

Community Development Department – City Planner Miriam Boutwell gave the April 2009 report as follows: Planning Commission approved two subdivision exemptions; one subdivision deviation and one final subdivision. Planning and Zoning reviewed seven plans, three permit exemptions and 29 permit reviews. The Environmental/Code Enforcement handled 30 citizen complaints; 26 enforcement actions; performed 34 Code Enforcement and 36 Environmental Inspections; reviewed one "Erosion & Sediment Control" plan and GPS'd 63 outfall structures. The Building/Inspections issued one new

SFR permit; 10 Residential Miscellaneous permits; one new commercial; three commercial additions/remodels; one new tenant at Tanger; seven signs and 25 Electrical, Mechanical & Plumbing permits for a total of 50 permits with a permit valuation of \$252,119.

Fire Department - Chief Darby reported since he has been here the total number of incidents dropped significantly. There were a total of 74 incidents. There were four unauthorized burns and six building fires; one on Beck Road was a total loss with no loss of life. Chief Darby attributed the numbers were down due to the significant rainfall. However, they were busy with public education training 46 adults in CPR and eight adults in first aid. The inspector attended 53 meetings; performed 34 new construction inspections; performed 52 existing occupancy inspections with most of them being in mercantile stores for a total of 86 inspections.

Police Department – Chief David Wilson gave the April 2009 report as follows: The Patrol Division made 116 misdemeanor and 12 felony arrests; served 111 misdemeanor warrants; made 25 DUI arrests; issued 351 citations; performed 620 close patrols; issued 684 warnings; assisted 94 motorists; worked 78 motor vehicle accidents; answered 126 alarms; made 177 positive citizen contacts and made 242 official business visits. The Narcotics Division made 24 misdemeanor and three felony Marijuana arrests; made 13 controlled substance arrests; 14 drug paraphernalia arrests and made eight drug raids. The Investigations Division received 68 new cases; have 11 unsolved cases and solved 38 cases with some cases pending. They closed two inactive cases. Code Enforcement Assistance issued two warnings for Neighborhoods on litter-junk. The jail had a total of 296 arrestees that were received and processed; 41 attended AA and 16 received drug counseling. The highest number of arrestees was 42 inmates and the lowest number of inmates was 18. Worker inmate hours totaled 1,100. The Mounted Unit attended two community events. Animal Services received 59 calls. Community Services attended two Neighborhood Watch meetings. Community Outreach and Development included 50 GED participants and two youth activity events.

Chief Wilson further reported Carla Smith, a replacement officer, started today and she is the fourth female officer for Foley, which is the highest amount of females Foley has ever had in their employ at one time.

Councilman Hellmich made a motion to approve the residential sanitation write-off in the amount of \$406.71 for the 120 day period ending April 2009. Councilman Trawick seconded the motion and the vote passed unanimously.

AUDITING ACCOUNTS:

Councilman Ebert made a motion to approve the accounts for payment. Councilman Blackwell seconded the motion and the vote passed unanimously.

ORDINANCES, RESOLUTIONS AND OTHER BUSINESS

The second reading of an ordinance approving Planning Commission's recommendation to re-zone 2.3± acres from R-1A (Residential Single Family) to PUD (Planned Unit Development) owned by South Baldwin Health Care Authority and located on the east of North Alston Street, north of West Rosetta Avenue and west of North McKenzie Street passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

A proclamation recognizing Mr. and Mrs. John Medberry's home being 100 years old passed unanimously on motion by Councilman Ebert and was seconded by Councilwoman Quaites.

A resolution approving Baldwin Register's quarter page, full color ads for "Where the Soil Meets the Sea" and for the Fifth Balloon Festival in the amount of \$245.86 each passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

A resolution approving procedures to obtain a Foreign Trade Zone status within the City's industrial parks passed unanimously on motion by Councilman Trawick and was seconded by Councilwoman Quaites.

Councilman Trawick reported the deadline for the letter is June 1st.

A resolution amending 01-622-8110 budget an additional \$1,508.80 for memorial plaques for Soccer Park and 5-Plex passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Blackwell.

A resolution combining expense accounts for Girls softball concessions Acct. No. 05-650-5025 and boy's softball concessions Acct. No. 05-651-5025 to one account number 05-649-5025 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

A resolution accepting Baldwin County Commissioner Charles Gruber's \$3,000 donation for the Library's Summer Reading Program and amending the budget passed unanimously on by Councilman Trawick and was seconded by Councilwoman Quaites.

A resolution accepting Ozark Stripping's quote in the amount of \$17,668.80 for repainting the runway markings at the Foley Municipal Airport to bring the airport in compliance with the FAA passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

A resolution authorizing the Mayor to sign SouthernLink Wireless' proposed lease agreement to collocate on the city owned tower facility passed unanimously on motion by Councilman Trawick and was seconded by Councilman Hellmich.

A resolution accepting Safe Span, LLC's proposal for performing six (6) bridge inspections in the City limits passed unanimously on motion by Councilman Hellmich and was seconded by Councilwoman Quaites.

A resolution approving installation of a street light on existing pole 9403 located on the north side and west of Verbena Loop passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

Mayor Koniar announced the Council approved by consensus to go to bid on two projects: 1) Sunset Loop Drainage Improvements, and 2) the Northwest Quadrant Drainage project.

A resolution accepting HMR's proposal for Cedar Street and Hwy. 98 Intersection widening passed by a majority vote on motion by Councilman Hellmich and was seconded by Councilman Blackwell. Councilman Trawick abstained.

A resolution approving MCS Contracting, Inc.'s proposal in the amount of \$1,975 for repairing the two doors on the south end of the City's warehouse (formerly Dixie Furniture's warehouse) passed unanimously on motion by Councilman Trawick and was seconded by Councilman Ebert.

Councilman Hellmich made a motion to appoint Miriam Boutwell as a City representative to participate in the organization of the Southeast Energy Efficiency Alliance and to approve a resolution endorsing the South Alabama Regional Planning Commission's grant application to the Southeast Energy Efficiency Alliance. Councilwoman Quaites seconded the motion and the vote passed unanimously.

A resolution authorizing the Mayor to sign the support letter supporting Baldwin County's request for Federal funding to expand the County's transit system passed unanimously on motion by Councilman Trawick and was seconded by Councilman Ebert.

A resolution authorizing the Mayor to negotiate the purchase of credit insurance for upcoming \$21,000,000 bond issuance and to include City Hall as part of the collateral, if necessary, and to close the bond issue at the appropriate time passed unanimously Councilman Trawick and seconded by Councilman Hellmich.

Councilman Trawick made a motion to appoint Councilwoman Quaites, Councilman Hellmich, Councilman Blackwell and Councilman Ebert as board members to the Cooperative District. Councilman Ebert seconded the motion and the vote passed unanimously.

A resolution authorizing the Mayor to formalize the purchase of property near the Soccer Park entrance west of Schumacher for the purchase price of \$165,000 passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

A resolution approve the Library Board's recommendation to hire Steve Horn as the Library Director at an annually salary of \$58,000 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Trawick.

Mayor Koniar reported Donna Soto did a great job while she served as the Library Director and the Library's program grew considerably under her direction. He also congratulated Steve Horn on his new position.

The second reading of an ordinance declaring certain municipal property surplus and authorizing the transfer or conveyance of the same and authorizing the Mayor and City Clerk to enter into a boundary line agreement with an adjoining property owner (Hamburg's) passed unanimously on motion by Councilman Hellmich and was seconded by Councilman Trawick.

A resolution approving request for a donation of sick leave for employee #01-0434 passed unanimously on motion by Councilman Blackwell and was seconded by Councilman Ebert.

Councilman Ebert reported the City ladies did a fabulous job in catering Donna Soto's retirement party. Mayor Koniar reported that it was good to see the employees pull together to save the City money.

VISITOR COMMENTS

Councilman Hellmich reported the resolution approving HMR's proposal for the Cedar Street widening at the intersection of Hwy. 98 would dovetail with the sidewalk and drainage project and hopefully would alleviate some of the problems.

ADJOURN

Hearing no further comments the meeting adjourned at 6:06 p.m.

/s/John E. Koniar, Mayor

ATTEST:

/s/A. Perry Wilbourne
City Clerk/Administrator