



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft City Council

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Monday, February 17, 2014

5:30 PM

Council Chambers

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### Council Meeting

#### Public Hearing

- 14-0089** Public Hearing To Consider Planning Commission's Recommendation of MH-1 (Mobile/Manufactured Dwelling Park) For Mallard Point LLC, Braida Sharpe & James E. Kleinschmidt.

Attachments: [Mallard Point Initial Zoning & Map](#)

Council President Wayne Trawick called the public hearing to order at 5:30 p.m. to consider Planning Commission's recommendation of MH-1 (Mobile/Manufactured Dwelling Park) for Mallard Point LLC., Braida Sharpe & James E. Kleinschmidt. 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 5:31 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, Britton Bonner, Miriam Boutwell, Suzanne Kellams, David Wilson, Joey Darby, Jeff Rouzie, Theresa Gillaspie, Pat Slocum, Cathy Kane, Lori Pietsch, Ernest Schroder, Carl Kane, Evelyn L. Wallace, Roberta F. Reynolds, Pierce Flore, Sue Norman, Bill Lawerence, Sal Muccio, Roddy Burkle, press representative Cathy Higgins (Onlooker) and press representative Will Robinson Smith (Fox 10 News).

**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

- 14-0077** Proclamation endorsing "NEA's Read Across America" a national celebration of Dr. Seuss's birthday on March 2nd

Attachments: [02-17-14\\_Read\\_Across\\_America\\_Proclamatio.pdf](#)

Mayor Koniar presented Dr. Lawrence with the proclamation endorsing "NEA's Read Across America" a national celebration of Dr. Seuss's birthday on March 2nd. Dr. Lawrence stated that he hopes everyone celebrates Dr. Seuss's birthday everyday and encouraged everyone to read to children because reading is the key to success in life.

- 14-0031** 2014 ARBOR DAY BOOK DONATION

Foley Elementary School - Susan Loy  
*The Tree Lady*

Foley Intermediate School - Judy Thomas  
*The Tree Lady*

Foley Middle School - Sue Norman  
*Vincent's Trees: Paintings and Drawings by Van Gogh*

Foley High School - Cathy Cane  
*Vincent's Trees: Paintings and Drawings by Van Gogh*

Foley Public Library - John Jackson  
*Who Will Plant a Tree*

Mayor Koniar presented book donations in honor of Arbor Day to Dr. Lawrence from Foley Elementary School with the book, "The Tree Lady"; Judy Thomas from Foley Intermediate School with the book, "The Tree Lady"; Sue Norman from Foley Middle School with the book, " Vincent's Trees: Paintings and Drawings by Van Gogh"; Cathy Kane from Foley High School with the book, " Vincent's Trees: Paintings and Drawings by Van Gogh" and John Jackson from the Foley Public Library with the book, "Who Will Plant A Tree?"

### Additions/Removals

Councilman Hellmich made a motion to add to the agenda items 14-0118, 14-0134, 14-0135, 14-0136 and to remove from the agenda item 14-0117. Councilman Ebert III seconded the motion and carried by a unanimous vote.

### Approval of Minutes

- 14-0114** Work Session Minutes of 02-03-2014

Attachments: [02-03-2014 Work Session Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of February 3, 2014. The motion was seconded by Council

Member Ralph Hellmich and carried by an unanimous vote.

**14-0106** Council Meeting Minutes Of February 3, 2014

**Attachments:** [Council Meeting Minutes of February 3, 2014](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of February 3, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

**14-0130** Correction of August 5, 2013 Council Meeting Minutes

**Attachments:** [August 5, 2013 Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the corrections to Council Meeting Minutes of August 5, 2013. The date in item 13-0867 stated the public hearing was held on July 25, 2013 but should have stated that the public hearing was held on July 15, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

### **Audit of the Accounts**

**14-0103** Audit Of The Accounts Of January, 2014

A motion was made by Council Member Charles Ebert III to approve the January 2014 accounts for payment. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

### **Reports**

**14-0129** January 2014 Sales, Lodging and Rental Tax Reports

**Attachments:** [DOC006.pdf](#)

The January 2014 Sales, Lodging and Rental Tax Report is attached as backup to the minutes.

**14-0108** January 2014 CDD Report

**Attachments:** [January 2014 CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the January 2014 Report that is attached as backup to the minutes.

**14-0131**  
Fire Department Monthly Report January 2014

**Attachments:**     [Council January 14 2-2014](#)

Fire Chief Joey Darby gave a synopsis of the January 2014 Fire Department Report that is attached as backup to the minutes. Chief Darby also reported that January 2014 was a busy month with 123 incidents. The number of incidents were up 45% from December 2013 and up 40% from January 2013. There were two significant fires. One of which, was at an abandoned mobile home on Way Lane that was extinguished without incident. It is believed that the fire was intentionally set; however, the mobile home had no value and no one was displaced. The fire is still under investigation. The other fire was at Vulcan Metal Stampings which, also included an explosion and resulted in significant injuries for two employees that were life flighted to burn centers. Approximately 50 employees were treated on the scene for minor injuries. The fire was contained to its area of origin and is listed as a machinery fire. The exact cause of the fire and explosion is still under investigation. There has been a slight increase in the number of brush and grass fires due to more outdoor burnings and since the humidity has been relatively low, these outdoor fires have more potential to spread and get out of control. The Fire Department also responded to 23 motor vehicle accidents.

**14-0113**             January 2014 Foley PD Monthly Report

**Attachments:**     [20140207094057692](#)

Police Chief David Wilson gave a synopsis of the January 2014 Police Report that is attached as backup to the minutes.

## **Ordinances, Resolutions and Other Business**

**14-0128**             Consider ABC license application for Patsy Slocum and Latrell Slocum, applicant operating under the trade name The Tidal Wave Bar for a 010-Lounge Retail Liquor - Class I located at 163 East Riviera Blvd, Foley, AL. 36535.

**Attachments:**     [ABC License - The Tidal Wave Bar](#)  
                             [ABC- The Tidal Wave Bar Map](#)

Council President Trawick moved this item to the beginning of the agenda due to the applicant not feeling well.

Police Chief David Wilson and Fire Chief Joey Darby both recommended moving forward with the ABC license application.

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

**14-0100**             Approving Emmanuel's Place Request To Hold A 5k Run Fundraiser on June 28, 2014.

**Attachments:**     [Emmanuel's Place](#)  
                                 [Emmanuel's Place 5k Run Map](#)

A motion was made by Council Member Ralph Hellmich to approve Emmanuel's Place request to hold a 5k Run fundraiser on June 28, 2014; to waive the fees for the use of Heritage Park and to approve vendor booths to be set up at Heritage Park during the event. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0043-RES

**14-0020**

Accepts The USDA's Rural Business Enterprise Grant (RBEG) For \$100,000 For Equipment For The Coastal Alabama Farmers and Fishermens Market

**Attachments:**     [USDA RBEG Award Letter for CAFFM](#)

A motion was made by Council Member Ralph Hellmich to accept the USDA's Rural Business Enterprise Grant funds in the amount of \$100,000 to be used for equipment needs of the Coastal Alabama Farmers and Fishermens Market; to appoint Suzanne Kellams to serve as Grant Manager, who will be responsible for submitting all required reports, reimbursement requests, and other correspondence to the Granting Agency; and to amend the budget accordingly and approve the expenditure of the grant funds. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0044-RES

**14-0037**

An Ordinance Approving Petition for Annexation and Initial Zoning and Bringing Property into the Corporate Limits of The City of Foley owned by Charles & Joyce Ann Roberts

**Attachments:**     [13-1050 ORD](#)  
                                 [Roberts Initial Zoning](#)

A motion was made by Council Member Rick Blackwell to approve the petition for annexation and initial zoning and bringing property into the corporate limits of the City of Foley owned by Charles & Joyce Ann Roberts. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-1005-ORD

**14-0090**

(Second Reading) ORDINANCE APPROVING THE INITIAL ZONING OF MALLARD POINT LLC, BRAIDA SHARPE & JAMES E. KLEINSCHMIDT

**Attachments:**     [Mallard Point Initial Zoning & Map](#)

A motion was made by Council Member Ralph Hellmich to approve the initial zoning of MH-1(Mobile/Manufactured Dwelling Park) for Mallard Point LLC., Braida Sharpe & James E. Kleinschmidt. The motion was seconded by Council Member Vera Quaites and carried by the following vote. Council Member Quaites, aye; Councilman Hellmich, aye; President Trawick, aye; Councilman

**Blackwell, aye and Councilman Ebert III abstained. The vote passed by a majority vote.**

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

**14-0102**

A Resolution Reappointing Jack Kimsey To The Board Of Adjustment And Appeals

**A motion was made by Council Member Charles Ebert III to reappoint Jack Kimsey to the Board of Adjustment and Appeals. The motion was seconded by Council Member Rick Blackwell and carried and by an unanimous vote.**

Enactment No: 14-0045-RES

**14-0104**

(Second Reading) An Ordinance Regulating Parades And Demonstrations On Public Property In The City Of Foley

Ordinance is attached in its entirety as Exhibit A.

**Attachments:** [Ordinance Exhibit A](#)

**A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance regulating parades and demonstrations on public property in the City of Foley. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

**Councilman Ebert III thanked Chief Wilson for bringing this ordinance forward.**

**14-0105**

A Resolution Accepting Quote From Callihan Dearborn Construction For Abating Weeds at 510 S. Hickory Street

**Attachments:** [Callihan Dearborn Construction Quote](#)  
[13-0608 RES](#)

**A motion was made by Council Member Rick Blackwell to accept Callihan Dearborn Construction's quote in the amount of \$1,410.00 to remove the weed nuisance located at 510 S. Hickory Street and to appropriate \$1,410.00 to the new General Fund for weed abatement expense. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 14-0046-RES

**14-0107**

Accepts Proposal From Terracon Consultants, Inc. for Asbestos Survey, Limited Lead Paint Chip Sampling & Limited Visual Observation for Mold for Cactus Cafe' Building

**Attachments:** [Terracon Proposal.pdf](#)

**A motion was made by Council Member Ralph Hellmich to accept the proposal from Terracon Consultants, Inc. for Asbestos Survey, Limited Lead Paint Chip Sampling and Limited Visual Observation for Mold for the Cactus Cafe Building**

and to appropriate \$3,622.50 under account R10 IMPR. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0047-RES

**14-0109**

Coastal Wildlife Rescue Center request to host Earth Day Festival

**Attachments:**     [Graham Creek Nature Preserve Reservations Application](#)

A motion was made by Council Member Charles Ebert III to approve Coastal Wildlife Rescue Center to host the Earth Day Festival at Graham Creek Nature Preserve on April 12, 2014 contingent upon they obtain the necessary insurance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0048-RES

**14-0112**

Consider 010- Lounge Retail Liquor - Class I License transfer from Lil Texas LLC to ELS LLC under the trade name of Doc Hollidays

**Attachments:**     [ABC Transfer Application](#)  
                              [ABC-Doc Hollidays Map](#)

Police Chief David Wilson and Fire Chief Joey Darby both recommended moving forward with the ABC license application.

A motion was made by Council Member Ralph Hellmich to approve the ABC Class I license transfer from Lil Texas LLC, to ELS LLC, under the trade name of Doc Hollidays located at 203 N. Cypress Street Foley, Alabama. The motion was seconded by Council Member Vera Quaites and carried by the following vote:

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

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

**14-0116**

TO APPROVE A CORRECTIVE DEED AND TO CONFIRM AND RATIFY A PURCHASE AGREEMENT AND PROMISSORY NOTE

**Attachments:**     [City of Foley Resolution PEAVEY](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to approve a corrective deed and to confirm and ratify a purchase agreement and promissory note. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

**14-0117**

Approving Deed Correction

A motion was made by Council Member Ralph Hellmich to remove item 14-0117 from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

**14-0119** Approve Centennial Bank Financing Agreement

**Attachments:** [02122014-005.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to execute Centennial Bank's Commitment under their terms and conditions as listed in the attached Commitment letter dated February 12, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0049-RES

**14-0120** Approve Transfer Of Funds To The Public Facilities Cooperative District For Needed Maintenance Work On The Peavey Building Roof And HVAC System

A motion was made by Council Member Rick Blackwell to approve the repairs to the Peavey Building roof in an amount up to \$15,000 and the HVAC unit for the wholesalers office space in an amount up to \$3,000; to appropriate \$18,000 for this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0050-RES

**14-0121** Consider approving South Baldwin Chamber of Commerce's requests to hold a three-day Hot Air Balloon Festival at the Foley Sportsplex, June 13, 14, and 15, 2014 and to serve alcoholic beverages in a non-corralled designated area.

**Attachments:** [Balloon Fest - Liquor License Letter to City Council](#)  
[14-GCHABF Layout SM](#)

Police Chief David Wilson and Fire Chief Joey Darby both recommended moving forward with the ABC license application.

A motion was made by Council Member Rick Blackwell to approve the annual Gulf Coast Hot Air Balloon Festival to be held at the Foley Sports Complex June 13 through June 15, 2014; to approve the serving of alcoholic beverages in a non-corralled designated area based upon ABC Board approval. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

**14-0122** Approves Transfer Of Funds To Public Facilities Cooperative District For Quote For Maintaining Fire Suppression System At The Peavey Building

**Attachments:** [FoleySectionStSystem.pdf](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$5,285 to the Peavey Building Expense account for maintenance of the Fire Suppression System and monthly monitoring; to appropriate \$225 to the Peavey Building Expense account for Mechanical Fire Protection to inspect the fire suppression system; to authorize the transfer of \$5510 from Account No. 01-620-6190 to Fund 41 PFCD Account No. 41-600-4061 Maintenance Peavey Building. The motion was seconded by Council Member Charles Ebert III and



carried by an unanimous vote.

Enactment No: 14-0051-RES

**14-0123**

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$169.13

**Attachments:**     [2-17-14 Sanitation Write Offs](#)

**A motion was made by Council Member Ralph Hellmich to approve certain residential sanitation accounts in the collective amount of \$169.13 to be written off the books of the City for fiscal year 2013-2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**

Enactment No: 14-0052-RES

**14-0124**

ABC License - 240 Non-Profit Tax Exempt for Chamber Foundation's BBQ & Blues Event March 14 & 15, 2014

**Attachments:**     [ABC License - 6TH ANNUAL BBQ AND BLUES COOKOFF](#)

**Police Chief David Wilson and Fire Chief Joey Darby both recommended moving forward with the ABC license application.**

**A motion was made by Council Member Ralph Hellmich to approve the ABC License - 240 Non Profit Tax Exempt for the Chamber Foundation's BBQ & Blues Event on March 14 & 15, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

**14-0125**

Approves purchase of a solid tine toolbar for the infield drag in the amount of \$2,200 for sports complex.

**A motion was made by Council Member Rick Blackwell to approve the purchase of a solid tine toolbar for the infield drag in the amount of \$2,200. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 14-0053-RES

**14-0126**

Approves purchase a new trailer and fuel tank in the amount of \$1,400 for sports complex.

**A motion was made by Council Member Ralph Hellmich to approve the purchase of a new trailer and gas tank in the amount of \$1,400 for the sports complex. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0054-RES

**14-0118**

Request to hold Foley 3rd Friday Art Walk

**Attachments:**     [4 Elements Art Walk Request 2-17-14000.pdf](#)

**A motion was made by Council Member Ralph Hellmich to approve the Art Walk every third Friday of the month beginning February 21, 2014 and to approve an annual \$20.00 business license fee plus any applicable issuance fees for Art Walk vendors. The motion was seconded by Council Member Rick**

**Blackwell and carried by an unanimous vote.**

Enactment No: 14-0055-RES

**14-0134**

Beck Road Transfer from Baldwin County to City of Foley

**Attachments:**     [City-County Agreement for Beck Rd.](#)

**A motion was made by Council Member Ralph Hellmich to approve the City to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for Beck Road to facilitate the orderly development of this area of the City of Foley in its corporate limits. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**

Enactment No: 14-0056-RES

**14-0135**

A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC FACILITIES COOPERATIVE DISTRICT

**Attachments:**     [User Fee Agreement](#)

**A motion was made by Council Member Ralph Hellmich to authorize a project user fee agreement by the City of Foley, Alabama and the City of Foley Public Facilities Cooperative District. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.**

Enactment No: 14-0057-RES

**14-0136**

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND MCKENZIE VILLAGE, LLC

**Attachments:**     [Economic Development Grant Agreement](#)

**A motion was made by Council Member Ralph Hellmich to authorize a Special Economic Development Grant agreement by the City of Foley, Alabama and McKenzie Village, LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 14-0058-RES

### **Mayor's Comments**

**No comments to report.**

### **Visitor's Comments**

**No comments to report.**

## Executive Session

City Administrator Mike Thompson announced the need to go into executive session to discuss the consideration of the exchange of real property and negotiations involving matters of trade or commerce, which falls within the exceptions to the Open Meetings Act.

City Administrator Mike Thompson reported the Executive Session will take approximately 45-60 minutes and Council will then return to take a vote.

A motion was made by Councilman Hellmich to go into executive session. The motion was seconded by Councilman Blackwell.

City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. There was a unanimous vote to go into executive session.

The Council meeting recessed at 6:08 P.M. to go into executive session.

The Council meeting reconvened at 7:07 P.M.

All Council members were present. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Jeff Rouzie, Britton Bonner and Will Robinson Smith.

**14-0137**

A Resolution Authorizing The Mayor To Sign Lease Agreements For The Foley Events Center And Foley Sports Tourism Complex

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign a lease agreement for the Foley Events Center and Foley Sports Tourism Complex. If necessary, the Council will call a Special Called Council meeting within ten (10) days prior to the proposal terminating for Council to consider any proposed revisions. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0059-RES

## Adjourn

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

The meeting adjourned at 7:12 p.m.