



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft

### City Council

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Tuesday, September 5, 2017

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearings

[17-0472](#)

A Public Hearing To Consider Approving Petition For Annexation And Bringing Property Into The Corporate Limits Of The City Of Foley Owned By Riviera Utilities

Council President Wayne Trawick opened the public hearing at 5:30 p.m.

He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0473](#)

A Public Hearing To Consider Approving Petition For Annexation And Bringing Property Into The Corporate Limits Of The City Of Foley Owned By BJ's Residential Properties, LLC.

Council President Wayne Trawick opened the public hearing at 5:30 p.m.

He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0474](#)

A Public Hearing To Consider Passing Zoning Ordinance Amendments

Council President Wayne Trawick opened the public hearing at 5:30 p.m.

He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0475](#)

A Public Hearing To Consider Passing Building Code And Fee Amendments

Council President Wayne Trawick opened the public hearing at 5:31 p.m.

**He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[17-0476](#)

A Public Hearing To Consider Passing Amendments To The Manual For Design And Construction Standards Ordinance.

**Council President Wayne Trawick opened the public hearing at 5:32 p.m.**

**He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[17-0484](#)

Public Hearing to consider a resolution approving the execution and delivery of a Special Economic Development Grant Agreement by the City and COROC/ Riviera L.L.C.

**Council President Wayne Trawick opened the public hearing at 5:32 p.m.**

**He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[17-0485](#)

Public Hearing to consider a resolution approving the execution and delivery of a Special Economic Development Grant Agreement by the City and Wolf Bay Lodge, Inc.

**Council President Wayne Trawick opened the public hearing at 5:32 p.m.**

**He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[17-0489](#)

A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of PUD (Planned Unit Development) Of 1.10 +/- Acres Being Annexed Into The Corporate Limits Located At The North West Corner Of Brinks Willis Road and James Road Owned By BJ's Residential Properties, LLC.

**Council President Wayne Trawick opened the public hearing at 5:32 p.m.**

**He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[17-0490](#)

A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of B-1A (Extended Business District) Of 3.6 +/- Acres Being Annexed Into The

Corporate Limits Located On The South Side Of County Road 24 (aka Underwood Road), west Of State HWY 59 Owned by The Utilities Board Of The City Of Foley dba Riviera Utilities.

Council President Wayne Trawick opened the public hearing at 5:33 p.m.

He asked for comments from the public. Hearing no comments, he closed the public hearing.

## Call to Order

President Trawick called the meeting to order at 5:34 p.m.

## Roll Call

All Council Member were present with the exception of Council Member Vera Quaites, who was absent due to an illness. Mayor Koniar was absent. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Matt Cuellar, Chad Christian, Joey Darby, Tom DeBell, Heyward Hosch, Sue Steigerwald, Roddy Burkle, LaDonna Hinesley, Brian Stewart, Ron Sherback and John Lawrence.

**Present:** 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 2 - Council Member Vera Quaites and Mayor J Koniar

## Pledge of Allegiance

## Mayor's Presentation

[17-0477](#)

Proclamation: National Assisted Living Week

**Attachments:** [National Assisted Living Week](#)

Council member Ralph Hellmich presented the National Assisted Living Week proclamation. No one was present to accept the proclamation.

[17-0514](#)

Proclamation: Family Day

**Attachments:** [Family Day](#)

Council member Ralph Hellmich presented the Family Day proclamation. No one was present to accept the proclamation.

[17-0517](#)

Proclamation: Childhood Cancer Awareness Month

**Attachments:** [Childhood Cancer Awareness Month](#)

Council member Ralph Hellmich presented the Childhood Cancer Awareness Month proclamation to Brian Stewart from St. Jude Children's Research Hospital.

## Approval of the Minutes

[17-0503](#)

Work Session Minutes of August 21, 2017

**Attachments:** [08-21-17 Work Session Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, to approve the Work Session Minutes of August 21, 2017. The motion carried by an unanimous vote.

[17-0504](#)

Council Meeting Minutes of August 21, 2017

**Attachments:** [8-21-17 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, to approve the Council Meeting Minutes of August 21, 2017. The motion carried by an unanimous vote.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to add items 17-0529, 17-0528 and 17-0531 to the agenda, to remove item 17-0512 from the agenda and to carry over item 17-0479 to the September 18, 2017 agenda. The motion carried by an unanimous vote.

## Ordinances

[17-0421](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY RIVIERA UTILITIES

**Attachments:** [Riviera Utilities Annexation](#)  
[Department Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 17-2033-ORD

[17-0425](#)

ZONING ORDINANCE AMENDMENTS

**Attachments:**     [Zoning Ordinance Amendments 2017 Clean Copy 8 28](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2034-ORD

[17-0431](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY BJ's RESIDENTIAL PROPERTIES, LLC

**Attachments:**     [BJ's Annexation Dept. Reports](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2035-ORD

[17-0436](#)

Ordinance to rescind Ordinance 17- 2028 Building Codes and Fee Amendments

**A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2036-ORD

[17-0439](#)

**Building Code & Fee Amendments**

**Attachments:**     [2015 Code Ordinance draft](#)  
                              [2015 Code Ordinance draft clean copy \(2\)](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2037-ORD

[17-0442](#)

Ordinance to rescind Ordinance 17- 2029 Amendments to the Manual for Design and Construction Standards Ordinance

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2038-ORD

[17-0444](#)

Amendments to the Manual for Design and Construction Standards Ordinance

**Attachments:**    [Updated Construction Manual with accepted changes](#)  
[Construction Manual.Tracked Changes](#)  
[Official Construction Manual.1008-07](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-2039-ORD

[17-0508](#)

(Second Reading) AN ORDINANCE TO REGULATE TRANSPORTATION NETWORK COMPANIES (TNC'S) IN THE CITY OF FOLEY AND TO AMEND ORDINANCE NO. 1018-07

**A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.**

## Resolutions and Other Business

[17-0471](#)

**A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND WOLF BAY LODGE, INC.**

**Attachments:**    [Wolf Bay Lodge 2017. Minutes of City Council Re Grant Agmt. \(04118048x80C68\)](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1222-RES

[17-0479](#)

**REQUEST TO USE HERITAGE PARK AND HAVE FEES WAIVED FOR CHOOSE LIFE INC ON NOVEMBER 11, 2017**

**Attachments:**    [20170817081303453](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1223-RES

[17-0486](#)

**Set Public Hearing to consider Planning Commission's recommendation for Initial Zoning of B-1A (Extended Business District) for 3.6 +/- Acres Being Annexed into the Corporate Limits.**

**Attachments:**    [INT ZONING RECOMMEND Riviera](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1224-RES

[17-0487](#)

Set Public Hearing to consider Planning Commission's recommendation for Initial Zoning of PUD (Planned Unit Development) for 1.10 +/- Acres Being Annexed into the Corporate Limits owned by BJ's Residential Properties, LLC.

**Attachments:**     [INT ZONING RECOMMENDATION BJ](#)  
[BJ Initial Zoning PUD Plan](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1225-RES

[17-0488](#)

Request to purchase a One-way Interface from Municipal Software Group to Southern Software RMS Criminal Papers

**Attachments:**     [Municipal Court Request](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1226-RES

[17-0492](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1810 ARCADIA DRIVE

**Attachments:**     [1810 Arcadia St Weed Abatement](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1227-RES

[17-0494](#)

CR 20 Sidewalk Repairs Change Order No. 1

**Attachments:**     [C.O. #1](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1228-RES

[17-0499](#)

Accept unbudgeted donations from several sources

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1229-RES

[17-0501](#)

A resolution Adopting Fiscal Year 2018 Budgets

**Attachments:**     [~FY 2018 BUDGET BOOK-REDUCED SIZE](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1230-RES

[17-0507](#)

CE&I Services for Fern Avenue Extension

**Attachments:**     [Volkert CE&I Agreement for Fern Ave. Ext.](#)

**President Trawick turned the meeting over to President Pro-Temp Hellmich**

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by the following vote. Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.**

**President Pro-Temp Hellmich turned the meeting back over to President Trawick.**

**Aye:**    3 -    Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

**Abstain:**    1 -    President Trawick

Enactment No: 17-1231-RES

[17-0510](#)

**A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND COROC/ RIVIERA L.L.C.**

**Attachments:**     [Foley COROC Riviera. Minutes of City Council Re Grant Agmt \(04102659-2x80C68\) \(2\)](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1232-RES

[17-0512](#)

**A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND WOLF BAY LODGE, INC.**

**Attachments:**     [Wolf Bay Lodge 2017. Minutes of City Council Re Grant Agmt \(04118048x80C68\) \(2\)](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this item be removed from the agenda. The motion carried by an unanimous vote.**

[17-0513](#)

Police Department Budget Increase



**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1234-RES

[17-0520](#)

Resolution to transfer and allocate funding in the Fire Department to cover budget shortages in personnel accounts primarily due to backfilling labor throughout the year as a result of work comp injuries and other personnel related incidents.

**Attachments:**     [Fire Dept Personnel Budget.pdf](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1235-RES

[17-0522](#)

A Resolution to Amend City Budgets

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1236-RES

[17-0529](#)

**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 \(04102978x80C68\) \(6\)](#)

**A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1233-RES

[17-0531](#)

**RESCINDING RESOLUTION NO. 3851-09 AND ADOPTING RESOLUTION DECLARING EMERGENCY POWERS TO THE MAYOR OR COUNCIL PRESIDENT DURING TIMES OF, OR ANTICIPATED TIMES OF, HURRICANE OR EMERGENCY WEATHER CONDITIONS**

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 17-1237-RES

[17-0528](#)

Consider 020- Restaurant Retail Liquor OWA Burgers LLC applicant, operating under the trade name of Wahlburgers located at 104 A South Boulevard Foley, AL.

**Attachments:**     [020 ABC License Wahlburgers.pdf](#)

The Foley Police and Fire Departments made recommendations to move forward with the ABC License.

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, to approve the ABC License. The motion carried by the following vote: Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council member Charles Ebert, III, aye. The vote passed by a majority vote.

**Aye:** 3 - President Trawick, Council Member Blackwell and Council Member Ebert III

**Abstain:** 1 - Council Member Hellmich

## **Executive Session**

City Administrator Mike Thompson reported there is a need to go into Executive Session to discuss four items. One item is to give Council an update on the potential purchase of property, two items are to discuss litigation and the fourth is to discuss commerce. There is an exception to the Open Meetings Act, which involves discussion of a consideration of the purchase, sale, exchange, lease or market value of real property and negotiations involving matters of trade or commerce. There is also an exception to the Open Meetings Act to discuss controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action.

Mr. Thompson reported the Executive Session will last approximately 40 minutes and Council may choose to return to take a vote.

Council Member Ralph Hellmich made a motion to go into Executive Session. The motion was seconded by Council Member Charles Ebert, III and carried by the following roll call vote: Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by an unanimous vote.

The Council Meeting recessed at 6:03 p.m.

The Council Meeting reconvened at 6:50 p.m.

All Council members were present with the exception of Council Member Vera Quaites. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor and Matt Cuellar.

There was no further business to discuss.

## **Mayor's Comments**

## **Visitor's Comments**

Iberville Square resident Rob Sherback addressed the Council with his concerns of the lengthy weed abatement process concerning the weed

abatement at 1810 Arcadia Drive. Councilman Hellmich reported the City must follow state law regarding weed abatements and it is a lengthy process. Mr. Sherback asked if anyone from the City looked at the sign posted on the door at the residents because it is in foreclosure and there is a phone number to contact. Councilman Ebert, III suggested that Mr. Sherback contact Environmental Manager Leslie Gahagan because every possible option to address the weeds more quickly should be explored. Mr. Sherback reported he will contact Mrs. Gahagan.

## **Adjournment**

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

The meeting adjourned at 6:50 p.m.