



Meeting Minutes - Draft

City Council

Monday, December 5, 2016

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[16-0702](#)

Public Hearing to consider passage of an ordinance for initial zoning of R-1D (Residential Single Family) for property owned by Jerald and Sam Styron.

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.

[16-0703](#)

Public Hearing to consider passage of an ordinance rezoning property owned by Mattie DiBenedetto from R-1A (Residential Single Family) to PO (Preferred Office).

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.

[16-0704](#)

Public Hearing to consider passage of an ordinance rezoning property owned by Evelyn Cadenhead from R-1A (Residential Single Family) to PO (Preferred Office).

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.

[16-0723](#)

Public Hearing To Consider The Revocation Of A Business License

Council President Wayne Trawick opened the public hearing at 5:33 p.m. He asked for comments from the public. City Prosecutor Mike Dasinger reported Adam Bond, owner of B&R Tire Automotive was properly served with a copy of the notice of the public hearing to revoke his business license. Mr. Dasinger also reported Mr. Bond was charged with unlawful possession with intent to distribute methamphetamines as well as other drugs out of his business and

possession of drug paraphernalia which is the reason for the business license revocation.

Rick McCall, resident of Magnolia Springs reported he has been doing business with B&R Tire for eight years. He has bought tires and used B&R's mechanic services. He reported he has never seen any drug business taking place at B&R and he would like to continue doing business with this business. Mr. McCall further reported it is his understanding that it was an employee of B&R Tires that was selling the drugs not Adam or Mandy Bond.

Lisa Clark, 5522 Lemon Tree Lane, Gulf Shores reported she personally knows Adam and Mandy Bond and they good people. She reported she has been in their house and their place of business and she has never seen any drug activity. She further reported Adam and Mandy Bond are very nice people and they are very generous and helpful to others. They made a mistake and hired the wrong person to work for them, who was selling drugs and they deserve a second chance.

Christopher Clark, 5522 Lemon Tree Lane, Gulf Shores reported he worked for B&R Tire for two years and they are a successful business and he has never seen drug activity take place at the business. If drug activity was to ever take place, the employees would have let Adam Bond know about it and he would have fired them.

Mr. Dasinger reported he would like the case agent to explain what transpired. Deputy Jeffrey Bunn reported he, along with the Foley Police Department, are on the Baldwin County Drug Task Force. He reported he received a drug complaint on Clifton Adam Bond, the owner of B&R Tires Automotive. He reported he conducted surveillance on the business and used a confidential informant, who purchased methamphetamines from Adam Bond at the business on two separate occasions. Deputy Bunn obtained a search warrant to search the business. Upon execution of the search warrant, Deputy Bunn reported contact was made with Mr. Bond and he had in his physical possession over 12 grams of methamphetamines. Photographs of the search, area and the evidence were taken and shown to Council. Donald Thomas was also arrested for drug possession at the business. There was also heroin and marijuana located at the business. A meth pipe, a spoon with drug residue and various pills were located on the desk of Mr. Bond's wife Mandy Bond at the business. Five arrests were made at the business. Mr. Bond was also out of jail on bond for a felony charge of receiving stolen property in August, 2016 and since this drug arrest, he was also arrested for DUI in Gulf Shores.

Foley Police Sergeant Steve Smith reported he hand delivered the notice of the revocation of the business license to Adam Bond and he witnessed Mr. Bond read the notice.

Hearing no further comments, President Trawick closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:52 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, John Gleaton, David Wilson, David White, Joey Darby, Mike Dasinger, Casey Pipes, Thurston Bullock, Charles Weber, Steve Smith, Rick McCall, Melanie Schnieder, Kelley Wansley, John Jackson, Kate Norris, Molly Norris, Connie Hudson, Michele Collins, Lauren Buchanan, Alan Corley, Allen Burdine, Wilma Burdine, Meg Hellmich, Daisha Barnes, Kate Embry, Gregg Knight, Christopher Clark, Lisa Clark, Mandy Bond, Roddy Burkle, LaDonna Hinesley, press representative Allison Woodham (Onlooker) and press representative Paul Rogers (Gulf Coast Media).

Present: 6 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell, Council Member Charles Ebert III and Mayor J Koniar

Pledge Of Allegiance

Mayor's Presentation

[16-0720](#)

Foley Public Library Award

Attachments: [Star Libraries](#)

Mayor Koniar presented Foley Public Library Director John Jackson and the Library staff with an award for being ranked #1 in the nation.

Additions/Removals

There were no additions or removals.

Approval of the Minutes

[16-0669](#)

Work Session Minutes of 11-21-2016

Attachments: [11-21-2016 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of November 21, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0668](#)

Council Meeting Minutes of 11-21-2016

Attachments: [11-21-2016 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of November 21, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Ordinances

[16-0571](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Jerald & Sam Styron)

Attachments: [Styron Petition](#)
 [Dept. Reports](#)

A motion was made by Council Member Charles Ebert, III to approve the annexation of one parcel of land into the Corporate limits of the City of Foley by contiguity owned by Jerald and Sam Styron. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-2024-ORD

[16-0614](#)

Zoning Ordinance Amendments

Attachments: [Zoning Ord Amendments for Council.pdf](#)

A motion was made by Council Member Rick Blackwell to amend the Zoning Ordinance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2025-ORD

[16-0658](#)

Rezoning of Styron Property from B3 to R1D

Attachments: [Styron Greystone Rezoning.pdf](#)

A motion was made by Council Member Ralph Hellmich to rezone property owned by Jerald and Sam Styron. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2026-ORD

[16-0660](#)

Rezoning for Cadenhead from R1A to PO

Attachments: [Cadenhead Rezone.pdf](#)

A motion was made by Council Member Ralph Hellmich to rezone property owned by Evelyn Cadenhead. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2027-ORD

[16-0661](#)

Rezone DiBenedetto from R1A to PO

Attachments: [DiBenedetto Rezone.pdf](#)

A motion was made by Council Member Rick Blackwell to rezone property owned by Mattie DiBenedetto. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2028-ORD

[16-0683](#)

Ordinance to rescind Ordinance 13-1006 and Ordinance No. 798-04
Adopting Rules of Procedures for Council Meetings

Attachments: [ORD. 798-04](#)
 [ORD. 13-1006](#)

A motion was made by Council Member Ralph Hellmich to rescind Ordinance 13-1006 and Ordinance No. 798-04. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2029-ORD

[16-0707](#)

(Second Reading) Burdine Rezoning from R1A to PO

Attachments: [Burdine Rezone Recommendation.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance to rezone property owned by Allen and Wilma Burdine. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[16-0708](#)

(Second Reading) KJS Holdings LP rezoning from R3 & AO to R1D

Attachments: [KJS Rezone Recommendation Info.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance rezoning property owned by KJS Holdings LP. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[16-0709](#)

(Second Reading) Amend the 2012 Code Ordinance to adopt the 2015 International Fire Code, as amended.

Attachments: [2012 Code Ordinance 2015 IFC Changes 11-2016](#)
 [IFC Significant Changes from the 2012 to the 2015 Edition](#)
 [2015 IFC Ordinance amendment 11-2016](#)
 [ORD. 16-2020](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance to amend the 2012 Code Ordinance and to adopt the 2015 International Fire Code as amended. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Resolutions

[16-0711](#)

A Resolution Amending the Purchasing Policy and Procedures

Attachments: [PURCHASING POLICY - November 2016](#)

A motion was made by Council Member Vera Quaites to amend the Purchasing Policy and Procedures. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1331-RES

[16-0713](#)

Set a public hearing to consider the Planning Commission's recommendation to rezone property owned by Allen and Wilma Burdine.

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the Planning Commission's recommendation to rezone property owned by Allen and Wilma Burdine. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1332-RES

[16-0714](#)

Street Light Request for N. Alston St. Intersection at W. Palm Ave.

A motion was made by Council Member Vera Quaites to approve the installation of one street light on an existing Riviera Utilities' pole no. 23054 located at the intersection of North Alston Street and West Palm Avenue. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1333-RES

[16-0715](#)

Set a public hearing to consider the Planning Commission's recommendation to rezone property owned by KJS Holdings LP.

A motion was made by Council Member Charles Ebert, III to set a public hearing to consider the Planning Commission's recommendation to rezone property owned by KJS Holding LP. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1334-RES

[16-0716](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$182.40

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts in the amount of \$182.40 as uncollectible. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1335-RES

[16-0721](#)

Set a public hearing to consider the Planning Commission's recommendation for the initial zoning of property owned by Richard and Wynona Little.

Attachments: [Little Initial Zoning](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the Planning Commission's recommendation to rezone property

owned by Richard and Wynona Little. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1336-RES

16-0722

A resolution to approve the revocation of a business license.

A motion was made by Council Member Hellmich to revoke the business license of B & R Tire Automotive effective December 5, 2016 based upon illegal drugs were being sold at the business and the person selling the illegal drugs was the licensee, his agent, servant, or employee, who knowingly permitted or allowed illegal drugs to be sold at the business location. The drug sales constitute a violation of state law. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council member Ralph Hellmich, aye; President Trawick, aye; Council Member Rick Blackwell, abstained and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

Aye: 5 - President Trawick, Council Member Quaites, Council Member Hellmich, Council Member Ebert III and Mayor Koniar

Abstain: 1 - Council Member Blackwell

Enactment No: 16-1330-RES

Mayor's Comments

No comments to report.

Visitor Comments

Roddy Burkle asked when the County Road 12 East repaving project will occur. City administrator Mike Thompson reported he is not sure of the timing on the project but he will have the City's Engineer contact him with more information.

Adjournment

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

The meeting was adjourned at 6:13 pm.