



Meeting Minutes - Final

City Council

Monday, March 20, 2017

5:30 PM

Council Chambers

Council Meeting

Public Hearings

[17-0148](#)

Public Hearing to consider passage of an ordinance to rezone property owned by Higher Ground III.

Council President Pro-tempore Ralph Hellmich opened the public hearing at 5:30 pm. to consider passage of an ordinance to rezone property owned by Higher Ground III at 5:30 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0149](#)

Public hearing to consider passage of an ordinance to pre-zone property owned by Cotton Bayou Development.

President Pro-tempore Ralph Hellmich opened the public hearing to consider passage of an ordinance to pre-zone property owned by Cotton Bayou Development at 5:31 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0150](#)

Public Hearing to consider passage of an ordinance to rezone property owned by Henry Burge.

President Pro-tempore Ralph Hellmich opened the public hearing to consider passage of an ordinance to rezone property owned by Henry Burge at 5:32 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[17-0151](#)

Public hearing to consider the Vacation of a portion of Midtown Village Blvd. and Station Drive.

President Pro-tempore Ralph Hellmich opened the public hearing to consider the Vacation of a portion of Midtown Village Blvd. and Station Drive at 5:33 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

Council President Pro-tempore Ralph Hellmich called the meeting to order at 5:34 pm.

Roll Call

All Council Members were present with the exception of Council President Wayne Trawick, who was out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Kate Embry, John Gleaton, Chad Christian, David Wilson, Joey Darby and David Rauch.

Present: 5 - Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell, Council Member Charles Ebert III and Mayor J Koniar

Absent: 1 - President Wayne Trawick

Pledge of Allegiance

Additions/Removals

There were no additions or removals.

Approval of the Minutes

[17-0145](#)

Work Session Minutes of March 6, 2017

Attachments: [03-06-17 Work Session Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of March 6, 2017. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[17-0152](#)

Council Meeting Minutes of March 6, 2017

Attachments: [3-06-17 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of March 6, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Audit of the Accounts

[17-0153](#)

Audit the Accounts of September - December, 2016 and January - February, 2017

A motion was made by Council Member Rick Blackwell to approve the accounts for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Departmental Reports

[17-0166](#) February 2017 Tax Reports

Attachments: [February 2017 Tax Reports](#)

City Administrator Mike Thompson reported the sales tax revenue is up 9.4% year-to-date; lodging tax is up 15% year-to-date and rental tax is up 26% year-to-date.

[17-0160](#) CDD FEBRUARY 2017 REPORT

Attachments: [CDD February 2017 Report for Council.pdf](#)

City Planner Miriam Boutwell presented the February 2017 CDD Report, which is attached as back up to the minutes.

[17-0164](#) Fire Department Monthly Report February 2017

Attachments: [Council February 17 3-17](#)

Fire Chief Joey Darby presented the February 2017 Fire Department Report, which is attached as back up to the minutes. He also reported there was a mobile home fire that resulted in the death of the resident. The fire is not believed to be suspicious. The fire was caused by the victim falling asleep while cooking. There was a motor home fire that was a total loss and a small kitchen fire that was quickly extinguished and did not displace the residents.

[17-0170](#) February 2017 Foley PD Monthly Report

Attachments: [PD Report](#)

Police Chief David Wilson presented the February 2017 Police Department Report, which is attached as back up to the minutes.

Ordinances

[17-0050](#) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT , LLC.

Attachments: [Cotton Bayou Dev. Annex Petition](#)
[CDD Annex. Report](#)
[Infrastructure Valuation](#)

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: 17-2012-ORD

[17-0080](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT , LLC.

Attachments: [Cotton Bayou Dev. Annex Petition](#)
 [CDD Annex Report](#)

A motion was made by Council Member Ebert, III to suspend the rules for the immediate adoption of this Ordinance. The motion was seconded by Council Member Blackwell. City Administrator Mike Thompson took the following Roll Call vote: Council Member Quaite, aye; President Pro-tempore Hellmich, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Ebert, III, seconded by Council Member Quaite, that this Ordinance be adopted. The motion carried by the following vote: Council Member Quaite, aye; President Pro-tempore Hellmich, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye.

Aye: 4 - Council Member Quaite, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Enactment No: 17-2013-ORD

[17-0107](#)

REZONING HIGHER GROUND III, LLC PROPERTY FROM PUD TO TH1

Attachments: [Sterling Stoudenmire Rezoning.pdf](#)

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

Enactment No: 17-2014-ORD

[17-0108](#)

PRE-ZONING PROPERTY OWNED BY COTTON BAYOU DEVELOPMENT, LLC to R1D

Attachments: [Cotton Bayou PreZone.pdf](#)

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: 17-2015-ORD

[17-0112](#)

REZONE PROPERTY OWNED BY HENRY BURGE TO PDD

Attachments: [Henry Burge Rezone.pdf](#)

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

Enactment No: 17-2016-ORD

[17-0119](#)

An Ordinance Approving the Sale of Property Owned by Riviera Utilities.

Attachments: [Resolution No. 170221-3](#)
 [Gulf Shores Offer To Purchase](#)

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

Enactment No: 17-2017-ORD

[17-0168](#)

Amendment to Ordinance No. 1018-07 (Business License Ordinance)
Creating a License Fee Schedule for Places of Amusement/Entertainment

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.

Enactment No: 17-2018-ORD

Resolutions and Other Business

[17-0132](#)

Pine St. and US 98 Valley Gutter Project

Attachments: [US 98 PINE ST.](#)
 [Pre-project Checklist Pine St. Valley Gutter](#)

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

Enactment No: 17-1062-RES

[17-0143](#)

Authorizing Transfer of Funds in the Marketing Department for Funding an Internship Position

Attachments: [Transfer Request \(2\).pdf](#)

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

Enactment No: 17-1063-RES

[17-0144](#)

Approval for Liberty Church to hold the National Day of Prayer on Thursday, May 4, 2017 at Heritage Park.

Attachments: [20170302092912366](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by

an unanimous vote.

Enactment No: 17-1064-RES

[17-0146](#)

Durby Lane Street Light

Attachments: [20170313103751695](#)

[Installation Agreement - Cambridge Parke Street Light Durby Ln](#)

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

Enactment No: 17-1065-RES

[17-0147](#)

Vacation of a portion of Midtown Village Blvd. and Station Drive.

Attachments: [Declaration of Vacation \(Portion of Midtown Village Blvd.\)](#)

[Declaration of Vacation \(Station Drive\)](#)

[Midtown Village Blvd. Maps](#)

[Station Drive Maps](#)

A motion was made by Council Member Blackwell, seconded by Council Member Quaite, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaite, aye; President Pro-tempore Hellmich, abstained; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

Aye: 3 - Council Member Quaite, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 17-1066-RES

[17-0154](#)

Permission to use the Foley Kids Park for an Easter Egg Hunt.

Attachments: [Park Use Application - Genesis Church](#)

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

Enactment No: 17-1067-RES

[17-0155](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT CODY LANE

Attachments: [Weed Abatement.Cody Lane](#)

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

Enactment No: 17-1068-RES

[17-0156](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 8173 CARMEL CIRCLE

Attachments: [Weed Abatement.8173 Carmel Circle](#)

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

Enactment No: 17-1069-RES

[17-0157](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 218 MCKENZIE ST S

Attachments: [Weed Abatement.218 McKenzie St S](#)

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

Enactment No: 17-1070-RES

[17-0158](#)

Resolution of Support for the Bon Secour River, Oyster Bay and Skunk
Bayou Watershed Management Plan

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

Enactment No: 17-1071-RES

[17-0159](#)

HABITAT FOR HUMANITY WAIVE FEES REQUEST

Attachments: [Habitat Letter of Request.pdf](#)

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

Enactment No: 17-1072-RES

[17-0161](#)

A Resolution to reappoint Virgil Christensen Jr. to the Museum Archive
Advisory Board.

Attachments: [Museum Archive Brd.](#)

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

Enactment No: 17-1073-RES

[17-0163](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of

\$138.90

Attachments: [Sanitation Write Offs](#)

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

Enactment No: 17-1074-RES

[17-0169](#)

Amending the Pay Classification Plan to Convert the Budgeted and Vacant Position of Administrative Assistant I / Grants Organizer (G-10) to a Grants & Special Agreements Administrator (G-14) position.

Attachments: [Grants & Special Agreements Admin.pdf](#)

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

Enactment No: 17-1075-RES

[17-0171](#)

CR 20 Access Management

Attachments: [CR 20 Access Mgt. Prof. Svcs. Agreement Skipper](#)
[Request to Transfer Within A Category for CR 20 Access Mgt. Plan](#)

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

Enactment No: 17-1076-RES

[17-0172](#)

Request to apply for AL Historical Commission CLG Grant

Attachments: [CLG Grant for Council.pdf](#)

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

Enactment No: 17-1077-RES

[17-0162](#)

Consider 020- Restaurant Retail Liquor ABC License Transfer from Peng Garden Inc to Peng Garden JC, Inc, applicant, operating under the trade name of Peng Garden located at 1404 S McKenzie Street Foley, AL.

Attachments: [ABC Application Peng Garden](#)

Police Chief David Wilson and Fire Chief Joey Darby both made recommendations to move forward with the ABC License.

A motion was made by Council Member Quaites, seconded by Council Member Blackwell, that this Agenda Item be approved. The motion carried by the following vote: Council Member Quaites, aye; President Pro-tempore Hellmich, aye; Council Member Blackwell, aye and Council Member Ebert, III, abstained.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Mayor's Comments

There were no comments to report.

Visitor Comments

Council Member Vera Quaites reminded Council that the Statement of Economic Interest forms are due to the Ethics Commission May 1, 2017.

Adjournment

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

The meeting adjourned at 6:11 pm.