



Meeting Minutes - Draft  
City Council

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Monday, November 16, 2015

5:30 PM

Council Chambers

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Council Meeting

Public Hearing

[15-0685](#)

Public Hearing to consider the Vacation of a Right of Way on Beck Road.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider the Vacation of a Right of Way on Beck Road. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0686](#)

A PUBLIC HEARING APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (MTSC Land Development)

President Trawick opened the public hearing at 5:31 p.m. to approve a petition for annexation and bringing property into the corporate limits of the City of Foley owned by MTSC Land Development. President Trawick asked for comments from the public.

Terry Grant, 119521 County Road 20, addressed the Council with his concern of MTSC Land Development's plan to build an apartment building on property that is adjacent to his property. He also introduced Lily Stewart and James Flowers who are also adjacent property owners. Mr. Grant reported he also had a petition signed by fifteen neighbors who oppose an apartment building being built on the MTSC property due to drainage issues and second story units being able to see down into neighboring yards. Mr. Grant asked how far away do multi-family structures have to be from existing single family structures. City Planner Miriam Boutwell reported the multi-family structure has to be at least 50 feet away from an existing single family structure. Ms. Boutwell also reported there are several other steps that must be taken by the developer before the multi-family structure can be built and there will be a site plan review at the Planning Commission. She also reported she spoke with the developers and they are willing to work with the neighbors to alleviate any concerns such as drainage and the need for fencing. City Administrator Mike Thompson suggested that Ms. Boutwell and City Engineer Chad Christian sit down with the residence and explain the process and regulations that are in place. The MTSC parcel of land is currently in the county and it is not zoned. Once the parcel is annexed into the corporate limits of the City of Foley, the City will regulate the development and have strict standards that MTSC must

follow and this will be to the benefit of the neighbors. Councilman Hellmich reported that if MTSC stays in the county, they can still build the multi-family structure, but if they are annexed into the City, they must follow the City's standards and the City will make sure all concerns are addressed.

MTSC representatives Stephen Carter and Mike Threlkeld reported they want to be good neighbors and are willing to do what it takes to work with the neighbors to satisfy their concerns.

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

## Call to Order

President Trawick called the meeting to order at 5:50 p.m.

## Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson. City Clerk Vickey Southern, Katy Taylor, David Wilson, Mitch Nelson, Chad Christian, Darrell Russell, Jeff Rouzie, Britton Bonner, Miriam Boutwell, Joey Darby, Ladonna Hinesley, Terry Grant, Delana Bemis, Mike Therkeld, Stephen Carter, Robin Reininghaus. Lily Stewart, James Flowers, Bill Swanson, Niki Whitaker, Joe Aldete, Heidi Cook, Diane Saunders, G.R. Brandt, Phillip Hinesley, Anne Smith, Nealy Roper, Gregg Knight, Lee Lawson and press representative Allison Woodham (Onlooker).

**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

## Presentation

[15-0689](#)

Gulf Coast Gospel Jubilee Presentation to The Lighthouse and Carehouse

Foley Police Detective Richard Humphrey presented \$830.00 each to the Carehouse and Lighthouse from the proceeds of the Gulf Coast Gospel Jubilee.

[15-0693](#)

Presentation of Special Governor's Award to the City of Foley Public Works Department from ADCNR.

Phillip Hinesley of the Conservation Department presented a Special Governor's Award to Darrell Russell for the City of Foley Public Works Department's participation in the Gulf Coast Cleanup.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 15-0676 and to carry over item 15-0691 to a future Council meeting to allow more time to gather more information. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Approval of the Minutes

[15-0684](#) Work Session Minutes of November 2, 2015.

**Attachments:** [11-02-2015 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of November 2, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0678](#) Council Meeting Minutes of November 2, 2015.

**Attachments:** [11-02-2015 Council Minutes.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of November 2, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Audit the Accounts

[15-0688](#) Audit the accounts of October, 2015.

A motion was made by Council Member Ralph Hellmich to approve the accounts for October, 2015 for payment. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

## Reports

[15-0692](#) October 2015 Sales, Lodging and Rental Tax Reports

\*Please note the current versus budget will not appear this month.

**Attachments:** [Sales Tax Report](#)

City Administrator Mike Thompson reported the sales tax is 8% above last year for the month of October, lodging tax is 33% above last year for the month of October and rental tax is 5% below last year for the month of October.

[15-0682](#) October 2015 CDD Report

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

City Planner Miriam Boutwell gave a synopsis of the October 2015 CDD Report, which is attached as backup to the minutes.

[15-0690](#)

Fire Department Monthly Report October 2015

**Attachments:** [Council October 15 11-15](#)

Fire Chief Joey Darby gave a synopsis of the October, 2015 Fire Department Report, which is attached as backup to the minutes. He also reported there were two structure fires. One of the fires was outside of the jurisdiction on Lacey Circle in Summerdale in an outdoor storage building. Foley was called upon to assist with the fire. There was a significant loss to the building. The Department also responded to a barn fire on George Younce Lane. The barn was a total loss but the neighboring houses closest to the barn were spared due to the Department's aggressive response. There were no injuries associated with either fire. There were also two cooking fires. One of which was in Jack's Trailer Park and the other was on West Pedigo Avenue. Both fires were quickly extinguished and did not displace the residents.

[15-0687](#)

Foley Police Department Monthly Report

**Attachments:** [Police Department Report.pdf](#)

Police Chief David Wilson gave a synopsis of the Foley Department Police Report, which is attached as backup to the minutes.

## Ordinances, Resolutions and Other Business

[15-0641](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (MTSC Land Development)

**Attachments:** [MTSC Map.pdf](#)  
[MTSC Annexation Petition](#)  
[Scrivener's Affidavit](#)  
[gasb-MTSC-2](#)

A motion was made by Council Member Ralph Hellmich to adopt an ordinance approving the petition for annexation into the corporate limits of the City of Foley owned by MTSC Land Development. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-1022-ORD

[15-0150](#)

Vacation of right of ways on two separate areas of Beck Road.

**Attachments:**    [Beck Road ROW Vacation Map](#)  
[BC Foley, LLC. Declaration of Vacation](#)  
[PASFCD Declaration of Vacation](#)  
[Letters to Property Owners](#)

**A motion was made by Council Member Ralph Hellmich to approve the vacation of two separate areas of Beck Road. The motion was seconded by Council Member Vera Quaites and carried by the following roll call vote: Council Member Vera Quaites, aye; 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 a majority vote.**

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

**Abstain:** 1 - Council Member Hellmich

Enactment No: 15-2358-RES

[15-0592](#)

A Resolution to accept donation of right of way by Castille Real Estate Co, LLC for the Beck Road vacation.

**Attachments:**    [Castille Warranty Deed Change in Slide number](#)

**A motion was made by Council Member Blackwell to accept the donation of right of way by Castille Real Estate Company, LLC on Beck Road. The motion was seconded by Council Member Ebert, III and carried by the following vote: Council Member Vera Quaites, aye; 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 a majority vote.**

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

**Abstain:** 1 - Council Member Hellmich

Enactment No: 15-2359-RES

[15-0665](#)

Request to surplus 2 copiers. 1- Minolta 5000 equip id# 5219-4352 and 1- Canon Image Runner equip id# 6191-5571

**A motion was made by Council Member Ralph Hellmich to declare the Minolta 5000 copier and the Canon Image Runner copier as surplus and to authorize their disposal. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 15-2360-RES

[15-0672](#)

**A resolution waiving fees for the Heritage Park Pavilion for South Baldwin Chamber Foundation's annual BBQ & Blues Cook-Off fundraising event.**

**Attachments:**     [2016 BBQ & Blues](#)

A motion was made by Council Member Blackwell to waive the fees for the use of Heritage Park and Pavilion requested by the South Baldwin Chamber Foundation for their fundraiser BBQ and Blues on March 19, 2016. The motion was seconded by Council Member Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed a majority vote.

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

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

Enactment No: 15-2361-RES

[15-0680](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT WATERFORD SUBDIVISION

**Attachments:**     [Waterford Weed Abatement.11.2.15](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at the vacant lots in Waterford Subdivision off of Brinks Willis Road. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2362-RES

[15-0681](#)

Downtown Incentive Grant Application

**Attachments:**     [Crimson Eagle Development LLC Info for Council.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve up to \$7,500.00 in reimbursement to Crimson Eagle Development, LLC and/or his contractor upon meeting all the requirements of the Downtown Incentive Grant. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2363-RES

[15-0683](#)

A resolution waiving fees for the Heritage Park Pavilion for the Foley Art Center's 44th annual Art In The Park event.

**Attachments:**     [2016 Art In the Park](#)

A motion was made by Council Member Quaites to waive the fees for the use of Heritage Park and Pavilion requested by the Foley Art Center for their fundraiser Art in the Park on May 7 & 8, 2016. The motion was seconded by Council Member Hellmich and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed a majority vote.

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

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

Enactment No: 15-2364-RES

[15-0691](#)

Request approval to purchase new vehicle for City Hall.

**Attachments:** [NATL AUTO FLEET GROUP 201511120820](#)

A motion was made by Council Member Ralph Hellmich to carry over this item to a future Council meeting to allow enough time to gather more information. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0676](#)

Consider hiring an architect for the Cultural & Entertainment Center

**Attachments:** [GOODWYN MILLS & CAWOOD AIA CONTRACT.pdf](#)  
[SITE PLANS.pdf](#)  
[GOODWYN MILLS CAYWOOD PROPOSAL.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve hiring Goodwyn Mills Cawood for the design of the multi-use Cultural and Entertainment Center in the amount of \$765,271 as outlined in the proposal; to approve the creation of accounts for the multi-purpose Cultural & Entertainment Center as needed and to appropriate \$765,271 for the architectural fees. These fees will be reimbursed from the sale of bonds. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2365-RES

## Mayor's Comments

There were no comments to report.

## Visitor's Comments

Nealy Roper -1709 South Oak Street, addressed the Council with his concerns of vehicles speeding through Aaronville on Oak Street between the hours of 3:00 p.m. and 7:00 p.m. Mr. Roper reported as long as there is a constant police presence in Aaronville, the cars do not speed as much. He also reported that speed bumps may help. Councilman Ebert, III asked if there is a lot of traffic in the mornings due to drivers avoiding the school traffic on Cedar Street. Mr. Roper reported he did not believe so and it is primarily during the hours between 3:00 p.m. and 7:00 p.m. He also reported that it is not just high school kids speeding through Aaronville.

Police Chief David Wilson reported that he agrees with Mr. Roper that the speeding on Oak Street is a problem. Until the City installed stop signs, people would speed all the way down Oak Street. He reported even with the stop signs, some people will blow through the stop signs without stopping. Police patrol through there regularly but Chief Wilson reported the police can not be

there all the time. Speed bumps were placed on adjacent avenues to slow people down. Chief Wilson suggested placing rumble strips on Oak Street. Councilman Hellmich reported the City of Mobile placed traffic humps in some areas of the city, which are larger than the speed bumps. He suggested the first responders and engineering look into this together since speed bumps may hinder emergency vehicles. Chief Wilson reported even though Oak Street is a major street, speed bumps may be warranted.

## **Executive Session**

President Trawick reported there was a need to go into an Executive Session.

City Administrator Mike Thompson reported the Executive Session is to discuss the consideration of the purchase, sale, exchange, lease or market value of real property and negotiations involving matters of trade or commerce as described in the Open Meetings Act. The Executive Session will take approximately 30 minutes and Council will not return to vote. Councilman Hellmich made a motion to go into Executive Session and Councilman Ebert, III seconded the motion. Mr. Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye; Council Member Blackwell, aye; Council Member Ebert III, aye and President Trawick, aye. The vote was unanimous to go into Executive Session.

The Council meeting recessed at 6:31 p.m.

### **Reconvened**

President Trawick called the meeting to order at 6:52 p.m. All Council Members were present. Also present: Mayor Koniar, City Administrator Mike Thompson, Britton Bonner and Jeff Rouzie. At this point President Trawick announced there was no further business to conduct.

## **Adjourn**

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 adjourned at 6:53 p.m.