



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, August 5, 2019

5:30 PM

Council Chambers

Council Meeting

Public Hearings

[19-0400](#)

Public Hearing to Consider Planning Commission's Recommendation to Amend the City of Foley Zoning Ordinance

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.

Call to Order

President Trawick called the meeting to order at 5:31 p.m.

Roll Call

All Members were present with the exception of Council Member Ralph Hellmich and Council Member Rick Balckwell, who were both out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Andy Forsythe, David Wilson, David Thompson, Dan Cuffman, James Peavy and Ryan Cramer.

Present: 3 - President Wayne Trawick, Council Member Vera Quaites and Council Member Charles Ebert III

Absent: 2 - Council Member Ralph Hellmich and Council Member Rick Blackwell

Pledge of Allegiance

Approval of the Minutes

[19-0407](#)

Work Session Minutes of July 15, 2019

Attachments: [07-15-2019 Work Session Minutes](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III, to approve the Work Session Minutes of July 15, 2019. The motion carried by an unanimous vote.

[19-0408](#)

Council Meeting Minutes of July 15, 2019

Attachments: [07-15-2019 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the Council Meeting Minutes of July 15, 2019. The motion carried by an unanimous vote.

Additions/Removals

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to remove item 19-0388 and to carry over items 19-0357 and 19-0366 to the Council Meeting of August 19, 2019. The motion carried by an unanimous vote.

Ordinances

[19-0339](#)

AN ORDINANCE AMENDING THE CITY OF FOLEY ZONING ORDINANCE

Attachments: [Zoning Amend Recommendation](#)

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

Enactment No: 19-2017-ORD

[19-0372](#)

(Second Reading) An Ordinance Amending Ordinance No. 1076-08 Regarding the Repair and Demolition of Dilapidated Buildings and Structures that Constitute a Public Nuisance

Attachments: [Dilapidated Structures Ordinance.2011](#)
 [Updated Dilapidated Structure Ordinance.2019](#)

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

[19-0380](#)

(Second Reading) AN ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY REYNOLDS ACE HARDWARE INC FROM AO TO B1A

Attachments: [Reynolds Rezoning](#)

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

Resolutions and Other Business

[19-0357](#)

A Resolution to Appoint a New Member to the Housing Authority Board.

Attachments: [Housing Authority Board Member List](#)
 [George Parker](#)
 [Alec Barnett](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to carry this item over to the August 19, 2019 Council Meeting Agenda.

Enactment No: 19-1241-RES

[19-0366](#)

A Resolution Reducing the City's Corporate Limits

Attachments: [De-Annexation Petition](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to carry this item over to the August 19, 2019 Council Meeting Agenda.

Enactment No: 19-1242-RES

[19-0367](#)

A Resolution Declaring the Produce Processing Line Equipment as Surplus

Attachments: [List of Equipment](#)
 [USDA Approval to Dispose of Asset](#)

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: 19-1217-RES

[19-0368](#)

A Resolution Approving the Purchase of Additional Equipment for Police Tahoes

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: 19-1218-RES

[19-0370](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT LOT N OF 1702 S BAY ST

Attachments: [Weed Abatement N 1702 Bay St](#)

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: 19-1219-RES

[19-0371](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE

A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT LOT 114
HEATHER TERRACE

Attachments: [Weed Abatement Lot 114 Heather Terrace](#)

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: 19-1220-RES

[19-0373](#)

A RESOLUTION APPROVING FOLEY LIBRARY ROOF & MASONRY
RESTORATION BID AWARD

Attachments: [Foley Library Layout1](#)
 [Garland Co DOP](#)
 [Bid Tab - Library Roof](#)
 [Budget Increase Library Roof](#)

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: 19-1221-RES

[19-0374](#)

A Resolution to Set a Public Hearing to Consider Passage of an
Ordinance to Amend Ordinance No. 1076-08 Regarding the Repair and
Demolition of Dilapidated Buildings and Structures that Constitute a
Public Nuisance

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: 19-1222-RES

[19-0375](#)

A RESOLUTION ACCEPTING HELLMICH ELECTRIC'S PROPOSAL FOR
PINE STREET AND HWY 98 CORNER IMPROVEMENTS

Attachments: [Hellmich Electric Proposal](#)
 [Budget Increase Pine & Hwy 98](#)

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: 19-1223-RES

[19-0376](#)

A Resolution Approving the Facade Grant for St. Paul's Evangelical
Lutheran Church Bell

Attachments: [St Pauls Bell Facade Grant Req Corrected](#)

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: 19-1224-RES

[19-0377](#)

A RESOLUTION AUTHORIZING AN AMENDMENT TO TAX ABATEMENT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND FOLEY HOLDINGS LLC DATED JULY 5, 2016, PURSUANT TO CHAPTER 9B OF TITLE 40 OF THE CODE OF ALABAMA 1975

Attachments: [Foley Holdings 2019. Amendment of Tax Abatement Agreement with Ex A \(04953721x80C68\)](#)

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: 19-1225-RES

[19-0379](#)

A Resolution to Apply for the FY2020 Alabama Historic Commission Historic Sites Grant Program

Attachments: [2020 AHC ETFGrant Guidelines](#)

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: 19-1226-RES

[19-0382](#)

A Resolution to Increase Current T-Hangar Rates at the Foley Municipal Airport and to Establish T-Hangar Rates for Eight New Units Currently Under Construction

Attachments: [2019 T-Hangar Rate Comparison Spreadsheet.pdf](#)

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: 19-1227-RES

[19-0383](#)

A Resolution Accepting Costs for Public Nuisance Abatement at 518 Meadow Lane and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: [COSTS FOR PUBLIC NUISANCE ABATEMENTS AT 518 Meadow Lane](#)

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: 19-1228-RES

[19-0384](#)

A Resolution to Amend the Pay Classification Plan for Upgrade to

Marketing Department Position of PT Welcome Center Aide.

Attachments: [Marketing Admin Asst II JAT Summary Data](#)

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: 19-1229-RES

[19-0385](#)

A Resolution to amend the Pay Classification Plan for Upgrade to the Marketing Department position of Part-Time Event Coordinator/Welcome Center Assistant.

Attachments: [Marketing Event Coordinator JAT Summary Data](#)

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: 19-1230-RES

[19-0386](#)

A Resolution Approving the application for the Baldwin EMC Operation Round-Up Grant

Attachments: [pole camera quote 2019-7](#)
[emc grant app](#)

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: 19-1231-RES

[19-0388](#)

A Resolution Authorizing Employees to Enter Upon the Property at 21833 County Road 12 for the Purpose of Abating the Public Nuisance.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites to remove this item from the agenda. The weeds were abated by the owner and no further Council action is required. The motion carried by an unanimous vote.

Enactment No:

[19-0389](#)

A Resolution Approving Amendments to the Rental Fees and Policies for Graham Creek Nature Preserve

Attachments: [2020 Alcohol Security Form](#)
 [2020 Center Rental Application](#)
 [2020 Center Rental Rules and Regulations](#)
 [Graham Creek Nature Preserve Pavilion and Grounds Rules and Requirements](#)
 [Pavilion & grounds rental application](#)
 [2020 Center Rental Fee Schedule](#)
 [2017 Fee Schedule](#)
 [2017 Regulations and Requirements](#)
 [2017 Rental Application](#)

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: 19-1232-RES

[19-0390](#)

A Resolution Approving the Sponsorship for the Stan Mahoney Youth Fishing Tournament

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: 19-1233-RES

[19-0399](#)

A Resolution Approving the Surplus & Disposal of Police Department Equipment

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: 19-1234-RES

[19-0401](#)

A Resolution to Set a Public Hearing to Consider Planning Commission's Recommendation to Rezone 3.58 +/- Acres from AO (Agriculture Open Space) to B-1A (Extended Business District). Property is Located East of South McKenzie Street and South of East Sunflower Ave. Applicant is Reynolds Ace Hardware Inc.

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: 19-1235-RES

[19-0402](#)

A Resolution to Accept 2010 Jaguar XF from Baldwin County Circuit Judge J. Clark Stankoski for use by the Foley Police Department

Attachments: [Jaguar granted court order and Kelley Blue Book info](#)

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: 19-1236-RES

[19-0403](#)

A Resolution to Reappoint Chad Watkins to the Revitalization and Beautification Board.

Attachments: [Beautification Board Member List - C. Watkins](#)

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: 19-1237-RES

[19-0404](#)

A Resolution Authorizing Residential Sanitation Write Offs as Uncollectible in the Amount of \$29.33

Attachments: [July12, 2019 Sanitation Write Offs](#)

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: 19-1238-RES

[19-0406](#)

A Resolution Authorizing the Mayor of Foley, Alabama to Endorse The Tri-City Community Foundation and Execute The Field of Interest Non-Endowed Fund Agreement to Establish The Disaster Relief Fund

Attachments: [Field of Interest Nonendowed Fund Agreemen](#)

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: 19-1239-RES

[19-0414](#)

A Resolution Related to the Proposed I-10 Mobile River Bridge and Bayway Project

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: 19-1240-RES

Mayor's Comments

There were no comments to report.

Visitor's Comments

There were no comments to report.

Executive Session

City Administrator Mike Thompson reported the need to go into Executive Session to discuss two separate topics. The first topic will involve controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action. He reported there is no need for Council to return to take a vote on this topic and that this discussion will last approximately ten (10) minutes. The second topic will involve certain aspects of a possible real estate transaction. The real estate discussion exception to the Open Meetings law allows for the City to discuss in an executive session the consideration that it would be willing to accept for the sale of certain real property. Under this exception, only those people representing the City's interests can attend the meeting (not the potential buyer). Mr. Thompson reported there is no need for Council to return to take a vote on this topic and that this discussion will last approximately ten to fifteen (10-15) minutes.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaite to go into Executive Session.

City Administrator Mike Thompson took the following roll call vote: Council Member Vera Quaite, aye and Council Member Charles Ebert, III, aye. Of those present, the vote was unanimous to go into Executive Session.

The meeting recessed at 5:49 p.m.

The meeting reconvened at 6:14 p.m.

There was no further business to discuss.

Adjournment

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

The meeting adjourned 6:15 p.m.