



Meeting Minutes - Draft

City Council

Monday, August 6, 2018

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[18-0376](#)

Public Hearing To Consider Planning Commission's Recommendation To Rezone 24.47 +/- Acres From B-2 (Neighborhood Business District) And R-1D (Residential Single Family) To PUD (Planned Unit Development) Owned By McMath Properties, LLC.

President Pro-tempore Ralph Hellmich opened the public hearing at 5:30 p.m. He asked for public comments. Trey Jinright from Jade addressed the Council and explained that he and the property owned that had concerns about this development had agreed that they would put up a fence on the property of the future apartment complex. Hearing no further comments, he closed the public hearing.

[18-0379](#)

Public Hearing To Consider Passage Of An Ordinance Approving The Petition For Annexation And Bringing Property Into The Corporate Limits Of The City Of Foley Owned By Downey Family Limited Partnership And To Consider Planning Commission's Recommendation To Adopt An Ordinance Approving The Pre-Zoning Of The Said Property. The Proposed Pre-Zoning Is A-O (Agricultural Open Space).

President Pro-tempore Hellmich opened the public hearing 5:32 p.m. He asked for public comments. Hearing no comments, he closed the public hearing.

[18-0380](#)

Public Hearing To Consider Passage Of An Ordinance Approving The Petition For Annexation And Bringing Property Into The Corporate Limits Of The City Of Foley Owned By Oscar & Kay Payne.

President Pro-tempore Hellmich opened the public hearing 5:33 p.m. He asked for public comments. Hearing no comments, he closed the public hearing.

Call to Order

President Pro- tempore Hellmich called the meeting to order at 5:33 p.m.

Roll Call

All Council Members were present with the exception of Council President Wayne Trawick and Council Member Rick Blackwell, who were out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Chad Brewer, David Wilson, Philip Brettel, John Kovalchick, Jill Peterson, Max Dearing, Trey Jinright and Kim Ward.

Present: 3 - Council Member Vera Quaites, Council Member Ralph Hellmich and Council Member Charles Ebert III

Absent: 2 - President Wayne Trawick and Council Member Rick Blackwell

Pledge of Allegiance

Approval of the Minutes

[18-0361](#) Work Session Minutes of July 16, 2018

Attachments: [07-16-2018 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the Work Session Minutes of July 16, 2018. The motion carried by an unanimous vote.

[18-0364](#) Council Meeting Minutes of July 16, 2018

Attachments: [07-16-2018 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III, to approve the July 16, 2018 Council Meeting Minutes. 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 add items 18-0383; 18-0195 and 18-0343. The motion carried by an unanimous vote.

Ordinances

[18-0317](#) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Oscar and Kay Payne)

Attachments: [Payne Annexation Petition & Maps](#)

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: 18-2019-ORD

[18-0319](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Downey Family Limited Partnership)

Attachments: [Downey Annexation Petitions and Maps](#)
[PIN 11219 & 29245 Downey Infrastructure Valuation](#)

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

Enactment No: 18-2020-ORD

[18-0321](#)

PREZONING DOWNEY FAMILY LIMITED PARTNERSHIP PROPERTY

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: 18-2021-ORD

[18-0325](#)

REZONE McMATH PROPERTIES LLC from R1D & B2 to PUD

Attachments: [McMath.pdf](#)

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

Enactment No: 18-2022-ORD

[18-0346](#)

An Ordinance to Rescind Ordinance 810-04 An Ordinance Declaring Certain Property No Longer Needed For Municipal Purposes And Authorizing The Lease Of The Same To Habitat For Humanity Of Baldwin County, Inc.

Attachments: [Ordinance 810-04](#)

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: 18-2023-ORD

[18-0360](#)

(Second Reading) Rezoning Wilson Trailer Sales & Service from R1A to B3

Attachments: [Wilson Trailer Sales Rezone.pdf](#)

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.

[18-0369](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Vicky French)

Attachments: [Annexation Petition and Map-Vicky French](#)
[Infrastructure Valuation](#)

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.

[18-0371](#)

(Second Reading) PREZONING VICKY FRENCH PROPERTY

Attachments: [Prezoning Recommendation](#)

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.

[18-0372](#)

(Second Reading) REZONING PROPERTY OWNED BY THE HOUSING AUTHORITY OF THE CITY OF FOLEY FROM R1A TO R3

Attachments: [Housing Auth Rezone Recommendation.pdf](#)

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.

[18-0381](#)

(Second Reading) ORDINANCE APPROVING INITIAL ZONING OF PROPERTY OWNED BY OSCAR & KAY PAYNE.

Attachments: [Payne Initial Zoning Recommendation](#)

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.

Resolutions and Other Business

[18-0362](#)

Requesting a transfer of funds within the Sanitation Dept.

Attachments: [Signed Request to Transfer Sheet.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: 18-1175-RES

[18-0363](#)

A Resolution to appoint Donna Turbyfill and Kerry Slota to the Foley Historical Commission.

Attachments: [Historical Commission Member List](#)
 [Donna Turbyfill Bio](#)

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: 18-1176-RES

[18-0365](#)

APPROVES N'STRIDE SERVICES LLC'S CHANGE ORDER #1 FOR THE PETEET BUILDING (FOLEY ART CENTER)

Attachments: [Invoice N'Stride Services, LLC 018-20](#)
 [Art Ctr Rotten Wood Photos](#)

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: 18-1177-RES

[18-0366](#)

Consider Renewing Ground Lease Agreement Between The City and John Foley

Attachments: [John Foley Ground Lease](#)

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: 18-1178-RES

[18-0368](#)

A Resolution Approving Entering into the FBI's Organized Crime Drug Enforcement Task Force (OCDETF) Reimbursement Agreement

Attachments: [OCDETF SI- SE- 005-18](#)
 [SE-ALS-115](#)
 [SE-ALS-0117](#)

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: 18-1179-RES

[18-0370](#)

A resolution to set a public hearing to consider passage of an ordinance approving petition for annexation and bringing property in the Corporate Limits of the City of Foley and to consider Planning Commission's recommendation to pre-zone 0.992 +/- acres as A-O (Agricultural Open Space) owned by Vicky French.

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: 18-1180-RES

[18-0374](#)

APPROVES POST OFFICE ROOF RESTORATION BID AWARD

Attachments: [Foley Post Office Roof Restoration Bid Results](#)
[E Cornell Malone Corp BID](#)

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: 18-1181-RES

[18-0375](#)

Approval the usage and waiving of fees for a Worship Rally to be held Saturday, August 25, 2018 at the Foley Heritage Park.

Attachments: [20180725103108885](#)

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: 18-1182-RES

[18-0377](#)

A resolution reappointing Ira Bates to the Foley Housing Authority Board

Attachments: [Housing Authority Brd Member List](#)

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: 18-1183-RES

[18-0378](#)

A Resolution to reappoint Johnny Inzer and Brock Wells to the Industrial Development Board.

Attachments: [IDB Member List](#)

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: 18-1184-RES

[18-0382](#)

A resolution setting a public hearing to consider Planning Commission's recommendation for initial zoning of certain property within the City of Foley (Oscar & Kay Payne)

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: 18-1185-RES

[18-0384](#)

A resolution to set a public hearing to consider Planning Commission's recommendation to rezone 9.93 +/- acres from R-1A (Residential Family) to R-3 (Residential Multi-Family) owned by The Housing Authority of the City of Foley.

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: 18-1186-RES

[18-0385](#)

A resolution to set a public hearing to consider Planning Commission's recommendation to rezone .71 +/- acres from R-1A (Residential Family) to B-3 (Local Business District) owned by Wilson Trailer Sales & Services, 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: 18-1187-RES

[18-0386](#)

Temporary Street Closure of Jessamine Street

Attachments: [Street Closure Request](#)
[Foley Society of Black Hats Route](#)
[Witches Ride Map](#)

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: 18-1188-RES

[18-0387](#)

Request to Purchase Cellebrite

Attachments: [Request to purchase Cellebrite](#)

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: 18-1189-RES

[18-0388](#)

Request to Purchase First Responder Aerial Kit (UAV with FLIR type capability)

Attachments: [Request to Purchase First Responder Aerial Kit](#)

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: 18-1190-RES

[18-0389](#)

A Resolution Establishing Two New Sports Tourism Funds Within the City Accounting System

Attachments: [Sports Tourism-new funds](#)

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: 18-1191-RES

[18-0390](#)

ACCEPTS E-J BUILDERS, INC. PROPOSAL FOR STORMWATER INLET REPAIRS

Attachments: [EJ Builders inlet repairs proposal 7.27.18](#)
[WAYNE'S APPROVAL - Stormwater Inlets Agenda item](#)
[Capital Project Worksheet](#)
[PreProject PreBudgetChecklist](#)
[PreProject PreBudgetChecklist - LG BH JB GS](#)

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: 18-1192-RES

[18-0391](#)

Graham Creek Nature Preserve Requests Permission to Apply for Polaris T.R.A.I.L.S Grant

Attachments: [Polaris Grant Information](#)

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: 18-1193-RES

[18-0392](#)

Request Council Permission to Update the Signers on the Bryant Bank Payroll Account.

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: 18-1194-RES

[18-0393](#)

Request to use Wolf Creek Park as the Wolf Bay zone location for the 2018 Alabama Coastal Cleanup.

Attachments: [Without Logos](#)

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: 18-1195-RES

[18-0394](#)

Requests Permission to Apply for the Alabama Historical Commission 2019 Historic Sites Grant.

Attachments: [2019 Grant Guidelines App](#)
 [Train Depot Roof Quote](#)

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: 18-1196-RES

[18-0395](#)

Accept Bid Submitted by Landfall Strategies for the City's Debris Monitoring Services

Attachments: [Disaster Debris Monitoring Summary Sheet](#)
 [Debris Monitoring Contract](#)

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: 18-1197-RES

[18-0398](#)

Accept Bid Submitted by D & J Enterprises Inc. for the City's Debris Removal Services.

Attachments: [Disaster Debris Removal Summary](#)
 [Disaster Debris Removal Contract](#)

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: 18-1198-RES

[18-0399](#)

Request to transfer funds within the Marketing Department for the Depot Museum

Attachments: [Quote Johnny Christopher Painting](#)
 [Signed request to transfer Departmental Budget Dollars](#)

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: 18-1199-RES

[18-0367](#)

ABC License: 020- Restaurant Retail Liquor for Pete ZA, LLC, applicant operating

under the trade name Trattoria Pizza And Italian located at 100 F South OWA BLVD
Foley, AL 36535

Attachments: [Trattoria Pizza ABC License Application](#)

Deputy Fire Chief Chad Brewer and Police Chief David Wilson made recommendations to move forward with the ABC License.

A motion was made by Council Member Ebert, III, seconded by Council Member Quaites, to approve the ABC Board to move forward with the ABC License. The motion carried by the following vote: Council Member Vera Quaites, aye; President Pro-tempore Ralph Hellmich, abstained and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.

Aye: 2 - Council Member Quaites and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

[18-0383](#)

REQUEST TO PURCHASE A NEW CHRISTMAS TREE FOR
HERITAGE PARK

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: 18-1200-RES

[18-0195](#)

Requesting Approval of ECUA's Professional Services Agreement for
Recyclables

Attachments: [Agreement - City of Foley - ssr.pdf](#)
[exh a - agreement - city of foley \(2\).pdf](#)
[exh a-2 - foley ssr agr.pdf](#)
[table a-1 - agreement - city of foley.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: 18-1201-RES

[18-0343](#)

Emergency Capital Purchase for a Dishwasher for Corrections Division

Attachments: [Dishwasher Capital Purchase Request](#)

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: 18-1202-RES

Mayor's Comments

No comments to report.

Visitor Comments

No comments to report.

Adjournment

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

The meeting adjourned at 6:01 p.m.