



Meeting Minutes - Final

City Council

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Monday, February 5, 2018

5:30 PM

Council Chambers

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Council Meeting

Public Hearing

[18-0041](#)

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION TO REZONE PROPERTY OWNED BY RIVIERA PLAZA LLC FROM PDD TO B1A

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.

[18-0042](#)

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION TO REZONE PROPERTY OWNED BY PARKVIEW RV COMMUNITY LLC FROM PUD TO PUD

President 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.

Call to Order

President Trawick called the meeting to order at 5:32 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Emmanuel Seals, Brenda Shambo, David Wilson, Russ Moore, John Jackson, Kelley Wansley, Gary Pitts, Pat Davis, Terry Underwood, Janay Dawson, LaDonna Hinesley, Sue Norman, Susan Loy, PJ Sute, Chandler Dunaway, Jennifer Foutch, Michael Beachamp and press representative Jessica Vaughn (Gulf Coast Media).

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

[18-0069](#) 2018 Arbor Day Proclamation

**Attachments:** [Arbor Day Proclamation](#)

Mayor Koniar presented the 2018 Arbor Day Proclamation to Brenda Shambo, Gary Pitts and Pat Davis.

[18-0068](#) 2018 Arbor Day Book Donations

Mayor Koniar presented the Arbor Day book donations.

## Approval of the Minutes

[18-0046](#) Work Session Minutes of January 16, 2018

**Attachments:** [01-16-18 Work Session Minutes](#)

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

[18-0047](#) Council Meeting Minutes of January 16, 2018

**Attachments:** [1-16-18 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, to approve the Council Meeting Minutes of January 16, 2018. The motion carried by an unanimous vote.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich to remove item 18-0038 and to carry over items 18-0039, 18-0004 and 18-0005. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Ordinances

[18-0004](#)**(Second Reading) REZONE PROPERTY OWNED BY RIVIERA PLAZA LLC FROM PDD TO B1A****Attachments:** [Riviera Plaza LLC Rezone.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be carried over to the City Council meeting of March 5, 2018. The motion carried by an unanimous vote.

[18-0005](#)**(Second Reading) REZONE PROPERTY OWNED BY PARKVIEW RV COMMUNITY LLC FROM PUD TO PUD****Attachments:** [Jim Brown RV Rezone.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be carried over to the City Council meeting of March 5, 2018. The motion carried by an unanimous vote.

[18-0006](#)

An Ordinance to Rescind Ordinance 13-1021 Appointment of Alternate City Clerk

**Attachments:** [13-1021 ORD](#)

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

Enactment No: 18-2000-ORD

[18-0023](#)**AN ORDINANCE APPROVING AMENDED AND RESTATED INDUSTRIAL REVENUE BOND (VULCAN PROJECT), SERIES 2013-B OF THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF FOLEY, ALABAMA**

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: 18-2001

[18-0063](#)

(First Reading) An Ordinance to amend Ordinance 17-2037 Building Code & Fee Amendments

**Attachments:** [17-2037 ORD](#)  
[Revised Building Code Amendments](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

**Resolutions and Other Business**[18-0037](#)

A resolution to approve Municipal Court entering into a three year lease

agreement with purchase option with Ricoh for mail postage

**Attachments:** [City of Foley Product Schedule \(1\)](#)

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

Enactment No: 18-1015-RES

[18-0038](#)

A resolution to reappoint Terry Young to the Board of Adjustments and Appeals

**Attachments:** [BAA Members List](#)  
[Email](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be removed from the agenda. The motion carried by an unanimous vote.**

[18-0043](#)

Resolution Accepting Costs for Weed Abatement at Lot 149 Meadow Run and Authorizing a Copy to be Sent to the Baldwin County Tax Collector

**Attachments:** [Lot 149 in Meadow Run \(1\)](#)

**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: 18-1016-RES

[18-0045](#)

**RESOLUTION OPPOSING HB 110 and SB 130**

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

Enactment No: 18-1017-RES

[18-0048](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$77.26

**Attachments:** [2-5-18 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: 18-1018-RES

[18-0050](#)

Resolution declaring the annexation of various islands by Legislative annexation is for the public health and good.

**Attachments:**     [Bill to be Enacted](#)  
[2018 Annexation MAP 12-20-17 \(2\)](#)  
[Annexation by Legislative Act Values](#)

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

Enactment No: 18-1019-RES

[18-0051](#)

Consider approving South Baldwin Chamber of Commerce's requests to hold a three-day Hot Air Balloon Festival at the Foley Sportsplex, May 4th, 5th and 6th, 2018.

**Attachments:**     [SB Chamber Request](#)

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

Enactment No: 18-1020-RES

[18-0052](#)

Amending Resolution 18-1001, Section 3, to Correct Position Changes in the Police Department. This item is a housekeeping matter and budget neutral.

**Attachments:**     [18-1001.pdf](#)

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

Enactment No: 18-1021-RES

[18-0053](#)

Amendment to the Pay Classification Plan to Upgrade Position of Marketing Director due to Increased Responsibility of Additional Department (Train Depot Museum). Resolution is Budget Neutral.

**Attachments:**     [Pay Plan P. 3.pdf](#)

**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: 18-1022-RES

[18-0058](#)

Amendment to the Pay Classification Plan for position changes in the Fire Department.

**Attachments:**     [Pay Plan Exerpt.pdf](#)

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

Enactment No: 18-1023-RES

[18-0059](#)

Resolution to Authorize Payment of Municipal Court Intern from the Municipal Court Judicial Administration Fund

**Attachments:** [Municipal Court Continued Use of Restricted Account Approval Letter.pdf](#)

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

Enactment No: 18-1024-RES

[18-0060](#)

City of Foley Fiber System Expansion for the Foley Sports Tourism Complex

**Attachments:** [IT Capital Worksheet](#)  
[IT Pre Project Checklist 2](#)  
[Pre-Project Check list - FSTC Fiber Expansion MR](#)  
[MT & WT Approval](#)

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

Enactment No: 18-1025-RES

[18-0061](#)

Resolution for contract with Osprey Initiative, LLC to install and maintain a litter trap

**Attachments:** [City of Foley\\_reimbursement letter & proposal](#)

**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: 18-1026-RES

[18-0062](#)

Request to seek Nomination for the Hamburg Building to the Alabama's Places of Peril Registry

**Attachments:** [2018 Places In Peril Nomination Form.pdf](#)

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

Enactment No: 18-1027-RES

[18-0064](#)

Hamburg Building Preservation PH I

**Attachments:**    [Pre-Project Checklist](#)  
[Hamburg Ph I pre-proj checklist](#)  
[RES. 17-1338](#)

**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: 18-1028-RES

[18-0065](#)

A Resolution to Amend Resolution 18-1008 A Resolution to Approve or Deny Business License Application

**Attachments:**    [18-1008 RES](#)

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

Enactment No: 18-1029-RES

[18-0067](#)

Approving the Transfer of CDD Department Budget Funds from Operational to Personnel to Cover Overtime

**Attachments:**    [CDD Transfer Request.pdf](#)

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

Enactment No: 18-1030-RES

[18-0070](#)

Set a public hearing to consider amending Ordinance 17-2037 Building Code and Fee Amendments

**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: 18-1031-RES

[18-0071](#)

A RESOLUTION APPROVING USE OF CABOOSE CLUB DONATIONS

**Attachments:**    [Capital Purchase Worksheet-Depot Musuem](#)  
[Email Approval-Museum Capital Purchase](#)

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

Enactment No: 18-1032-RES

[18-0073](#)

A Resolution to Remove/Add Signors to the L&N Depot Museum Account

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: 18-1033-RES

[18-0074](#)

Allocation of funds for Dumpster Pad for Event Center

**Attachments:**     [Dumpster Pad](#)  
                              [Dumpster Pad - All Signatures](#)

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

Enactment No: 18-1034-RES

[18-0075](#)

Transfer funds from Economic Development to Sports Tourism for usage of the SUV.

**Attachments:**     [SUV Transfer](#)  
                              [Transfer to FSTC - 2008 Ford Expedition - VIN 0416](#)

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

Enactment No: 18-1035-RES

[18-0049](#)

ABC License Transfer: 050-Retail Beer (Off Premises Only) and 070-Retail Table Wine (Off Premises Only) for Walgreen Co, applicant operating under the trade name Rite Aid 07179 transfer from K&B Alabama Corporation to Walgreen CO located at 1255 South McKenzie Street Foley, Alabama.

**Attachments:**     [Rite Aid ABC License Application](#)  
                              [Rite Aid Map](#)

Police Chief David Wilson and Fire Chief Joey Darby recommended moving forward with the ABC License.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the ABC License application. The motion carried by an unanimous vote.

## Mayor's Comments

There were no comments to report.

## Visitor Comments

There were no comments to report.

### **Executive Session**

President Trawick reported there is a need for an Executive Session.

City Administrator Mike Thompson reported there was a need to discuss in Executive Session certain aspects of a possible real estate transaction the City is considering. He also reported the Executive Session will last approximately 10 minutes and Council will not return for a vote.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Vera Quaites.

City Administrator Mike Thompson took the following roll call vote: Council Member Hellmich, aye; Council Member Quaites, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into Executive Session.

The Council meeting was recessed at 5:55 p.m.

#### **Reconvened**

President Trawick called the meeting to order at 6:09 p.m. All Council Members were present. There was no further business to discuss.

### **Adjournment**

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

The meeting adjourned at 6:10 p.m.