



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, June 5, 2017

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[17-0299](#)

A Public Hearing to consider Planning Commission's recommendation for rezoning property owned by Crosby Properties From R-2 (Residential Single Family and Duplex) To PUD (Planned Unit Development).

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.

[17-0300](#)

A Public Hearing to consider Planning Commission's recommendation for rezoning property owned by Dayna Masters From R-1C (Residential Single Family) To PUD (Planned Unit Development).

Council President Wayne 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 Clerk Katy Taylor, Kate Embry, Richard Humphrey, Joey Darby, Thurston Bullock, Chad Christian, Paul Pecora, Jason Clabo and press representative Jessica Vaughn (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

Additions and Removals

A motion was made by Council Member Ralph Hellmich to carry over item 17-0306 to the Council Meeting Agenda of June 19, 2017. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

[17-0302](#) Work Session Minutes of May 15, 2017

Attachments: [05-15-17 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of May 15, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[17-0303](#) Council Meeting Minutes of May 15, 2017

Attachments: [05-15-2017 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of May 15, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Ordinances

[17-0240](#) REZONE CROSBY PROPERTIES FROM R2 TO PUD

Attachments: [Bay St-Crosby Rezone Recommendation.pdf](#)

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

Enactment No: 17-2022-ORD

[17-0241](#) REZONE DAYNA MASTERS PROPERTY FROM R1C TO PUD

Attachments: [Masters Pirates Cove Rezone Recommendation.pdf](#)

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: 17-2023-ORD

[17-0307](#)

(Second Reading) Rezone Villages at Arbor Walk Property from R2, Residential Single Family & Duplex to R1D, Residential Single Family

Attachments: [Arbor Walk Rezone Recommendation.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of this Ordinance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[17-0318](#)

(Second Reading) GRANTING A NON-EXCLUSIVE FRANCHISE TO
MEDIACOM SOUTHEAST LLC

Attachments: [Mediacom Ordinance Draft](#)
 [Mediacom Franchise Agreement](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of this Ordinance. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[17-0298](#)

(Second Reading) AN ORDINANCE DECLARING CERTAIN REAL
PROPERTY NOT
PRESENTLY NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING
THE CONVEYANCE OF AN EASEMENT OVER THE SAME TO THE ORANGE
BEACH WATER, SEWER AND FIRE PROTECTION AUTHORITY FOR USE
AS A WATER WELL SITE

Attachments: [Foley Ordinance Orange Beach _Water Well Easement](#)

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

[17-0305](#)

(Second Reading) Rezone Property owned by Smart Living LLC_Kensington Place from PUD_Planned Unit Development to PUD_Planned Unit Development

Attachments: [Kensington Place Rezone Recommendation.pdf](#)

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

Resolutions and Other Business

[17-0290](#)

Street Dept. requests permission to purchase a Mini Excavator from Thompson CAT.

Attachments: [Mini Excavator Quote.PDF](#)
[Confirmation to proceed on Mini Excavator.PDF](#)

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: 17-1144-RES

[17-0295](#)

Navy Jet Crash Memorial

Attachments: [CMDR Memorial](#)

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: 17-1145-RES

[17-0296](#)

Police Department requests to declare bikes as surplus and donate them to Liberty Church

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: 17-1146-RES

[17-0297](#)

Request to Transfer funds from Environmental Operating to Capital Projects

Attachments: [Transfer Form](#)

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: 17-1147-RES

[17-0306](#)

Tanger Avenue Extension Agreement

Attachments: [Tanger Road Extension Agreement \(REVISED 5-15-17\)](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be carried over to the City Council, due back by 6/19/2017. The motion carried by an unanimous vote.

[17-0308](#)

A resolution setting a public hearing to consider Planning Commission's recommendation for rezoning property owned by GCOP Arborwalk, LLC From R-2 (Residential Single Family and Duplex) To R-1D (Residential Single Family).

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: 17-1148-RES

[17-0309](#)

A resolution setting a public hearing to consider Planning Commission's recommendation for rezoning property owned by Smart Living, LLC From PUD (Planned Unit Development) To PUD (Planned Unit Development).

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: 17-1149-RES

[17-0311](#)

Approve Library Cell Phone Usage Policy

Attachments: [Cell Phone Usage Policy Manual 5 22 17](#)

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: 17-1150-RES

[17-0313](#)

Approve Library Circulation Policy

Attachments: [Circulation Policy Policy Manual 5 22 17](#)

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: 17-1151-RES

[17-0314](#)

Authorize the Mayor to sign Construction and Use Agreement with The Insurance Institute for Business and Home Safety

Attachments: [Construction and Use Agreement IBHS](#)

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: 17-1152-RES

[17-0315](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING 413 2ND AVENUE TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: [Nuisance at 413 2nd Ave](#)

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: 17-1153-RES

[17-0316](#)

Request to use Beulah Heights Park for a family reunion

Attachments: [20170524130613451](#)

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: 17-1154-RES

[17-0317](#)

CR 20 Sidewalk Repairs

Attachments: [Scope & Plan](#)
 [CR 20 Sidewalk Repairs Pre-Project Checklist](#)

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: 17-1155-RES

[17-0319](#)

Appropriate Funds For St. Jude Tour

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: 17-1156-RES

[17-0321](#)

Resolution Authorizing Transfer of Funds for Library Intern

Attachments: [Library Request to Transfer Funds.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: 17-1157-RES

[17-0322](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$322.12

Attachments: [Sanitation write offs](#)

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: 17-1158-RES

[17-0323](#)

A resolution authorizing the Mayor to execute the Amendment to Tax Abatement Agreements for future Foley Holdings, LLC. Subsidiaries

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaites, aye; Council President Trawick, aye; Council Member Hellmich, abstained; Council Member Blackwell, aye and Council member Ebert, III, aye. The vote passed by 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: 17-1159-RES

Mayor's Comments

There were no comments to report.

Visitor's Comments

There were no comments to report.

Adjournment

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

The meeting adjourned at 5:48 p.m.