



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, August 3, 2020

4:00 PM

Foley Civic Center

Work Session/Council Meeting

Public Hearings

[20-0335](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order its Abatement located at the Common Detention Area located in Pine Place II Subdivision.

Council President Wayne Trawick opened the public hearing at 4:00 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Wayne Trawick called the August 3, 2020 Work Session to order at 4:01 p.m.

Roll Call

All Council Members were present. Also Present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Chad Brewer, Chad Christian, Wynter Plaski, LaDonna Hinesley, Rachel Keith, Pam Harris, Keith Nelson, Sue Steigerwald, Leslie Gahagan, Richard Dayton, Angie Eckman, Tim Beisel, Jennifer Foster, Caleb Bibby and press representative Jessica Vaughn.

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

Discussion Items

There were no discussion items.

Additions/Removals

There were no additions or removals.

Consent Agenda

[20-0349](#)

Work Session/Council Meeting Minutes of July 20, 2020

Attachments: [07-20-2020 Work Session-Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to approve the Work Session/Council meeting Minutes of July 20, 2020. The motion carried by an unanimous vote.

[20-0332](#)

RESOLUTION FOR COUNCIL, DISTRICT 2 ELECTED WITHOUT OPPOSITION

Attachments: [Certification of Election Vera J. Quaites](#)

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: 20-1205-RES

[20-0333](#)

RESOLUTION FOR COUNCIL, DISTRICT 4 ELECTED WITHOUT OPPOSITION

Attachments: [Certification of Election Rick Blackwell](#)

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: 20-1206-RES

[20-0334](#)

RESOLUTION FOR COUNCIL, DISTRICT 5 ELECTED WITHOUT OPPOSITION

Attachments: [Certification of Election Charles Ebert, III](#)

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: 20-1207-RES

[20-0336](#)

A Resolution Authorizing Employees to Enter Upon the Property at The Common Detention Area in Pine Place II Subdivision, PPIN# 236535, for the Purpose of Abating the Public Nuisance.

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: 20-1208-RES

[20-0350](#)

A Resolution to Reappoint Zana Price and Tim Closson to the Graham Creek Nature Preserve Board.

Attachments: [GCNP Board List](#)

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: 20-1209-RES

[20-0343](#)

A Resolution To Set A Public Hearing To Consider Planning Commission's Recommendation To Adopt An Ordinance Approving The Rezoning Of Property Owned By Magnolia Land Company, Inc From M-1 (Light Industrial District) To B-3 (Local Business District).

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: 20-1210-RES

[20-0331](#)

ABC License: 020 - Restaurant Retail Liquor for Shrimp Basket Restaurants LLC, Applicant operating under the trade name Shrimp Basket located at 1500 S McKenzie Street Foley, Alabama 36535.

Attachments: [Shrimp Basket ABC License](#)

Foley Police Department and Fire Department recommended moving forward with the ABC License.

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to make a recommendation to the ABC Board to move forward with the license. The motion carried by an unanimous vote.

Ordinances

[20-0291](#)

An Ordinance Amending the City of Foley Zoning Ordinance - RV Park District

Attachments: [RV Park District](#)
 [Recommendation Letter](#)

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

Enactment No: 20-2016-ORD

[20-0338](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY MAGNOLIA LAND COMPANY INC FROM M1 TO B3

Attachments: [Magnolia Land Rezoning](#)

A motion was made by Council Member Charles Ebert, III, 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

[20-0325](#)

A Resolution Accepting ALDOT'S Final Settlements for Project No. ST-002-059-017 and Project No. ST-002-059-019

Attachments: [Project No. ST-002-059-017](#)
 [Project No. ST-002-059-019](#)
 [Capital Budget Increase ALDOT Invoices](#)

City Engineer Chad Christian reported to Council that these two projects are from 2005 and 2006. There was no further discussion on this item.

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: 20-1211-RES

[20-0330](#)

A Resolution to Accept the FY2020 Alabama Historic Commission Certified Local Government Grant

Attachments: [AL-20 -10019 City of Foley - Public Awareness & Education](#)

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: 20-1212-RES

[20-0337](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for Foley High School

Attachments: [Foley High School - Heritage Park](#)

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: 20-1213-RES

[20-0340](#)

A Resolution Approving Application for the FY20 Alabama State Energy Program through ADECA

Attachments: [SEPFY21 GrantApplicationandGuide LocalGovernmentsK-12Schools andNon-ProfitOrganizations \(1\)](#)

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: 20-1214-RES

[20-0341](#)

A Resolution Approving Application for the ADECA Volkswagen

Settlement Eligible Mitigation Action Item Projects

Attachments: [Volkswagen Application Form](#)

City Administrator Mike Thompson reported to Council that this grant was applied for last year with a 20% match from the City and we did not receive the grant. Mr. Thompson reported that this year we will apply with a 40% match in hopes of receiving the grant this year. There was no further discussion on this item.

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: 20-1215-RES

[20-0342](#)

A Resolution to Waive the Fees for the Foley Civic Center for the Common Sense Campaign Candidate Forum

President Trawick turned the meeting over to Council Member Charles Ebert, III.

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, abstained, President Trawick, abstained; Council Member Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.

Council Member Charles Ebert, III turned the meeting back over to President Trawick.

Enactment No: 20-1216-RES

[20-0344](#)

A Resolution to Accept Alabama Emergency Management Agency FEMA 4503-DR-AL Disaster Assistance Agreement for COVID-19 Pandemic Reimbursement

Attachments: [4503 City of Foley State Funding Agreement.pdf](#)

Rachel Keith reported to Council that early in the Pandemic, we applied for a FEMA Grant to help reimburse some of the expenses due to COVID-19. Mrs. Keith reported that the FEMA Grant has guidelines on what it can be used for but there is not a maximum amount on how much that can be spent. Mrs. Keith reported that since applying, we have also received money through the CARES Act. Mrs. Keith reported that FEMA encourages us to still accept this grant since there is no deadline for when the money has to be used. There was no further discussion on this item.

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: 20-1217-RES

[20-0345](#)

A Resolution Declaring Surplus Chief David Wilson's Badge and Service

Weapon

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: 20-1218-RES

[20-0346](#)

A Resolution to Approve Moving FY21 Foley Municipal Airport Project for Rehabilitation of the North Apron to FY20

Attachments: [20-1177-RES Accepting Grant Offer.pdf](#)
[Capital Project Worksheet - July 24 2020](#)

Rachel Keith reported to Council that the funds for this grant are already available and the project can be started sooner than originally projected. There was no further discussion on this item.

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: 20-1219-RES

[20-0351](#)

A Resolution Approving the Re-filling of a Budgeted Position Vacancy Due to Promotion.

Attachments: [Pay Classification Plan - Effective 05-18-20](#)
[20-1116](#)

Mike Thompson reported to Council that the Office Coordinator position at the Foley Police Department is now open due to Kelly O Donnell accepting Suzanne Kellams previous position in Human Resources. There was no further discussion on this item.

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: 20-1220-RES

[20-0352](#)

A Resolution Approving Two Additional Firework Shows at OWA

Attachments: [OWA Fireworks letter Summer 2020 \(1\)](#)

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 the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained, President Trawick, aye; Council Member Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried 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: 20-1221-RES

Mayor's Comments

There were no comments to report.

Visitor Comments

Council Member Ralph Hellmich stated that he would like for the City of Foley, with the help of Gulf Shores and Orange Beach, go to ALDOT about adding a 3rd southbound lane to South 59, ending at the base of the Gulf Shores Bridge.

Council Member Vera Quaites stated that the Boys and Girls Club is having an Open House Sunday August 9, 2020 from 3pm-6pm if anyone wanted to attend.

Executive Session

City Administrator Mike Thompson reported there was a need for Council to go into Executive Session to discuss certain aspects of a possible real estate transaction. He reported the Executive Session will last approximately 10 minutes and Council may choose to come back for a vote.

A motion was made by Council member Ralph Hellmich, seconded by Council Member Rick Blackwell to go into Executive Session.

Mr. Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye, President Trawick, aye; Council Member Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by an unanimous vote.

The meeting was recessed at 4:24 p.m.

The meeting reconvened at 4:43 p.m.

All Council Members were present. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Wynter Plaski and Thurston Bullock.

[20-0359](#)

An Ordinance Declaring Certain Real Property Not Presently Needed For Municipal Purposes And Authorizing The Lease Of The Same To Wagon Express, LLC

Attachments: [Lease Agreement - Truck Parking](#)
[Exhibit A](#)

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

Enactment No: 20-2017-ORD

Adjournment

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

The meeting adjourned at 4:44 p.m.