



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft

### City Council

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Monday, November 6, 2017

5:30 PM

Council Chambers

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#### Council Meeting

##### Public Hearing

###### 17-0608

Public Hearing to declare weeds to be a nuisance and order its abatement at 1817 Candlestick Court East.

**Council President Wayne Trawick opened the public hearing at 5:30 p.m. He reported the nuisance has been abated by the owner and no further action is required. Hearing no comments, he closed the public hearing.**

###### 17-0609

Public Hearing to declare weeds to be a nuisance and declare its abatement at 1157 South McKenzie Street

**President Trawick opened the public hearing at 5:31 p.m. He reported the nuisance has been abated by the owner and no further action is required. Hearing no comments, he closed the public hearing.**

###### 17-0610

Public Hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of 185+/- acres owned by WLG#10, LLC. (Primland)

**President Trawick opened the public hearing at 5:32 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

###### 17-0611

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 adopt an ordinance approving the initial zoning of PUD (Planned Unit Development) owned by WLW&S, LLC.

President Trawick opened the public hearing at 5:33 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 5:33 p.m.

### Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, David Wilson, Chad Christian, Joey Darby, Leslie Gahagan, Gloria Boatwright, Melba Hamburg, Helen Hamburg Williams, Vicky Wyatt, O'Neal Wyatt, Dallas Wyatt, Kurt Alzlinger, Tina Alzlinger, Ann Bashor, Robert Bashor, Deborah Swetnam and press presentative 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

### Approval of the Minutes

17-0613 Work Session Minutes of October 16, 2017

**Attachments:** [10-16-17 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of October 16, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

17-0614 Council Meeting Minutes of October 16, 2017

**Attachments:** [10-16-17 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of October 16, 2017. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

### Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 17-0620 to the agenda and to remove items 17-0615 and 17-0616 from the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Ordinances

### 17-0570

#### REZONING FOR PRIMLAND PLANNED UNIT DEVELOPMENT

Attachments: [Primland Rezoning Recommendation.pdf](#)

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

Enactment No: 17-2042-ORD

### 17-0579

#### AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY WLW&S, LLC

Attachments: [WLW&S, LLC Annexation Petition](#)

[Department Reports](#)

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

Enactment No: 17-2043-ORD

### 17-0580

#### (Second Reading) ORDINANCE APPROVING INITIAL ZONING OF WLW&S LLC PROPERTY.

Attachments: [INT ZONING RECOMMEND Wyld](#)

[Wyld Palms PUD](#)

**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.**

### 17-0625

#### (Second Reading) ZONING ORDINANCE AMENDMENT

Attachments: [ZONING ORDINANCE RECOMMEND Letter.doc](#)

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

### 17-0626

#### (Second Reading) REZONING ORDINANCE FOR MCMC GLENLAKES LLC FROM PUD TO PUD

Attachments: [Glenlakes rezone \(1\).pdf](#)

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

17-0628**(Second Reading) WLW&S LLC REZONING FROM PUD TO PUD****Attachments:** [Wyld Palms Rezoning.pdf](#)

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

17-0629**(Second Reading) ANDRU BRAMBLETT REZONING R1A TO R1C****Attachments:** [Rezone Peachtree Ave.pdf](#)

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

17-0332**OWA Entertainment District****Attachments:** [OWA Entertainment District Backup.pdf](#)

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, that this Ordinance be approved on first reading. The motion carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles 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

**Resolutions and Other Business**17-0594**Public Athletic and Sports Facilities Cooperative District and Public Cultural and Entertainment Facilities Cooperative District Board Appointments****Attachments:** [PASFCD & PCEFCD Members 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: 17-1284-RES

17-0604**A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 2301 S MCKENZIE ST****Attachments:** [2301 S McKenzie St Weed Abatement](#)

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: 17-1285-RES

[17-0605](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT SOUTH HAMPTON SUBDIVISION COMMON AREA

**Attachments:** [South Hampton Weed Abatement](#)  
[South Hampton](#)

**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: 17-1286-RES

[17-0612](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$52.30

**Attachments:** [Sanitation Write Offs](#)

**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: 17-1287-RES

[17-0615](#)

Resolution authorizing employees to enter upon the property at 1817 Candlestick Court for the purpose of abating the public nuisance.

**A motion was made by Council Member Ralph Hellmich to remove this item from the agenda because it has been abated by the property owner. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

[17-0616](#)

Resolution authorizing employees to enter upon the property at 1157 South McKenzie Street for the purpose of abating the public nuisance.

**A motion was made by Council Member Ralph Hellmich to remove this item from the agenda because it has been abated by the property owner. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

[17-0621](#)

Model Train Building Work Rooms

**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: 17-1288-RES

[17-0622](#)

Bender Road South Improvements Project

Attachments: [EcoTechnical, LLC Proposal](#)  
[Pre-Project Checklist for Bender Road South Improvements](#)

**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: 17-1289-RES

17-0623 Magnolia Circle Drainage Improvements

Attachments: [HMR Survey Proposal](#)  
[Pre-Project Checklist for Magnolia Circle Drainage Improvements](#)

**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: 17-1290-RES

17-0624 Foley Beach Express/US 98 Turn Lanes

Attachments: [HMR Survey Proposal](#)  
[Pre-Project Checklist for FBE-US98 Turn Lanes](#)

**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: 17-1291-RES

17-0630 A resolution to set a public hearing to consider Planning Commission's recommendation to rezone 20.28 +/- acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) owned by WLW&S, LLC (Wyld Palms).

**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: 17-1292-RES

17-0631 A resolution to set a public hearing to consider Planning Commission's recommendation to rezone 24 +/- acres owned by Andru Bramlett

**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: 17-1293-RES

17-0632 Allocate funds for late delivery of Dodge Ram Pickup truck for Recreation Department.

Attachments: [20171031092205876](#)

**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: 17-1294-RES

[17-0633](#)

Approves Sports Tourism to purchase a 60" zero turn mower.

Attachments: [20171030145913288](#)

**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: 17-1295-RES

[17-0634](#)

A resolution to set a public hearing to consider Planning Commission's recommendation to rezone 96 +/- acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) owned by MCMC Glenlakes, LLC.

**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: 17-1296-RES

[17-0635](#)

Appropriate and Memorialize CR 20 West Widening Reimbursement to Baldwin County

Attachments: [Res. 13-0475 - IGSA for CR 20 W. Project](#)

[Res. 14-0447 - Cost Sharing CR 20 W. Project](#)

**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: 17-1297-RES

[17-0636](#)

Juniper Street Sidewalk Project

Attachments: [Pre-Project Checklist Juniper St. Sidewalk](#)

**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: 17-1298-RES

[17-0637](#)

Stormwater Inlet Repairs for Monteith Oaks

Attachments: [Pre-Project Checklist Monteith Oaks Inlet Repairs](#)

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

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Ebert III

**Abstain:** 1 - Council Member Blackwell

Enactment No: 17-1299-RES

#### 17-0638

Fern Avenue Extension Right Of Way Appraisal

**Attachments:** [ALDOT Appraisal Review](#)

**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 Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.**

**Aye:** 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

**Abstain:** 1 - President Trawick

Enactment No: 17-1300-RES

#### 17-0639

Beaver Management Services

**Attachments:** [Cooperative Service Agreement](#)  
[Map](#)  
[WS FORM 12A City of Foley](#)

**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: 17-1301-RES

#### 17-0640

Request approval to go to bid and purchase a 4X4 crew cab pickup truck for the Fire Department.

**Attachments:** [Capital Purchase Email Approval](#)

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

Enactment No: 17-1302-RES

#### 17-0641

Resolution Authorizing Restructure of the Sports Tourism Department

and Approving Various Budget Transfers, Amendments to the Pay Classification Plan and Appropriation of Funding.

Attachments: [Sport Tourism Dept Budget Adjustments 10-31-17.pdf](#)

[Rec, Spts Tourism, Eco Deve Personnel Accounts Budget Adjustments 10-31-17.pdf](#)  
[Personnel Roster 10-31-17.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: 17-1303-RES

#### [17-0642](#)

A Resolution Authorizing an Easement Agreement with Foley Holdings, LLC.

Attachments: [OWA WiFi Oct\\_2017 FINAL](#)

**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 Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles 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: 17-1304-RES

#### [17-0648](#)

Reject Cactus Cafe Proposal and Proceed with RFP Revision and Reissuance

**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: 17-1305-RES

#### [17-0649](#)

Request to host Creek Crawl Obstacle Race

Attachments: [Creek Crawl Poster 2017](#)

[2017 Creek Crawl Registration form](#)

**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: 17-1306-RES

#### [17-0620](#)

A resolution authorizing entering into a Ground Lease Agreement for property adjacent to Heritage Park

Attachments: [John Foley Ground Lease](#)

[John Foley Property](#)

[John Foley Property Lot east of Senior Center](#)

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

**Aye:** 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

**Abstain:** 1 - Council Member Ebert III

Enactment No: 17-1307-RES

#### 17-0643

Approval of ABC License application for Evelyn Landefeld, applicant, operating under the trade name EJ's for a 010-Lounge Retail Liquor-Class I ABC License located at 16972 US HWY 98 W. Foley, Alabama.

Attachments: [Redacted EJ's ABC License Application](#)

[EJ's Map](#)

Police Chief David Wilson and Fire Chief Joey Darby made recommendations to move forward with the ABC License.

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

#### **Mayor's Comments**

No comments to report.

#### **Visitor Comments**

Several residents from the Riverview Trace Phase II subdivision addressed Council with their concerns of flooding in their area due to beaver dams, garbage in the Bon Secour River and other drainage issues. Environmental Manager Leslie Gahagan made a presentation during the Work Session meeting to alleviate most of the causes of the flooding, which is the beaver dams and trash located down stream from the subdivision.

#### **Adjournment**

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

The meeting adjourned at 6:28 p.m.