



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, February 20, 2017

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[17-0095](#)

Public Hearing to consider an Ordinance To Ratify Resolution 3818-09, 4664-11 and 15-2101 and All Prior Lease Agreements And Declare Tower Space No Longer Needed For Municipal Or Public Purposes And Authorizing The Mayor And City Clerk To Enter Into An Amended Lease Agreement For Antenna Space With Southern Communications Services, Inc., D/B/A Southern Linc F/D/B/A Southernlinc Wireless.

Council President Wayne Trawick opened the public hearing at 5:32 pm. 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, Richard Humphrey, Chad Christian, Thurston Bullock, David Wilson, Joey Darby, Miriam Boutwell, Jeff Rouzie, Gregg Knight, Harold Cox, Daniel Taylor and Dr. Bill Lawrence.

Present: 6 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell, Council Member Charles Ebert III and Mayor J Koniar

Pledge of Allegiance

Mayor's Presentation

[17-0109](#)

Proclamation: Read Across America

Attachments: [Read Across America](#)

Mayor Koniar present Dr. Lawrence with the Read Across America Proclamation.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 17-0097 to the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

[17-0093](#) Work Session Minutes of February 6, 2017.

Attachments: [02-06-17 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the February 6, 2017 Work Session Minutes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[17-0094](#) Council Meeting Minutes of February 6, 2017

Attachments: [Council Meeting Minutes of February 6, 2017](#)

A motion was made by Council Member Ralph Hellmich to approve the February 6, 2017 Council Meeting Minutes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Departmental Reports

[17-0089](#) January 2017 Local Tax Reports

Attachments: [January 2017 Local Tax Reports](#)

City Administrator Mike Thompson reported the sales tax is up 9.19 % year-to-date; lodging tax is up 15.8% year-to-date and rental tax is up 25% year-to-date.

[17-0092](#) JANUARY 2017 CDD REPORT

Attachments: [January 2017 CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the CDD Report, which is attached as back up to the minutes.

[17-0105](#) Fire Department Monthly Report January 2017

Attachments: [Council January 17 2-17](#)

Fire Chief Joey Darby presented the January 2017 Fire Department Report, which is attached as back up to the minutes. He also reported there was a large shed fire on County Road 55. The fire is believed to have been caused by improper battery charging. The shed was a total loss and there were no injuries associated with this fire. There was a small garage fire off of County Road 55 that was extinguished by the owner. There was no major damage or injuries associated with this fire. There was an U-Haul fire at a facility on Hwy 98 that is believed to have been caused by criminal mischief. The U-Haul was a total loss and no injuries were associated with this fire. The Fire Department was called by the Orange Beach Fire Department to assist with a church fire on Canal Road. The Fire Department made three water rescues during the heavy rains in the beginning of the month that were precautionary measures.

[17-0098](#)

January 2017 Foley Police Department Monthly Report

Attachments: [20170213153250472](#)

Police Chief David Wilson gave a synopsis of the January 2017 Police Department Report, which is attached as back up to the minutes.

Ordinances

[17-0045](#)

AN ORDINANCE TO RATIFY RESOLUTION 3818-09, 4664-11 AND 15-2101 AND ALL PRIOR LEASE AGREEMENTS AND DECLARE TOWER SPACE NO LONGER NEEDED FOR MUNICIPAL OR PUBLIC PURPOSES AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED LEASE AGREEMENT FOR ANTENNA SPACE WITH SOUTHERN COMMUNICATIONS SERVICES, INC., D/B/A SOUTHERN LINC F/D/B/A SOUTHERNLINC WIRELESS.

Attachments: [3818-09 RES SouthernLinc](#)
 [4664-11 RES](#)
 [15-2101 RES](#)
 [Foley LTE Amend 1 \(1\)](#)

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: 17-2010-ORD

[17-0074](#)

Accepting Public Rights of Way and Infrastructure Improvements of CR 10 from City of Foley Corporate Limits East to SR 59

Attachments: [Agreement](#)
 [Letter from Baldwin County](#)
 [Valuation](#)

A motion was made by Council Member Rick Blackwell, seconded by Council

Member Vera Quaites, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 17-2011-ORD

[17-0050](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT , LLC.

Attachments: [Cotton Bayou Dev. Annex Petition](#)
 [CDD Annex. Report](#)
 [Infrastructure Valuation](#)

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

[17-0063](#)

Street Dept. requests permission to purchase a John Deere 1575 Front Mount Mower and Deck

Attachments: [Mike Thompson & Wayne Trawick Email Confirmation.PDF](#)
 [city of foley 1575 quote 1262017.pdf](#)
 [Capital Purchase Worksheet for Mower & Deck.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: 17-1035-RES

[17-0081](#)

A Resolution to appoint John Shelton Penton, Sr. to the Foley Library Advisory Board.

Attachments: [Library Adv. Brd. List](#)
 [John Shelton Penton, Sr.-bio](#)

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: 17-1036-RES

[17-0084](#)

A Resolution to reappoint Jack Kimsey to the Board of Adjustment and Appeals.

Attachments: [BAA List](#)

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: 17-1037-RES

[17-0085](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$216.86

Attachments: [Res Sanitation Writeoffs](#)

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

Enactment No: 17-1038-RES

[17-0088](#)

Declaring Christmas Decorations Surplus and Authorizing Disposal

Attachments: [Surplus Christmas Items](#)

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: 17-1039-RES

[17-0091](#)

WAIVE TO MINIMUM FEES FOR ST MARGARETS PARISH HALL

Attachments: [Waive St Margarets Parish Center for Council.pdf](#)

President Trawick turned the meeting over to Councilman Ebert, III.

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

Councilman Ebert, III turned the meeting back over to President Trawick.

Aye: 3 - Council Member Quaite, Council Member Blackwell and Council Member Ebert III

Abstain: 2 - President Trawick and Council Member Hellmich

Enactment No: 17-1040-RES

[17-0099](#)

A Resolution to appoint Craig Saget to the Industrial Development Board.

Attachments: [Craig Saget Resume](#)

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

Enactment No: 17-1041-RES

[17-0110](#)

ABC License: 240- Non-Profit Tax Exempt for Gulf Coast Elks Lodge NO 2782 Benevolent and Protective Order of Elks of the USA,

applicant operating under the trade name Gulf Coast Elks Lodge 2782
Denim And Diamonds A Benefit for Alzheimer.

Fire Department and Police Department to give a recommendation.

Attachments: [GULF COAST ELKS LODGE 2782 DENIM AND DIAMONDS A
BENEFIT FOR ALZHEIMER \(1\)](#)

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

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

[17-0111](#)

Approval of ABC license application for Daniel O. Taylor, applicant,
operating under the trade name Danos Bar and Grill for a 010-Lounge
Retail Liquor- Class I ABC License located at 8097 Highway 59, Suite F.
Foley, Alabama.

Attachments: [ABC License Danos Bar & Grill](#)

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

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

[17-0097](#)

Approval of Four-Way Stop Sign Installation On Fern Avenue

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: 17-1042-RES

Mayor's Comments

Mayor Koniar congratulated Sports Tourism Executive Director Don Staley on the great success of the Archery Tournament over the weekend.

Visitor Comments

There were no visitor comments to report.

Adjournment

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 6:07 pm.