



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, February 6, 2017

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[17-0032](#)

Public hearing to consider passage of an ordinance to rezone property owned by Paradise Creek LLC/Dr. Todd Edmiston from MH-1 to B-1A.

Council President Wayne Trawick opened the public hearing at 5:31 pm. to consider the passage of an ordinance to rezone property owned by Paradise Creek LLC/Dr. Todd Edmiston from MH-1 to B-1A. President Trawick reported this rezoning is contingent upon all the mobile homes being removed from the property. 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 pm.

Roll Call

All Council Members were present with the exception of Council Member Vera Quaites, who was absent due to illness. Others present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Kate Embry, John Gleaton, Chad Christian, Jeff Rouzie, Joey Darby, Sarah Rouzie, Ellen Dean, Brenda Shambo, Greg Hayden, Kelley Wansley, Michelle Dillion, Chandler Dunaway, Robin David and David Zak.

Present: 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - Council Member Vera Quaites

Pledge of Allegiance

Mayor's Presentation

[17-0039](#)

Proclamation: Arbor Day

Attachments: [Arbor Day Proclamation](#)

Mayor Koniar presented the Arbor Day Proclamation to Ellen Dean.

Arbor Day Book Presentation

[17-0040](#)

2017 Arbor Day Book Donations

Arbor Day Book Donations

Every year the City of Foley donates a tree-themed books to our local schools and the public library to commemorate Arbor Day, which is Saturday, February 25, 2017 at 1:00 p.m. The time has changed this year due to the Mardi Gras Parade being on the same day at 11:00 a.m. The event is going to be held at the Coastal Alabama Farmers and Fishermens Market on County Road 20. I would like to present the following books to these libraries:

Foley Elementary

Ms. Susan Loy - Because of an Acorn

Foley Intermediate

Ms. Michelle Dillon - Secret Tree Fort

Foley Middle

Ms. Sue Norman - The Hidden Life of Trees

Foley High

Ms. Bernadette Winn - The Hidden Life of Trees

Foley Public Library

Mr. John Jackson and Mrs. Kelley Wansley - The Hidden Life of Trees

Mayor Koniar presented the Arbor Day Book Donations.

Additions/Removals

Councilman Hellmich made a motion to add item 17-0087 to the agenda and to carry over items 17-0050 and 17-0034 to the Council meeting of February 20,

2017. The motion was seconded by Councilman Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[17-0041](#) Work Session Minutes of January 17, 2017

Attachments: [01-17-17 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of January 17, 2017. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[17-0042](#) Council Meeting Minutes of January 17, 2017

Attachments: [01-17-17 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of January 17, 2017. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Departmental Reports

[17-0061](#) Fire Department Monthly Report December 2016

Attachments: [Council December 16 1-17](#)

Fire Chief Joey Darby presented the December 2016 Fire Department Report, which is attached as back up to the minutes.

[17-0083](#) Marketing Department Quarterly Report - September, October and December 2016

Attachments: [1st Qtr Fy16 FY17 comparison \(3\)](#)

Marketing Director LaDonna Hinsley present the Marketing Department Quarterly Report, which is attached as back up to the minutes.

Ordinances

[16-0762](#) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY PARADISE CREEK LLC/DR. TODD EDMISTON FROM MH1 - MOBILE/MANUFACTURED DWELLING PARK TO B-1A EXTENDED BUSINESS DISTRICT

Attachments: [Paradise Creek Rezoning.pdf](#)
[Paradise Creek Rezoning](#)

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: 17-2008-ORD

[17-0045](#)

(Second Reading) 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 Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

[17-0050](#)

(First 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 Charles Ebert, III, that this Ordinance be carried over to the City Council meeting of February 20, 2017. The motion carried by an unanimous vote.

[17-0073](#)

Accepting Public Rights of Way and Infrastructure Improvements of CR 20 from South Hickory Street to AL 59

Attachments: [CR 20 FAS Assets](#)
 [CR 20](#)
 [Letter From Baldwin County](#)
 [Res. 13-0475 CR 20 ATRIP Agreement](#)
 [Res. 14-0447 - CR 20 Cost Share](#)

A motion was made by Member Ralph Hellmich to suspend the rules for the immediate adoption of this ordinance. The motion was seconded by Council Member Charles Ebert, III and carried by the following roll call vote: Councilman Hellmich, aye; President Trawick, aye; Councilman Blackwell, aye

and Councilman Ebert, III., aye. Of those present, the vote was unanimous to suspend the rules.

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: 17-2009-ORD

[17-0074](#)

(Second Reading) 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 Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

Resolutions and Other Business

[17-0026](#)

A Resolution to reappoint Patricia Libby to the Revitalization and Beautification Board.

Attachments: [Beautification Brd.](#)

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: 17-1016-RES

[17-0034](#)

A Resolution to reappoint David Rauch to the Foley Building Authority, Foley Library and the Foley Public Parks and Recreation Authority.

Attachments: [Authority Boards](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be carried over to the City Council meeting of February 20, 2017. The motion carried by an unanimous vote.

[17-0044](#)

Resolution to transfer \$3,000 from the Sanitation Department Small Tools Account to the Street Department Overtime Account.

Attachments: [Street Dept Transfer Request.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: 17-1017-RES

[17-0046](#)

Resolution amending the City's Pay Classification Plan to remove the Assistant Parks Superintendent position which has not been active nor budgeted since July of 2015.

Attachments: [PAY CLASSIFICATION PLAN - EFFECTIVE 12-19-16.pdf](#)

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: 17-1018-RES

[17-0047](#)

Resolution Amending Pay Classification Plan for Restructure of Certain Positions Within The Police Department

Attachments: [PD Restructure 12-2016.pdf](#)
 [Chief's PD Org Chart - Updated 01-25-17](#)

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: 17-1019-RES

[17-0048](#)

Request for Street Dept. and Horticulture Dept. Items to be Surplused & Disposed by the Best Means Possible

Attachments: [#0762 Bucket Truck, Asset #3215.PDF](#)
 [#2624 Spade Truck, Asset # 9595.PDF](#)

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: 17-1020-RES

[17-0049](#)

A Resolution Setting a Public Hearing To Consider Adopting 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.

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: 17-1021-RES

[17-0051](#)

Set a public hearing to consider the vacation of a portion of Midtown Village Blvd.

Attachments: [Declaration of Vacation \(Portion of Midtown Village Blvd.\)](#)
 [Midtown Village Blvd. Maps](#)
 [Midtown Village Blvd - FAS](#)

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

Aye: 3 - President Trawick, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 17-1022-RES

[17-0052](#)

Set a public hearing to consider the vacation of Station Drive

Attachments: [Declaration of Vacation \(Station Drive\)](#)
 [Station Drive Maps](#)
 [Station Drive - FAS](#)

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: Councilman Hellmich, abstained; President Trawick, aye; Councilman Blackwell, aye and Councilman Ebert, III., aye. Of those present, the vote was carried by a majority vote.

Aye: 3 - President Trawick, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Hellmich

Enactment No: 17-1023-RES

[17-0058](#)

Resolution to Accept Donation to the Sports Tourism Department

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: 17-1024-RES

[17-0059](#)

ABC License: 020- Restaurant Retail Liquor for Butts On The Green, LLC, applicant operating under the trade name Butts On The Green located at 22394 Miflin Road Suite 301 Foley, Alabama.

Attachments: [Butts On The Green ABC Applicatiuon](#)

Fire Chief Joey Darby and Police Chief David Wilson 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.

[17-0060](#)

ABC License: 240- Non-Profit Tax Exempt for South Baldwin Chamber Foundation, Inc., applicant operating under the trade name South Baldwin Chamber Foundation 9th Annual BBQ and Blues Cook Off located at Foley Heritage Park in Foley, Alabama.

Attachments: [BBQ & Blues ABC Application](#)

Fire Chief Joey Darby and Police Chief David Wilson recommended moving 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.

[17-0062](#)

Reallocate funds and accept penalty payment for late delivery of 2017 KME Custom Pumper

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: 17-1025-RES

[17-0066](#)

Crown Walk Dr. Drainage Improvements Project

Attachments: [Signed Crown Walk Drg. Imps. Pre-Project Checklist](#)

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: 17-1026-RES

[17-0067](#)

South Cedar St. Lighting

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: 17-1027-RES

[17-0069](#)

Attachments: [20170130083632378](#)

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: 17-1028-RES

[17-0070](#)

Resolution Allocating Funds to General Government Retirement Expense in Support of Act Number 2015-338

Attachments: [RSA Ltr - Mayor Konair.pdf](#)
[ACT 2015-338.pdf](#)

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: 17-1029-RES

[17-0071](#)

Baldwin Mutual Drainage Work

Attachments: [Baldwin Mutual Scope](#)

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: 17-1030-RES

[17-0078](#)

TIGER Phase 3 Change Order #3

Attachments: [Change Order #3](#)

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: 17-1031-RES

[17-0082](#)

Set a public hearing to consider approving petition for annexation bringing property into the Corporate Limits of the City of Foley owned by Cotton Bayou Development, LLC.

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: 17-1032-RES

[17-0086](#)

APPROVES SUBLEASE AGREEMENT WITH FORLAND FAMILY FARMS
FOR ICE DISTRIBUTION CENTER

Attachments: [City of Foley SUBLEASE AGREEMENT](#)

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: 17-1033-RES

[17-0087](#)

Request to transfer funds from Operating to Capital Projects

Attachments: [Budget 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: 17-1034-RES

Mayor's Comments

No comments to report.

Visitor's Comments

President of the Crown Walk Subdivision Home Owners Association Robin David residing at 1122 Crown Walk Drive Foley, reported the subdivision has a drainage problem when there are heavy rains. David Zak - 1170 Crown Walk Drive and Greg Hayden - 1206 Crown Walk Drive both reported on the drainage problem and flooding of their neighborhood. President Trawick reported a study has been conducted and based on the history of the flooding, this issue has taken priority with the City. City Council approved an allocation of funds up to \$150,000 to put in an engineered steel box culvert. Councilman Hellmich reported there is a challenge of the subdivision only have one road in and out of the subdivision. This project will be conducted in way that the road will not be closed and the decorative walls on both sides of the entrance will not be disturbed. City Engineer Chad Christian reported the box culvert is triple the size that is currently in place. Councilman Hellmich reported the City Engineering Department will need temporary easements from the home owners to gain access to the common areas in order to work on the detention pond as well.

Ms. David also reported the water flowing out of the drainage pipe into the pond comes out with such a strong flow, the residents are concerned it could drown a child. She asked if a grate can be placed over the pipe. Mr. Christian reported that a grate could not be placed over the pipe because it would catch debris and back water up into the neighborhood. He recommended building a security fence around the pond to keep children away from it.

She also reported there are two properties to the south that are not being maintained and she believes they are a contributing factor to the drainage issue. Councilman Hellmich reported that property is in the County. Mr. Christian reported one of the property owners is unresponsive to the City Engineering Department.

Ms. David reported there are also three speed bumps that are bolted into the ground that the residents want to remove. Mr. Christian reported approval was not given for the speed bumps and a resident placed them on their own. He asked Ms. David to email him about the speed bumps and he will have them removed.

Adjournment

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

The meeting adjourned at 6:42 pm.