



**Meeting Minutes - Final
City Council**

Monday, August 4, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0521](#)

Public Hearing To Consider The Revocation Of A Business License

Council President opened the public hearing at 5:30 p.m. to consider the revocation of a business license belonging to South Alabama Rage, D/B/A TNT Fireworks Stand located at 8350 Highway 59 Foley, Alabama. President Trawick asked if there were any comments from the public. City Attorney Casey Pipes addressed the Council and reported that the issue is a store selling fireworks in the City's Police Jurisdiction obtained a business license. There were questions regarding the enforcement options that are available to the City to enforce the ordinance that prohibits the sale of fireworks in the Police Jurisdiction. A license was issued then after the fact, it became apparent that the license should not have been issued. The matter is now before the Council to revoke the business license. The operation of a fireworks stands violates a provision in the fire code that deals with prohibiting the sale of fireworks. Although the business does have a valid business license, it is in violation of a municipal ordinance, which is a ground to revoke the license. The business opened right before the 4th of July, it is not open presently; however, the business license is still in effect until December 31, 2014. It is not known what the intent is to reopen the stand but this would be the process to stop them from reopening at a later date. The business being outside the City limits and in the Police Jurisdiction is what led to the confusion as to how to process the business license application.

Doug Corley of 4511 Heldon Drive, Florence Alabama from TNT Fireworks addressed the Council. He reported that from the research he did on the property that is leased for the fireworks stand, he received a letter from the City Council of Foley from 2006 that stated that the City will discontinue Police and Fire protection within its Police Jurisdiction along with the collection of taxes within the jurisdiction pertaining to this particular property. He reported that he had no intent to come to the City and buy a business license until the Fire Inspector came out and informed them that they needed a business license. They got a state permit, county license and since they technically were not in the City, they did not believe there was a need for a City business license. He reported there is confusion about the letter stating there are no longer police and fire protection or tax collections and how it pertains to the City of Foley.

President Trawick reported that the City never discontinued fire protection or

tax collection in the Police Jurisdiction, only police protection was discontinued. Mr. Pipes reported that there was once a proposal to pull all services from the Police Jurisdiction but only the police services were discontinued. The Police Jurisdiction is set by State law. The City cannot eliminate the Police Jurisdiction but it can control what services are provided. The fire code does still apply in the Police Jurisdiction.

Councilman Hellmich reported that the taxes are less in the Police Jurisdiction. There is a one cent tax instead of two cent tax and businesses still have to have a business license.

Mr. Corley asked how the yellow house that is south of his location and next to the gas station is allowed to operate since they sold fireworks as well. Fire Chief Darby reported that the business Mr. Corley is referring to is Barb's Fireworks and it was grandfathered in because it was an existing business. A couple of years ago, the State Fire Marshall revoked the permit due to the condition of the building. As long as the City's Fire Department provides fire protection, the State will not provide permits to any new businesses wanting to sell fireworks at that location.

Councilman Ebert, III asked Mr. Pipes if the business license should not have been issued to TNT Fireworks. Mr. Pipes confirmed the license should not have been issued. A license should not be issued to any business that is in violation of a municipal ordinance. Councilman Ebert III reported that he personally is conflicted over the fact that the business license was mistakenly issued and that the Council will be dictating what goes on in the County in areas that is not in the City limits when it pertains to business licenses.

Mr. Pipes reported that this is in the fire code and it is a public safety issue, which is State law.

Councilman Hellmich reported that there is an assumption in the State law that allows the City to dictate what goes on in the Police Jurisdiction if it is believed that the City will absorb that area into the corporate limits at some point. If a business is allowed to sell fireworks in the Police Jurisdiction and the area is later incorporated into the City, that business will be grandfathered in to sell fireworks, which will be in violation of a City ordinance.

City Administrator Mike Thompson reported that businesses wanting to sell fireworks in the City or the Police Jurisdiction typically will come to the City's Revenue Department to apply for a business license. The Revenue officer will inform them that the sale of fireworks is prohibited but in this case, TNT Fireworks first went to the State Fire Marshall and received a permit. This is what caused most of the confusion on the City's behalf. The City was unsure if it had the authority to override the State Fire Marshall. After researching the issue, the City can override the State Fire Marshall.

Mr. Corley wanted to convey that they did not go to the State Fire Marshall to circumvent the City, they believed that was process. Mr. Thompson reported that the City does not believe that they were trying to circumvent the City. Mr. Corley further stated that they would like to continue the business and a lot of fireworks were sold generating revenue for the City. Councilman Hellmich asked Mr. Corley how many stores the business has in the State and he answered that he personally oversees 65 stands and that they have 5

permanent structures. There are 5000 locations nationwide. There are 20 - 30 permanent structures nationwide as well. The nearest permanent structure is in Mobile off of Airport Boulevard. Councilman Ebert III asked if Mr. Corley knew what the sales were in the Foley location. Mr. Corley indicated that he received \$30,000, which is 80% of sales. The way their system works is they pay for everything, set it up and find a non-profit group to come and run the location. South Alabama Rage, a traveling softball team ran the Foley location and they keep 20% of the profit. The stand made approximately \$50,000 and could have made more but they ran out of product. They also do business with Wal-Mart, Sam's Club and Costco. The same family that owns TNT owns the majority share of Books A Million. This is not a company that is trying to go around the system and break the law.

Fire Chief Darby reported that the Fire Department made several emergency responses directly related to fireworks during the same period of time that the fireworks stand was selling fireworks. He reported that he was not saying that the fireworks came from that particular stand but he did want to put it in perspective. The Police Department also responded to many calls relating to fireworks as well. Mr. Corley asked how many more calls did the Fire and Police Departments respond to opposed to last year. Chief Darby answered that he did not have those numbers yet. Mr. Corley then added that there are several fireworks stores on Highway 59 north of Foley.

Hearing no further comments, President Trawick closed the public hearing.

No action was taken by Council. This public hearing will be carried over to the Council meeting of September 2, 2014 for further action.

14-0543

Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at Ashford Park Unit 8.

President Trawick opened the public hearing to declare weeds to be a nuisance and to order its abatement at Ashford Park Unit 8. He asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0567

A Public Hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Magnolia Land Company for the purpose of the Fern Avenue Extension

President Trawick turned the meeting over to President Pro-tem Hellmich.

President Pro-tem Hellmich opened the public hearing to consider the passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Magnolia Land Company for the purpose of the Fern Avenue Extension. He asked for comments from the public. Hearing no comments, he closed the public hearing.

President Pro-tem Hellmich turned the meeting back over to President Trawick.

Call to Order

President Trawick called the meeting to order at 5:47 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Casey Pipes, Tom DeBell, Tommy Patterson, Sal Muccio, Doug Corley, Brian Edenfield, John Jackson, Meg Hellmich, Chad Christian, Leslie Gahagan and press representative Cathy Higgins (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/Removals

A motion was made by Council Member Ralph Hellmich to add items 14-0566 and 14-0485 to the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0517](#) Council Meeting Minutes Of July 21, 2014.

Attachments: [7-21-2014 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of July 21, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0565](#) 07-21-2014 Work Session Minutes

Attachments: [07-21-2014 Work Session Minutes Draft.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of July 21, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

[14-0494](#) AN ORDINANCE TO REZONE 84+/- ACRES FROM A-O (Agricultural Open

Space) TO B-3 (Local Business District) OWNED BY MAGNOLIA LAND COMPANY

Attachments: [Mag. Land Rezone App](#)
 [Mag Land Rezone Map](#)
 [REQUEST FOR REZONE Letter Mag Land.pdf](#)

Council President Trawick turned the meeting over to President Pro-tem Hellmich.

A motion was made by Council Member Vera Quaites to approve the first reading of an ordinance to rezone 84 +/- acres from A-O (Agriculture Open Space) to B-3 (Local Business District) owned by Magnolia Land Company. The motion was seconded by Council Member Rick Blackwell and carried by the following roll call 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, abstained. The vote passed by a majority vote.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 2 - President Trawick and Council Member Ebert III

Enactment No: 14-1025-ORD

[14-0427](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY OWNED BY MAGNOLIA LAND COMPANY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

Attachments: [Annexation Report CDD for Mayor and Council Magnolia Land.pdf](#)
 [Engineer Review - Magnolia Land Co. Annexation.pdf](#)
 [John Foley Annexation.6.3.14.pdf](#)
 [Magnolia Land Co. Annex.](#)
 [Mag. Land Annex Map](#)
 [INT ZONING RECOMMEND Letter \(2\) Mag Land.pdf](#)

A motion was made by Council Member Blackwell to approve the petition for annexation and bringing property owned by Magnolia Land Company into the corporate limits of the City of Foley. The motion was seconded by Council Member Quaites, that this Ordinance 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, abstained. The vote passed by a majority vote.

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 2 - President Trawick and Council Member Ebert III

Enactment No: 14-1022-ORD

[14-0556](#)

Depository Changes for Certain City Accounts

Attachments: [06-2014 Fee & Interest analysis on banks](#)

A motion was made by Council Member Quaites to approve the recommendation to change Depositories for certain City checking and investment accounts. The motion was seconded by Council Member Ebert III and 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.

President Pro-tem Hellmich turned the meeting back over to President Trawick.

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

Abstain: 1 - President Trawick

Enactment No: 14-0305-RES

[14-0514](#)

Video System Upgrade request for Police and Municipal Court

Attachments: [Jail camera transfer from IT accts](#)
 [Jail IP Video System final](#)
 [Court House Camera Part final \(2\)](#)

A motion was made by Council Member Ralph Hellmich to authorize a transfer of funds in the amount of \$64,100.97 to Police Capital Account 01-608-7010 from accounts as follows: \$33,000 from Police Salaries; \$16,000 from Police Workers Comp; \$10,000 from Police Consulting; \$5,100.97 from Departmental IT and to approve the expenditure of \$41,708.36 from Corrections Fund cash on hand and to amend Court Corrections Account accordingly. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0306-RES

[14-0534](#)

Consider Appointment to the Board of Adjustments and Appeals

Attachments: [Parker Johnston 20140510 Web Bio - PCJ \(1\)](#)
 [JERRY WILKEY](#)

A motion was made by Council Member Charles Ebert III to appoint Jerry Wilkey to the Board of Adjustments and Appeals to fill the vacancy by the passing of Bud Durden. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0307-RES

[14-0535](#)

A Resolution Reappointing Barbara Ingram to the Industrial Development Board

A motion was made by Council Member Ralph Hellmich to reappoint Barbara Ingram to the Industrial Development Board. The motion was seconded by

Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0308-RES

[14-0536](#)

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by William & Kathleen Litzsinger located at 8865 Turf Creek Drive (Willow Lakes Estates).

Attachments: [Litzsinger Recommend Letter Initial Zoning \(1\)](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing for the initial zoning of property owned by William and Kathleen Litzsinger located at 8865 Turf Creek Drive (Willow Lakes Estates) to consider Planning Commission's recommendation of R-1D (Residential Single Family). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0309-RES

[14-0537](#)

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by Vamonos, LLC. located at 21775 U.S. Highway 98.

Attachments: [Vamonos LLC Recommend Letter Initial Zoning \(3\)](#)

A motion was made by Council Member Vera Quaites to set a public hearing for the initial zoning of property owned by Vamonos, LLC. located at 21775 US Highway 98 to consider Planning Commission's recommendation of R-1D (Residential Single Family). The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0310-RES

[14-0538](#)

Bronze Statue Purchase To Be Installed At The Foley Public Library

Attachments: [Children on Bench Invoice from Frans.pdf](#)
[Two Kids on Bench.jpg](#)

A motion was made by Council Member Ralph Hellmich to accept a donation of \$2,000 from the Friends of the Library to apply towards the purchase of the statue being installed at the Foley Public Library; to amend Unrestricted Donation Revenue account 01-5040; to memorialize the purchase of a statue from Fran's on 59 for a total of \$4,353.00 under Beautification Board Account 01-619-7010 and to approve an additional \$500.00 to purchase a stone to mount the statue on from Fran's on 59 under the same account. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0311-RES

[14-0539](#)

Approves Application For The Alabama Historical Commission Capital Enhancements Grant For FY2015

Attachments: [2015 Capital Enhancements Grant Application.pdf](#)

A motion was made by Council Member Hellmich to approve the application to the Alabama Historical Commission Capital Enhancements Grant for FY2015 for capital improvements at City-owned historical properties. The motion was seconded by Council Member Quaites and 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: 14-0312-RES

[14-0544](#)

Resolution authorizing employees to enter upon the property at Ashford Park Unit 8 for the purpose of abating the public nuisance.

Attachments: [Ashford Park Unit 8](#)

A motion was made by Council Member Rick Blackwell to authorize employees to enter upon the property at Ashford Park Unit 8 for the purpose of abating the public nuisance. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0313-RES

[14-0545](#)

Migrate Municipal Court Data to LaserFiche

A motion was made by Council Member Ralph Hellmich to approve a contract with MCCI in the amount of \$9,350 to migrate existing data to Laserfiche and to appropriate an additional \$6,050 to account 15-617-3020 for this purpose. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0314-RES

[14-0546](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 1817 CANDLESTICK CT E

Attachments: [1817 Candlestick Ct E Grass.2014](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 1817 Candlestick Court East. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0315-RES

[14-0547](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 710 E MYRTLE AVE

Attachments: [710 E Myrtle Ave Grass.2014](#)

A motion was made by Council Member Vera Quaites to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 710 E. Myrtle Avenue. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0316-RES

[14-0548](#)

**A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 919 MICHIGAN AVE W**

Attachments: [919 Michigan Ave W Grass.2014](#)

A motion was made by Council Member Hellmich to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 919 Michigan Avenue West. The motion was seconded by Council Member Blackwell and 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: 14-0317-RES

[14-0549](#)

Approves additional funds as a Result of Change Order 1 and 2 for the Construction of a new Fuel Farm at the Foley Municipal Airport

Attachments: [Blade Construction Change Order 1 & 2](#)

A motion was made by Council Member Ralph Hellmich to approve the funds in the amount of \$628.39 to account 12-665-7323 R01 BID as a result of Change Order No. 1 and 2. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0318-RES

[14-0550](#)

Approves Additional Funds for Required Services Associated with the Removal of the Underground Storage Tank at the Foley Municipal Airport

Attachments: [Volkert Proposal 13-P0408](#)

[Mike Hoffman Invoice](#)

[Resolution 13-0309](#)

A motion was made by Council Member Rick Blackwell to approve additional funds in the amount of \$750 for services required to complete the removal of the underground storage tank and to amend account 12-600-9385-A11 UST. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0319-RES

[14-0551](#)

Transfer of Funds for the Police Department

Attachments: [- Mold Remediation.Duraclean](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$979 from Workman Compensation Fund account and \$12,214 from Health Care Reform account to Building Maintenance account and to approve Duraclean Restoration and Cleaning's proposal in the amount of \$13,193.00 under Building maintenance account. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0320-RES

[14-0552](#)

Resolution transferring equipment from Community Development to General Government for Nature Parks

A motion was made by Council Member Ralph Hellmich to transfer the John Deere Turf Gator (#20001) and John Deere Front Mount Mower (#20002) from the Community Development Department to the General Government Department for Nature Parks. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0321-RES

[14-0553](#)

Creation of a Graham Creek Nature Preserve Advisory Board

A motion was made by Council Member Rick Blackwell for the City to create a Graham Creek Nature Preserve Advisory Board to assist City staff in future decisions on improvements, events and programs. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0322-RES

[14-0554](#)

Approves Memorandum of Agreement Between The State of Alabama and The City of Foley Regarding Removal and Disposal of Debris

Attachments: [MOA](#)

A motion was made by Council Member Ralph Hellmich to approve the Memorandum of Agreement between the State of Alabama and the City of Foley regarding removal and disposal of debris that is attached as back up to the minutes. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0323-RES

[14-0557](#)

A resolution to memorialize the purchase of two fire resistant four drawer file cabinets.

Attachments: [Discount Safe Outlet Invoice](#)

A motion was made by Council Member Vera Quaites to memorialize the expenditure of \$4845.00 payable to Discount Safe Outlet for their invoice and to amend account 01-620-7010 Capital Purchase accordingly. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0324-RES

[14-0559](#)

Setting Library Fee Schedule

Attachments: [Proposed Library Fees](#)

A motion was made by Council Member Ralph Hellmich to approve the attached proposed Foley Public Library Fee Schedule to include costs associated with late fees, copier fees, FAX fees, microfilm copy fees, magazine fees, notary fees, and fees for commercial use of the Library's meeting room. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0325-RES

[14-0560](#)

Replacement Dump Body for Street Department

Attachments: [Quotes for Replacement Dump Body](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of a replacement dump body from Fleetco, using the existing hoist and Ford Chassis, in the amount of \$7,985.00, which is the lowest replacement price quote and which has been budgeted in the amount of \$8000.00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0326-RES

[14-0561](#)

Fleet Maintenance Program for Public Works Department

Attachments: [Quote for Replacement-Upgrade Fleet Maintenance Program](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of the CollectiveFleet 6 fleet maintenance program from Collective Data in the amount of \$14,750.00 that is budgeted in the amount of \$18,480.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0327-RES

[14-0562](#)

Resolution Authorizing Creation of an Accounts Clerk for a Specified Duration of Four Pay Periods

A motion was made by Council Member Vera Quaites to authorize the creation of a second Accounts Clerk position (Grade 8) in the City's Pay Classification Plan effective with pay period beginning September 9, 2014 and terminating with pay period ending date November 3, 2014. One Accounts Clerk position will then be terminated and be removed from the Pay Classification Plan on November 4, 2014 when the current Accounts Clerk promotes to the Accounts Payable Clerk on this same date leaving the new employee continuing to serve in the remaining Accounts Clerk position. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0328-RES

[14-0563](#)

Resolution Authorizng Transfer of Funds for Enclosing Office Space in HR

Attachments: [MCS Quote](#)

A motion was made by Council Member Hellmich to authorize MCS Contracting to construct an additional office space in the HR area at a cost of \$8,395 and to authorize the transfer of \$2,561 from account 01-620-1031, \$1,798 from account 01-620-1230, \$4,00 from account 01-620-1220 into account 01-620-7010 in support of this action. The motion was seconded by Council Member Blackwell and 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: 14-0329-RES

[14-0564](#)

A Resolution Setting a Public Hearing to Rezone Property Owned By Jonathan Byrd

Attachments: [Jonathan Byrd PC Recommendation.pdf](#)

A motion was made by Council Member Charles Ebert III to set a public hearing to consider Planning Commission's recommendation to rezone Jonathan Byrd's property consisting of 143.67+/- acres from B-1A to PUD. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0330-RES

[14-0570](#)

A Resolution approving MCS Contracting, Inc.'s proposal to furnish and install a restroom in the Claude Peteet building

Attachments: [MCS CONTRACTING PROPOSAL.pdf](#)

A motion was made by Council Member Hellmich to accept MCS Contracting, Inc.'s proposal in the amount of \$5,152 to install a new restroom in the Claude Peteet building. The motion was seconded by Council Member Quaites and 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: 14-0331-RES

[14-0566](#)

Discuss Support of YMCA

A motion was made by Council Member Ralph Hellmich to authorize the Mayor

to sign a letter of financial support for the John McClure Snook Family YMCA in the amount of \$100,000.00 contingent upon the creation of a Performance Contract. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0332-RES

14-0485

Consider funds assistance request for operating expenses from Foley Performing Arts Association

Attachments: [Foley Performing Arts Assoc.](#)

A motion was made by Council Member Ralph Hellmich to approve the appropriation of funds in the amount of \$2,000 per month in the months of September 2014 through January 2015 to assist the Foley Performing Arts Association and to approve leasing the Claude Peteet building to the Foley Performing Arts Association for \$1.00 per year to be renewed annually.

Enactment No: 14-0333-RES

Mayor's Comments

The Mayor had no comments.

Visitor's Comments

There were no visitor comments.

Adjourn

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 6:12 p.m.