



Meeting Minutes - Final

City Council

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Thursday, May 19, 2016

5:30 PM

Council Chambers

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Council Meeting

Public Hearing

[16-0272](#)

Public Hearing to consider passage of an ordinance rezoning property owned by Riviera Square, LLC and Foley Square, LLC from B1A - Extended Business District to PDD - Planned Development District.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider passage of an ordinance rezoning property owned by Riviera Square, LLC and Foley Square, LLC from B1A - Extended Business District to PDD - Planned Development District. He asked for comments from the public. Todd Dempsey from Burton Group Properties reported he is available if Council has any questions regarding this rezoning. Hearing no further comments, President Trawick closed the public hearing.

[16-0273](#)

Public Hearing to consider passage of an ordinance rezoning property owned by WLG #10 from PUD - Planned Unit Development to PUD - Planned Unit Development

President Trawick opened the public hearing at 5:33 p.m. to consider the passage of an ordinance rezoning property owned by WGL #10 from PUD - Planned Unit Development to PUD - Planned Unit Development. He asked for comments from the public.

Call to Order

President Trawick called the meeting to order at 5:34 p.m.

Roll Call

All Council Members were present with the exception of Council Member Vera Quaites, who was absent due to an injury. Also present were: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Darryl Clevenger, Jeff Rouzie, Joey Darby, David Wilson, Doug Bailey, Britton Bonner, LaDonna Hinesley, Miriam Boutwell, David White, Casey Pipes, Rick Lollar, Todd Dempsey, Kurt Hellmich, Brenda Schmucker and Bill Swanson.

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

[16-0280](#) Proclamation: National Historic Preservation Month

**Attachments:** [Proclamation\\_National\\_Historic\\_Preservation\\_Month](#)

Mayor Koniar presented City Planner Miriam Boutwell with the National Historic Preservation Month proclamation, which is attached as backup to the minutes.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 16-0290 and 16-0298 to the Council agenda and to carry over item 16-0281 to the June 6, 2016 Council meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

## Audit the Accounts

[16-0274](#) Audit the accounts of April, 2016.

A motion was made by Council Member Ralph Hellmich to audit the accounts of April, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

## Approval of the Minutes

[16-0270](#) Work Session Minutes of May 2, 2016.

**Attachments:** [05-02-16 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Work Session Minutes of May 2, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0271](#) Council Meeting Minutes of May 2, 2016.

**Attachments:** [05-02-2016 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of May 2, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

## Reports

### [16-0276](#)

April 2016 Sales, Lodging and Rental Tax Reports

**Attachments:** [20160506144222404](#)

City Administrator Mike Thompson reported sales tax revenue is up 6.76% over last year and 6.46% year-to-date. Lodging tax revenue is up approximately 36% for the month and 23.3% year-to-date. Rental tax revenue is up approximately 8% year-to-date but it was down for the month.

### [16-0293](#)

Marketing Department Quarterly Report January - March 2016

Marketing Director LaDonna Hinesley gave a synopsis of the Marketing Department Quarterly Report, which is attached as backup to the minutes.

### [16-0278](#)

April 2016 CDD Report

**Attachments:** [April CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the April 2016 CDD Report, which is attached as backup to the minutes.

### [16-0286](#)

Fire Department Monthly Report April 2016

**Attachments:** [Council April 16 5-16](#)

Fire Chief Joey Darby gave a synopsis of the April 2016 Fire Department Report, which is attached as backup to the minutes. He also reported there were three structure fires, one being on North Bunner at the Cancer Center. The fire protection system notified the Department immediately and the fire suppression system kept the building from being a total loss. It is believed the fire was caused by an electrical overload. There were no injuries associated with this fire. There was a fire in an unoccupied mobile home on Lymon Lane that was a total loss. The fire is still under investigation. There was a fire in an unoccupied mobile home on Little Rock Road that was contained in a closet. He also reported there was an aircraft fire as a result of a airplane crash on Hickory Street. There were no injuries as a result of the airplane crash.

### [16-0279](#)

April 2016 Monthly Report Foley PD

**Attachments:** [20160509092027606](#)

Police Chief David Wilson introduced Detective Richard Humphrey, who gave a synopsis of the April 2016 Police Department Report, which is attached as

backup to the minutes.

## Ordinances, Resolutions and Other Business

### [16-0109](#)

Naming & Renaming of Certain Streets

**Attachments:** [Name Rename Streets.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance naming and renaming certain streets. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-2014-ORD

### [16-0268](#)

ABC License: 040- Retail Beer (On Or Off Premises) and 060 - Retail Table Wine (On Or Off Premises) for Mamma Mia Pizzeria LLC, applicant operating under the trade name Mamma Mia Pizzeria located at 246 W. Laurel Avenue Foley, AL. 36535.

**Attachments:** [ABC License Application](#)  
[Momma Mia Pizzeria Map](#)

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

A motion was made by Council Member Ralph Hellmich to approve the ABC License application for Mamma Mia Pizzeria. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

### [16-0281](#)

ABC License: 010- Lounge Retail Liquor-Class I for Richard Wayne Lollar, applicant operating under the trade name Sting Rays located at 8097 HWY 59 S; Suite F. Foley, AL. 36535.

**Attachments:** [ABC License App. Sting Rays](#)  
[Sting Rays Map](#)

Fire Chief Joey Darby reported he could not recommend moving forward with the ABC License application for Sting Rays at this time due to further work needing to be completed on the building.

A motion was made by Council Member Ralph Hellmich to carry over this item due to additional work needed on the building. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

### [16-0243](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY Riviera Square LLC & Foley Square LLC FROM B1A - Extended Business District TO PDD - Planned Development District

**Attachments:** [Foley Square Rezoning for Council Info.pdf](#)

A motion was made by Council Member Charles Ebert, III to rezone property owned by Riviera Square LLC & Foley Square LLC from B1A - Extended

**Business District to PDD - Planned Development District. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-2012-ORD

[16-0244](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY WL#10 LLC FROM PUD - Planned Unit Development TO PUD - Planned Unit Development

**Attachments:** [Owens Creek Rezoning for Council.pdf](#)

**A motion was made by Council Member Ralph Hellmich to rezone property owned by WL#10 LLC from PUD - Planned Unit Development to PUD - Planned Unit Development. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-2013-ORD

[16-0254](#)

A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC FACILITIES COOPERATIVE DISTRICT

**Attachments:** [05-02-2016 Foley Square II 2016. City Council Minutes - User Fee Agreement \(03615156\).pdf](#)

**A motion was made by Council Member Charles Ebert, III to authorize a project user fee agreement by the City of Foley, Alabama and the City of Foley Public Facilities Cooperative District. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1116-RES

[16-0255](#)

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND FOLEY SQUARE, LLC

**Attachments:** [05-02-2016 Foley Square II 2016. City Council Minutes - Grant Agreement \(03615110\).pdf](#)

**A motion was made by Council Member Ralph Hellmich to authorize a special Economic Development grant agreement by the City of Foley, Alabama and Foley Square, LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1117-RES

[16-0260](#)

Request to enter into a contract with Senior Bowl L.L.C. to hold several 2016 Flag Football events at the Foley Sports Tourism Complex. The Flag Football events will include: a Flag Football League for boys and girls, and a Flag Football Introductory Camp.

**Attachments:** [16.17 FSTC FLAG FOOTBALL](#)

**A motion was made by Council Member Ralph Hellmich to approve the contract with Senior Bowl LLC to hold several 2016 Flag Football events at the Foley Sports Tourism Complex. The motion was seconded by Council Member**

**Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1118-RES

[16-0264](#)

An Ordinance to create an Athletic Field Usage Policy.

**Attachments:**     [Field Usage Agreement](#)

**A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to create an Athletic Field Usage Policy. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-2015-ORD

[16-0266](#)

A RESOLUTION SETTING A PUBLIC HEARING  
DECLARING WEEDS TO BE A PUBLIC NUISANCE  
AND ORDERING ITS ABATEMENT AT THE VACANT LOTS OF HEATHER  
TERRACE

**Attachments:**     [Weed Abatement.Heather Terrace.5.2016](#)

**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 the vacant lots of Heather Terrace Subdivision. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 16-1119-RES

[16-0269](#)

Approval for a Veteran's Memorial Day Ceremony at Max Griffin Park on  
May 30, 2016 from 11:00 am to 12:00 pm.

**Attachments:**     [20160505140416846](#)

**A motion was made by Council Member Rick Blackwell to approve Ed Chavis's request to use Max Griffin Park on May 30, 2016 from 11:00 am to 12:00 pm for the Veteran's Memorial Day Ceremony. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 16-1120-RES

[16-0289](#)

Approves Application For The USDA's Rural Business Development Grant  
(RBDG) For No More Than \$150,000 For Eligible City Projects

**A motion was made by Council Member Ralph Hellmich to approve the application to U.S. Department of Agriculture's Rural Business Development Grant for grant assistance for no more than \$150,000 to provide equipment for eligible City projects. There is no match required. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 16-1121-RES

[16-0295](#)

RESOLUTION AUTHORIZING A PROJECT AGREEMENT AMONG  
THE CITY OF FOLEY, ALABAMA, ROHR, INC.,  
AND BALDWIN COUNTY, ALABAMA AND RELATED BORROWING  
AND ISSUANCE OF WARRANTS OR OTHER OBLIGATIONS

**Attachments:** [Resolution - City of Foley - ROHR \(UTC\) \(2\)](#)

[Ex. B to Resolution - Project Agreement - ROHR \(UTC\) \(1\)](#)

A motion was made by Council Member Ralph Hellmich to authorize a project agreement among the City of Foley, Alabama, Rohr, Inc., and Baldwin County, Alabama and related borrowing and issuance of warrants or other obligations. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1122-RES

### [16-0290](#)

Appointment to the Foley Historic Commission.

**Attachments:** [Resignation Letter](#)

A motion was made by Council Member Charles Ebert, III to appoint Perry Wilbourne to the Foley Historic Commission to fill the unexpired term left by the resignation of Bonnie Donaldson. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1123-RES

### [16-0298](#)

Request to use Beulah Heights Park for May Day

**Attachments:** [20160518103626115](#)

A motion was made by Council Member Ralph Hellmich to approve the use of Beulah Heights Park on May 21, 2016 from 10:00 am until 10:00 pm for the annual May Day Event. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1124-RES

## Mayor's Comments

No comments to report.

## Visitor's Comments

Richard Lollar of 400 Park Avenue, Foley reported he is the owner of Sting Rays and he asked why the ABC License was not approved. President Trawick reported the license was carried over tot he next Council meeting due to more work needing to be completed on the building. President Trawick advised Mr. Lollar to speak with Fire Chief Joey Darby for more details.

## Executive Session

President Trawick reported there is a need for an Executive Session.

City Administrator Mike Thompson reported there are two topics to discuss in Executive Session, which involve controversies not yet being litigated but

imminently likely to be litigated if the governing body pursues course of action and to discuss certain aspects of threatened and potential litigation. He also reported the Executive Session will last approximately 30 minutes and there is no need for Council to return for a vote.

A motion was made by Council Member Charles Ebert, III to go into Executive Session. The motion was seconded by Council Member Rick Blackwell.

City Administrator Mike Thompson took the following roll call vote: Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. Of those present, the vote was unanimous to go into Executive Session.

The Council meeting was recessed at 6:20 p.m.

#### Reconvened

President Trawick called the meeting to order at 7:02 p.m. All Council Members were present with the exception of Council member Vera Quaites. Also present: City Administrator Mike Thompson and Jeff Rouzie. At this point President Trawick announced there was no further business to conduct.

## Adjourn

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

The meeting adjourned at 7:03 p.m.