



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, April 17, 2017

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the Council meeting to order at 5:30 p.m.

Roll Call

All Council Members were present with the exception of Council Member Rick Blackwell, who was out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Kate Embry, John Gleaton, Jeff Rouzie, Heyward Hosch, Thurston Bullock, Joey Darby, LaDonna Hinesley, Miriam Boutwell, Chad Christian, Collin Rust and Sal Muccio.

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Charles Ebert III and Mayor J Koniar

Absent: 1 - Council Member Rick Blackwell

Pledge of Allegiance

Mayor's Presentation

[17-0208](#)

Proclamation: Earth Day Mobile Bay

Attachments: [Earth Day Mobile Bay](#)

Mayor Koniar presented the Earth Day Mobile Bay proclamation to Collin Rust.

[17-0209](#)

Proclamation: Prodissee Pantry Day

Attachments: [Prodissee Pantry Day](#)

Mayor Koniar present the Prodissee Pantry Day Proclamation.

[17-0210](#)

Proclamation: National Medical Laboratory Professionals

Attachments: [NLMPW](#)

Mayor Koniar presented the National Medical Laboratory Professional Week Proclamation.

Reports

[17-0222](#)

March 2017 Tax Reports

Attachments: [March 2017 Tax Reports](#)

City Administrator Mike Thompson reported sales tax is up 6.66% year-to-date; lodging tax is up 19.1% year-to-date and rental tax is up 25% year-to date.

[17-0213](#)

MARCH 2017 CDD REPORT

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

City Planner Miriam Boutwell presented the March 2017 CDD Report, which is attached as back up to the minutes.

[17-0228](#)

Fire Department Monthly Report March 2017

Attachments: [Council March 17 4-17](#)

Fire Chief Joey Darby presented the March 2017 Fire Department Report, which is attached as back up to the minutes. He also reported there were four structure fires. There was a fire on a porch of a mobile home at Mallard Point Mobile Home Park on HWY 98. The fire was contained to the porch and did not displace the residents. There was a structure fire on Red Star Drive that was a total loss and the residents were displaced. There was a mobile home fire on Barrin Field Road that was contained to the bedroom. The residents were not displaced. There was a fire on Cape Fear Boulevard that was confined to a bedroom and the residents were not displaced. This fire is an arson case and is still being investigated.

[17-0219](#)

Foley PD March 2017 End of Month Report

Attachments: [20170410144708164](#)

Deputy Police Chief Thurston Bulloch presented the March 2017 Police Department Report, which is attached as back up to the minutes.

[17-0221](#)

Marketing Department Quarterly Report - January, February and March 2017

Attachments: [Oct - Mar FY17](#)

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

Audit the Accounts

[17-0227](#) Audit the Accounts of March 2017

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaite, that this accounts be approved for payment. The motion carried by an unanimous vote.

Additions and Removals

A motion was made by Council Member Ralph Hellmich to add item 17-0192 to the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[17-0204](#) Work Session Minutes of April 3, 2017

Attachments: [04-03-17 Work Session Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the April 3, 2017 Work Session Minutes. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[17-0205](#) Council Meeting Minutes of April 3, 2017

Attachments: [4-3-17 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaite, seconded by Council Member Ralph Hellmich, that the Council Meeting Minutes of April 17, 2017 be approved. Council Member Charles Ebert, III made a motion to correct the Council Meeting Minutes for item 17-0175 to reflect that it was the first reading of the ordinance and to also state that the rezoning is contingent upon a revised map to show the extra green space to be added. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Ordinances

[17-0195](#) AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO SOUTHERN LIGHT, LLC, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FIBER-OPTIC TRANSMISSION LINES WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF FOLEY, ALABAMA

Attachments: [Southern Light Franchise Agreement & Ordinance](#)

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

Enactment No: 17-2019-ORD

[17-0216](#)

Ordinance to Rescind Ordinance 1193-12 An Ordinance providing for the exemption of certain items as defined in Act No. 2006-574 from the payment of City Sales and Use Tax for the first full weekend in August.

Attachments: [ORD. 1193-12](#)

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.

Enactment No: 17-2020-ORD

Resolutions and Other Business

[17-0173](#)

A Resolution Approving Action Related to the USDA RDBG Equipment Grant

Attachments: [Valley Ice Agreement 04 17 2017](#)

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: 17-1093-RES

[17-0196](#)

Transfer Funds within the Sports Tourism Department

Attachments: [Sports Tourism Transfer Request Form.pdf](#)

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: 17-1094-RES

[17-0199](#)

WAIVE FEES FOR HABITAT FOR HUMANITY

Attachments: [Habitat Waive Fees for Juniper St.pdf](#)

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: 17-1095-RES

[17-0200](#)

Appropriate funds and memorialize payment to Baldwin County

Commission for reimbursement of services related to the CR 20 West widening project

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: 17-1096-RES

[17-0202](#)

Memorialize Entering into the South Alabama Mutual Assistance Agreement

Attachments: [South Alabama Mutual Assistance Agreement.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: 17-1097-RES

[17-0211](#)

A Resolution Amending the FY2017 Budget and Updating the Capital Project Fund Planning Document

Attachments: [Budget Adjustment 04-2017](#)
 [UPDATED FY 17 Cash Flow - General Fund](#)
 [UPDATED FY 17 Planning Doc - Capital Projects Fund](#)

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: 17-1098-RES

[17-0212](#)

ACCEPTANCE OF AL HISTORICAL COMMISSION GRANT

Attachments: [Signed Contract HC Grant Design Guidelines.pdf](#)

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: 17-1099-RES

[17-0215](#)

Street Dept. requests permission to purchase a Blower and Sprayer for sidewalk maintenance.

Attachments: [G & J's Power Equip Inc Blower Quote.PDF](#)

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: 17-1100-RES

[17-0217](#)

Woodbridge/North Pine Place Drainage Improvements Survey

Attachments: [HMR Contract](#)
[HMR Cover Letter](#)
[Aerial](#)
[Pre-Project Checklist - Woodbridge](#)

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: 17-1101-RES

[17-0218](#)

ACCEPTANCE OF THE ADCNR GRANT FOR COMP PLAN UPDATE

Attachments: [ADCNR Comp Plan Grant PI.pdf](#)

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: 17-1102-RES

[17-0220](#)

Street Dept requesting addition funding for unexpected and unbudgeted deteriorating pipe/sink hole repairs.

Attachments: [Repair Quote & Picture of Problem Area.PDF](#)

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: 17-1103-RES

[17-0223](#)

A RESOLUTION OPPOSING SB316 AND HB441

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: 17-1104-RES

[17-0224](#)

Approving the Equipment Lease and Concession Services Agreement Between The City of Foley and Sheff Cafe' LLC

Attachments: [Equipment Lease and Concession Services Agreement 04 17 17](#)

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: 17-1105-RES

[17-0225](#)

Approving Sublease Agreement between City of Foley and Gregory Scott and Lindsey Driskell

Attachments: [Foley Sublease Agreement \(Driskell\) \(1\)](#)

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: 17-1106-RES

[17-0229](#)

Volkert's Supplemental Agreement to the ATRIP Ph. III Fern Ave. Extension

Attachments: [Res. 13-0526 - Volkert Contract](#)
[Volkert Fee Proposal](#)

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

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

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

Aye: 3 - Council Member Quaites, Council Member Hellmich and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 17-1107-RES

[17-0230](#)

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

Attachments: [Foley Holdings 2017. Minutes of City Council Re Grant Agmt \(03901985\)](#)

A motion was made by Council Member Ebert, III, seconded by Council Member Quaites to suspend the rules for the immediate adoption of this Resolution and was carried by the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, abstained; Council President Trawick, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

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

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

Abstain: 1 - Council Member Hellmich

Enactment No: 17-1108-RES

[17-0206](#)

Consider 050- Retail Beer (Off Premises Only) and 070- Retail Table Wine (Off Premises Only) ABC License for Freds Stores of Tennessee, Inc, applicant, operating under the trade name of Freds Store 2088 located at 1200 N McKenzie Street, Foley, AL.

Attachments: [Freds Stores](#)

Fire Chief Joey Darby and Deputy Police Chief Thurston Bullock both made recommendations to move forward with the ABC License.

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

[17-0207](#)

ABC License: 240- Non-Profit Tax Exempt for National Wild Turkey Federation, Inc, applicant operating under the trade name Hunting Heritage Banquet for their event located at the Foley Civic Center.

Attachments: [Hunting Heritage Banquet](#)

Fire Chief Joey Darby and Deputy Police Chief Thurston Bullock both made recommendations to move forward with the ABC License.

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

[17-0192](#)

Sports Tourism Request to Purchase Gates and PA System

Attachments: [GAVI QUOTE](#)
[BALDWIN COUNTY FENCE](#)

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: 17-1109-RES

Mayor's Comments

No comments to report.

Visitors Comments

No comments to report.

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 6:21 pm.