



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, June 18, 2018

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[18-0295](#)

Public Hearing to consider passage of an Ordinance Approving Petition For Annexation and Bringing Property into the Corporate Limits of the City of Foley owned by Cheryl and Jim Beverly.

Council President Wayne Trawick opened the public hearing at 5:35 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0296](#)

Public Hearing To Consider Planning Commission's Recommendation To Adopt An Ordinance Approving The Pre-Zoning Of Property Owned By Flowerwood Nursery, Inc. The Proposed Pre-Zoning Is M-1 Light Industrial District.

President Trawick opened the public hearing at 5:35 p.m. 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 5:36 p.m.

Roll Call

All Council members were present with the exception of Council Member Ralph Hellmich, who was out of town. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Phillip Brettel, Rachel Keith, Sue Steigerwald, David Wilson, David Thompson, Courtney Brett, Bryant Gardner, Tommy Gardner, Joey Darby and press representative Jessica Vaughn (Gulf Coast Media).

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

Absent: 1 - Council Member Ralph Hellmich

Pledge of Allegiance

Departmental Reports

[18-0290](#) Department Reports

Attachments: [May 2018 Bid Awards](#)
 [May 2018 Tax Reports](#)
 [May 2018 CDD Report](#)
 [April 18 FD Report](#)
 [May 18 FD Report](#)
 [May 2018 PD Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the Department Reports as submitted. The motion carried by an unanimous vote.

Audit of the Accounts

[18-0299](#) Audit the Accounts of May, 2018

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Auditing Accounts be approved for payment. The motion carried by an unanimous vote.

Approval of the Minutes

[18-0297](#) Work Session Minutes of June 4, 2018

Attachments: [06-04-2018 Work Session Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, to approve the Work Session Minutes of June 4, 2018. The motion carried by an unanimous vote.

[18-0298](#) Council Meeting Minutes of June 4, 2018

Attachments: [6-04-2018 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, to approve the Council Meeting Minutes of June 4, 2018. The motion carried by an unanimous vote.

Additions/Removals

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to add item 18-0283 to the agenda. The motion carried by an unanimous vote.

Ordinances

[18-0243](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Cheryl & Jim Beverly)

Attachments: [PPIN# 34716](#)
 [PPIN# 21885](#)
 [PPIN# 29325](#)
 [Valuations](#)

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

Enactment No: 18-2014-ORD

[18-0252](#)

PREZONING CHERYL & JIM BEVERLY PROPERTY

Attachments: [PPIN# 21885 \(2\)](#)
 [PPIN# 29325 \(2\)](#)
 [PPIN# 34716 \(2\)](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 18-2015-ORD

Resolutions and Other Business

[18-0177](#)

ABC License : 010-Lounge Retail Liquor for Bryant K Gardner, applicant operating under the trade name Da Palace 2 located at 709 South Maple Street Foley, Alabama.

Attachments: [ABC License Application](#)
 [Da Palace 2 Map](#)

Police Chief David Wilson made a recommendation to deny moving forward with the ABC License. Fire Chief Darby reported from the Fire Department's stand point only, they had no issues.

A motion was made by Council Member Charles Ebert, III, seconded by Council

Member Rick Blackwell to approve the denial of the ABC License due to the investigation conducted by the Foley Police Department.

The Motion carried by the following roll call vote: Council Member Vera Quaites, abstained, President Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.

Nay: 3 - Council Member Quaites, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

[18-0284](#)

Request to Retire K-9 Donja

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: 18-1140-RES

[18-0286](#)

A resolution amending Resolution 18-1111-RES. A Resolution Approving The Buy-Back Purchase Of Real Property.

Attachments: [RES. 18-1111](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1141-RES

[18-0287](#)

Attachments: [Roof Repair Quote - Roof Doctors](#)
[Request to Increase Budget - Hamburg Bldg](#)
[Wayne's approval - Hamburg](#)

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: 18-1142-RES

[18-0288](#)

MEMORIALIZE AMMONS AND BLACKMON CONSTRUCTION'S INVOICE FOR S. HICKORY ST. RESURFACING AND APPROPRIATES FUNDS

Attachments: [Invoice Ammons & Blackmon](#)
[Request to Increase Budget - S Hickory St Paving](#)
[Wayne's approval S Hickory St](#)

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: 18-1143-RES

[18-0291](#)

ACCEPTS QUOTE FROM N'STRIDE SERVICES, LLC AND APPROPRIATES FUNDS

Attachments: [N'Stride Invoice](#)
[Depot Photos](#)
[Mike's and Wayne's email](#)
[Budget Increase Request for Depot Repairs June 11, 2018](#)

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

Aye: 3 - President Trawick, Council Member Quaites and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 18-1144-RES

[18-0292](#)

Approving the South Baldwin Chamber of Commerce's Chicago Street Supper Club and Alabama Festival of Flavor Request

Attachments: [Chicago Supper Club & Fest. of Flavor Maps](#)

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

Enactment No: 18-1145-RES

[18-0293](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$688.40

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1146-RES

[18-0294](#)

AUTHORIZES EXECUTION OF THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) APPLICATION AND APPROVES FUNDING A 10% MATCH FOR COUNTY ROAD 12 OFFSET TURN LANES

Attachments: [New HSIPProject Application](#)
[Pre-project Checklist Budget Worksheet](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1147-RES

[18-0283](#)**REQUEST TO BID A NEW CHRISTMAS TREE FOR HERITAGE PARK**

Attachments: [Capital Purchase Worksheet - Park Christmas Tree.pdf](#)

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

Enactment No: 18-1148-RES

Mayor's Comments

No comments to report.

Visitor Comments

Bryant Gardner, who resides at 3421 Royal Carriage Drive, Montgomery, Alabama and who is also the applicant for Da Palace 2 ABC License, addressed Council with his concerns why his ABC License application was denied. Council President Wayne Trawick reported that the Council follows the recommendations made by the Police Department and the Fire Department. Mr. Gardner reported he has a business license and an ABC License currently in Montgomery. He reported if he can obtain a license there, there should be no reason for his application to be denied. Police Chief Wilson reported that Mr. Gardner knows why the Police Department made the recommendation to deny the license, he reported Mr. Gardner is affiliated with an outlaw biker gang and did not fully cooperate with the Police Department. Chief Wilson reported he will contact Mr. Gardner with information on an appeal he can pursue with the ABC Board.

Tommy Gardner addressed the Council in support of his brother Bryant Gardner.

Executive Session

City Administrator Mike Thompson reported the need to go into Executive Session in order to discuss certain aspects of several different possible real estate transactions. He reported the Executive Session should last approximately twenty minutes and Council may choose to come back and vote on an item.

Council Member Rick Blackwell made a motion to go into Executive Session. The motion was seconded by Council Member Vera Quaites.

Mr. Thompson took the following Roll Call vote: Council Member Quaites, 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 recessed at 5:59 p.m.

The Council Meeting reconvened at 6:28 p.m.

All Council Member were present with the exception of Council Member Hellmich, who was out of town. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Courtney Brett and Phillip Brettel.

[18-0303](#)

A resolution to approve the sale of the Cactus Cafe/Historic Foley Bakery Building

Attachments: [20180619094742219](#)

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: 18-1149-RES

[18-0304](#)

A Resolution Approving a Ground Lease Between the City of Foley and Baldwin County Board of Education

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1150-RES

Adjournment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to adjourn the meeting. The motion carried by an unanimous vote.

The meeting adjourned at 6:31 p.m.