



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Tuesday, July 5, 2016

5:30 PM

Council Chambers

Council Meeting

Call to Order

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

Roll Call

All Council Members were present. Also present: City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Darryl Clevenger, Sted MCollough, Sal Muccio, Bill Swanson, Heyward Hosch, Jeff Rouzie, Thurston Bullock, David Wilson and Joey Darby. Mayor John Koniar was absent due to being out of town.

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 16-0383, 16-0384 and 16-0385 to the agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[16-0368](#)

Work Session Minutes of June 20, 2016.

Attachments: [6-20-16 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of June 20, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[16-0369](#)

Council Meeting Minutes of June 20, 2016.

Attachments: [6-20-16 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting minutes of June 20, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[16-0322](#)

Rescind Ordinance 490-95 Regulating Foley Municipal Airport Extended Parking and Move the Responsibility to the Airport Fixed Base Operator

Attachments: [Ordinance 490-95.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance to rescind Ordinance 490-95 Regulating Foley Municipal Airport Extended Parking. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-2017-ORD

[16-0324](#)

Renew 5-Year Airport Franchise and License Agreement with Lightning Aviation, Inc., operating as Fixed Base Operator (FBO) at the Foley Municipal Airport

Attachments: [2016 Lease Agreement - Lightning Aviation.pdf](#)

A motion was made by Council Member Hellmich to approve entering into an additional five-year Airport Franchise and License Agreement with Lightning Aviation, Inc. at the current contract amount of \$500 per month plus additional revenue that will be obtained from a \$0.03 per gallon fuel flowage fee that will be imposed in the new agreement for aviation fuel purchased by Lightning Aviation and to authorize the Mayor to sign this agreement on the City's behalf. The motion 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, nay and Council Member Charles Ebert, III, nay. The vote passed by a majority vote.

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

Nay: 2 - Council Member Blackwell and Council Member Ebert III

Enactment No: 16-1157-RES

[16-0356](#)

Request to appropriate funds to the revenue account for a Grant

Attachments: [LegislativeFile15-Jun-2016-09-26-32](#)
[20160705101521150](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$4100 to the Revenue Account for an EPA Grant approved under resolution 15-2240. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1158-RES

[16-0358](#)

Approving the South Baldwin Chamber of Commerce's, Alabama Festival of Flavor Request

A motion was made by Council Member Blackwell to approve the South Baldwin Chamber of Commerce's request to hold a one day festival, the Alabama Festival of Flavor on Saturday, October 8, 2016 from 12:00 P.M. until 5:00 P.M.; to approve the serving of alcoholic beverages in a non-corralled designated area based upon ABC Board approval; to approve the temporary road closures of downtown Foley for the Festival of Flavor beginning at 5:00 P.M. on Friday, October 7, 2016 until 12:00 A.M. on Sunday October 9, 2016 for the following streets: Orange Avenue between South Baldwin Family Practice place of business to the west to Hwy 59 to the east, Alston Street from Hwy 98 to the north and then south to Verbena Avenue, just north of the intersection, between the hours of 12:00 p.m. to 5:00 p.m.; to approve City of Foley Downtown merchants to display their goods on to the City sidewalks and festival designated public parking areas during the Alabama Festival of Flavor, October 8, 2016 from 12:00 P.M until 5:00 P.M. for the areas as designated on the attached map and to approve the South Baldwin Chamber of Commerce's request to hold a one day event at the Coastal Alabama Fisherman's and Farmer's Market on Thursday, October 6, 2016 from 6:00 p.m. until 10:00 p.m. and to serve alcoholic beverages in a non-corralled designated area. The motion was seconded by Council Member Hellmich and carried by the following vote: Council Member Vera Quaite, 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 Quaite, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 16-1159-RES

[16-0359](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$323.83

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Charles Ebert, III to write off certain residential sanitation accounts as uncollectible in the amount of \$323.83. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1160-RES

[16-0360](#)

ABC License: 010- Lounge Retail Liquor-Class I for Ashley Kayshawna Lane Anglin, applicant operating under the trade name Maple Street Lounge located at 709 South Maple Street Foley, AL. 36535.

Attachments: [Maple Street Lounge ABC License](#)
[Maple Street Lounge Map](#)

A motion was made by Council Member Vera Quaite to approve the ABC License application for Maple Street Lounge. The motion was seconded by

Council Member Charles Ebert, III and carried by an unanimous vote.

[16-0361](#)

Accept donation of swings from the Rotary Club

A motion was made by Council Member Ralph Hellmich to accept the Rotary Club's donation of three cypress swings valued in the amount of \$657. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1161-RES

[16-0362](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 1700 S JUNIPER ST

Attachments: [1700 S Juniper St.Weed Abatement](#)

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 1700 South Juniper Street. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1162-RES

[16-0363](#)

Set Public Hearing to consider Planning Commission's recommendation for Initial Zoning of R-1D (Residential Single Family) for 32.64+/- Acres Being Annexed into the Corporate Limits.

Attachments: [INT ZONING RECOMMEND Letter](#)

A motion was made by Council Member Ralph Hellmich to set Public Hearing to consider Planning Commission's recommendation for Initial Zoning of R-1D (Residential Single Family) for 32.64+/- Acres Being Annexed into the Corporate Limits. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1163-RES

[16-0364](#)

A resolution waiving fees for Heritage Park Pavilion for Foley High School's Community Kick Off Pep Rally

Attachments: [20160623134803048](#)

A motion was made by Council Member Charles Ebert, III to waive fees for Heritage Park Pavilion for Foley High School's Community Kick Off Pep Rally. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1164-RES

[16-0366](#)

Request for Temporary Road Closure for Hoop It Up event at Tanger Outlets

A motion was made by Council Member Ralph Hellmich to approve a temporary road closure during the Hoop It Up basketball event held at Tanger Outlets August 18-21, 2016. The road closure will be from 6:00am August 18th

through 7:00pm August 21, 2016 at the South end of the Riviera Blvd Roundabout to block southbound, incoming traffic to the mall. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1165-RES

[16-0367](#)

Request to Purchase a Shade Structure for the Sports Tourism Multi-Use Fields Complex

A motion was made by Council Member Ralph Hellmich to approve the purchase of a shade structure and installation for the Sports Tourism fields in the amount of \$47,643.00; to transfer \$22,643.00 from account number 01-628-7010, \$10,000.00 from account number 01-628-3020, \$10,000.00 from account number 01-628-5210 and \$5,000.00 from account number 01-628-5220 to account number 12-665-7372 and to amend the transfer accounts in increasing 12-5900 and 01-680-0165 by \$47,643.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1166-RES

[16-0370](#)

Resolution to Transfer Funds to Employee Continuing Education Account

A motion was made by Council Member Charles Ebert, III to transfer funds to the Employee Continuing Education Account. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1167-RES

[16-0374](#)

Approves an Intergovernmental Service Agreement for Bridge Replacement on Keller Road

Attachments: [IGSA - Keller Road](#)

A motion was made by Council Member Ralph Hellmich to approve entering into an agreement with Baldwin County to fund the Keller Road ATRIP project and to approve payment from the City of Foley for up to \$82,500.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1168-RES

[16-0376](#)

AUTHORIZING THE MAYOR TO SIGN A LETTER IN SUPPORT OF ADVANTAGE SITES

Attachments: [Advantage Site Letters](#)

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign a letter of support for the Advantage Site program and to authorize him to sign an additional letter defining the price per acre at the Foley Beach Express Industrial Park East and West at a price of \$50,000 per acre for a two year period. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1169-RES

[16-0383](#)

Request to contract with American Cornhole LLC

Attachments: [ACO Contract](#)

A motion was made by Council Member Rick Blackwell to approve entering into a contract with American Cornhole LLC for a May 11, 12 and 13, 2017 event at the Sports Tourism Event Center or a site to be determined by both parties, and to approve the expenditure of \$3500.00 bid fee for the event. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1170-RES

[16-0384](#)

Approval of Sponsorship between Academy Sports and Outdoors and Foley Sports Tourism

Attachments: [Academy Sports & Outdoors Sponsorship Agreement](#)

A motion was made by Council Member Ralph Hellmich to enter into a sponsorship agreement with Academy Sports and Outdoors effective July 1, 2016. Academy will provide to Foley Sports Tourism \$2,500 Cash and \$1,500 in-kind trade value in return for #2 Field Sponsorship. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1171-RES

[16-0385](#)

A resolution approving City Hope Church to set up a lemonade stand outside of the Train Depot Museum on Saturday, July 16, 2016.

A motion was made by Council Member Vera Quaite to approve City Hope Church to set up a lemonade stand in front of the Train Depot Museum on Saturday, July 16, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1172-RES

Executive Session

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

City Administrator Mike Thompson reported there was a need to discuss in Executive Session preliminary negotiations involving matters of trade or commerce in which the City of Foley is in competition with private individuals or entities or other governmental bodies in Alabama. He also reported the Executive Session will last approximately 20-30 minutes and Council will 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; Council member Quaite, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into Executive Session.

The Council meeting was recessed at 5:55 p.m.

Reconvened

President Trawick called the meeting to order at 6:47 p.m. All Council Members were present with the exception of Council Member Ralph Hellmich. Also present: City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Darryl Clevenger, Heyward Hosch and Jeff Rouzie.

[16-0387](#)

**A RESOLUTION AUTHORIZING A TAX ABATEMENT AGREEMENT BY
THE CITY OF FOLEY, ALABAMA AND FOLEY HOLDINGS LLC, AND
RELATED DOCUMENTS, PURSUANT TO CHAPTER 9B OF TITLE 40 OF
THE CODE OF ALABAMA 1975**

A motion was made by Council Member Charles Ebert, III to authorize a tax abatement agreement between the City of Foley and Foley Holdings, LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1173-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Bill Swanson of 1024 Summerton - reported he and his wife have seen the new swings on the A. Perry Wilbourne Rose Trail and they are very nice. He also asked for an update on a medical flight group at the Foley Airport that had been previously in discussion. City Administrator Mike Thompson reported that the particular medical flight group he is asking about has backed out of the plans to locate at the Foley Airport but there is another group that is currently in negotiations.

Sted McCullough from McCullough Architecture gave a Power Point Presentation on the Foley Pedestrian Bridge, which is attached as back up to the minutes.

Adjourn

A motion was made by Council Member Charles Ebert, III to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and of those present, carried by an unanimous vote.

The meeting adjourned at 6:48 p.m.