



Meeting Minutes - Draft

City Council

Monday, November 5, 2018

5:30 PM

Council Chambers

Council Meeting

Public Hearings

[18-0577](#)

A Public Hearing To Consider a Resolution, the principal object of which is to approve a proposed Sponsorship Agreement between the City of Foley and the South Baldwin Chamber of Commerce pursuant to which the City of Foley will donate \$5,000.00 to the South Baldwin Chamber of Commerce in support of the Chamber's Gateway Initiative project which will advance economic development in the City and the surrounding area.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. He asked for comments from the public. South Baldwin Chamber of Commerce President Donna Watts explained what the Gateway Initiative project is and how beneficial it will be for the City of Foley and surrounding areas. Hearing no further comments, President Trawick closed the public hearing.

[18-0585](#)

Public Hearing to Declare Weeds to be a Nuisance and Order its Abatement at 604 W. Marigold Avenue

President Trawick opened the public hearing at 5:39 p.m. He reported that the property has been abated by the owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0586](#)

Public Hearing to Declare Weeds to be a Nuisance and Order its Abatement at 608 W. Marigold Avenue

President Trawick opened the public hearing at 5:39 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0587](#)

Public Hearing to Declare Weeds to be a Nuisance and Order its Abatement at the Vacant Lot East of Bellingrath Drive

President Trawick opened the public hearing at 5:39 p.m. He asked for comments from the public. Mike Watts, who resides at 3172 Bellingrath Drive reported the weeds are backing up to the resident's privacy fences and that they do not own that property. He reported his neighbors are concerned that the weed lien will be placed on their properties. President Trawick explained the owner of that property is who is responsible for maintaining the weeds not the residents of the subdivision. Millie Erickson, who resides at 3176 Bellingrath Drive reported her concern of the City using chemicals to destroy the weeds due to the birds and other wild life in that area. Council Member Charles Ebert, III explained that the property will be mowed and no chemicals are ever used for this purpose. Hearing no further comments, he closed the public hearing.

[18-0588](#)

Public Hearing to Declare Weeds to be a Nuisance and Order its Abatement at the Vacant Lot South of Wyld Palms Drive

President Trawick opened the public hearing at 5:47 p.m. He reported that the property has been abated by the owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0589](#)

PUBLIC HEARING TO CONSIDER PASSAGE OF AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY IN THE CORPORATE LIMITS OF THE CITY OF FOLEY AND TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION TO PRE-ZONE 5.605 +/- ACRES AS B-3 (LOCAL BUSINESS DISTRICT) OWNED BY VIRGINIA TOTSCH AND BEVERLY MOORE

President Trawick opened the public hearing at 5:47 p.m. H He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0590](#)

PUBLIC HEARING TO CONSIDER PASSAGE OF AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY IN THE CORPORATE LIMITS OF THE CITY OF FOLEY AND TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR INITIAL ZONING OWNED BY COTTON BAYOU, LLC

President Trawick opened the public hearing at 5:48 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 5:48 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson. City Clerk Katy Taylor, Chuck Sutherlin, David Wilson, Thurston Bullock, Donna Watts, Sal Muccio, Janice Miller, Sandy Coaker, Dan Colley, Neil Duke, Millie Ericson, Mike Watts, William Ericson, LaDonna Hinesley, Casey Pipes and Miriam Boutwell.

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

Mayor's Presentation

[18-0595](#) Proclamation: Charlene Haber

Attachments: [Proclamation - Charlene Haber](#)

This item was carried over to the November 19, 2018 Council Meeting due to Mrs. Haber being out of town.

Approval of the Minutes

[18-0592](#) Work Session Minutes of October 15, 2018

Attachments: [10-15-2018 Work Session Minutes](#)

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

[18-0593](#) Council Meeting Minutes of October 15, 2018

Attachments: [10-15-2018 Council Meeting Minutes](#)

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

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 18-0601, remove items 18-0581 and 18-0600 and to carry over item 18-0595 to the

November 19, 2018 Council Meeting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Ordinances

[18-0502](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Totsch/Moore)

Attachments: [Moore Totsch Annexation Petitions](#)
 [PIN 93449 Totsch \(1\)](#)
 [PIN 68039 Moore](#)

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

Enactment No: 18-2029-ORD

[18-0538](#)

ORDINANCE APPROVING INITIAL ZONING OF PROPERTY OWNED BY COTTON BAYOU DEVELOPMENT, LLC.

Attachments: [Initial Zoning Recommendation](#)

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

Enactment No: 18-2030-ORD

[18-0470](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT, LLC/FOLEY FARM LLC

Attachments: [Petition, Description & Maps](#)
 [PIN 66267 Chapman](#)
 [PIN 378444 Chapman](#)
 [PIN 378445 Chapman](#)

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

Enactment No: 18-2031-ORD

[18-0550](#)

AN ORDINANCE PREZONING TOTSCH/MOORE PROPERTY

Attachments: [PPIN# 68039](#)
 [PPIN# 93449](#)

A motion was made by Council Member Rick Blackwell , seconded by Council

Member Vera Quaites, that this Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 18-2032-ORD

[18-0580](#)

(Second Reading) AN ORDINANCE REZONING PROPERTY OWNED BY TRULAND HOMES LLC FROM R2 TO R1D

Attachments: [Truland Arborwalk Rezone Recommendation.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Ordinance be approved on the first reading. The motion carried by an unanimous vote.

[18-0594](#)

(Second Reading) An Ordinance Approving an Intergovernmental Service Agreement for the Use of County Voting Machines and the Service of the County Voting Machine Custodian and Employees for Municipal Elections

Attachments: [Baldwin County Commission Letter](#)
 [Baldwin County Resolution](#)
 [Intergovernmental Services Agreement](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Ordinance be approved on the first reading. The motion carried by an unanimous vote.

Resolutions and Other Business

[18-0563](#)

A Resolution to Accept Grant Award from the Alabama Historical Commission for Replacement of Depot Museum Roof.

Attachments: [Train Depot roof proposal](#)
 [Gutter Option](#)
 [COA for Train Depot Roof](#)
 [Wayne Approval](#)
 [Capital Project Funding Request Depot Roof A](#)

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

Enactment No: 18-1307-RES

[18-0568](#)

A Resolution to Waive Fees for the use of the Stage by American Legion Post 99 on November 10, 2018 from 9:00 am until 12:00 pm.

Attachments: [20181009094744677](#)

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: 18-1308-RES

[18-0569](#)

A RESOLUTION WAIVING FEES FOR HERITAGE PARK FOR LAPS FOR LELAND ON NOVEMBER 17, 2018 FROM 8:00 AM UNTIL 4:00 PM.

Attachments: [20181011105420657](#)

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

Enactment No: 18-1309-RES

[18-0571](#)

A Resolution to Accept the Walmart Foundation Community Grant Award of \$1,000.00

Attachments: [Walmart grant Award email](#)
 [Budget Increase](#)
 [email](#)

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: 18-1310-RES

[18-0575](#)

A Resolution Approving Entering into a School Resource Officer Reimbursement Agreement with Baldwin County Commission and Baldwin County Sheriff's Office.

Attachments: [MOU-School Resource Officer](#)

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

Enactment No: 18-1311-RES

[18-0576](#)

A RESOLUTION AUTHORIZING THE MAYOR OF FOLEY TO EXECUTE A SPONSORSHIP AGREEMENT WITH THE SOUTH BALDWIN CHAMBER OF COMMERCE RELATING TO THE CITY'S DONATION TO THE CHAMBER OF COMMERCE'S GATEWAY INITIATIVE PROJECT

Attachments: [Chamber Agreement Gateway](#)

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

Enactment No: 18-1312-RES

[18-0579](#)

A Resolution to Authorize the Mayor to Enter Into an Agreement with the State of Alabama for the Construction of Offset Left Turn Lanes on

the Foley Beach Express at County Road 12

Attachments: [FBE & CR 12 Left Turn Lanes Funding Agreement](#)

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: 18-1313-RES

[18-0581](#)

Resolution Authorizing Employees to Enter Upon the Property at 604 W. Marigold Avenue for the Purpose of Abating the Public Nuisance.

This Resolution was removed due to the property being abated by the owner. No further Council action is required.

[18-0582](#)

Resolution Authorizing Employees to Enter Upon the Property at 608 W. Marigold Avenue for the Purpose of Abating the Public Nuisance.

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: 18-1314-RES

[18-0583](#)

Resolution Authorizing Employees to Enter Upon the Property at the vacant lot east of Bellingrath Drive for the Purpose of Abating the Public Nuisance.

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: 18-1315-RES

[18-0584](#)

Resolution Authorizing Employees to Enter Upon the Property at the vacant lot south of Wyld Palms Drive for the Purpose of Abating the Public Nuisance.

This Resolution was removed due to the property being abated by the owner. No further Council action is required.

[18-0591](#)

A Resolution to appoint new members to the Senior Citizens Advisory Board

Attachments: [Bill Schaffer - SR Citizen Board](#)
 [Joyce Sheldon - SR Citizen Board](#)
 [Kathleen McVey - SR Citizen Board](#)
 [Senior Citizen Board Member List](#)

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: 18-1316-RES

[18-0597](#)

A Resolution Memorializing a Cooperative Service Agreement for Beaver Management

Attachments: [USDA Cooperative Service Agreement - Beavers](#)
[Atzlinger Email](#)

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

Enactment No: 18-1317-RES

[18-0598](#)

A Resolution Setting a Public Hearing Declaring Weeds to be a Public Nuisance and Ordering its Abatement at Lot North of Tire Engineers on Foley Beach Express

Attachments: [Weed Abatement Lot N of Tire Engineers](#)

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: 18-1318-RES

[18-0599](#)

A Resolution Setting a Public Hearing Declaring Weeds to be a Public Nuisance and Ordering its Abatement at 7510 Helton Drive

Attachments: [Weed Abatement 7510 Helton Dr](#)

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

Enactment No: 18-1319-RES

[18-0600](#)

A Resolution Setting a Public Hearing Declaring Weeds to be a Public Nuisance and Ordering its Abatement at 501 West Amanda Avenue

Attachments: [Weed Abatement 501 W Amanda Ave](#)

This Resolution was removed due to the property being abated by the owner. No further Council action is required.

[18-0602](#)

A Resolution Approving 9th Avenue Extension Project - Bidding and CE&I Services

Attachments: [17-1315 RES](#)
[HMR Addendum 2](#)

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

Enactment No: 18-1320-RES

[18-0603](#)

A RESOLUTION APPROVING WOODBRIDGE AND NORTH PINE PLACE DRAINAGE IMPROVEMENTS CONSTRUCTION

Attachments: [Pre-project Budget Checklists](#)
 [MThompson Email](#)
 [TDavis Email - Woodbridge Agenda Item](#)

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: 18-1321-RES

[18-0604](#)

A Resolution to appoint Keith Jiskra as an Alternate Member to the Board of Adjustments and Appeals

Attachments: [Keith Jiskra Email](#)

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

Enactment No: 18-1322-RES

[18-0605](#)

A Resolution Authorizing the Mayor to Request an Opinion from the Attorney General

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: 18-1323-RES

[18-0601](#)

A RESOLUTION APPROVING EXECUTION OF THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) APPLICATION WITH A 10% FUNDING MATCH FOR W. PRIDE DRIVE

Attachments: [HSIP_Application COF Pride Dr Combined](#)
 [Collision Diagram](#)
 [W Pride Dr Plan](#)
 [Wayne's Email - Fwd HSIP Safety Grant - Pride Boulevard](#)

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

Enactment No: 18-1324-RES

Mayor's Comments

Mayor Koniar encouraged everyone to go vote in the mid-term election tomorrow.

Visitor's Comments

Mike Watts addressed Council with his concerns of the intersection of County Road 12 and Highway 59. He reported turn lanes need to be installed on County 12 to make it safer.

Executive Session

President Trawick reported the need to go into executive session. City Administrator Mike Thompson reported the need to discuss in executive session certain aspects of threatened and potential litigation with the City Attorney. He reported the executive session will take approximately 45 minutes and there was no need for Council to reconvene for a vote.

A motion was made by Council Member Ralph Hellmich to go into executive session. The motion was seconded by Council Member Charles Ebert, III and carried by the following roll call vote: Council Member Vera Quaites, aye, Council Member Ralph Hellmich, aye; President Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote was unanimous to go into executive session.

The meeting was recessed at 6:17 p.m.

The meeting reconvened at 6:55 p.m.

All Council Members were present. Also present: Mayor Koniar, City Administrator Mike Thompson and Casey Pipes.

There was no further business to conduct.

Adjournment

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

The meeting adjourned at 6:56 p.m.