



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, July 6, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[15-0402](#)

Public Hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Jim Brown from R3 (Residential Multi-Family to PUD (Planned Unit Development)).

Council President Wayne Trawick opened the public hearing at 5:30 P.M. to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Jim Brown from R3 (Residential Multi-Family) to PUD (Planned Unit Development). President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0403](#)

Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving initial zoning of multiple parcels included in the 2015 Legislative Annexation.

President Trawick opened the public hearing at 5:31 P.M. to consider Planning Commission's recommendation to adopt an ordinance approving initial zoning of multiple parcels included in the 2015 Legislative Annexation. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

[15-0404](#)

Public Hearing to consider Planning Commission's recommendation for initial zoning of Babikow, Radford, Flowers & Horne properties.

President Trawick opened the public hearing at 5:32 P.M. to consider Planning Commission's recommendation for initial zoning of Babikow, Radford, Flowers and Horne properties. President Trawick 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 5:33 P.M.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, Joey Darby, Thurston Bullock, John Jackson, Tiffany Anderson and Anne Smith.

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 remove item 15-0413 from the agenda due to a questionable legal description. This item will be brought back before the Council at a later date. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[15-0405](#) 06-15-2015 Work Session Minutes

Attachments: [06-15-2015 Work Session Minutes](#)

A motion was made by Council Member Vera Quaites to approve the Work Session Minutes of June 15, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0396](#) Council Meeting Minutes of June 15, 2015.

Attachments: [06-15-2015 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of June 15, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

[15-0343](#) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY Jim Brown FROM R3, Residential Multi-Family TO PUD, Planned Unit Development.

Attachments: [Jim Brown Rezoning for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Jim Brown from R3 (Residential Multi-Family) to PUD (Planned Unit Development). The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-1015-ORD

[15-0344](#)

ORDINANCE APPROVING INITIAL ZONING OF Babikow, Radford, Radford, Flowers & Horne Properties

Attachments: [Initial Zoning for Council.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve Planning Commission's recommendation for initial zoning of Babikow, Radford, Flowers and Horne properties. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1016-ORD

[15-0345](#)

ORDINANCE APPROVING INITIAL ZONING OF Multiple Parcels included in the 2015 Legislative Annexation

Attachments: [PreZone Legislative Annexation for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve Planning Commission's recommendation to adopt an ordinance approving the initial zoning of multiple parcels included in the 2015 Legislative Annexation. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-1017-ORD

[15-0384](#)

A Resolution to reappoint Kenneth Underwood to the Museum Archive Advisory Board.

Attachments: [K. Underwood-Museum Brd. List](#)

A motion was made by Council Member Charles Ebert, III to re-appoint Kenneth Underwood to the Museum Archive Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2215-RES

[15-0385](#)

A Resolution to reappoint Joshua Roberts to the Foley Revitalization and Beautification Board.

Attachments: [J. Roberts -R&B Brd. List](#)

A motion was made by Council Member Rick Blackwell to re-appoint Joshua Roberts to the Foley Revitalization and Beautification Board. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2216-RES

[15-0390](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE

A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 604 WEST MARIGOLD AVE

Attachments: [604 W Marigold Ave.Complaint.6.2015](#)

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 604 West Marigold Avenue. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2217-RES

[15-0395](#)

Request permission to transfer budgetary funds

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$20,000 from Gas & Oil account 01-610-6010 to Vehicle Maintenance account 01-610-6020 to compensate for excessive vehicle break downs. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2218-RES

[15-0397](#)

Request to add money to the Commercial Waste Removal Account

A motion was made by Council Member Rick Blackwell to approve a \$59,000 increase to accounts 01-610-2050 and 01-4806 to compensate for a budget shortfall for commercial waste removal. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2219-RES

[15-0398](#)

Approves Application For The EPA Region 4 Targeted Brownfields Assessment Grant

Attachments: [201506221037](#)

A motion was made by Council Member Charles Ebert, III to approve the City of Foley to apply for the EPA Region 4 Targeted Brownfields Assessment program up to \$200,000 with no match required. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2220-RES

[15-0400](#)

Resolution to transfer surplus funds from various Recreation Department's personnel accounts to the Part-Time Salaries account in the Recreation Department

A motion was made by Council Member Rick Blackwell to authorize transferring \$6,000 from the Recreation Salaries Account 01-622-1010; \$8,000 from Overtime Account 01-622-1011; \$4,000 from Travel and Training Account 01-622-8050 and \$12,000 from Contract Labor Account 01-622-1018, for a total of \$30,000 to be transferred to the Part-time Salaries Account 01-622-1015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2221-RES

[15-0401](#)

A resolution to appropriate funds for the new Christmas decorations electrical work.

Attachments: [RCI Electric Quotes.pdf](#)

A motion was made by Council Member Ralph Hellmich to appropriate \$5,225.00 into Account No. 619-6050 for needed electrical work for the new Christmas decorations and to approve the expenditure of \$5,225.00 made payable to RCI Electric. The motion was seconded by Council Member Quaites and carried by the following 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, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 15-2222-RES

[15-0406](#)

Tanger Outlet Right of Entry Agreement

Attachments: [Tanger Outlet Right of Entry Agreement](#)

A motion was made by Council Member Ralph Hellmich to approve authorizing the Mayor to execute a right of entry agreement for the Tanger Outlet detention pond improvement. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2223-RES

[15-0407](#)

Geotechnical Proposal for Trolley Route

Attachments: [GeoCon Proposal for Trolley Route](#)
 [Trolley Route Aerial](#)

A motion was made by Council Member Ralph Hellmich to approve GeoCon's proposal for \$2,500.00 for geotechnical investigations for the proposed trolley route. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2224-RES

[15-0408](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT HICKORY STREET EAST OF CROWN WALK

Attachments: [Weed Abatement.Crown Walk Entrance.6.2015](#)

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 Hickory Street on the east side of Crown Walk. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2225-RES

[15-0409](#)

Amend Resolution 15-2112-RES regarding Board Membership on Sports Commission Advisory Board

Attachments: [RES. 15-2112](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 15-2112 regarding the Sports Commission Advisory Board to add a Condo Representative and to add staff as non-voting members and further define voting members as well as their terms of office, which will be staggered four (4) year terms, with the exception of the first year. The Mayor and Council position will run every two years with the exception of the first term, which will end October 31, 2016. The newly elected officials take office on November 1, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2226-RES

[15-0411](#)

Acceptance and Use of Friends of the Foley Public Library Donation

A motion was made by Council Member Charles Ebert, III to accept the generous donation of \$1,760.00 from the Friends of the Foley Library and to approve the use of the donated funds for the use of temporary part-time staffing for the Library. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2227-RES

[15-0412](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (18228 U.S. HWY 98 West)

Attachments: [DOVIE STEPHENS PETITION FOR ANNEXATION](#)
 [DOVIE STEPHENS MAP](#)
 [Annexation Report for M&C Stephens Revised](#)
 [Stephens Pictures](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley located at 18228 U.S. HWY 98 West. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0413](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (MTSC Land Development)

Attachments: [Petition for Annexation](#)
 [MTSC Map](#)

A motion was made by Council Member Ralph Hellmich to remove this item due to a questionable legal description. This item will be brought back before the Council at a later date. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[15-0414](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY Smart Living LLC FROM PUD Four-Plex TO PUD Single Family

Attachments: [Kensington Place for Council.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance rezoning property owned by Smart Living LLC. from PUD Four-Plex to PUD Single Family. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[15-0416](#)

Declare Fujitsu fi-4340C Image Scanner Surplus

A motion was made by Council Member Charles Ebert, III to declare the Fujitsu fi-4340C Image Scanner as surplus and to authorize its disposal. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2228-RES

[15-0417](#)

Set Public Hearing to consider the passage of an ordinance amending Ordinance No. 387-87 Rezoning Property owned by Smart Living LLC. from PUD (Planned Unit Development-Condo) to PUD (Planned Unit Development-Residential Single Family).

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider passage of an ordinance rezoning property owned by Smart Living LLC. from PUD Four-Plex to PUD Single Family. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2229-RES

[15-0418](#)

Request permission to transfer funds from acct 01-625-5020 to acct 01-625-2400 to purchase items to sell in gift shop at Welcome Center.

A motion was made by Council Member Charles Ebert, III to approve the transfer of funds from account 01-625-5020, supplies, to account 01-625-2400, cost of goods sold, for the purpose of increasing the inventory of Foley items in the Welcome Center gift shop. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2230-RES

[15-0419](#)

Accept Bid Submitted by Landfall Strategies for Debris Monitoring Services and Authorizes the Mayor to Execute a Task Agreement if the Need Arises

Attachments: [Landfall Strategies Bid.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept Landfall Strategies, LLC.'s proposal for providing disaster debris monitoring and grant consulting services should a storm event occur and their services are required and to allow the Mayor to execute a task agreement with Landfall Strategies, LL. should the need for their services arise. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2231-RES

[15-0420](#)

Accept Bid Submitted by GreenCo Services, LLC for Debris Removal Services and Authorizes the Mayor to Sign Task Agreements if the Need Arises

Attachments: [GreenCo Services Bid.pdf](#)

A motion was made by Council Member Blackwell to accept GreenCo Services, LLC's bid for professional disaster debris removal services and to allow the Mayor to execute a task agreement with GreenCo Services, LLC should the need for their services arise. The motion was seconded by Council Member Hellmich and carried by the following 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, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 15-2232-RES

[15-0421](#)

Re-allocation of Budgeted Municipal Complex and Senior Center Funds

Attachments: [Project Check List](#)

A motion was made by Council Member Ralph Hellmich to transfer budgeted funds in the amount of \$8,000 from 01-616-4110 (Post Office). \$5,287 of the \$8,000 will be transferred into Account No. 12-665-7361 and \$4,000 from 01-618-4010 into Capital Project Account No. 12-665-7361 for the purchase of an automatic door for the Senior Center. \$1,000 of the \$8,000 will be transferred into Account No. 01-616-5010 for the purchase of a new projector screen in the auditorium. \$1,713 of the \$8,000 will be transferred into Account No. 01-616-4135 for loading dock area wall construction at the HT Barnes building. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2233-RES

[15-0422](#)

Request to contract with Volkert for Soil Loss Survey and Removal at Pride Drive

Attachments: [Pride Drive Soil Loss Proposal](#)

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

A motion was made by Council Member Ebert, III to approve the contract with Volkert for the soil loss survey and removal at Pride Drive and to appropriate \$6000.00 to Account No. 12-665-7311 Q88 PROF. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; President Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

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

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 15-2234-RES

[15-0424](#)

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

Attachments: [Festival of Flavor Request](#)
[2015 AL. Fest. of Flavor Map](#)

A motion was made by Council Member Ralph Hellmich to approve the South Baldwin Chamber of Commerce's request to hold a one day festival, the Alabama Festival of Flavor on Saturday, October 3, 2015 from 12:00 P.M. until 8:00 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 2, 2015 until 12:00 A.M. on Saturday, October 4, 2015 for the following streets: Orange Avenue between Johnston & Daniel place of business to the west and Hwy 59 to the east, Alston Street from Hwy 98 to the south to Verbena Avenue, just north of the intersection and 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 3, 2015 from 12:00 P.M until 8:00 P.M. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2235-RES

[15-0425](#)

Set Public Hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley (18228 U.S. Hwy 98 West)

A motion was made by Council Member Charles Ebert, III to set a public hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley located at 18228 U.S. Hwy 98 West. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2236-RES

[15-0427](#)

Set Public Hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley (MTSC Land Development)

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the passage of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley owned by MTSC Land Development. The motion was seconded by Council Member Charles Ebert, III. and carried by an unanimous vote.

Enactment No: 15-2237-RES

Mayor's Comments

No comments to report.

Visitor's Comments

No comments to report.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

The meeting adjourned at 5:49 P.M.