



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, August 7, 2017

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: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Kate Embry, Richard Humphrey, Terri Hall, Sue Steigerwald, Chad Christian, Thurston Bullock, Joey Darby, David Brackin and press representative Jessica Vaughn (Onlooker).

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

Approval of the Minutes

[17-0417](#)

Work Session Minutes of July 17, 2017

Attachments: [07-17-17 Work Session Meeting Minutes Final](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of July 17, 2017. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[17-0418](#)

Council Meeting Minutes of July 17, 2017

Attachments: [7-17-17 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of July 17, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Additions/Removals

There were no additions or removals.

Ordinances

[17-0395](#)

AN ORDINANCE TO REGULATE TAXICABS AND VEHICLES FOR HIRE IN THE CITY OF FOLEY (NOT TO INCLUDE "TRANSPORATION NETWORK COMPANIES") AND TO AMEND ORDINANCE NO. 1018-07

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: 17-2031-ORD

[17-0404](#)

Amendments to Ordinance for Control, Collection and Disposal of Refuse

Attachments: [Refuse Ordinance.2017](#)

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: 17-2032-ORD

[17-0421](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY RIVIERA UTILITIES

Attachments: [Riviera Utilities Annexation](#)
 [Department Report](#)

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

Enactment No: 17-2033-ORD

[17-0425](#)

ZONING ORDINANCE AMENDMENTS

Attachments: [Zoning Ordinance Amendments 2017 Clean Copy 8_28](#)

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

Enactment No: 17-2034-ORD

[17-0431](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF

FOLEY OWNED BY BJ's RESIDENTIAL PROPERTIES, LLC

Attachments: [BJ's Annexation Dept. Reports](#)

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

Enactment No: 17-2035-ORD

[17-0436](#)

Ordinance to rescind Ordinance 17- 2028 Building Codes and Fee Amendments

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

Enactment No: 17-2036-ORD

[17-0439](#)

Building Code & Fee Amendments

Attachments: [2015 Code Ordinance draft](#)
[2015 Code Ordinance draft clean copy \(2\)](#)

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

Enactment No: 17-2037-ORD

[17-0442](#)

Ordinance to rescind Ordinance 17- 2029 Amendments to the Manual for Design and Construction Standards Ordinance

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

Enactment No: 17-2038-ORD

[17-0444](#)

Amendments to the Manual for Design and Construction Standards Ordinance

Attachments: [Updated Construction Manual with accepted changes](#)
[Construction Manual.Tracked Changes](#)
[Official Construction Manual.1008-07](#)

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

Enactment No: 17-2039-ORD

Resolutions and Other Business

[17-0414](#)

Amendment to the Pay Classification Plan for Police Department Slots - Budget Neutral

Attachments: [Pay Classification Plan 07-05-17.pdf](#)

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: 17-1192-RES

[17-0415](#)

RESOLUTION TO TRANSFER \$1,000 FROM THE CDD BUILDING MAINTENANCE ACCOUNT TO THE CDD OVERTIME ACCOUNT

Attachments: [Approved by Mike.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: 17-1193-RES

[17-0422](#)

Set a public hearing to consider approving petition for annexation bringing property into the Corporate Limits of the City of Foley owned by Riviera Utilities.

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: 17-1194-RES

[17-0423](#)

Reject Over Budget Bids for Horticulture Truck Received on July 12, 2017 and Memorialize Purchase of Truck Through State of Alabama T191 Contract From Tallassee Automotive, Inc.

Attachments: [Truck Bid Results & State Bid.pdf](#)

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: 17-1195-RES

[17-0424](#)

REQUEST TO USE HERITAGE PARK AND HAVE FEES WAIVED FOR THE WOMEN'S CARE MEDICAL CENTER'S ANNUAL WALK FOR LIFE

Attachments: [20170724093839150](#)

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: 17-1196-RES

[17-0426](#)

ACCEPT CLG GRANT AL-17-025

Attachments: [AL-17-025 City of Foley NR District Update \(1\).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: 17-1197-RES

[17-0428](#)

Approval for the waiver of fees for the 2017 ACS South Baldwin Relay for Life to be held Saturday, September 16, 2017 at Heritage Park from 7:00 a.m. until 10:00 p.m. and to decorate the park lamp posts with ribbons the week before the event.

Attachments: [20170726144256325](#)

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: 17-1198-RES

[17-0430](#)

East Pride Boulevard Access Project

Attachments: [E. Pride Blvd. Access Pre-Project Checklist](#)

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: 17-1199-RES

[17-0432](#)

Utility and Maintenance Accounts for the Pedestrian Bridge

Attachments: [Ped. Bridge Utilities & Maintenance Increase in Dept. Budget Form](#)

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: 17-1200-RES

[17-0433](#)

Set a public hearing to consider approving petition for annexation bringing property into the Corporate Limits of the City of Foley owned by BJ's Residential Properties LLC.

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: 17-1201-RES

[17-0434](#)

Set a public hearing to consider various zoning amendments

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: 17-1202-RES

[17-0435](#)

Set a public hearing to consider building code and fee amendments

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: 17-1203-RES

[17-0437](#)

Request to declare surplus and sell 100 gallon ultra high pressure firefighting skid unit.

Attachments: [foley fire dept skid unit](#)

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: 17-1204-RES

[17-0441](#)

Set a public hearing to consider amendments to the Manual for Design and Construction Standards Ordinance

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: 17-1205-RES

[17-0443](#)

A Resolution to Reappoint Zana Price and Tim Closson to the Graham Creek Nature Preserve Board.

Attachments: [GCNP Reappoint](#)

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: 17-1206-RES

[17-0447](#)

Resolution to form Foley's Alabama Bicentennial Committee

Attachments: [Foley Alabama 200 Bicentennial Committee](#)

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: 17-1207-RES

[17-0449](#)

Parks Department Budget Increase

Attachments: [Budget Increase Request](#)

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: 17-1208-RES

[17-0450](#)

Approval for the waiver of fees for Dia de la Raza Festival to be held Sunday, October 22, 2017 at the Foley Heritage Park

Attachments: [20170731110110586](#)

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: 17-1209-RES

[17-0453](#)

A Resolution in Support of Event Center Sports Flooring Change Order

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: 17-1210-RES

[17-0455](#)

Police Department Budget Increase

Attachments: [Budget Sheet](#)

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: 17-1211-RES

[17-0438](#)

Consider 020- Restaurant Retail Liquor ABC License Foley Sports JV LLC, applicant, operating under the trade name of Groovy Goat located at 106 South Blvd Foley, AL.

Attachments: [Groovy Goat 08-07-17](#)

Deputy Police Chief Thurston Bullock and Fire Chief Joey Darby 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 the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; Council President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

[17-0440](#)

Approval of ABC license application for Cocktails and Dreams Foley Alabama LLC, applicant, operating under the trade name Cocktails and Dreams for a 010-Lounge Retail Liquor- Class I ABC License located at 8097 Highway 59, Suite F. Foley, Alabama.

Attachments: [Cocktails and Dreams 08-07-17](#)

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

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Agenda Item be approved. The motion carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; Council President Trawick, aye; Council Member Blackwell, aye and Council Member 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

Mayor's Comments

No comments to report.

Visitor's Comments

No comments to report.

Executive Session

President Trawick reported there is a need for an Executive Session to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

City Administrator Mike Thompson reported the Executive Session will last approximately 10 minutes and Council will reconvene to take 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.

City Administrator Mike Thompson took the following roll call vote: Council Member Vera Quaites, aye; Council Member Hellmich, aye; President Trawick, aye; Council Member Rick Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into Executive Session.

The Council meeting was recessed at 5:50 p.m.

The Council Meeting reconvened at 6:03 p.m.

All Council Members were present. Also present was City Administrator Mike Thompson, City Clerk Katy Taylor, Kate Embry and Richard Humphrey.

[17-0459](#)

A resolution to approve leasing property

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: 17-1212-RES

Adjournment

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

The meeting adjourned at 6:07 p.m.