



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, November 7, 2016

5:30 PM

Council Chambers

Council Meeting

Call to Order

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

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Katy Taylor, Darryl Clevenger, Thurston Bullock, Joey Darby, David Wilson, Chad Christian, LaDonna Hinesley, Bob Webb, Deborah Peterson, Bobbie Hale, Wayne Hale, Bill Swanson, Robert Schroeder, and Alma Schroeder.

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 16-0671, 16-0672 and 16-0673 to the Council agenda. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Approval of the Minutes

[16-0646](#)

Council Meeting Minutes of October 17, 2016.

Attachments: [17-Oct-2016 Draft Council Meeting Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of October 17, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

[16-0645](#)

Work Session Minutes of October 17, 2016.

Attachments: [10-17-2016 WS Minutes Draft.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of October 17, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Reports

[16-0649](#) Environmental FY16 Annual Report

Attachments: [Environmental Department FY16 Annual Report](#)

Environmental Manager Leslie Gahagan gave a synopsis of the Environmental FY16 Annual Report, which is attached as back up to the minutes.

Ordinances, Resolutions and Other Business

[16-0630](#) Graham Creek Estates Street Lighting Request

Attachments: [Lamp Posts.pdf](#)

A motion was made by Council Member Charles Ebert, III to appropriate \$18,750 listed under account #12-665-7128 Collinwood Inlet Replacement and to reallocate \$18,750 to Graham Creek Estates Street Lighting. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1301-RES

[16-0634](#) Temporary Road Closure for Business After Hours Event

Attachments: [Volkert Request Street Closure](#)

Council President Trawick turned the meeting over to President Pro-temp Hellmich.

A motion was made by Council Member Quaites to approve the temporary road closure for the referenced location for the South Baldwin Chamber of Commerce's Business After Hours event to be held on November 22, 2016 from 4:30 p.m. to 8:00 p.m. The motion was seconded by Council Member Ebert, III and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

President Pro-temp 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: 16-1302-RES

[16-0638](#)

Consider 050- Retail Beer (Off Premises Only) and 070- Retail Table Wine (Off Premises Only) ABC License for GatewayMRC, LLC, applicant, operating under the trade name of Gateway Market and Grille located at 22394 Miflin Road; County Road 20 Building 3 Suites 306 and 307, Foley, AL.

Attachments: [Gateway Market and Grille](#)

Police Chief Wilson and Fire Chief Darby made recommendations to move forward with the ABC License.

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

[16-0639](#)

Consider 011- Lounge Retail Liquor- Class II (Package) for GatewayMRC, LLC, applicant, operating under the trade name of Gateway Liquor Store located at 22394 Miflin Road; County Road 20 Building 3 Suite 308, Foley, AL.

Attachments: [Gateway Liquor Store](#)

Police Chief Wilson and Fire Chief Darby made recommendations to move forward with the ABC License.

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

[16-0640](#)

Set a Public Hearing to consider the passage of an ordinance to adopt zoning ordinance amendments

A motion was made by Council Member Ralph Hellmich to set a Public Hearing to consider the passage of an ordinance to adopt zoning ordinance amendments. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1303-RES

[16-0642](#)

A resolution waiving fees for the use of Heritage Park for the Foley Art Center's 45th annual Art In The Park event.

Attachments: [20161021135555005](#)

A motion was made by Council Member Hellmich to waive the fees for the use of Heritage Park and Pavilion requested by the Foley Art Center for their fundraiser on May 13 & 14, 2017. The motion was seconded by Council Member Blackwell 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, 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: 16-1304-RES

[16-0647](#)

Victoria Place "No Outlet" Sign Request

Attachments: [No Outlet Sign](#)

A motion was made by Council Member Ralph Hellmich to approve the installation of a standard "No Outlet" sign near the entrance to Victoria Place and any subdivisions in the same area as requested. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1305-RES

[16-0648](#)

Resolution Amending the Pay Classification Plan for Compliance with the New Federal Final Rule to Update the Regulations Defining and Delimiting the Exemption for Executive, Administrative, and Professional Employees Which Updates the Salary Level Required for Exemption.

Attachments: [PAY CLASSIFICATION PLAN - EFFECTIVE 10-03-16.pdf](#)
[US Dept of Labor Fact Sheet.pdf](#)

A motion was made by Council Member Charles Ebert, III to amend the Pay Classification Plan for compliance with the new Federal Final Rule to update the regulations defining and delimiting the exemption for Executive, Administrative, and Professional employees, which updates the salary level required for exemption. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1306-RES

[16-0650](#)

Accept Donation of Park Bench at Graham Creek from Gulf Shores Garden Club

Attachments: [IMG_3326](#)

A motion was made by Council Member Charles Ebert, III to accept the donation of the park bench for Graham Creek Nature Preserve from the Gulf Shores Garden Club. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1307-RES

[16-0651](#)

Request to Accept Bid for ADA Walking Trail as part of the Coastal Access Grant from ADCNR

Attachments: [160204GCphase1-02 PATH](#)
[Budget Increase Request Forms.ADA Walking Trail](#)

A motion was made by Council Member Ralph Hellmich to approve the low bid of \$116,083.50 from Blade Construction, LLC. The motion was seconded by

Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1308-RES

[16-0652](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 317 W BERRY AVE

Attachments: [317 W Berry Ave Weed Abatement](#)

A motion was made by Council Member Rick Blackwell to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 317 West Berry Ave. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1309-RES

[16-0653](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 608 W MARIGOLD AVE

Attachments: [608 W Marigold Weed Abatement](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing declaring weeds to be a public nuisance and ordering its abatement at 608 West Marigold Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1310-RES

[16-0654](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT LOT NORTH OF 512 6TH AVE

Attachments: [Lot North of 512 6th Ave Weed Abatement](#)

A motion was made by Council Member Vera Quaites to setting a public hearing declaring weeds to be a public nuisance and ordering its abatement north of 512 6th Avenue. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1311-RES

[16-0655](#)

Residential Sanitation Write Offs as Uncollectible in the amount of \$128.00

A motion was made by Council Member Ralph Hellmich to write off certain residential sanitation accounts as uncollectible in the amount of \$128.00. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1312-RES

[16-0656](#)

Resolution approving transfer of funds for purchase of
CivicPlus/CivicHR Service Agreement

Attachments: [Civic HR Proposal.pdf](#)
 [CivicHR MSA and SOW - Foley AL.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the transfer of funds to purchase the CivicPlus/CivicHR Service Agreement. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1313-RES

[16-0657](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY RICHARD & WYNONA LITTLE

Attachments: [ANNEX LITTLES PETITION.pdf](#)
 [ANNEX LITTLE.pdf](#)
 [ANNEX 2020 LLC.pdf](#)
 [Planner's Annexation Report for Mayor and Council Little.pdf](#)
 [ENGINEER AND ENVIRONMENTAL REPORT.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the petition for annexation and bringing property into the Corporate City Limits owned by Richard and Wynona Little. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0658](#)

Rezoning of Styron Property from B3 to R1D

Attachments: [Styron_Greystone Rezoning.pdf](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance to rezone property owned by Jerald Styron and Sam Styron. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[16-0659](#)

Foley Municipal Airport FY17 Grant Pre-Application

Attachments: [FILE id 16-0659_00 - Foley FY17 Pre-App Packet \(Unexecuted\).pdf](#)

Council President Trawick turned the meeting over to President Pro-temp Hellmich.

A motion was made by Council Member Blackwell to authorize the Foley Municipal Airport FY17 Grant Pre-Application. The motion was seconded by Council Member Ebert, III, and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The vote passed by a majority vote.

President Pro-temp 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: 16-1314-RES

[16-0660](#)

Rezoning for Cadenhead from R1A to PO

Attachments: [Cadenhead Rezone.pdf](#)

A motion was made by Council Member Hellmich to approve the first reading of an ordinance to rezone property owned by Evelyn Cadenhead. The motion was seconded by Council Member Blackwell 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, aye and Council Member Charles Ebert, III, nay. The vote passed by a majority vote.

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

Nay: 1 - Council Member Ebert III

Enactment No:

[16-0661](#)

Rezone DiBenedetto from R1A to PO

Attachments: [DiBenedetto Rezone.pdf](#)

A motion was made by Council Member Hellmich to approve the first reading of an ordinance to rezone property owned by Mattie DiBenedetto. The motion was seconded by Council Member Blackwell 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, aye and Council Member Charles Ebert, III, nay. The vote passed by a majority vote.

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

Nay: 1 - Council Member Ebert III

[16-0662](#)

Set a public hearing to consider the Planning Commission's recommendation of R-1D, Residential Single Family, initial zoning of 31+/- acres for being annexed into the corporate limits of Foley and owned by Jerald and Sam Styron.

Attachments: [Greystone Initial Zoning Recommendation Letter.pdf](#)

A motion was made by Council Member Charles Ebert, III to set a public hearing to consider the Planning Commission's recommendation of R-1D, Residential Single Family, initial zoning of 31+/- acres for being annexed into the corporate limits of Foley and owned by Jerald and Sam Styron. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1315-RES

[16-0664](#)

Transfer Funds for Cedar Street Drainage Project

A motion was made by Council Member Rick Blackwell to approve the transfer of funds from the underrun balance of the Graham Creek Estates Drainage project to cover the overrun for the Cedar Street Drainage project. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1316-RES

[16-0666](#)

Temporary Road Closures for FH Entertainment Complex

Attachments: [ROAD CLOSURE EXHIBIT](#)

[Email - Road Closures FH Entertainment Complex](#)

A motion was made by Council Member Ebert, III to approve the temporary road closures for the new Foley Holdings entertainment complex. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles 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

Enactment No: 16-1317-RES

[16-0671](#)

Set a public hearing to consider the Planning Commission's recommendation to rezone 1.40 +/- acres owned by Evelyn Cadenhead.

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the Planning Commission's recommendation to rezone 1.40 +/- acres owned by Evelyn Cadenhead. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1318-RES

[16-0672](#)

Set a public hearing to consider the Planning Commission's recommendation to rezone property owned by Mattie DiBenedetto.

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider the Planning Commission's recommendation to rezone property owned by Mattie DiBenedetto. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1319-RES

[16-0673](#)

A resolution authorizing Public Works to install four way stop signs in Ashford Park.

A motion was made by Council Member Ralph Hellmich to authorize the Engineering Department and the Public Works Department to implement traffic control devices which includes 4-way, 3-way and any signage as needed in the Ashford Park Subdivision. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1320-RES

Mayor's Comments

Mayor Koniar reported the Foley Library has been ranked #1 in the nation by the Library Journal.

Visitor Comments

Bob Webb, a resident of Ashford Park subdivision reported Ashford Park subdivision and Hampton Park subdivision met with City Officials to discuss placing a Kindred Medical Center and a park between Ashford Park and the YMCA. He reported they surveyed 83 homeowners to see how many residents are in favor of the medical center and park.

Dave Rothman, President of the Ashford Park HOA reported 81 of the 83 residents polled was in favor of the medical center but no resident was in favor of the park.

Robert Schroeder, Ashford Park resident reported the same polling results.

Bobbi Hale, Ashford Park resident reported people she spoke with about this project had very nice thing to say about the City Council regarding the growth of City.

Deborah Peterson, Ashford Park resident reported residents have concerns about crime in the neighborhood and the vast majority of the residents oppose a park.

Councilman Hellmich reported the Council appreciates the residents going out into the community to discuss this. He reported the particular industry interested in going in to Ashford Park volunteered to help fund a park that would be a passive park, which would have only a few trees and walking path. He reported if the residents do not want the park, the property can be left as an open area.

President Trawick reported that the family who donated that property, did so with the intent that it would be made into a park.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote. The meeting adjourned at 6:08 pm.