



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft

### City Council

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Tuesday, September 3, 2019

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearings

##### [19-0453](#)

Public Hearing To Consider Adopting An Ordinance Amending Ordinance No. 1076-08 Regarding the Repair and Demolition of Dilapidated Buildings and Structures that Constitute a Public Nuisance

**Council President Wayne Trawick opened the public hearing at 5:30 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

##### [19-0454](#)

Public Hearing To Consider Adopting An Ordinance Amending Ordinance No. 387-87 Rezoning Property Owned By Reynolds Ace Hardware Inc From AO To B1A

**President Trawick opened the public hearing at 5:30 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 5:31 p.m.**

#### Roll Call

**All Council Members were present with the exception of Council Member Vera Quaites, who was absent due to an illness. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, David Wilson, Joey Darby, Sharon Knight, Gregg Knight, Steve Solomon, Natallie Solomon, Lisa Hollis, Taylor Hollis and Jan Breatta.**

**Present:** 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 1 - Council Member Vera Quaites

## Pledge of Allegiance

## Mayor's Presentation

[19-0479](#)

Proclamation: Assisted Living Week

**Attachments:** [Assited Living Week Proclamation](#)

Mayor John Koniar presented the proclamation.

## Approval of the Minutes

[19-0461](#)

Work Session Minutes of August 19, 2019

**Attachments:** [08-19-2019 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, to approve the Work Session Minutes of August 19, 2019. The motion carried by an unanimous vote.

[19-0462](#)

Council Meeting Minutes of August 19, 2019

**Attachments:** [08-19-2019 Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, to approve the Council Meeting Minutes of August 19, 2019. The motion carried by an unanimous vote.

## Additions/Removals

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to add item 19-0455 to the agenda and to remove items 19-0477; 19-0446 and 19-0457 from the agenda. The motion carried by an unanimous vote.

## Ordinances

[19-0372](#)

An Ordinance Amending Ordinance No. 1076-08 Regarding the Repair and Demolition of Dilapidated Buildings and Structures that Constitute a Public Nuisance

**Attachments:**     [Dilapidated Structures Ordinance.2011](#)  
[Updated Dilapidated Structure Ordinance.2019](#)

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

Enactment No: 19-2019-ORD

**19-0380**

AN ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY REYNOLDS ACE HARDWARE INC FROM AO TO B1A

**Attachments:**     [Reynolds Rezoning](#)

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

Enactment No: 19-2020-ORD

**19-0458**

**(Second Reading) AN ORDINANCE AMENDING THE CITY OF FOLEY ZONING ORDINANCE**

**Attachments:**     [Zoning Ordinance Amendments Recommendation Backup](#)

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

**19-0459**

AN ORDINANCE AMENDING ORDINANCE NUMBER 17-2004-ORD TO EXTEND THE DURATION OF THE TEMPORARY, ADDITIONAL ONE PERCENT (1%) MUNICIPAL SALES AND USE TAX ON CERTAIN TYPES OF TRANSACTIONS OR ACTIVITIES.

**Attachments:**     [17-2004 ORD](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell to suspend the rules for the immediate adoption of this ordinance. City Administrator Mike Thompson took the following roll call vote: Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. Of those present, the motion carried by an unanimous vote.**

**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: 19-2021-ORD

## **Resolutions and Other Business**

**19-0416**

A Resolution Approving the City of Foley Fiber System Expansion to

Connect with the Foley Sports Tourism Complex

**Attachments:** [Capital Project Worksheet - Fiber System Expansion to EC.pdf](#)

**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: 19-1261-RES

[19-0430](#)

A RESOLUTION APPROPRIATING FUNDS FOR FHWA TIGER GRANT NO. 15

**Attachments:** [Invoice ALDOT TIGER GRANT 15](#)  
[Budget Increase Request - Tiger Grant 15](#)

**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: 19-1262-RES

[19-0437](#)

A Resolution Establishing The Use Of Electronic Vote Counting Devices

**Attachments:** [16-1062 RES](#)

**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: 19-1263-RES

[19-0443](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT PPIN 24901

**Attachments:** [20190813150322233](#)

**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: 19-1264-RES

[19-0444](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 316 W 3RD AVE

**Attachments:** [20190812154923058](#)

**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: 19-1265-RES

[19-0445](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE

A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1748 & 1752  
SINCLAIR ST

**Attachments:** [Weed Abatement 1748 1752 Sinclair St](#)

**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: 19-1266-RES

[19-0446](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE  
A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1740 & 1744  
N PINE ST

**Attachments:** [Weed Abatement 1740 1744 N Pine](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to remove this item from the agenda. The motion carried by an unanimous vote.**

[19-0447](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE  
A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1730-1734 N  
PINE ST

**Attachments:** [Weed Abatement 1730 1734 N Pine](#)

**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: 19-1267-RES

[19-0449](#)

A resolution waiving fees for Heritage Park Pavilion for Foley High  
School's Homecoming Community Pep Rally on October 3, 2019.

**Attachments:** [20190820085336290](#)

**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: 19-1268-RES

[19-0450](#)

**A RESOLUTION TO AUTHORIZE THE FOLLOWING POLICIES OF THE  
CITY OF FOLEY, ALABAMA:**

**Policy for Incurrence and Management of Debt**

**Policy for Compliance of Tax-Exempt Bonds with the Internal  
Revenue Code**

**Policy for Continuing Disclosure under SEC Rule 15c2-12**

**Attachments:** [Debt Policies FINAL \(04955555x80C68\) \(5\)](#)

**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: 19-1269-RES

[19-0451](#)

A RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR HERITAGE PARK GAZEBO STEPS PROJECT

**Attachments:**     [Bid Tab - Heritage Park Gazebo Steps](#)  
[Handrail Addition](#)  
[Budget Increase Gazebo Steps](#)

**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: 19-1270-RES

[19-0452](#)

A Resolution Approving a Sponsorship to the Alabama Urban Forestry Association Conference

**Attachments:**     [AL Urban Forestry Sponsorship](#)

**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: 19-1271-RES

[19-0456](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 12767 SPRINGSTEEN LN

**Attachments:**     [20190819093921450](#)

**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: 19-1272-RES

[19-0457](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 22860 US HWY 98

**Attachments:**     [20190821084823994](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III to remove this item from the agenda. The motion carried by an unanimous vote.**

[19-0460](#)

A Resolution to Set a Public Hearing to Consider Passage of an Ordinance to Amend the City of Foley Zoning Ordinance

**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: 19-1273-RES

[19-0463](#)

A Resolution to Update City of Foley Travel Policy and Procedures

**Attachments:** [Travel Policy and Procedures - August 26 2019.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: 19-1274-RES

[19-0465](#)

A resolution to Accept the Walmart Foundation Community Grant Award of \$1000.00.

**Attachments:** [Walmart grant award email-check](#)  
[walmart](#)  
[Email-MThompson](#)  
[Email Trawick, W.](#)

**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: 19-1275-RES

[19-0466](#)

A RESOLUTION APPROVING GOING TO BID FOR THE COUNTY ROAD 12 CHANNEL IMPROVEMENTS PROJECT

**Attachments:** [Capital Project - CR 12 Ditch](#)  
[Pre-Project Budget Worksheet](#)  
[Plan Review Prelim Drawings](#)

**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: 19-1276-RES

[19-0467](#)

A Resolution Approving the Surplus and Disposal of Model Train materials not needed by the Caboose Club.

**Attachments:** [Items to be declared surplus by the Caboose Club Sept. 2019 \(1\)](#)

**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: 19-1277-RES

[19-0468](#)

A Resolution to Declare Bikes as Surplus and Donate them to Calvary Church

**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: 19-1278-RES

[19-0469](#)

A Resolution Amending City Budgets

**Attachments:**     [20190826142829601](#)  
                                 [20190826142836241](#)

**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: 19-1279-RES

[19-0471](#)

A Resolution Authorizing Residential Sanitation Write Offs as Uncollectible in the Amount of \$243.65

**Attachments:**     [August Sanitation Write Offs](#)

**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: 19-1280-RES

[19-0472](#)

A Resolution to Reappoint Barbara Ingram To The Industrial Development Board

**Attachments:**     [IDB Board Member Email](#)  
                                 [IDB Board Member List](#)

**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: 19-1281-RES

[19-0475](#)

A RESOLUTION AUTHORIZING THE STRUCTURE AND OFFERING OF GENERAL OBLIGATION WARRANTS, SERIES 2019

**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: 19-1282-RES

[19-0476](#)

A Resolution reallocating Sports Tourism Capital Funds and appropriating funds for electronic speakers for the Foley Event Center..



**Attachments:**     [MikeWayneApprovalSpeakers](#)  
[ST Capital to Capital Transfer](#)

**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: 19-1283-RES

[19-0477](#)

A Resolution Approving Symbol Health Solutions 2019 Amendment to the Clinic Services Agreement for a 3-Year Renewal Term

**Attachments:**     [Symbol Renewal Contract](#)  
[Symbol Services Agreement 08-16-13](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to remove this item from the agenda. The motion carried by an unanimous vote.**

[19-0478](#)

A resolution Adopting Fiscal Year 2020 Budgets

**Attachments:**     [FY 20 Performance Contracts Public Purpose](#)  
[~FY 2020 Budget](#)

**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: 19-1284-RES

[19-0470](#)

ABC License: 020- Restaurant Retail Liquor for Lucy's OWA, LLC, applicant operating under the trade name Lucy's Retired Surfers Bar and Restaurant located at 103 South OWA BLVD Foley, AL 36535.

**Attachments:**     [ABC License- Lucy's Bar and Restaurant](#)

**Police Chief David Wilson and Fire Chief Joey Darby made a recommendation to move forward with the ABC License.**

**A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to make a recommendation to the ABC Board to move forward with the ABC License. The motion carried with the following vote: Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.**

[19-0473](#)

ABC License: 150 - Special Retail License - 30 Days or Less, The Park at OWA, LLC applicant operating under the trade name Fall Festival at OWA Festival Grounds located at the corner of Foley Beach Express and 1501 South OWA Blvd. Foley, AL 36535.

**Attachments:**     [OWA Fall Festival 9-21 to 10-21](#)

**Police Chief David Wilson and Fire Chief Joey Darby made a recommendation**

to move forward with the ABC License.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to make a recommendation to the ABC Board to move forward with the ABC License. The motion carried with the following vote: Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.

#### [19-0474](#)

ABC License: 150 - Special Retail License - 30 Days or Less, The Park at OWA, LLC applicant operating under the trade name Fall Festival at OWA Festival Grounds located at the corner of Foley Beach Express and 1501 South OWA Blvd. Foley, AL 36535.

**Attachments:**     [OWA Fall Festival 10-25 to 11-3](#)

Police Chief David Wilson and Fire Chief Joey Darby made a recommendation to move forward with the ABC License.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to make a recommendation to the ABC Board to move forward with the ABC License. The motion carried with the following vote: Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert, III, aye. The motion carried by a majority vote.

#### [19-0455](#)

A Resolution to Approve a One Time Donation to the Foley Animal Care and Control Program

**Attachments:**     [Agenda Request Form - TNR Program](#)

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: 19-1285-RES

### **Mayor's Comments**

There were no comments to report.

### **Visitor's Comments**

There were no comments to report.

### **Adjournment**

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

The meeting adjourned at 6:00 p.m.