



Meeting Minutes - Final

City Council

Monday, May 7, 2018

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[18-0200](#)

Public Hearing to consider the passage of an ordinance to adopt regulations for small cell technology facilities in the City of Foley, Alabama.

Council President Pro-tempore Ralph Hellmich opened the public hearing at 5:31 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0201](#)

Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by WCMC Glenlakes, LLC from PUD (Planned Unit Development) to PUD (Planned Unit Development).

President Pro-tempore Ralph Hellmich opened the public hearing at 5:32 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0202](#)

Public Hearing to consider rescinding Ordinance 17-2047 Rezoning Ordinance for MCMC Glenlakes, LLC from PUD to PUD.

President Pro-tempore Ralph Hellmich opened the public hearing at 5:33 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0203](#)

Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Magnolia Land Company/John B. Foley from AO (Agricultural Open Space) to B-1A (Extended Business District).

President Pro-tempore Ralph Hellmich opened the public hearing at 5:33 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[18-0204](#)

Public Hearing to consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Emily Langley Allison from R-1A (Residential Zone) to PO (Office Zone).

President Pro-tempore Ralph Hellmich opened the public hearing at 5:34 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Pro-tempore Ralph Hellmich called the meeting to order at 5:34 p.m.

Roll Call

All Council Members were present with the exception of Council President Wayne Trawick, who was absent due to illness. Mayor John Koniar was absent due to being out of town. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Andy Forsythe, Chad Christian, Thurston Bullock, Joey Darby, Doug Bailey, David Wilson, David Vosloh, Sal Muccio, Heyward Hosch, Chuck Southerland, John Ward and Edward McCall.

Present: 4 - Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - President Wayne Trawick

Pledge of Allegiance

Approval of the Minutes

[18-0205](#)

Work Session Minutes of April 16, 2018

Attachments: [04-16-18 Work Session Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, to approve the Work Session Minutes of April 16, 2018. The motion carried by an unanimous vote.

[18-0206](#)

Council Meeting Minutes of April 16, 2018

Attachments: [4-16-18 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the Council Meeting Minutes of April 16, 2018. The motion carried by an unanimous vote.

Additions/Removals

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to add item 18-0233 to the agenda and to carry over items 18-0126 and 18-0177. The motion carried by an unanimous vote.

Ordinances

[18-0115](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY WCMC GLENLAKES, LLC FROM PUD TO PUD

Attachments: [Alabama GlenLakes 10.11.17](#)
[Carnoustie Place POA Architectural Guidelines filed March 22 2018](#)
[\(1\)](#)
[Glenlakes Unit One Articles of Incorporation](#)
[OCR Glenlakes Unit One By Laws](#)
[Supplemental Covenants Glenlakes Unit 1](#)

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: 18-2005-ORD

[18-0116](#)

An Ordinance to Rescind Ordinance 17-2047 Rezoning Ordinance for MCMC Glenlakes LLC from PUD to PUD

Attachments: [17-2047 ORD](#)

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: 18-2006-ORD

[18-0126](#)

(Second Reading) AN ORDINANCE TO ADOPT REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF FOLEY, ALABAMA

Attachments: [small cell ordinance Final \(5-21-18\)](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Ordinance be carried over to the City Council Meeting of May 24, 2018. The motion carried by an unanimous vote.

Enactment No: 18-2009-ORD

[18-0157](#)

REZONE PROPERTY OWNED BY MAGNOLIA LAND/JOHN FOLEY

FROM AO TO B1A

Attachments: [John Foley ReZoning.pdf](#)

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

Enactment No: 18-2007-ORD

[18-0158](#)**REZONING REQUEST EMILY LANGLEY ALLISON FROM R1A TO PO**

Attachments: [Emily Allison Rezoning.pdf](#)

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: 18-2008-ORD

[18-0210](#)

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

Attachments: [Moody Annexation Petition](#)

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

Enactment No: 18-2010-ORD

[18-0211](#)

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

Attachments: [Hercules - Jim Brown Annexation Petition](#)

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: 18-2011-ORD

[18-0215](#)**PREZONING HERCULES - JIM BROWN PROPERTY**

Attachments: [Hercules-Jim Brown Prezoning \(1\)](#)

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

Enactment No: 18-2012-ORD

[18-0216](#)**PREZONING WILLIAM MOODY PROPERTY**

Attachments: [William Moody Rezoning \(1\)](#)

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

Enactment No: 18-2013-ORD

Resolutions and Other Business

[18-0180](#)

Request for a Street Dept. 1999 Komatsu Wheel Loader to be Surplused & Disposed by the Best Means Possible

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: 18-1095-RES

[18-0189](#)

Approval for FireHouse Sub Public Safety Grant

Attachments: [Agenda Submission Firehouse Sub Grant](#)

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: 18-1096-RES

[18-0191](#)

Memorializing the waiving of fees for Liberty Church, Foley First Baptist Church and Foley United Methodist Church to hold the National Day of Prayer on Thursday, May 3, 2018 at Heritage Park.

Attachments: [ACFrOgArNEaljny8e-NEbJFT2TnXhQp52esb-MpH9wulHQUxtVpT8QS
SORUnVQun382opf6gWSiYNx5YP0kbjY-u6RVJJU8fpjw9ez_XT5eZEY
tpCOMfeHRv1yte7cQ=](#)

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: 18-1097-RES

[18-0192](#)

A Resolution to Approve or Deny Business License Application

Attachments: [Hickory Tire & Auto Pre-Approval Form 4-19-18](#)

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: 18-1098-RES

[18-0194](#)

Request to transfer funds from Maintenance Dept. to Environmental Dept.

Attachments: [Approved Request to Transfer Dept Budget Dollars Form.PDF](#)

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: 18-1099-RES

[18-0196](#)

Street Dept. requests to use insurance proceeds to purchase a new Ventrac 4500Y with edger attachment.

Attachments: [Capital Purchase Wrksht for Street Dept.PDF](#)
 [Street Dept Approval Emails.PDF](#)
 [Coblentz Quote on 4500Y Ventrac & Edger Blower.PDF](#)

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: 18-1100-RES

[18-0208](#)

Request for a Street Department Truck to be Surplused & Disposed by the Best Means Possible

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: 18-1101-RES

[18-0212](#)

Approval for the waiving of fees for the 2018 Dia de la Raza Festival to be held Sunday, October 21, 2018 at the Foley Heritage Park

Attachments: [20180427133354944](#)

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: 18-1102-RES

[18-0213](#)

WOERNER COMMERCIAL PARK ACCESS POINT BID AWARD AND APPROPRIATION OF FUNDS

Attachments: [Bid Tabs](#)
[RES 13-0581 and Foley Woerner Land LLC Agreement](#)
[Pre-Project Checklist - Budget Checklist](#)
[HMR Award Recommendation](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the work to be completed in the public rights-of-way only and to approve the expenditure for the work in the amount of up to \$750,000. The motion carried by an unanimous vote.

Enactment No: 18-1103-RES

[18-0214](#)

Approval to apply for FY2018 Bulletproof Vest Partnership Grant

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: 18-1104-RES

[18-0217](#)

A resolution to set a 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 .82 +/- acres as B-1A (Extended Business District) owned by William Moody.

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: 18-1105-RES

[18-0218](#)

A resolution to set a 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 3.172 +/- acres as B-1A (Extended Business District) owned by Hercules-Jim Brown.

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: 18-1106-RES

[18-0220](#)

**A RESOLUTION AUTHORIZING A SPECIAL
ECONOMIC DEVELOPMENT GRANT AGREEMENT
BY THE CITY OF FOLEY, ALABAMA
AND
FOLEY SQUARE, LLC**

Attachments: [Foley Square II 2018. Minutes of City Council Re Grant Agmt \(04424145x80C68\)](#)

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: 18-1107-RES

[18-0222](#)

**A RESOLUTION AUTHORIZING A SPECIAL
ECONOMIC DEVELOPMENT GRANT AGREEMENT
BY THE CITY OF FOLEY, ALABAMA
AND
GANESH HOSPITALITY GROUP, INC.**

Attachments: [Foley Ganesh 2018. Minutes of City Council Re Grant Agmt \(04425445x80C68\) \(1\)](#)

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

Enactment No: 18-1108-RES

[18-0223](#)

**A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY
THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC
FACILITIES COOPERATIVE DISTRICT (Foley Square II)**

Attachments: [Foley Ganesh 2018. City Council Minutes - User Fee Agreement \(04425105x80C68\)](#)

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: 18-1109-RES

[18-0226](#)

**A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY
THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC
FACILITIES COOPERATIVE DISTRICT (Ganesh Hospitality Group,
Inc.)**

Attachments: [Foley Ganesh 2018. City Council Minutes - User Fee Agreement \(04425105x80C68\) \(1\)](#)

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: 18-1110-RES

[18-0233](#)

Request to use Beulah Heights Park for May Day

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: 18-1112-RES

[18-0177](#)

ABC License : 010-Lounge Retail Liquor for Bryant K Gardner, applicant operating under the trade name Da Palace 2 located at 709 South Maple Street Foley, Alabama.

Attachments: [ABC License Application](#)
 [Da Palace 2 Map](#)

A motion was made by Council member Charles Ebert, III, seconded by Council Member Rick Blackwell to carry over this item to the Council Meeting of June 18, 2018 to allow the Police Department more time to conduct a background check on the applicant. The motion carried by an unanimous vote.

Mayor's Comments

No comments to report.

Visitor Comments

Edward McCall, who lives on Maple Street addressed Council with his concerns for vehicles traveling too fast down Maple Street. He reported a car hit and killed his dog and that could have been a child. Foley Police Chief David Wilson reported he will speak with Mr. McCall to get more information to get this issue resolved.

Executive Session

City Administrator Mike Thompson reported the need to go into Executive Session in order to discuss the consideration the City is willing to pay to purchase certain real property. He reported Executive Session should last approximately ten minutes and Council may choose to come back and vote on an item.

Council Member Vera Quaites made a motion to go into Executive session. The motion was seconded by Council Member Rick Blackwell.

Mr. Thompson took the following Roll Call vote: Council member Quaites, aye; Council Member Hellmich, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. Of those present, the vote was unanimous to go into Executive Session.

The Council Meeting recessed at 5:58 p.m.

The Council Meeting reconvened at 6:11p.m.

All Council Member were present with the exception of President Trawick, who was absent due to an illness. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor and Andy Forsythe.

[18-0234](#)

A Resolution Approving The Buy-Back Purchase Of Real Property

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: 18-1111-RES

Adjournment

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

The meeting adjourned at 6:12 p.m.