



## Meeting Minutes - Final

### City Council

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Tuesday, January 22, 2019

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearings

[19-0042](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at various vacant lots in Heather Terrace Subdivision

**Council President Wayne Trawick opened the public hearing at 5:30 pm. He reported the property has been abated by the owner and no further Council action is required. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[19-0043](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 316 3rd Avenue

**President Trawick opened the public hearing at 5:31 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[19-0044](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 19578 County Road 20.

**President Trawick opened the public hearing at 5:31 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[19-0045](#)

Public Hearing to Consider Planning Commission's recommendation to adopt an ordinance approving the rezoning of property owned by Southern Lifestyle Development from A-O (Agriculture Open Space) to PUD (Planned Unit Development) located at the SE corner of Hickory Street and Michigan Avenue.

**President Trawick opened the public hearing at 5:31 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[19-0046](#)

Public Hearing to Consider Planning Commission's Recommendation to Adopt an Ordinance Approving the Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley Owned by Various Owners. (Barnwell Property)

President Trawick opened the public hearing at 5:32 pm. 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 5:32 pm.

## Roll Call

**All Council Members were present. Also Present: City Clerk Katy Taylor, Emmanuel Seals, Joey Darby, Tommy Gebhart and Tammy Gebhart.**

**Present:** 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 1 - Mayor J Koniar

## Pledge of Allegiance

## Presentation

[19-0038](#)

### 2019 Arbor Day Book Donations

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Agenda Item be carried over to the City Council, due back by 02/04/2019. The motion carried by an unanimous vote.

## Mayor's Presentation

[19-0032](#)

Proclamation: Arbor Day

**Attachments:** [Arbor Day Proclamation](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Agenda Item be carried over to the City Council, due back by 02/04/2019. The motion carried by an unanimous vote.

## Departmental Reports

[19-0048](#)

Department Reports

**Attachments:**     [Grant Status Report December 2018](#)  
[December 2018 Tax Reports](#)  
[2018 Oct., Nov., and December Marketing Report](#)  
[CDD 2018 Annual Report](#)  
[December 2018 PD Report](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Agenda Item be approved. The motion carried by an unanimous vote.

## **Audit the Accounts**

[19-0047](#)                      Audit the Accounts of December 2018

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Auditing Accounts be approved for payment. The motion carried by an unanimous vote.

## **Approval of the Minutes**

[19-0049](#)                      Work Session Minutes of January 7, 2019

**Attachments:**     [01-07-2019 Work Session Minutes - Draft](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the Work Session Minutes of January 7, 2019. The motion carried. by an unanimous vote.

[19-0050](#)                      Council Meeting Minutes of January 7, 2019

**Attachments:**     [01-07-2019 Council Meeting Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, to approve the Council Meeting Minutes of January 7, 2019. The motion carried by an unanimous vote.

## **Additions/Removals**

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, to remove item 19-0051 and to carry over items 19-0038, 19-0032 and 18-0620. The motion carried by an unanimous vote.

## **Ordinances**

[18-0620](#)

**Rezoning of property owned by Southern Lifestyle Development from AO - Agricultural Open Space to PUD - Planned Unit Development**

**Attachments:**     [river oaks recommendation.pdf](#)  
[Appendix E - Location Map and Legal Description \(2-5-19\) \(1\)](#)  
[Appendix F - Site Plan & Data Table](#)  
[Appendix H - Open Space Exhibit](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Ordinance be carried over to the City Council, due back by 02/04/2019 at the request of the applicant. The motion carried by an unanimous vote.**

Enactment No: 19-2003-ORD

[18-0652](#)

**AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY VARIOUS OWNERS (Barnwell Property).**

**Attachments:**     [Barnwell Annexation Petitions](#)  
[Barwell Annexation Deeds](#)  
[Barnwell Annexation Maps](#)  
[Valuations PIN 36619, 99116, 104086, 121386, 29203](#)  
[Valuation PIN 091172 Rockstall](#)

**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: 19-2000-ORD

[19-0039](#)

**AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NOT PRESENTLY NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF THE SAME (Historic Foley Bakery/Cactus Cafe Building)**

**Attachments:**     [118 West Laurel PSA](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to suspend the rules for the immediate adoption of this Ordinance. City Clerk Katy Taylor took the following roll call vote: Council Member Quaites, aye, Council Member Hellmich, aye, President Trawick, aye, Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by an unanimous vote to suspend the rules.**

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

Enactment No: 19-2001-ORD

[19-0040](#)

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NOT PRESENTLY NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF THE SAME (0 Azalea Avenue).

**Attachments:**     [0 Azalea Ave. Foley, AL 36535](#)  
[Azalea Ave Map](#)  
[Statutory warranty deed to HOTH Investments](#)

A motion was made by Council Member Charlies Ebert, III, seconded by Council Member Vera Quaites, to suspend the rules for the immediate adoption of this Ordinance. City Clerk Katy Taylor took the following roll call vote: Council Member Quaites, aye, Council Member Hellmich, aye, President Trawick, aye, Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by an unanimous vote to suspend the rules.

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: 19-2002-ORD

## Resolutions and Other Business

[19-0031](#)

A Resolution Authorizing a Contract for Services with Main Street Foley, Inc.

**Attachments:**     [Contract for Services](#)

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.

Council Member Ebert, III thanked Council Member Hellmich and City Planner Miriam Boutwell for all their hard work on the Main Street project.

Enactment No: 19-1019-RES

[19-0034](#)

A RESOLUTION WAIVING FEES FOR HERITAGE PARK FOR FAITH TABERNACLE UPCI ON APRIL 6, 2019 FROM 4:00 PM UNTIL 7:00 PM.

**Attachments:**     [20190108100733290](#)

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: 19-1020-RES

[19-0036](#)

A Resolution to Rescind Resolution 19-1014 A Resolution to Approve the Sale of the Cactus Cafe/Historic Foley Bakery Building to Katapult Properties

**Attachments:**     [Res. 19-1014](#)

**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: 19-1021-RES

[19-0037](#)

A Resolution to Rescind Resolution 19-1003 A Resolution to Accept Offer to Purchase Real Property at the Appraisal Value

**Attachments:**     [Res. 19-1003](#)

**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: 19-1022-RES

[19-0041](#)

A Resolution Approving the Purchase of a Diagnostic Computer

**Attachments:**     [Diagnostic Computer Quote.PDF](#)  
                              [PW. Capital Purchase Work Sheet](#)

**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: 19-1023-RES

[19-0051](#)

A Resolution Authorizing Employees to Enter Upon the Property at the various vacant lots in Heather Terrace Subdivision for the Purpose of Abating the Public Nuisance.

**Attachments:**     [Heather Terrace Weed Abatement](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be removed from the agenda. The motion carried by an unanimous vote.**

[19-0052](#)

A Resolution Authorizing Employees to Enter Upon the Property at 316 3rd Avenue for the Purpose of Abating the Public Nuisance.

**Attachments:**     [316 3rd Ave. Weed Abatement](#)

**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: 19-1024-RES

[19-0053](#)

A Resolution Authorizing Employees to Enter Upon the Property at 19578 County Road 20 for the Purpose of Abating the Public Nuisance.

**Attachments:**     [19578 CR 20 Weed Abatement](#)

**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: 19-1025-RES

[19-0054](#)

A Resolution Approving the City of Foley to Host a Concert by the Baldwin County Youth Orchestra

**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: 19-1026-RES

[19-0055](#)

**A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for South Baldwin Chamber Foundation's Annual BBQ & Blues Cook-Off Fundraising Event.**

**Attachments:**     [11th Annual BBQ & Blues Letter](#)

**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: 19-1027-RES

[19-0056](#)

A Resolution to Memorialize the Placement of Five 30x80" Banners for Ecumenical Ministries, Inc. "Chili for Charity" Event

**Attachments:**     [Ecumenical Ministries, Inc Letter](#)

**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: 19-1028-RES

[19-0057](#)

A Resolution to Appropriate Funds for the Justice Center Renovation Project

**Attachments:**     [Mary Murchison Letter](#)

[18-1218 RES](#)

[Revised Pre-Project Budget Worksheet](#)

**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: 19-1029-RES

[19-0059](#)

A Resolution Requesting To Waive CDD Fees To Minimum For Little

## Rock Baptist Church Construction Project

**Attachments:**     [Little Rock Baptist Church Request](#)

**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: 19-1030-RES

[19-0060](#)

A Resolution Approving the Capital Purchase of a SCBA Fit Test Machine for the Fire Department

**Attachments:**     [Foley Fire Department - Quantifit](#)  
                          [FD. Capital Purchase Work Sheet](#)

**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: 19-1031-RES

[19-0061](#)

A Resolution Approving Increase of Sanitation Funds for Immediate Limb Truck Rental

**Attachments:**     [Request Form to Increase Sanitation Budget Dollars .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.**

**Council Member Ebert, III reported there are mechanical issues with some of the Public Works trucks that is causing delays in picking up yard debris. Council Member Hellmich reported these delays are causing the potential of flooding and fire hazards should the debris get into the drain systems.**

Enactment No: 19-1032-RES

[19-0062](#)

A Resolution Approving 9th Avenue Extension Alternate 2 Bid Award to Bill Patterson Construction and Appropriating Funds

**Attachments:**     [18-1320 RES HMR ADD 2](#)

**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: 19-1033-RES

## Mayor's Comments

There were no comments to report.

## Visitor's Comments

Council Members Hellmich and Quaite congratulated Fire Chief Joey Darby for his appointment of Chairman of the Alabama Fire College Personnel Standards Commission. Chief Darby invited Mayor and Council to the Fire Department's Annual Fire Fighter's Banquet on February 1, 2019.

## **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 was adjourned at 5:52 pm.