



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final

### City Council

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Monday, March 18, 2019

5:30 PM

Council Chambers

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#### Council Meeting

#### Public Hearings

##### [19-0152](#)

Public Hearing to Consider Passage of an Ordinance Approving Petition for Annexation and Bringing Property in the Corporate Limits of the City of Foley Owned by Stacey Ryals (Grand Riviera RV Resort)

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

##### [19-0153](#)

Public Hearing to Consider Passage of an Ordinance Approving Petition for Annexation and Bringing Property in the Corporate Limits of the City of Foley Owned by Majestic Manor, LLC

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

#### Roll Call

**All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Daniel Hudson, David Wilson, Joey Darby, Jamie Smith, Charles Weber, Jennifer Foutch, Daniel Smith and Gregg Knight.**

**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

## Departmental Reports

[19-0146](#)

Departmental Reports

**Attachments:**    [February Tax Reports](#)  
[February 2019 CDD Report](#)  
[Feb 2019 FD Report](#)  
[Feb 2019 PD Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, to approve the Departmental Reports as submitted. The motion carried by an unanimous vote.

## Audit the Accounts

[19-0150](#)

Audit of the Accounts of February 2019

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

## Approval of the Minutes

[19-0164](#)

Work Session Minutes of March 4, 2019

**Attachments:**    [03-04-2019 Work Session Minutes- DRAFT](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, to approve the Work Session Minutes of March 4, 2019. The motion carried by an unanimous vote.

[19-0165](#)

Council Meeting Minutes of March 4, 2019

**Attachments:**    [03-04-2019 Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaite, seconded by Council Member Ralph Hellmich, to approve the Council Meeting Minutes of March 4, 2019. The motion carried by an unanimous vote.

[19-0166](#)

Special Called Meeting Minutes of March 4, 2019

**Attachments:**    [03-04-2019 Special Called Meeting Audit Reading Minutes](#)

A motion was made by Council Member Vera Quaite, seconded by Council

Member Rick Blackwell, to approve the Special Called Council Meeting Minutes of March 4, 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 carry over 19-0118 to the Council Meeting of May 6, 2019 and to add item 19-0169 to the agenda. The motion carried by an unanimous vote.

## Ordinances

### [19-0079](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY ALABAMA ARMADA, LLC (Grand Riviera RV Resort)

**Attachments:**     [Annexation Petition Grand Riviera RV Resort](#)  
                              [RV Resort Map](#)  
                              [PIN 026102 & 367206 Grand Riviera Resort](#)

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: 19-2007-ORD

### [19-0080](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY MAJESTIC MANOR, LLC

**Attachments:**     [Majestic Manor Annexation](#)  
                              [PIN 376873 Majestic Manor LLC](#)

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: 19-2008-ORD

### [19-0135](#)

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

**Attachments:**     [Vosloh Annexation Petition](#)  
                              [PIN 291629 Vosloh](#)

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

Enactment No: 19-2010-ORD

## Resolutions and Other Business

### [19-0118](#)

A Resolution to Terminate the Alabama Festival of Flavor Performance Contract and Reallocate Funds to Chicago Street Supper Club

**Attachments:**     [Festival of Flavor Contract](#)  
                              [Contract Revision Proposal \(1\)](#)  
                              [Request to City to reallocate funds \(1\)](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to carry over this item to the Council Meeting of May 6, 2019. The motion carried by an unanimous vote.**

### [19-0134](#)

A Resolution Accepting Right of Way Donation for the 9th Avenue Extension

**Attachments:**     [Deeds](#)  
                              [Taylor Deed](#)  
                              [9th Ave. Valuations](#)  
                              [9th Ave. Map](#)

**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: 19-1075-RES

### [19-0136](#)

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 Owned by David Vosloh

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by 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, abstained.**

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

**Abstain:**   1 -    Council Member Ebert III

Enactment No: 19-1076-RES

### [19-0137](#)

A Resolution Approving the SE Quad Comprehensive Plan Update

**Attachments:**     [Approval Letter SE Comp Plan](#)

**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: 19-1077-RES

[19-0138](#)

A Resolution to Appoint Proxy for AMIC's Annual Meeting

**Attachments:**     [AMIC Memorandum](#)

**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: 19-1078-RES

[19-0141](#)

A Resolution to Renew Contract with Waste Pro of Florida, Inc. for Commercial Solid Waste Service

**Attachments:**     [1st Contract Renewal Option - Commercial Waste Collection](#)  
[Waste Pro Extension Letter 2019](#)

**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: 19-1079-RES

[19-0142](#)

A Resolution Approving A Capital Purchase of Three Tahoes and Related Equipment

**Attachments:**     [Agenda Request to purchase 3 Tahoe's](#)  
[Capital Project sign off for 3 Tahoes](#)

**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: 19-1080-RES

[19-0143](#)

A Resolution to Approve or Deny Business License Application

**Attachments:**     [Wonderfully Hempful](#)

**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: 19-1081-RES

[19-0147](#)

A RESOLUTION APPROVING ANNUAL RESURFACING PROJECT

**Attachments:**     [Capital Project Worksheet](#)  
[Pre-project Checklist](#)  
[Sawgrass Consulting Proposal](#)

**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: 19-1082-RES

[19-0148](#)

A RESOLUTION APPROVING ALDOT SR59 SIGNALIZATION IMPROVEMENTS

**Attachments:**     [Uniti Fiber Quote](#)  
[Capital Project Worksheet](#)  
[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: 19-1083-RES

[19-0149](#)

A Resolution Approving Application for FY2019 Alabama Historical Commission's Historic Preservation Funds Grant

**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: 19-1084-RES

[19-0155](#)

A Resolution to Approve Police Department Vehicles to be Deemed Surplus

**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: 19-1085-RES

[19-0156](#)

A Resolution to Rescind Resolution 19-1048-RES Accepting Volkert Inc.'s Supplemental Agreement No. 4 for Engineering Services to Rehabilitate Access Taxiways at the Foley Municipal Airport and Accept Volkert Supplemental Agreement No. 4 (REVISED).

**Attachments:**     [Rev-1-SA No. 04 \(Rehab Access TW Foley\) Cover Letter.pdf](#)  
[Rev-1-SA No. 04 \(Rehab Access TW Foley\).pdf](#)

**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: 19-1086-RES

[19-0157](#)

A Resolution Authorizing Residential Sanitation Write Offs as Uncollectible in the Amount of \$771.70

**Attachments:**     [February 2019 Sanitation Write-offs](#)

**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: 19-1087-RES

[19-0158](#)

A Resolution Approving a Request to go to Bid and Purchase a Passenger Van for the Senior Center

**Attachments:**     [Transfer Funds - Senior Center](#)  
                              [Capital Purchase Worksheet - Senior Center](#)

**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: 19-1088-RES

[19-0161](#)

A Resolution to Accept Grant for Phase I Bon Secour Headwaters Restoration

**Attachments:**     [Gantt project planner.Final](#)  
                              [Scope of Work.BSR WQIP.2018](#)  
                              [Capital Project for Bon Secour Headwaters Restoration Phase 1](#)

**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: 19-1089-RES

[19-0162](#)

A Resolution Declaring the Annexation of Various Islands By Legislative Annexation is for the Public Health and Good.

**Attachments:**     [Draft Bill](#)  
                              [Legislative Annexation Maps](#)

**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: 19-1090-RES

[19-0167](#)

A RESOLUTION ACCEPTING BURK-KLEINPETER, INC. PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT

**Attachments:**     [DRAFT BK Agreement - FBE at CR 12](#)  
                              [Conceptual Layout](#)  
                              [SUMMARY OF COSTS PCE-FBE Offset Lefts CR-12 NEW](#)

**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: 19-1091-RES

#### [19-0169](#)

A Resolution Authorizing the Mayor to Sign a Commitment Letter for the Purchase of Property for the Bon Secour Headwaters Restoration Project.

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: 19-1092-RES

### **Mayor's Comments**

There were no comments to report.

### **Visitor's Comments**

There were no comments to report.

### **Executive Session**

Attorney Britton Bonner reported the need to go into Executive Session to discuss controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action. He reported the Executive Session will last approximately 30-45 minutes and that Council will not return for a vote.

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III to go into Executive Session.

City Administrator Mike Thompson 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 a unanimous vote.

The Council Meeting recessed at 5:51 pm.

The Council Meeting reconvened at 6:21 pm.

All Council Members were present. Also present: City Administrator Mike Thompson and Britton Bonner. There was no further business to conduct.

### **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 6:22 pm.