



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final

### City Council

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Monday, July 1, 2019

5:30 PM

Council Chambers

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#### Council Meeting

#### Call to Order

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

#### Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Daniel Hudson, Joey Darby, Alec Barnett, Amanda Smith and Lilia Mothershed.

**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

#### Approval of the Minutes

[19-0349](#)

Work Session Minutes of June 17, 2019

**Attachments:** [06-17-2019 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to approve the Work Session Minutes of June 17, 2019. The motion carried by an unanimous vote.

[19-0350](#)

Council Meeting Minutes of June 17, 2019

**Attachments:** [06-17-2019 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 June 17, 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 item 19-0341 and 19-0338 to the Council Meeting of July 15, 2019. The motion carried by an unanimous vote.

## Ordinances

### [19-0268](#)

AN ORDINANCE GRANTING A 10-YEAR NON-EXCLUSIVE FRANCHISE TO POINT BROADBAND LLC ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A SYSTEM NETWORK FOR THE PURPOSE OF TRANSMISSION OF CABLE SERVICES WITHIN ALL INCORPORATED PORTIONS AND LOCATIONS OF THE CITY OF FOLEY, ALABAMA AND TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY FOR SUCH PURPOSES

**Attachments:**     [Point Broadband Franchise Agreement Final Draft](#)  
[Point Broadband Letter of Request](#)

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: 19-2014-ORD

### [19-0339](#)

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

**Attachments:**     [Zoning Amend Recommendation](#)

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

## Resolutions and Other Business

### [19-0258](#)

A RESOLUTION APPROVING HERITAGE PARK GAZEBO STEP REDESIGN PROJECT

**Attachments:**     [Capital Project Worksheet Gazebo Steps](#)  
[Gazebo Step Plans](#)

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: 19-1186-RES

### [19-0285](#)

A RESOLUTION APPROPRIATING FUNDS FOR TANGER OUTLET POND EXPANSION PROJECT

**Attachments:**     [Capital Project FUNDING.tanger](#)  
[Capital Project Worksheet Tanger Pond](#)

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: 19-1187-RES

[19-0321](#)

**A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for Lion Pride Day.**

**Attachments:**      [20190611143803821](#)

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: 19-1188-RES

[19-0325](#)

A Resolution to Transfer Budget Funds for Beautification Board Project

**Attachments:**      [Ortega's Landscape Services Estimate](#)  
[Budget Transfer Between Categories-Beautification project](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 19-1189-RES

[19-0326](#)

A RESOLUTION Appropriating FUNDS FOR A METAL BUILDING FOR THE HORTICULTURE DEPARTMENT

**Attachments:**      [Capital Project Worksheet - Horticulture Bldg](#)  
[Plans - Horticulture Bldg](#)

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: 19-1190-RES

[19-0330](#)

A Resolution to Approve Going to Bid and Purchase of a Truck for the Horticulture Department

**Attachments:**      [Horticulture Cap Purch Wrksht](#)

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: 19-1191-RES

[19-0331](#)

A Resolution Approving Application for the FY2020 Gulf Coast Resource Conservation and Development Council Grant

**Attachments:** [Gulf Coast Resource Conservation Grant Info](#)

**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: 19-1192-RES

[19-0332](#)

A Resolution Approving the Surplus & Disposal of Sanitation Veh# 401058 (Old# 1058).

**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: 19-1193-RES

[19-0333](#)

A Resolution Approving the Surplus & Disposal of Street Maintenance Equip# 3012079 (Old# 07079).

**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: 19-1194-RES

[19-0334](#)

A Resolution to Increase Budgets Related to Commercial Dumpster Accounts

**Attachments:** [Dumpsters-Budget Increase Request-Fillable](#)

**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: 19-1195-RES

[19-0335](#)

A Resolution Approving the Surplus & Disposal of CDD Plotter FAS#5611

**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: 19-1196-RES

[19-0336](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for a Back to School Bash.

**Attachments:**     [20190620083053730](#)

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

Enactment No: 19-1197-RES

**19-0337**

**A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for The Baldwin Pops.**

**Attachments:**     [20190620083106432](#)

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

Enactment No: 19-1198-RES

**19-0338**

**A Resolution Nominating Council Representative For Consideration To Serve On Baldwin County Board Of Equalization**

**Attachments:**     [Board of Equalization](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be carried over to the City Council, due back by 7/15/2019. The motion carried by an unanimous vote.**

Enactment No: 19-1208-RES

**19-0340**

**A Resolution Approving the Surplus/Disposal of Police Tahoe #212 and Requesting to Purchase Replacement.**

**Attachments:**     [FPD UNIT 212 REPLACEMENT QUOTE](#)  
                          [Proof of Loss & Check #212](#)  
                          [212 REPLACEMENT CAPITAL PURCHASE](#)  
                          [Unit 212](#)

**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: 19-1199-RES

**19-0341**

**A RESOLUTION APPROVING CONSTRUCTION BID AWARD FOR FY 19 ANNUAL RESURFACING PROJECT (PH VIII)**

**Attachments:**     [Request to Increase Dept Budget](#)  
                          [Sawgrass Recommendation Letter](#)  
                          [Sawgrass Bid Tabs](#)  
                          [Drawing Backup](#)

**A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be carried over to the City Council, due back by 7/15/2019. The motion carried by an unanimous vote.**

Enactment No: 19-1209-RES

[19-0342](#)

A Resolution Approving Street Lighting on the Existing Riviera Utilities Pole #10628

**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: 19-1200-RES

[19-0343](#)

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 Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 19-1201-RES

[19-0344](#)

A Resolution Accepting Annexations by Legislative Act 2019-363

**Attachments:**     [ACT # 2019-363](#)  
                              [Infrastructure Valuations](#)

**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: 19-1202-RES

[19-0345](#)

A Resolution to Transfer Funds from Buildings/Grounds Account to Overtime - Police Account

**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: 19-1203-RES

[19-0347](#)

A Resolution to reappoint John Cobb to the Museum Archive Advisory Board.

**Attachments:**     [John Cobb Museum Board List](#)

**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: 19-1204-RES

[19-0348](#)

A Resolution to Reappoint Ralph Hellmich to the Public Facilities

Cooperative District.

**Attachments:**     [Ralph Hellmich PFCD Board List](#)

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 the following vote: Council Member Quaites, aye; Council Member Hellmich, abstained; President Trawick, aye; Council Member Blackwell, aye and Council Member 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: 19-1205-RES

#### [19-0351](#)

A Resolution Approving Application for the ADECA Volkswagen Settlement Eligible Mitigation Action Item Projects

**Attachments:**     [ADECA Request for Applications](#)

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: 19-1206-RES

#### [19-0346](#)

ABC License: 010-Lounge Retail Liquor for Loveys Vintage Brew LLC, applicant operating under the trade name Loveys Vintage Brew located at 2770 South McKenzie Street, Suite B Foley, Alabama.

**Attachments:**     [ABC License Lovey's Vintage Brew](#)  
                              [Loveys Vintage Brew Map](#)

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

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to make a recommendation to the ABC Board to move forward with the ABC License. The motion carried by an unanimous vote.

### 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 Charles Ebert, III, to adjourn the meeting. The motion carried by an unanimous vote.

The meeting adjourned at 5:46 p.m.