



Meeting Minutes - Draft

City Council

Monday, May 1, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[23-0242](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 621 East Walker Ave.

Council President Trawick opened the Public Hearing at 4:00 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[23-0246](#)

A Public Hearing to Consider Adopting an Ordinance to Rezone Property Owned by 68V Riverside 2022 LLC from M1 (Light Industrial District) to R1-D (Residential Single Family)

Council President Wayne Trawick opened the Public Hearing at 4:01 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[23-0247](#)

A Public Hearing to Consider Adopting an Ordinance to Pre-zone Property Owned by Creek Ridge LLC to PUD (Planned Unit Development).

Council President Wayne Trawick opened the Public Hearing at 4:01 p.m. He asked for comments from the public.

Curt Chaudoin, who resides at 9994 Albatross Drive reported to Council about his concerns with the storage facility that will be located near his property. Mr. Chaudoin wanted more information on the logistics of the storage facility.

Executive Director of Infrastructure and Development Wayne Dyess reported that this common area does consist of landscape and a buffer that meets PUD standards. Mr. Dyess reported that this is only for the residents of this development and will include a HOA. He also reported that this development will consist of seventeen upscale homes.

Mayor Hellmich and Council Member Ebert, III, reported that the PUD regulations and standards will consist of a buffer so that this will lesson the impact of other homes and property.

Hearing no further comments, Council President Wayne Trawick closed the public hearing.

Call To Order

Council President Wayne Trawick called the meeting to order at 4:16 p.m.

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, David Thompson, Fay Krehling, Police Chief Thurston Bullock, Brandon Mothershed, Wayne Dyess, Jeff Phillips, Roni Criswell, Rachel Keith, Heather Tucker, JH River, James Waterstradt, Jeff Lee, Karen Chaudoin, Curt Chaudoin, Holli Beall, LaDonna Hinesley, Logan Eberly, John Jackson, Melanie Schnieders, Lauren Buchanan, Nancy Nall, Connie Hudson, Mae Bryant, Robert Anderson, Mack Flemming, Chis Lion, Darrell Russell, Tracy Wichen, Guy Busby, David Green, Ed Gutman, Suzanne Kellams, Angie Eckman, and Fire Chief Joey Darby.

Present: 5 - Wayne Trawick, Vera Quaites, Rick Blackwell, Charles Ebert III and Richard Dayton

Moment of Reflection

Pledge of Allegiance

Proclamation

[23-0220](#)

Proclamation: Building Safety Month

Attachments: [Proclamation-Building Safety Month](#)

Mayor Hellmich presented the Proclamation for the record in observance of Building Safety Month. Mayor Hellmich reported the importance of high building code standards.

[23-0221](#)

Proclamation: Foley Public Library Day

Attachments: [Proclamation-Foley Public Library Day](#)

Mayor Ralph Hellmich presented the Proclamation to Library Director John Jackson and the Library Staff. Mr. Jackson credited the success of the Foley Library to his exceptional staff. He further reported his main goal is for the Foley Library to be the best and that goal has been achieved.

Mr. Jackson also invited everyone to the Centennial Celebration.

Discussion Items

[23-0215](#)

A Resolution to Allow Helicopter Tours at the Foley Municipal Airport on a Temporary Basis

Brock and Holli Beal have owned their helicopter touring business for twenty three years. This business provides various tours for the public and the FAA will only allow the tour to be twenty five miles away from where the helipad is located.

Mr. Beal reported to Council that they are in the process of getting approval from the Navy for their base location and this process can take up to ninety days to get approved and to construct the helipad. Mr. Beal requested Council to allow him to operate on a temporarily basis at the Foley Municipal Airport. Mr. Beal reported to Council that the flight schedule would include two flights in and two flights out and would not consist of any night time flights.

Tommy Salter, who resides at 1103 West Fern Ave. reported to Council that he has concerns with the flight pattern and how many flights there will be per day. Mr. Salter is also concerned with the volume of noise and how this will impact the airport and surrounding area.

Rachel Keith asked Council if this item could be carried over to the next Council Meeting for a vote. Mayor Hellmich and Council Member Ebert, III, reported that this item needs to include an agreement between the City of Foley and Mr. Beal. Council Member Ebert, III reported that this agreement needs to include that it is a temporary location, no more than two flights per day between 9:00 a.m. and 10:00 a.m. and have a termination clause. There was no further discussion on this item.

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

Enactment No: 23-1162-RES

[23-0228](#)

A Resolution Appropriating Funds and Approving the Purchase of Rotary Lifts for the New Public Works Campus

Attachments: [2023270A HGAC\[47379\]](#)
 [2023270 HGAC\[47378\]](#)
 [Capital Purchase -Rotary Lifts](#)

Public Works Director Darrell Russell reported to Council that he is concerned with supply issues and the increase in price. Mr. Russell reported that this price could increase by 21% and he would like to purchase this now and save money. There was no further discussion on this item.

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: 23-1163-RES

[23-0232](#)

A Resolution Appropriating Funds and Approving the Purchase of the Fueling System for the New Public Works Campus

Attachments: [CITY OF FOLEY COMPLEX EQUIPMENT ONLY \(2\)](#)
[Capital Purchase - Fuel System.xlsx - Capital Purchase](#)

Public Works Director Darrell Russell reported to Council that there is no appropriation of funds required until delivery. He reported that he is mainly concentrating on the development of the fuel pad.

Mayor Hellmich reported to Council that this fuel system is larger due to the growth of the city and with the addition of more fleet to provide fuel. Mayor Hellmich asked Mr. Russell to provide a Letter of Intent of Intent to insure that the city will receive the equipment at the current price point.

Mr. Russell reported that the fuel system will be available in thirty weeks and the Letter of Intent will insure the price point for this item. There was no further discussion on this item. There was no further discussion on this item.

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

Enactment No: 23-1164-RES

[23-0245](#)

Discuss A Resolution to Rename the Foley Kids Park to The Sara Thompson Memorial Kids Park

Council Member Charles Ebert, III, reported that renaming the Foley Kids Park to the Sara Thompson Memorial Kids Park is a honorable way to show the many years of dedication, inspiration, and the love of teaching Sara Thompson had for so many children in Foley. There was no further discussion on this item.

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: 23-1165-RES

Consent Agenda

[23-0216](#)

Work Session/Council Meeting Minutes of April 17, 2023

Attachments: [04-17-2023 Work Session Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the April 17, 2023 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to add items 23-0215, 23-0228, 23-0232, 23-0245 and to remove item 23-0217 from the May 1, 2023 Council Meeting Agenda. The motion was carried by an unanimous vote.

Ordinances

[23-0217](#)

(First Reading) AN ORDINANCE AMENDING ORDINANCE 18-2018 AN ORDINANCE PERMITTING AND REGULATING THE OPERATION OF APPROVED GOLF CARTS AND LICENSED LOW SPEED VEHICLES ON CERTAIN PUBLIC STREETS WITHIN THE CITY OF FOLEY UNDER CERTAIN RULES AND REGULATIONS

Attachments: [18-2018 ORD](#)

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

[23-0170](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY 68V RIVERSIDE 2022 LLC FROM M1 - LIGHT INDUSTRIAL DISTRICT TO R1D - RESIDENTIAL SINGLE FAMILY

Attachments: [Arbor Walk Rezoning Recommendation.pdf](#)

There was no discussion on this item.

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

Enactment No: 23-2006-ORD

[23-0171](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 FOR PRE-ZONING OF PROPERTY OWNED BY CREEK RIDGE LLC TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Wolf Ridge.pdf](#)

Mayor Hellmich and Council Member Ebert, III, reported for the record that the City of Foley will enforce the standards and buffer regulations for the storage facilities with this new development according to PUD regulations. There was no further discussion on this item.

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

Enactment No: 23-2007-ORD

Resolutions and Other Business

[23-0192](#)

A Resolution Accepting M&D Consulting, LLC's Professional Services Agreement for the Public Safety Radio Network

Attachments: [Contract with M&D for Public Safety Radio Network](#)

Fire Chief Darby reported this item will improve communications and technical services. There was no further discussion on this item.

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

Enactment No: 23-1141-RES

[23-0222](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion on Thursday, June 15, 2023 for a Community Health Fair

Attachments: [Heather Tucker - Aveanna Home Health Fair](#)

Heather Tucker representing Aveanna Home Health Care reported to Council that this Health Fair will educate the community about the resources that are available to assist anyone in need of medical care or home health care. There was no further discussion on this item.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, that this Resolution be adopted. The motion carried by the following vote: Council Member Quaites; aye, Council Member Dayton; aye, Council President Trawick; abstained, Council Member Blackwell; aye, and Council Member Ebert, III, aye. The motion carried by a majority vote.

Aye: 4 - Council Member Vera Quaites, Council Member Rick Blackwell, Council Member Charles Ebert III and Council Member Richard Dayton

Abstain: 1 - President Wayne Trawick

Enactment No: 23-1143-RES

[23-0224](#)

A Resolution to Accept Byrne JAG - Local Law Enforcement Equipment Grant

Attachments: [Budget Increase Form - PD](#)

Police Chief Bullock requested Council to accept the grant to purchase force simulation training equipment and also to begin the bidding process. There was no further discussion on this item.

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

Enactment No: 23-1144-RES

[23-0225](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion on Thursday, August 31, 2023 for Andrea Overstreet and Isaac Stooksberry with Big Fish Ministries, Inc to host a Drug Overdose Awareness day

Attachments: [Big Fish Ministries letter](#)
 [Andrea Overstreet and Isaac Stooksberry Drug Awareness Day](#)

There was no discussion on this item.

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: 23-1145-RES

[23-0226](#)

A Resolution Authorizing Personnel Budget Transfers Between The Infrastructure and Development and Engineering Departments

Attachments: [Budget Transfer Request Form - I and D to Engineering](#)

Human Resources Director Suzanne Kellams reported to Council that this item is budget neutral. There was no further discussion on this item.

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

Enactment No: 23-1146-RES

[23-0227](#)

A Resolution Approving the use of Restricted Court Cash

Attachments: [MCJAF-Court Metal Detector approval & quotes](#)

Municipal Court Clerk Roni Criswell requested from Council to approve the purchase of a new metal detector from the restricted court cash. Mrs. Criswell reported to Council that the current metal detector is fifteen years old and needs to be replaced with a newer and more technical metal detector. There was no further discussion on this item.

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

Enactment No: 23-1147-RES

[23-0229](#)

A Resolution Authorizing the Mayor to Sign a Letter of Intent for the Purchase of a Knuckleboom Loader

Attachments: [Ingram KB20 PX9 Specs 1-26-2023](#)

[Q00233](#)

[letter of intent INGRAM knuckleboom 2023](#)

Public Works Director Darrell Russell requested from Council to approve this item with a Letter of Intent to insure the price point and the availability for the equipment. There was no further discussion on this item.

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

Enactment No: 23-1148-RES

[23-0230](#)

Resolution Approving the Purchase of a 2023 Bush Hog for the Street Department

Attachments: [City Of Foley 6713 Tractor-Cutter 2022 \(1\)](#)

There was no discussion on this item.

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: 23-1149-RES

[23-0231](#)

A Resolution Authorizing Budget Transfers Between The Environmental and Vector Control Departments

Attachments: [Transfer between Departments- 2040 & 2041](#)

There was no discussion on this item.

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 23-1150-RES

[23-0234](#)

A Resolution Authorizing the Mayor and Municipal Officials to Enter Into An Agreement with Other Political Subdivisions, Governmental Entities and Tribal Governments to Provide for the Interchange and Use of Equipment

Attachments: [Equipment Loan Agreement - City Owned Equipment.pdf](#)
[Equipment Loan Agreement - Borrowed Equipment.pdf](#)

Rachel Keith reported to Council that this agreement would insure equipment that is borrowed between State, County, Municipal, Tribal Government and County or Municipal Public School System. There was no further discussion on this item.

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

Enactment No: 23-1151-RES

[23-0236](#)

A Resolution Accepting Civic Southeast Engineering Group's Professional Services Proposal for the Design of Additional Multipurpose Fields at the Highway 98 Complex.

Attachments: [Professional Services Proposal - Civic Southeast](#)

There is no discussion on this item.

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: 23-1152-RES

[23-0237](#)

Resolution approving Riviera Utilities monthly service for the camera installed on the new decorative pole (Pole #59249) in Heritage Park.

Attachments: [Camera Application NE Park 59249](#)
 [Camera Monthly Rate](#)

There was no discussion on this item.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 23-1153-RES

[23-0238](#)

A Resolution Approving 2023 OWA Fireworks Display Calendar

Attachments: [City Council Fireworks Proposal](#)

Fire Chief Darby requested Council to approve the fireworks schedule for the summer season. There was no further discussion on this item.

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

Enactment No: 23-1154-RES

[23-0239](#)

A Resolution to Reappoint Jerry Morrison to the Foley Historic Commission.

Attachments: [Foley Historic Commission](#)

There was no discussion on this item.

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: 23-1155-RES

[23-0240](#)

A Resolution to Reappoint Donna Turbyfill to the Foley Historic Commission.

Attachments: [Foley Historic Commission](#)

There was no discussion on this item.

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

Enactment No: 23-1156-RES

[23-0241](#)

A Resolution Authorizing Employees to Enter Upon the Property at 621 East Walker Ave. for the Purpose of Abating the Public Nuisance.

There was no discussion on this item.

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

Enactment No: 23-1157-RES

[23-0243](#)

A Resolution Approving the Capital Purchase of a Polaris Side by Side UTV

Attachments: [CAPITAL PURCH WORKSHEET UTV](#)
[POLARIS SOURCEWELL QUOTE](#)
[WAYNE APPROVAL](#)
[MIKE APPROVAL](#)

Police Chief Thurston requested approval from Council for the capital purchase of this equipment that would assist emergency personnel for special events. There was no discussion on this item.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 23-1158-RES

[23-0244](#)

A Resolution Appropriating Funds and Approving a Project to Construct a Road north of the CAFFM Adjacent to the New Pickleball Courts.

Attachments: [Capital Project - Pickleball Road](#)

Executive Director of Leisure Services David Thompson reported to Council that the impact fees can only be utilized for the park, the price of this project does not include the asphalt. Mr. Thompson also reported that the purchase of asphalt will be brought to Council at a later date. There was no further discussion on this item.

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

Enactment No: 23-1159-RES

[23-0250](#)

A Resolution Approving the Capital Purchase of a Ford Expedition from state contract.

Attachments: [Mike and Wayne Approvals for Expedition](#)

There was no discussion on this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council

Member Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 23-1161-RES

Mayor's Comments

Mayor Ralph Hellmich reported to Council that this weekend is the Balloon Festival and he is hopeful for beautiful weather for this fun family event. He also reported that this Wednesday is the Mayor's Prayer Breakfast and it is also the Foley Public Library Centennial Birthday.

Mayor Hellmich reported to Council that the Kids Park will be completed and open in approximately three weeks. Mayor Hellmich reported that the final phase of the street scape is under way and almost completed. He also reported that the Juniper Road project is on hold due to the signal lights that are back ordered from ALOT.

Visitor Comments

Ed Gutman, who resides at 1118 Sunclove Ave. reported he was involved in an altercation with his neighbor. Mr. Gutman reported that he fears for his life. The court magistrate Roni Chriswell and Police Chief Thurston responded to Mr. Gutman that this is a civil matter that has already went through the court system and they would be happy to assist him with this matter at the Judicial Center.

Executive Session

Executive Director of Leisure Services David Thompson reported the need to go into executive session to discuss certain aspects of a possible real estate transaction. Mr. Thompson reported the executive session will take approximately 20 minutes and Council will not be coming back to vote.

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

Fay Krehling took the following roll call vote: Council Member Quaites, aye; Council Member Dayton, aye; Council President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into executive session.

The Council meeting recessed at 5:57 p.m.

The Council meeting reconvened at 6:45 p.m.

All Council Members were present. Also present: Mayor Ralph G. Hellmich, Executive Director of Leisure Services David Thompson.

There was no further business to discuss.

Adjournment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to adjourn the meeting.

The meeting was adjourned at 6:45 p.m.