



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, January 3, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0010](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 3278 Bellingrath Drive

Council President Wayne 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.

Call to Order

Council President Wayne Trawick called the meeting to order at 4:01 p.m.

Roll Call

All Council Members were present. Also present : Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Leslie Gahagan, Police Chief Thurston Bullock, Miriam Boone, David Thompson, Darrell Russell, Chad Christian, Suzanne Kellams, Jessica Vaughn, Joey Darby, Logan Eberly, Keith Nelson, LaDonna Hinesley, Jamie Smith, Wynter Metz, Craig Muer, Frances Holk- Jones, Rodney Burkle, Darrelyn Dumore, Brandon Mothershed and Gloria Austill.

Present: 2 - Vera Quaites and Wayne Trawick

Moment of Silence

A moment of silence was observed.

Pledge of Alligiance

Discussion Items

[22-0007](#)

A Resolution Approving the Submittal of the Application for DHS/FEMA FY2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program for Nine New Firefighters

Fire Chief Darby reported to Council that the City has the opportunity to apply for this grant to hire nine firefighters. This grant is for 100% funding for three years and is beneficial for future growth in the City. If the City is awarded this grant it would assist with staffing and mandatory overtime scheduling. Chief Darby further reported that in the future, the City can transition the staff to the South West Fire Station. Executive Director David Wilson reported that this grant would be beneficial for the City's Planning Jurisdiction and population growth. Council Member Ebert, III, reported that this grant will be essential for safety on the fire engines by adding a fourth firefighter.

Enactment No: 22-1006-RES

[21-0733](#)

(Second Reading) An Ordinance Approving Zoning Ordinance Amendments

Attachments: [PROPOSED ZONING ORDINANCE AMENDMENTS](#)

City Planner Miriam Boone reported to Council that there are items in this ordinance to be modified and she will email those items to City Clerk Katy Taylor to edit the ordinance. Mrs. Boone reported that on page 2 they are modifying the 6 foot fence to the 4 foot fence and on page 10, 14 units per acre to be modified to 12 units per acre. Council Member Ebert, III, recommended single-sided fencing to be facing outward. Mrs. Boone reported that recommendations will have to be discussed during the February Planning Commission Meeting. Mayor Hellmich reported to Council that the City has worked diligently over the past few years with the Planning Commission. Mayor Hellmich also reported that he would like to move forward with the zoning modifications and that this will be beneficial for future growth in the City.

Enactment No: 22-2004-ORD

Consent Agenda

[22-0006](#)

Approval of the Work Session/Council Meeting Minutes of December 20, 2021

Attachments: [12-20-2021 Work Session.Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to approve the December 20, 2021 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

[21-0732](#)

Departmental Reports

Attachments: [Grant Status Report September 2021](#)
[October 2021 Bid Awards \(1\)](#)
[November 2021 Bid Awards](#)
[Tax Report and Permit-Plan Review Nov 2021](#)
[November 2021 CDD Report](#)
[November 2021 PD Report](#)
[November 2021 FD Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to approve the Departmental Reports. 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 Richard Dayton, to add item 22-0007 and item 21-0733 to the agenda. The motion carried by an unanimous vote.

Ordinances

[21-0725](#)

AN ORDINANCE APPROVING STREET NAMES FOR PRIVATE DRIVEWAYS CONNECTING TO EXISTING RIGHT-OF-WAYS

Attachments: [Backup for Aaronville Addressing.pdf](#)

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: 22-2000-ORD

[22-0003](#)

(Second Reading) AN ORDINANCE CONSENTING TO THE CONVEYANCE OF REAL PROPERTY BY THE UTILITIES BOARD OF THE CITY OF FOLEY TO BETTY M. STONE

Attachments: [Dyer Rd. Land Purchase and Sale Contract](#)

Mayor Hellmich reported to Council that this property is a vacant lot and the citizen that resides next to the property would like to purchase this lot.

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

Enactment No: 22-2003-ORD

[22-0004](#)

(First Reading) AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CONVEYANCE OF SAME TO THE HCP PUMPS AMERICA

Attachments: [Purchase Agreement with HCP Pumps](#)
[CMOB210121-replat-common line move](#)

City Administrator Mike Thompson reported to Council that he recommends suspending the rules for the immediate adoption of this ordinance to allow additional time to close on this property. HCP Pumps would like to purchase these additional two acres for their business expansion.

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell, to suspended the rules for the immediate adoption of this ordinance. City Administrator Mike Thompson 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 suspend the rules.

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

Enactment No: 22-2002-ORD

Resolutions and Other Business

[22-0000](#)

A Resolution Accepting ALDOT's Final Settlement for Project No. ACBRZ61160-ATRP(005), Project No. ACOA59426-ATRP(004) and Project No. ACOA59419-ATRP(001) in which the City partnered with Baldwin County

Attachments: [Capital Budget Increase ALDOT BC](#)
[Baldwin Co ALDOT Overrun Incoices](#)

City Engineer Chad Christian is requesting Council to accept the final settlement for the three road projects. 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: 22-1000-RES

[22-0002](#)

A Resolution Approving Going to Bid for the County Road 12 and James Road Turn Lane Project

Attachments: [Capital Budget Increase](#)
[RES 21-1192](#)

City Engineer Chad Christian is requesting Council to approve beginning the bidding process for this road project. Mr. Christian reported that this project is in the capital plan and he would like to move forward. Mayor Hellmich reported to Council that this project will make traffic safer by adding the left turning lane and this is an example of future road improvements. 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: 22-1001-RES

[22-0005](#)

A Resolution Authorizing Employees to Enter Upon the Property at 3278 Bellingrath Drive for the Purpose of Abating the Public Nuisance.

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: 22-1002-RES

[22-0008](#)

A Resolution to Waive the Fees for the Use of the Foley Civic Center

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: 22-1003-RES

[22-0009](#)

A Resolution to Appoint Two New Members to the Industrial Development Board

Attachments: [Vince Hughes Bio](#)
 [Tommy Patterson Bio](#)

There was no 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: 22-1004-RES

[22-0011](#)

A Resolution to Set a Public Hearing to Consider Zoning Ordinance Amendments

There was 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: 22-1005-RES

[22-0007](#)

A Resolution Approving the Submittal of the Application for DHS/FEMA FY2021 Staffing for Adequate Fire and Emergency Response (SAFER)

Grant Program for Nine New Firefighters

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: 22-1006-RES

[21-0733](#)

(Second Reading) An Ordinance Approving Zoning Ordinance Amendments

Attachments: [PROPOSED ZONING ORDINANCE AMENDMENTS](#)

There was no discussion on this item.

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

Enactment No: 22-2004-ORD

Mayor's Comments

Mayor Hellmich reported to the Council that Bill Swanson is going to retire from his position. Bill Swanson has worked diligently with the Holmes Medical Museum. Mr. Swanson was involved in saving the museum's artifacts during the time when Hurricane Sally blew off the roof of the Museum. Mayor Hellmich further reported that he would like to show Mr. Swanson how much the City appreciates his diligent work and dedication by honoring Mr. Swanson with a proclamation to show the City's appreciation.

Mayor Hellmich wanted to thank the Council for moving forward on the zoning ordinances. He reported that this is a living document that helps bring the changes that the City needs to move forward in development. He also wanted to thank the Council for moving forward on the Safer Grant. This grant is needed for the City's growth and will maintain the service at the level that our citizens expects.

Mayor Hellmich reported that he and three other mayors were selected to participate in Alabama Design. This is a two-day seminar in which they look at the City and come up with different designs to help with future planning. He also reported that he looks forward to seeing what kind of designs that are presented for the Forward City. He wished everyone a Happy New Year!

Visitor Comments

Gloria Austill from Daphne, Alabama, who is the property owner of an undeveloped lot on Verbena Avenue addressed Council with her concerns of the lien placed on her property by the City. Mrs. Austill reported she attended a Council Meeting in October of 2020, where she reported to Council that she needed additional time to remove the nuisances because storm debris was on the right-of-way and she was not able to mow the easements around her property. She reported the City Council agreed to give her additional time and

when Mrs. Austill attempted to have her easements mowed that is when she noticed the property was already cleared. Mrs. Austill reported that she did not understand why the whole lot was cleared because the complaint was for noxious weeds and for the easements to be mowed. Mrs. Austill reported that she was told once the debris is picked up by Foley Public Works Department, then she can maintain the easements along the street. She also reported that months went by and she spoke to someone in the office and was told that there was no lien on the property.

Council President Wayne Trawick reported to Mrs. Austill that the whole weed abatement process was completed in accordance with Alabama State Law. He also reported that she was given additional time. President Trawick further reported that this abatement was not only regarding weeds but it was also about a public nuisance. Her lot was harboring rats and rodents due to the debris on the property as stated in the complaint. Mrs. Austill asked if the debris was visible from the street. Public Works Director Darrell Russell reported that the debris was not visible from the street.

City Administrator Mike Thompson reported that the hurricane debris had nothing to do with the weed abatement and public nuisance. This abatement process began in July of 2020, two months prior to Hurricane Sally. Mr. Thompson reported that after the hurricane, there was debris placed on the City's right of way. This created a problem for Mrs. Austill because she could not access her property to clear it.

Mr. Thompson reported that the weed and public nuisance notice that was sent to her from the Environmental Department stated that it is a weed abatement and public nuisance. The public nuisance is the rodents that were living in the debris on her property and Mrs. Austill did not abate the nuisance. Public Works Department abated the property seven weeks after she came and spoke to Council. Mr. Thompson agreed that the debris was not visible from the road, but as a property owner, she should have walked the property and she chose not to. Mr. Thompson also reported that the City abated the property in December 2020.

Mrs. Austill reported that the City never notified her that there was debris inside of the property and she should have been notified about that. She also reported that she feels that she has been singled out by the City. Mr. Thompson reported that this began with a complaint filed by a resident.

Council Member Vera Quaites wanted to remind Police Chief Thurston Bullock about the Martin Luther King walk and she will contact him with the details of the route.

Adjournment

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

The meeting was adjourned at 4:57 p.m.