



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Wednesday, July 5, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Call to Order

Council President Pro Tempore Charles Ebert, III. called the meeting to order at 4:00 p.m.

Roll Call

All Council Members were present with the exception of Council President Wayne Trawick, who arrived late due to a doctor's appointment. Also present: Mayor Ralph G. Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Guy Busby, Leslie Gahagan, Darrelyn Dunmore, Jeff Lee, Darrell Russell, Deputy Chief Kevin Carnley, Police Lieutenant Larry Dearing, Fire Chief Joey Darby, Tony Reeves, Deborah Swetnam, Eugene Brick, Sueann Banwell, John Lynch, Tina Atzlinger, Vicki Groll, and Robby Burkle.

Present: 4 - Vera Quaites, Rick Blackwell, Charles Ebert III and Richard Dayton

Absent: 1 - Wayne Trawick

Moment of Reflection

Pledge Of Allegiance

Work Session Discussion

23-0373 Discuss Proposed Medical Overlay District

Attachments: [Medical Overlay District Email](#)
[Foley Medical Overlay District](#)

Council President Wayne Trawick arrived at 4:05 p.m. President Pro Tempore Ebert, III turned the meeting over to President Trawick.

City Administrator Mike Thompson reported to Council that the Planning Commission is making a recommendation of a Medical Overlay District for this area. Mr. Thompson reported that this district would establish guidelines for hospitals, medical clinics, health care and related retail, hospice services,

medical staff facilities, offices for doctors and dentists and other health care providers both public and private.

23-0326

Discuss a Resolution Approving the Pride Blvd Sidewalk Project.

Attachments: [James Bros OPTION 1](#)

[James Bros OPTION 2](#)

[Capital Project Pride](#)

Public Works Director Darrell Russell reported to Council that he has brought two options for the sidewalk project. Mr. Russell reported that this is located north of OWA Blvd and east of Pride Dr. that includes the existing four foot wide sidewalk. Mr. Russell reported that this sidewalk is not wide enough for golf cart use.

Option 1. is to excavate the existing concrete with dowels sixteen inches apart and this would add two more feet of sidewalk.

Option 2. is at a higher price point, this would include Public Works Department excavating the existing concrete and repurpose this into riprap.

Mayor Hellmich reported that street lights are along the east side of the existing sidewalk. He also reported to Council that the City of Foley and OWA have established an agreement that the additional sidewalk would be golf cart friendly. Mayor Hellmich reported that the property for the RV Park is also golf cart friendly.

Council President Wayne Trawick reported that Council needs to decide which option would be more sustainable and most cost efficient. Mayor Hellmich and President Trawick agrees with bringing this item back.

Mayor Hellmich also reported that Council should take into consideration that the section on the east side contains an environmental grant restoration.

23-0353

Resolution Authorizing an Unplanned Capital Project in the Street Department

Attachments: [Estimate_Bon Secour River Restoration and Cleanour \(#C-02-051823\)](#)
[\(1\)](#)
[Capital Project- Bon Secour River](#)

Public Works Director Darrell Russell reported to Council that this waterway is west of River Trace Subdivision and it consists of debris and sediment that has caused drainage blocks and flooding. Mr. Russell reported that the area has been cleaned out after Hurricane Sally.

Environmental Director Leslie Gahagan reported to Council that with the recent rain, the residences of River Trace have had water up to the doors of their homes.

Mr. Russell reported to Council that he would like to address the entire waterway not just the section west of River Trace. Mr. Russell reported the he would like to include the additional part from Hickory Street to the Bon Secour River main channel.

Mayor Hellmich reported to Council that if this waterway is maintained on a regular basis this would be classified under FEMA for reimbursement if there was a hurricane. Council Member Charles Ebert, III reported to Council that he would like to move forward on the entire waterway project. There was no further discussion on this item.

Consent Agenda

23-0355 Work Session/Council Meeting Minutes of June 19, 2023

Attachments: [06-19-2023 Work Session. Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the June 19, 2023 Work Session/Council Meeting Minutes. The motion was carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites to add item 23-0353 to the July 5, 2023 Council Meeting Agenda. The motion was carried by an unanimous vote.

Ordinances

23-0356 (Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY TYLER HIGGINBOTHAM FROM B3 - LOCAL BUSINESS DISTRICT TO R1R - RESTRICTED RESIDENTIAL SINGLE FAMILY

Attachments: [Higginbotham Rezone Recommendation.pdf](#)

There was no discussion on this item.

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

23-0357 (Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY NEXT TO LAST LLC FROM B3 - LOCAL BUSINESS DISTRICT AND RV PARK - RECREATIONAL VEHICLE PARK TO RV PARK - RECREATIONAL VEHICLE PARK

Attachments: [Next to Last Rezoning Recommendation.pdf](#)

There was no discussion on this item.

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

23-0361

AN ORDINANCE APPROVING AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION, THE CITY OF FOLEY AND THE PLANNING COMMISSION OF THE CITY OF FOLEY CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS WITHIN THE PLANNING JURISDICTION OF THE CITY OF FOLEY PLANNING COMMISSION

Attachments: [Planning Jurisdiction Ext Recommendation.pdf](#)

City Administrator Mike Thompson and Mayor Ralph G. Hellmich reported to Council that this agreement allows the City of Foley to analyze this agreement for six months. Mr. Thompson and Mayor Hellmich also reported that this agreement would determine the conditions and terms for the regulation of subdivisions outside City of Foley's corporate limits but within City of Foley's planning jurisdiction. There was no further discussion on this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to suspend the rules for the immediate adoption of this Ordinance.

City Administrator Mike Thompson took the following Roll Call vote: Council Member Vera Quaites, aye; Council Member Richard Dayton, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye; and Council Member Charles Ebert, III, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to adopt the Ordinance. The motion carried by an unanimous vote.

Enactment No: 23-2013-ORD

23-0363

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

Attachments: [Zoning Amend Recommendation.pdf](#)

There was no discussion on this item.

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

23-0364

(Second Reading) AN ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY OLD TOWN II LLC FROM B2 - NEIGHBORHOOD BUSINESS DISTRICT TO R1C - RESIDENTIAL SINGLE FAMILY

Attachments: [Old Town Rezoning Recommendation.pdf](#)

There was no discussion on this item.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Ordinance be approved on first reading.

The motion carried by an unanimous vote.

[23-0368](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY FOLEY PROFESSIONAL PARK DEVELOPER INC. FROM R1A - RESIDENTIAL SINGLE FAMILY, B1A - EXTENDED BUSINESS DISTRICT AND M1 - LIGHT INDUSTRIAL DISTRICT TO PO - PREFERRED OFFICE DISTRICT

Attachments: [Foley Prof Group Rezone Recommendation.pdf](#)

City Planner Miriam Boone reported to Council that this area is south of Michigan and west of Hickory. Mrs. Boone reported that when this area was first annexed into the City, it was zoned B-2. Mrs. Boone also reported that the residents of this area have decided to be rezoned as residential but have left some lots as legal non conforming. Mrs. Boone reported to Council that the goal for this is to be consider as residential property. 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 approved on first reading. The motion carried by an unanimous vote.

Resolutions and Other Business

[23-0344](#)

A Resolution Approving an Unplanned Capital Purchase for the Corrections Division

Attachments: [Updated Quote with castors included_rangeoven for jail](#)
[Capital Purchase Worksheet-increase budget dollars worksheet](#)
[Mike Thompson email approval](#)

Foley Police Lieutenant Larry Dearing reported to Council that the current gas range is beyond repair and is no longer operable. 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 an unanimous vote.

Enactment No: 23-1235-RES

[23-0349](#)

A Resolution Approving the South Baldwin Chamber of Commerce's Chicago Street Supper Club Event

Attachments: [Chicago Street Special Event Application](#)
[2023 Request letter to the City of Foley](#)

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: 23-1236-RES

23-0352

A Resolution to Waive the Fees for the Use of the Foley Civic Center for the Baldwin County Youth Orchestra Performance

Attachments: [L Hughes Email Request](#)

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: 23-1237-RES

23-0354

A Resolution Approving an Unplanned Capital Purchase for the Sanitation Department.

Attachments: [TipTooBrochureRev2020](#)

[Est. 27833 from AaquaTools Inc. 84532](#)

[Capital Purchase - Can Washer](#)

Public Works Director Darrell Russell reported to Council that this equipment is no longer operable and needs to be replaced. There was no further discussion on this item.

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: 23-1238-RES

23-0358

A Resolution to Accept a Radio Communication Equipment Donation

Attachments: [Donated Radio Equipment List](#)

Fire Chief Darby reported that this communication equipment was donated by the City of Gulf Shores Fire Department. Chief Darby reported that the equipment is beneficial and can also be used with County 700 radio system. 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: 23-1239-RES

23-0360

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by Tyler Higginbotham

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: 23-1240-RES

23-0362

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by Next to Last, LLC

There was no 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: 23-1241-RES

23-0365

A Resolution to Set a Public Hearing to Consider Adopting an Ordinance to Amend the Zoning Ordinance

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: 23-1242-RES

23-0366

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by OLD Town II, LLC

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: 23-1243-RES

23-0369

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by Foley Professional Park Developer, Inc

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: 23-1244-RES

23-0374

A Resolution Approving the Survey Proposal from Beyond Measure Surveying LLC for the Future Public Park in the Mills Community.

Attachments: [Mills Survey Proposal - Beyond Measure Surveying](#)

City Administrator Mike Thompson reported to Council that this property will have to be subdivided and surveyed before the closing of the property purchase. 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: 23-1245-RES

23-0353

Resolution Authorizing an Unplanned Capital Project in the Street Department

Attachments: [Estimate_Bon Secour River Restoration and Cleanour \(#C-02-051823\)](#)
[\(1\)](#)
[Capital Project- Bon Secour River](#)

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.

Mayor's Comments

Mayor Ralph Hellmich reported to Council that the referendum of the Mills Community Annexation is set for voting on August 22, 2023 from 7:00 a.m. to 7:00 p.m. He also reported that the City will be placing a sign at the parcel of land that will be the future Mills Community Park. Mayor Hellmich reported that the citizens are excited to see progress in the community.

Mayor Hellmich reported that the FY2024 would include the reapplication of the tap grant for the improvement of the sidewalks. He reported that the delay on the improvements of the school crossings are due to ALDOT not approving to move forward on the bidding process.

Mayor Hellmich reported that the owners of the Cactus Cantina building have started the refurbish project of the building structure. He also reported that Portabellas has reopened and has a new chef. Mayor Hellmich reported that Downtown Foley has rejuvenated new restaurants. He also reported the facade grants are resulting in a positive progression with the revitalization of the downtown area.

Mayor Hellmich reported that the Juniper Street extension is not completed because of the signal light arm has not arrived yet. ALDOT has communicated that this essential part should be in and completed in August 2023.

Mayor Hellmich reported that the construction on the pickle ball courts is moving forward. He also reported the new Public Works Campus will start the bidding process on July 6, 2023 and the remodel of the restrooms at Heritage Park is currently working in a positive direction.

Visitor Comments

Roddy Burkle who resides at 8343 Bay View Drive reported to Council that he would like to thank Environmental Director Leslie Gahagan for attending the meeting of the Bay Forest and Graham Creek Owners Association. Mr. Burkle reported that Mrs. Gahagan gave guidance and options that are available to acquire the Downey Property that is located near Graham Creek.

John Lynch who resides on County Road 12 near Glen Lakes east of Fairway

Drive inquired about the notification to citizens of date and time changes of Council Meetings. Mayor Hellmich reported that we advertise on Facebook, and the city's website.

Mr. Lynch reported his concern with the high volume of speeding on County Road 12 and the danger that this could cause in this neighborhood. Mr. Lynch also inquired about the speed data and the results from the speed monitor study. City Administrator Mike Thompson reported that the results of the speed data for the road capacity and congestion of traffic is about 2,800 cars per hour and County Road 12 is operating at about 5% to 7%. Mr. Thompson also reported that the study showed that the average speed is about 42mph. Mr. Thompson reported that the City Engineer does not yet have the full study report.

Mayor Hellmich reported that with narrowing the lanes on the road of County Road 12 can aide in reducing the speed of vehicles. He also reported that studies have shown that the more comfortable a driver is the higher rate of the speed is driven.

Mayor Hellmich reported that the City will study the full data report. Mr. Lynch reported that he would like to see a stop sign. Mayor Hellmich reported that the City will look at other avenues for a positive result.

Executive Director of Foley Main Street Darrelyn Dunmore reported to Council that she would like to thank the Public Works Department for the outstanding work for the installation of the mural painting at Alston Street. Mrs. Dunmore invited Council on August 11, 2023 for a photo op. Mrs. Dunmore also invited Council on August 18-20 for the Main Street Conference hosted by Huntsville, Alabama and May 5, 2024 the National Main Street Conference will be hosted in Birmingham, Alabama.

Adjournment

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

The meeting was adjourned at 5:40p.m.