



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, December 5, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0689](#)

Public Hearing to Consider Adopting an Ordinance to Amend Article 3.3-6 of the Land Development Ordinance No. 22-2028.

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.

[22-0690](#)

Public Hearing to Consider Rezoning Property Owned by Richard B. Schwartz-Next To Last, LLC/Jim Brown from B3 (Local Business District to RV Park (Recreational Vehicle Park District).

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.

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: City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Leslie Gahagan, Sue Steigerwald, Gary Schrader, Roni Criswell, Angie Eckman, John Lynch, LaDonna Hinesley, David Stewart, David Thompson, Suzanne Kellams, Jeff Phillips, Kathy Menk, Morris Menk, Jeff Lee, Roddy Burkle, Frances Holk-Jones, Ted Hughes, Ann Todd, Deputy Chief Kevin Carnley, Brandon Mothershed, Wayne Dyess, 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

Discussion Items

[22-0700](#)

Fire Chief Joey Darby: Discuss Fire Code Update

Foley Fire Chief Joey Darby reported to Council that the Alabama Fire Marshall has updated the fire codes for the State and the revised fire codes would go into effect as of January 2023. Chief Darby reported that the Fire Department is working diligently to prepare for the changes. There was no further discussion on this item.

Consent Agenda

[22-0679](#)

Planning Commission Recommendation to approve Public Projects

Attachments: [Public Project Recommendation 11-9-22.pdf](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the Planning Commission recommendation for public projects. The motion carried by an unanimous vote.

[22-0691](#)

Work Session/Council Meeting Minutes of November 21, 2022

Attachments: [11-21-22 Work Session Council meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the November 21, 2022 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 carry over item 22-0622 to the December 19, 2022 Council Meeting. The motion was carried by an unanimous vote.

Ordinances

[22-0622](#)

(Second Reading) Ordinance Amending Article 3.3-6 of the Land Development Ordinance No. 22-2028

There was no discussion on this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to carry over this item to the December 19, 2022 Council Meeting. The motion was carried by an unanimous vote.

[22-0626](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY RICHARD B. SCHWARTZ - NEXT TO LAST, L.L.C. / JIM BROWN FROM B3 - LOCAL BUSINESS DISTRICT TO RV - RECREATIONAL VEHICLE PARK DISTRICT

Attachments: [Next to Last-Co Rd 20 RV Recommendation](#)

There was no discussion on this item.

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

Enactment No: 22-2045-ORD

[22-0680](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 FOR INITIAL ZONING OF PROPERTY OWNED BY KEYSTONE DEVELOPMENT LLC TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Keystone 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 the first reading. The motion carried by an unanimous vote.

Enactment No: 23-2000-ORD

Resolutions and other Business

[22-0692](#)

Transfer of ABC License: 020- Restaurant Retail Liquor from Lucy's OWA LLC, to applicant OWA Watersports LLC, operating under the trade name Lucy's Retired Surfers Bar and Restaurant located at 103 S. OWA Blvd. in Foley, Alabama.

Attachments: [ABC Transfer- Lucy's OWA](#)
 [Lucy's Approval Letter](#)

Foley Police and Fire Department made a recommendation to move forward with the license.

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

[22-0674](#)

A Resolution to Create a New Special Events Application Policy.

Attachments: [Special Event Application](#)

Executive Director of Leisure Services David Thompson reported to Council that the application was revised and city sponsored on private property that requires city resources to complete a Special Event Application. 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: 22-1420-RES

[22-0658](#)

A RESOLUTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION WARRANTS OF SERIES 2022

Attachments: [Foley GO Warrants 2022. Authorizing Proceedings of City Council \(06653338x80C68\)](#)
[Foley 2022. Series 2022 Financing Agreement \(06614079-2x80C68\) \(1\)](#)

City Administrator Mike Thompson reported to Council that the warrants from United Bank will assist in the financial installment of the Public Works Development and the Library. Mr. Thompson reported that this is one of three warrant transactions at a fixed interest rate for twenty years. 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: 22-1421-RES

[22-0681](#)

A Resolution Authorizing Evergreen Solutions, LLC to Conduct a Compensation and Pay Classification Plan Study for the City

Attachments: [City of Foley Evergreen Contract](#)

Human Resource Director Suzanne Kellams reported to Council that this item is for a pay study that is conducted every five years. Mrs. Kellams also reported that this item was in the FY 23 budget and recommends Evergreen Solutions to conduct this study and is under budget. 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: 22-1422-RES

[22-0687](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT LOCATED AT 510 EAST MYRTLE AVE

Attachments: [510 EAST MYRTLE AVE](#)

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: 22-1423-RES

[22-0695](#)

A Resolution to Set a Public Hearing to Consider the Initial Zoning of Property Requested by Keystone Development, LLC.

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: 22-1424-RES

[22-0697](#)

A Resolution to Appoint Luanne McCarley as a Regular Member to the Board of Adjustment and Appeals

Attachments: [Luanne McCarley appointment letter](#)

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: 22-1425-RES

[22-0698](#)

A Resolution Amending the Pay Classification Plan and Authorizing A Temporary Head Count in the Municipal Court Department

Attachments: [Pay Classification Plan - Effective 11-07-22 Online](#)

Human Resource Director Suzanne Kellams reported to Council that there is a need to convert one Magistrate II position into a Magistrate I position and also add one temporary Magistrate I due to the retirement in the Municipal Court Department. Mrs. Kellams reported that once the promotion process occurs this temporary position will no longer be needed and 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: 22-1426-RES

[22-0701](#)

A Resolution approving the transfer of funds between capital purchase line items and the purchase of new networking equipment.

Attachments: [Ruckus ICX7550.pdf](#)
 [Budget Form](#)

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: 22-1427-RES

Mayor's Comments

There were no comments to report.

Visitor Comments

John Lynch, who resides at 22355 County Road 12 reported to the Council about his concerns with the speeding along County Road 12. Council Member Richard Dayton reported that the Engineering Department will be installing a speed counter that will capture data.

William Powell, who resides at 710 East Myrtle Ave reported to Council that he is concern about the property beside his that is overgrown and is a nuisance. Mr. Powell would like for the city to be aware of this and would like to go though the proper protocol.

Executive Session

City Administrator Mike Thompson reported the need to go into executive session to discuss certain aspects of a possible real estate transaction it is considering. Mr. Thompson reported the executive session will take approximately 20 minutes and Council will 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.

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

The Council Meeting recessed at 4:48 p.m.

The Council Meeting reconvened at 5:08 p.m.

All Council Members were present. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Wayne Dyess, and Fire Chief Darby.

22-0703

A Resolution Authorizing the Mayor to Sign Purchase Agreement for Real Property

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: 22-1428-RES

Adjournment

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell to adjourn the meeting.

The meeting was adjourned at 5:12 p.m.