



Meeting Minutes - Final

City Council

Tuesday, January 3, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[23-0017](#)

Public Hearing to Consider the Initial Zoning of Property Owned by Keystone Development, LLC as PUD (Planned Unit Development).

Council President Pro Tempore Charles, Ebert, III opened the public hearing at 4:00pm. He asked for comments from the public.

Edward Biterback showed Council examples of gate entrances to his subdivision and feels that these would be the best option.

Larry Lauger reported to Council that he is concerned about how close the homes are to each other and the safety if there was a fire. Mr. Lauger reported that he is for growth but good growth.

Executive Director of Infrastructure and Development Wayne Dyess reported to Council that the developer has not obtained a conservation easement and that the land trust has not been established. Mr. Dyess reported that because of this, the Planning Commission can not approve the recommendation of this project. Council Member Charles Ebert, III reported to Council that the City of Foley was unable to accept the donation in the past due to a land trust not being established.

Pam Monroe reported that she is pleased that the City of Foley is not moving forward with this item until the land trust is established. There was no further discussion.

Hearing no further comments, President Pro Tempore Charles, Ebert, III closed the public hearing.

Call to Order

Charles Ebert, III called the meeting to order at 4:07 p.m.

Roll Call

All Council Members were present with the exception of Council President Trawick due to illness and Mayor Hellmich due to being out of town. Also present : City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Leslie Gahagan, Casey Pipes, Kari Coumanis, Wayne Dyess, Larry

Dearing, David Wilson, Pam Harris, Keith Nelson, Shawn Miller, Tony Fuqua, Darrlyn Dunmore, LaDonna Hinesley, Suzanne Kellams, Brandon Mothershed, Chief Thurston Bullock, Chief Joey Darby, Chad Christian, Daniel Lecian, Jeff Lee, Brad Hall, Eden Lapham, Angie Eckman, Glenn Hartash, Jamie Smith, Angela, Sherman, Eric Jackson, Pam Mouroe, Todd Combs, Peggy Combs, Roddy Burkle, Rachel Keith, David Thompson and Brenda Shambo.

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

Absent: 2 - Wayne Trawick and Ralph Hellmich

Moment of Reflection

Pledge of Allegiance

Work Session Discussion

[23-0013](#)

Discussion of Beulah Heights Stormwater Management Plan Grant

Attachments: [ACAMP 2023 RFP Beulah Heights](#)

Environmental Director Leslie Gahagan reported to Council that the application of this grant would better serve the community of Beulah Heights. Mrs. Gahagan reported that this grant would assist residents in connecting to the sanitary sewer system and will assist with failing septic tanks. Mrs. Gahagan also report that this would impact the well being of local creeks. There was no further discussion on this item.

Consent Agenda

[23-0010](#)

Work Session/Council Meeting Minutes of December 19, 2022

Attachments: [12-19-2022 Work Session. Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, to approve the December 19, 2022 Work Session/Council Meeting Minutes. The motion was carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites to carry over item 23-0011 to the February 6, 2023 Council Meeting. The motion was carried by an unanimous vote.

Ordinances

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

Enactment No: 23-2000-ORD

23-0001

(First Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY KAYMAC LLC / CHRIS AND PHIL JOHNSON FROM RIC - RESIDENTIAL SINGLE FAMILY TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Recommendation KayMac-Chris Phil Johnson.pdf](#)

There was no discussion on this item.

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

23-0009

An Ordinance Amending Ordinance 20-2005 to Update the Fire Codes to the International Fire Code, 2021 Edition

Attachments: [Fire Code Amendments Markup](#)
 [Fire Code Amendments - Clean Copy](#)

Foley Fire Chief Joey Darby reported to Council that he does not see anything substantial with the 2021 revised fire codes. Chief Darby also reported to Council that as of now, the 2018 fire codes are implemented and that he recommends a few changes. Chief Darby made a recommendation to suspend the rules for the immediate adoption of the ordinance. Council Member Richard Dayton was reluctant to suspend the rules. There was no further discussion on this item.

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Ordinance be approved on the first reading. The motion carried by a majority vote.

Aye: 3 - Council Member Vera Quaites, Council Member Rick Blackwell and Council Member Charles Ebert III

Nay: 1 - Council Member Richard Dayton

Enactment No: 23-2001-ORD

Resolutions and Other Business**23-0007**

ABC License: 160 - Special Retail for Events At Owa, LLC, applicant operating under the trade name The Bohemian located at 100 BCD

South Owa Blvd. Foley, Alabama 36535.

Attachments: [The Bohemian ABC Application](#)

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

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

[22-0719](#)

A Resolution to Approving Waiving the Fees at Heritage Park for Sue Leavins with Women's Care Medical Center in Robertsedale, AL to host a Walk For Life Walk-A-Thon

Attachments: [Sue Leavins - Women's Care Medical Center](#)
 [Sue Leavins - Women's Care Medical Center](#)

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: 23-1000-RES

[23-0000](#)

A Resolution to Transfer Funds and Approve a Paver Project at the New Flag Pole Site

Attachments: [Budget Transfer](#)

Brenda Shambo requested from Council to transfer funds to purchase and install pavers for the new flag pole. 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: 23-1001-RES

[23-0003](#)

A Resolution Amending The Pay Classification Plan and Authorizing Budgeted Fund Transfers

Attachments: [Pay Classification Plan - Effective 12-19-22](#)
 [Budget Transfer Request Form - Engineering to Infrastructure and Dev.](#)

Human Resource Director Suzanne Kellams reported to Council the need to change the position title from Land Development Manager to Growth and Infrastructure Manager and transferring budgeted funds from Engineering to Infrastructure and Development. Mrs. Kellams also reported the need to convert a Parks Maintenance Worker II position to Parks Maintenance Worker III position in the Parks and Recreation Department. There was no further 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: 23-1002-RES

23-0004

A Resolution Approving the Purchase of Capital Items for Parks and Recreation including a Front Mount Mower, a Zero Turn Mower, and a Spreader.

Attachments: [Signed Capital Worksheets - 12-20-22](#)
[Front Mount Mower Quote - Sunsouth](#)
[Parkway Equipment Quote - Zero Turn](#)
[Robertsdale Power Equipment Quote - Zero Turn](#)
[G & J Quote - Zero Turn](#)
[Parish Quote - Spreader](#)
[Beard Equipment Quote - Spreader](#)
[Jerry Pate Quote - Spreader](#)

Parks and Recreation Director Jeff Lee reported to Council that this item is budget neutral and replacing older equipment. 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: 23-1003-RES

23-0005

A Resolution to Approve Volkert Inc. Supplemental Agreement No. 6 for Professional Services to Construct Access Taxilanes and an 8-Unit T-Hangar at the Foley Municipal Airport

Attachments: [2-SA No 06 \(Construct 8-Unit T-Hangar\).pdf](#)

Rachel Keith requested from Council to approve professional services for additional T-Hangers with taxilanes. Mrs. Keith also reported that the FFA and ALDOT would like this project to move forward. 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: 23-1004-RES

23-0006

A Resolution Approving the Survey Proposal from Engineering Design Group for the Wilson Property, PPIN 46677, Adjacent to the Horse Arena.

City Engineer Chad Christian reported to Council that the legal council identified a problem with the legal description of this property and this survey would clarify the correct description of this property. 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: 23-1005-RES

[23-0011](#)

A Resolution Accepting Land Donation from Forestar (USA) Real Estate Group, Inc.

Attachments: [ROBERTS COVE PH 1 PLAT - Final Draft for Submittal to City\(8486247.1\) \(1\)](#)
[Donation Agreement - Forestar - City of Foley - Robert's Cove Wetlands - EXECUTION COPY\(8508656.1\)](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this item would be carried over to February 6, 2023 Council Meeting. The motion carried by an unanimous vote.

[23-0012](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS AND DEBRIS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 708 EAST MYRTLE

Attachments: [708 East Myrtle](#)
[SKM_C250i22122711130](#)

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: 23-1007-RES

[23-0014](#)

A Resolution Approving Sawgrass Consulting's Professional Services Proposal for the Philomene Holmes Boulevard Improvements Project.

Attachments: [Sawgrass Proposal-Philomene Holmes Blvd](#)
[RES 22-1133](#)

City Engineer Chad Christian reported to Council that this item is to reallocate funds to Sawgrass for the Wolf Bay extension projects. During this project, the wetlands were impacted.

Council Member Richard Dayton asked if this project would included the paved gravel areas. City Administrator Mike Thompson reported to Council that this project is about safety and multiple exit routes.

Executive Director of Infrastructure and Development Wayne Dyess reported to Council that there are ways to address safety concerns by adding traffic calming methods, for example, lower the speed limit, narrowing the road and adding stop signs. There was no further 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 a majority vote.

Aye: 3 - Council Member Vera Quaites, Council Member Rick Blackwell and Council Member Charles Ebert III

Nay: 1 - Council Member Richard Dayton

Enactment No: 23-1008-RES

[23-0015](#)

A Resolution Updating the "Eligibility Guidelines for Reduced Rates" for the Civic Center Auditorium and Council Chamber

Attachments: [Guidelines for Reduced Rates 2013](#)

[Guidelines for Reduced Rates 2022](#)

Keith Nelson reported to Council that this item is an updated guideline due to the change in participating schools. 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: 23-1009-RES

[23-0016](#)

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by Kaymac, LLC/Chris & Phil Johnson

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: 23-1010-RES

Mayor's Comments

Foley Fire Chief Joey Darby reported to Council that the month of December had a high volume of emergency calls. He reported that there was no loss of life or residential property. There was no further discussion on this item.

Visitor Comments

Pam Monroe of Magnolia River Subdivision wanted to thank the Foley Fire Department on an outstanding job on resolving a fire that could have been much worse. Mrs. Monroe reported that it did destroy one property and she wanted to thank the Fire Department for protecting the subdivision from further damage. There was no further discussion on this item.

Executive Session

City Administrator Mike Thompson reported the need to go into executive session to discuss certain aspects of potential litigation. 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 Rick Blackwell, seconded by Council Member Vera Quaites to go into Executive Session.

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

The Council meeting recessed at 4:53 p.m.

The Council meeting reconvened at 5:40 p.m.

All Council Members were present with the exception of Council President Wayne Trawick who was absent due to illness. Also present : City Administrator Mike Thompson, City Attorneys Casey Pipes, Kari Coumanis.

There was no further business to discuss.

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 5:40 p.m.