



Meeting Minutes - Final

City Council

Tuesday, July 5, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0364](#)

Public Hearing To Consider An Ordinance For The Rezoning Of Property Owned By Downey Family Limited From AO (Agricultural Open Space) TO PUD (Planned Unit Development)

Council President Wayne Trawick opened the Public Hearing at 4:00 p.m. He asked for comments from the public.

Harold Mayes of Graham Creek Estates subdivision reported to Council that he was concerned with the volume of growth and traffic. Mr. Mayes also reported that this development could diminish the infrastructure and would not be beneficial for the area.

Roddy Burkle of Bay View Drive reported to Council that he was concerned with the volume of traffic, growth and how the development could affect the infrastructure around the established neighborhoods. Mr. Burkle reported to Council to please consider denial of approving this Ordinance.

Shane Tucker of Wolf Bay Pine Plantation reported to Council that he believes in good control growth. Mr. Tucker reported that he is concerned with infrastructure.

Jan Bereton of Bay View Drive reported to Council that her property is the closest to the Downey Property. Mrs. Bereton reported that she is not for or against this development and she also agrees with good control growth. Mrs. Bereton also feels that everyone should have the same opportunity for development like the existing established developments.

David Stovall of Engineering Design Group reported to Council during his power point presentation that this development would consist of lots that are comparable to established lots in the last five years that were developed in Foley. Mr. Stovall reported to Council that these lots are different from the surrounding area due to these developments being older developments. Mr. Stovall asked Council to consider these comparisons when making the decision for this Ordinance.

Mr. Burkle reported to Council that one key element is missing and it is planned development. Mr. Burkle reported that the City of Foley does not have planned standards for 80 and 100 foot lots for home development.

Hearing no further comments, President Trawick closed the Public Hearing.

[22-0365](#)

Public Hearing To Consider An Ordinance For Rezoning Of Property Owned By Grey Contracting of Greenville, LLC From R-4 (Residential Single Family & Duplex) AND B-1A (Extended Business District) TO R-2 (Residential Single Family & Duplex)

President Wayne Trawick opened the Public Hearing at 4:30 p.m. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

[22-0366](#)

Public Hearing To Consider An Ordinance For Rezoning Of Property Owned By Luis Tabare From RV (RV Park Zone) to R-2 (Residential Single Family & Duplex)

President Wayne Trawick opened the Public Hearing at 4:30 p.m. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

[22-0367](#)

Public Hearing To Consider Amending Ordinance No. 1018-07 (Business License Ordinance) To Add Section 5-25(J) - Short-Term Rental(s).

President Wayne Trawick opened the Public Hearing at 4:30 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 4:31 p.m.

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

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, Fay Krehling, David Wilson, Wayne Dyess, Brandon Mothershed, Logan Eberly, Miriam Boone, Charles Angel, Cindy Angel, Chuck Bryan, Kalyn Bryan, Diane Skerlko, Joe Brown, Priscilla Brown, Kathryn Hamilton, Kathleen Roberts, Paul Roberts, Paul Cormier, David Stovall, Robert Manning, Marsha Manning, Le Anne Tay, Mary Chapman, Dale Champion, Theresa White, Randy Caswell, Cathy Caswell, Shane Tucker, Betty Johnson, Nina McDonald, Ann Harlan, Harold Misch, Albert Riddle, Betty Richard, Craig Richard, Lisa Peters, Robert Anderson, Mary Engelhardt, John Engelhardt, Pavla Keefe, Mike Boan, Bruce White, Julie Sims, Larry Sims, Charles Alhey, Cindy Alhey, Donald Cook, Lisa Bakes, Riddy Burkco, Joe Cabanina, Lynne Cabanina, Jan Brenton, Kimberly Weaver, Gary Harlan, Karen Hilton, Rosa Willis, Kath Raeland, Dennis Rayland, Misty Hammer, Danny Hammer, Bill Daniel, Clan Blair, Dale Hamerick, George Braswell, Bob Morrow, Marolyn Morrow, Stephen Newman, Gillian Newman, Lisa Riddle, Lee Moss, Jackie Moss, Skip Franklin, Laura Franklin, Mike Hipsh, Christine Hipsh, Steve Rodriguez, Wondza Rodriguez, Dennis Fussell, Suzette Fussell, Jerry Marlay, Leanne Marlay, Suzanne Kellams, Shana Williamson, Zach

Williamson, Jenn Baumerster, Jason Baumerster, Diane Bunch, Darryl Bunch, Susan Pelfrey, Randy Pelfrey, Missy Gibson, Jim Gibson, Stacey McKeen, James Lancus, Sharon Lancus, Mark Gill, Joann Gill, Charlie Harris, Peggy Harris, Vince Hughes, Jean Lyons, and Larry Lyons.

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

Moment of Reflection

Moment of Reflection was observed.

Pledge of Allegiance

Presentation

[22-0382](#)

Presentation of the donation to the Miracle League of Coastal Alabama.

Mayor Ralph Hellmich presented the donation check of \$25,000 to The Miracle League of Coastal Alabama. Mike Boan and Bruce White thanked the City Council and Mayor Hellmich. Mr. Boan and Mr. White presented a plaque to the Council and Mayor Hellmich for appreciation of the donation.

Consent Agenda

[22-0368](#)

Work Session/Council Meeting Minutes of June 20, 2022

Attachments: [6-20-2022 Work Session. Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, to approve the June 20, 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 Richard Dayton, to remove items 22-0343 and 22-0360 from the agenda. The motion carried by an unanimous vote.

Ordinances

[22-0369](#)

ORDINANCE AMENDING ORDINANCE NO. 387-87 FOR INITIAL ZONING OF PROPERTY OWNED BY THE CITY OF FOLEY TO AO

Attachments: [City of Foley Initial Zoning Recommendation.pdf](#)

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 Ordinance be adopted. The motion carried

by an unanimous vote.

Enactment No: 22-2033-ORD

[22-0313](#)

(Second Reading) AN ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY DOWNEY FAMILY LIMITED FROM AO TO PUD

Attachments: [Downey Rezoning Recommendation.pdf](#)

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 Ordinance not be adopted. The ordinance failed by an unanimous nay vote.

Nay: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Rick Blackwell, Council Member Charles Ebert III and Council Member Richard Dayton

[22-0314](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY GREY CONTRACTING OF GREENVILLE LLC FROM R4 RESIDENTIAL SINGLE FAMILY & DUPLEX AND B1A EXTENDED BUSINESS DISTRICT TO R2 RESIDENTIAL SINGLE FAMILY & DUPLEX

Attachments: [Grey Contracting LLC Rezone 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: 22-2030-ORD

[22-0315](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY LUIS TABARES FROM RV - RV PARK ZONE TO R2 - RESIDENTIAL SINGLE FAMILY & DUPLEX

Attachments: [Luis Tabares Rezoning Recommendation.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 adopted. The motion carried by an unanimous vote.

Enactment No: 22-2031-ORD

[22-0335](#)

(Second Reading) An Ordinance Amending Ordinance No. 1018-07 (Business License Ordinance) to Add Section 5-25(J) - Short-Term Rental(s)

Attachments: [City of Foley Short Term Rental Ordinance Draft - CTC Redline 2](#)

Mayor Hellmich asked Council how the City would notify businesses about this ordinance. Revenue Officer Jamie Smith reported to Council that the Revenue Department has new software that will assist with the notifications and a third party Airbnb would also assist with this as well. 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 Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 22-2032-ORD

Resolutions and Other Business

[22-0237](#)

A Resolution to Approve & Appropriate Funds for Road Building Project on North Pecan Street and Permission to go to Bid.

Attachments: [Capital Purchase - Capital Project Worksheet.xlsx - Capital Project](#)

Mayor Hellmich reported to Council that he would like to insure that ALDOT is working in conjunction with the City of Foley. Executive Director of Infrastructure and Development Wayne Dyess will assist in this part of the project.

Council Member Charles Ebert, III, reported to Council that this project needs to be expedited because of the location and because it is close to the South Baldwin Hospital. 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: 22-1220-RES

[22-0343](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT LOT C-1 OF CROWN WALK SUBDIVISION

Attachments: [Crown Walk lot C-1 Subdivision Weed Abatement](#)

This item was removed from the agenda due to the property being abated by the owner.

Enactment No: 22-1221-RES

[22-0344](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT LOT 3 OF SEA COLE SUBDIVISION

Attachments: [Lot C3 Sea Cole Subdivision on Highway 59](#)

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: 22-1222-RES

[22-0347](#)

A Resolution to Approve FY22 Community Development Block Grants (CDBG) Application

Logan Eberly reported to Council that if awarded, this grant would purchase a new playground for the Aaronville Community. Mrs. Eberly reported that the projected cost is \$460,000 with the grant portion of \$400,000, the City portion is \$60,000. 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: 22-1223-RES

[22-0350](#)

A Resolution to Approving the Jehovah Witness Community the Use of Max Griffin Park (Area Around the Kids Park) to Display Free Bible Based Literature

Attachments: [Randy Pelfrey APPLICATION TO USE CITY PARK](#)

City Administrator Mike Thompson reported to Council that a recommendation was made from staff to utilize Heritage Park only. There are concerns with solicitation near the Kids Park. There was no further 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 as it is. The motion carried by an unanimous vote.

Enactment No: 22-1224-RES

[22-0360](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1914 COLORADO COURT

Attachments: [1914 Colorado Court](#)

This item was removed from the agenda due to the property being abated by the owner.

Enactment No: 22-1225-RES

[22-0362](#)

A Resolution to Reappoint Vera Quaites to the Public Facilities Cooperative District Board.

Attachments: [Vera Quaites Reappointment Letter](#)

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: 22-1226-RES

[22-0370](#)

A resolution declaring surplus Sergeant Michelle Oliver's Badge and (2) Service Weapons.

Foley Police Chief Thurston Bullock reported to Council that Mrs. Oliver retired after 26 years of service and this is part of the procedure. There was no further discussion.

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: 22-1227-RES

[22-0371](#)

A Resolution Authorizing Retiree Bonus (ACT 2022-229)

Attachments: [EFOL_RetireeAct2022-229Letter \(2\)](#)

Human Resource Director Suzanne Kellams requested from Council to approve this one time bonus for retired employees. Mrs. Kellams also reported that compared to other options this item is a cost savings by adding a 1% employee contribution rate. 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: 22-1228-RES

[22-0372](#)

A Resolution to Accept the Bid Submitted by Dortch, Figures & Sons, Inc. for Runway 18/36 & Taxiway a Pavement Maintenance at the Foley Municipal Airport and to Rescind Resolution 21-1191 that previously awarded the project to Ameriseal.

Attachments: [Bid Award Letter - 1059403 - Dortch Figures.pdf](#)
 [21-1191-RES Accept Ameriseal Bid & Bid Tab.pdf](#)

Rachel Keith reported to Council that this item was bid on over a year ago, after a protest was issued, the bid was rejected. Mrs. Keith requested to rescind the resolution and accept this new bid and this project is 100% funded by the FAA. 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: 22-1229-RES

[22-0373](#)

A Resolution Authorizing the Mayor to Enter Into an Agreement with Revenue Solution Inc. (RSI) with a term of Three (3) Years

Attachments: [TaxMaster Agreement](#)

Revenue Officer Jamie Smith reported to Council that this is a budget neutral item and will be utilized by the Revenue Auditor. Mrs. Smith also reported that this item is for a three year contract at \$3,000. 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: 22-1230-RES

[22-0374](#)

A Resolution to Establish T-Hangar Lease Rates for North Apron Units at the Foley Municipal Airport

Rachel Keith reported that the new units should be finished by the end of October and they are the same size and footprint. Mrs. Keith also reported that she would like to notify the tenants of the increase which are comparable to other hanger rates. There was no further discussion.

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: 22-1231-RES

[22-0375](#)

A Resolution Setting a Public Hearing to Consider an Ordinance for the Initial Zoning of 3 +/- Acres Owned by The City of Foley.

City Administrator Mike Thompson reported to Council that this property has not been zoned. 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: 22-1232-RES

[22-0377](#)

A Resolution Approving to Begin Justice Center Security Upgrades Projects

Attachments: [PD Lighting Riviera Utilities Description of Job](#)
 [PD Lighting Riviera Utilities](#)
 [PD Lighting Riviera Utilities Misc Invoice Estimate](#)
 [PD Lighting Riviera Utilities Capital Project Worksheet](#)

Project Director Jeff Phillips reported to Council that this item is the first plan and lighting upgrade. 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: 22-1234-RES

[22-0379](#)

A Resolution To Memorialize Budget Increase and Obtaining A Property Appraisal for Certain Real Property

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 Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 22-1236-RES

[22-0384](#)

A Resolution to Correct a Clerical Error in Resolution 22-1215 A Resolution Approving Application for ALDOT's FY2023 Transportation Alternatives Set-Aside Program (TAP) for Bicycle and Pedestrian Improvements Along Airport Road, Little Rock Road, Dailey Lane, County Road 65, and Cater Lee Way

Attachments: [Res. 22-1215](#)

City Administrator Mike Thompson reported to Council that the design work is now included with the TAP Grants and the City will save \$43,000. 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: 22-1237-RES

Mayor's Comments

Mayor Ralph Hellmich thanked Vera Quaites for her working with the Mills Community and explaining to the citizens the grant process. Foley had a successful 4th of July. The City had a high volume of traffic for the holiday weekend.

Mayor Hellmich thanked Riviera Utilities for their diligent work. Mayor Hellmich reported to Council that he responded to questions about our water infrastructure. Mayor Hellmich also reported to Council that Riviera water system is in excellent shape and Riviera Utilities has worked towards a progressive award winning waste water treatment center. The equipment will be able to handle the growth for about twenty years.

Mayor Hellmich congratulated OWA for opening the water park just in time for the 4th of July weekend. Mayor Hellmich also thanked all of the City of Foley employees that worked day and night to assist OWA with a safe opening.

Visitor Comments

Randy Pelfrey extended his appreciation and thanked the Council for allowing them to utilized the parks.

Executive Session

City Administrator Mike Thompson reported the need to go into executive session to discuss certain aspects of possible real estate transactions it is considering. Mr. Thompson reported the executive session will take approximately 30 minutes and Council will be coming back for 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; and Council Member Ebert, III, aye. The vote was unanimous to go into executive session.

The Council Meeting recessed at 5:15 p.m.

The Council Meeting reconvened at 6:02 p.m.

All Council Members were presented. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson and Fay Krehling.

There was no further business to conduct.

[22-0385](#)

An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of Same to Angela Sumrell and Mark White

Attachments: [Moe's BBQ Topographic Survey](#)
[Appraisal- 20733 Miflin Road](#)

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 Ordinance be approved on first reading. The motion carried by an unanimous vote.

Enactment No: 22-2034-ORD

[22-0386](#)

(Second Reading) AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CONVEYANCE OF SAME TO IRH FOLEY LLC FOR NOMINAL CONSIDERATION FOR A PUBLIC BENEFIT AND PUBLIC PURPOSE

Attachments: [10 Acre Parcel Map](#)

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 approved on first reading. The motion carried by an unanimous vote.

Enactment No: 22-2035-ORD

[22-0387](#)

A Resolution to Set a Public Hearing to Consider Passage of an

Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Conveyance of the Same to IRH FOLEY, LLC. For Nominal Consideration For A Public Benefit And Public Purpose

Attachments: [10 Acre Parcel Map](#)

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: 22-1238-RES

[22-0388](#)

A Resolution to Set a Public Hearing to Consider Passage of an Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of the Same to Angela Sumrell and Mark White.

Attachments: [Moe's BBQ Topographic Survey](#)

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 and unanimous vote.

Enactment No: 22-1239-RES

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 6:07 p.m.