



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, August 21, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearings

[23-0468](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 621 East Walker Ave.

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.

[23-0469](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 9475 Hickory St.

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 with the exception of Vera Quaites. Also present: Mayor Ralph G. Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Wayne Dyess, David Thompson, Larry Dearing, Leslie Gahagan, Brandon Mothershed, Tony Fuqua, Darrell Russell, Jeff Lee, Jeff Phillips, Guy Busby, C Wilson, Charlie Wilson, S Williams, Brian Schwab, Lynne Schwab, April Lawrence, Jennifer Laughlin, Kate Embry Ray, Angie Eckman, Whitney Leibold, Brenda Shambo, Logan Eberly, Gary Schrader, David Thompson, Brandon Abbott, Rich Lee, Pam Lee, David Green, Carl Aslanian, Deputy Chief Kevin Carnley, Foley Police Chief Thurston Bullock, and Foley Fire Chief Joey Darby.

Present: 4 - Wayne Trawick, Rick Blackwell, Charles Ebert III and Richard Dayton

Absent: 1 - Vera Quaites

Moment of Reflection

Pledge Of Allegiance

Work Session Discussion

[23-0457](#)

A Resolution to Approve Entering into an Interlocal Agreement Between Emerald Coast Utilities Authority (ECUA) and The City of Foley for the Acceptance and Processing of Source Separated Recyclables

Attachments: [City of Foley \(1\)](#)

Public Works Director Darrell Russell reported that ECUA submitted a new proposal to accept recyclables for the City of Foley for a flat rate of \$60.00 per ton. Mr. Russell also reported that this agreement will remain effective until the Baldwin County facility is operational in 2024.

City Administrator Mike Thompson reported that the Baldwin County facility will charge approximately \$29.00 to \$30.00 per ton. There was no further discussion on this item.

There was a consensus from Council to add this item to the agenda for a vote.

Enactment No: 23-1305-RES

[23-0459](#)

A Resolution Authorizing Additional Funds for an Ongoing Capital Project in the Street Department

Attachments: [23-1234 RES](#)
 [3rd Bon Secour WO Estimate](#)
 [2nd Bon Secour WO Estimate](#)
 [Capital Purchase - BSR cleanout](#)

Public Works Director Darrell Russell reported that during a stream cleanout, Green Co. discovered a major blockage of dams built by a large population of beavers. Mr. Russell reported that if this blockage is not removed, the original project west of River Trace subdivision will not function properly. There was no further discussion on this item.

There was a consensus from Council to add this item to the agenda for a vote.

Enactment No: 23-1306-RES

Consent Agenda

[23-0463](#)

Report of July, 2023, Approved and Paid Bills for the Record

Attachments: [2023-07 Approved & Paid Bills.Expense Approval Report](#)

A motion was made by Council Member Rick Blackwell seconded by Council Member Richard Dayton, to approve the Report of Paid Bills for July 2023. The

motion was carried by an unanimous vote.

[23-0454](#)

Departmental Reports

Attachments: [Tax Report and Permit-Plan Review Aug 2023](#)
[July 2023 CDD Report](#)
[July 2023PD Report](#)
[July 2023 FD Report](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the Departmental Reports for July 2023. The motion was carried by an unanimous vote.

[23-0453](#)

Work Session/Council Meeting of August 7, 2023

Attachments: [08-07-2023 Work Session Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the August 7, 2023 Work Session/Council Meeting Minutes. The motion was carried by and unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to add items 23-0457 and 23-0459 and to remove item 23-0476 from the August 21, 2023 Council Meeting Agenda. The motion was carried by an unanimous vote.

Ordinances

Resolutions and Other Business

[23-0449](#)

ABC License: 040 - Retail Beer (On Or Off Premises) and ABC License: 060 - Retail Table Wine (On Or Off Premises) for Leaside Foley Corporation, applicant operating under the trade name Portabellas located at 321 S McKenzie St. Ste B, Foley, Alabama 36535.

Attachments: [ABC Application-Portabellas](#)

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 Charles Ebert, III, to make the recommendation to the ABC Board to move forward with the license. The motion carried by an unanimous vote.

[23-0402](#)

A Resolution Approving a Memorandum of Understanding and Agreement - Municipal Intercept Services ("MIS") Debt Recovery Program - ADOR

Attachments: [Memorandum-of-Understanding-and-Agreement-Jan-2016-FIELDS](#)

City Administrator Mike Thompson reported to Council that this agreement allows the City of Foley to submit unpaid debts to the Alabama Department of Revenue. 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. The motion carried by an unanimous vote.

Enactment No: 23-1280-RES

[23-0436](#)

A Resolution Approving A One Day Members Only Pop Up Local Arts And Crafts Show

There was no 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: 23-1281-RES

[23-0447](#)

A Resolution Authorizing the Mayor to enter into a New Prisoner Housing Agreement with the Towns of Elberta and Summerdale

Foley Police Lieutenant Larry Dearing reported to Council that this increase is the result of rising food and medical costs. Lieutenant Dearing also reported that the Town of Elberta and the Town of Summerdale will each contribute 7.5% of the costs and the last increase was in 2010. There was no further discussion.

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: 23-1282-RES

[23-0448](#)

A Resolution Authorizing an Unplanned Capital Project for the Parks & Recreation Department to Add Concrete Pads and Sidewalks in Max Griffin Park.

Attachments: [Capital Project - Concrete Pads at Veterans Memorial](#)
 [Quote](#)

Mayor Hellmich reported to Council that the City will install a plaque to display the history of each of the tanks. 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: 23-1283-RES

[23-0450](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING

WEEDS TO BE A PUBLIC NUISANCE AT 619 WEST MARIGOLD
AVE
AND ORDERING ITS ABATEMENT

Attachments: [619 W Marigold](#)

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: 23-1284-RES

[23-0451](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING
WEEDS TO BE A PUBLIC NUISANCE AT 311 5TH AVENUE
AND ORDERING ITS ABATEMENT

Attachments: [311 5th Ave](#)

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: 23-1285-RES

[23-0452](#)

A Resolution Approving the City of Foley to Participate in the State
and Local Cybersecurity Grant Program (SLCGP).

Attachments: Alabama-FY2022-SLCGP-Local-Consent-Agreement.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 Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 23-1286-RES

[23-0455](#)

A Resolution Approving the Surplus & Disposal of the IT Department's
2001 Dodge Durango #10403

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: 23-1287-RES

[23-0456](#)

A Resolution to Accept the FY2023 Alabama Historic Commission
Certified Local Government Grants

Attachments: [AL-23-10018 Foley Booklet Reprint Grant Agreement](#)
 [AL-23-10019 Foley NAPC Grant Agreement](#)

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: 23-1288-RES

[23-0458](#)

A Resolution Approving Monthly Bids - July 2023

Attachments: [July 2023 Bid Awards](#)

There was no 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: 23-1289-RES

[23-0460](#)

A Resolution to Approve the Lighting Project Located on East Pride Blvd, from Mifflin Road to South Juniper Street

Attachments: [Foley Lighting Projects Budgetary Cost \(2\)](#)
 [Budget Increase Capital Projects](#)
 [Capital Project Worksheet](#)

Project Director Jeff Phillips reported to Council that this is a new lighting project along East Pride Blvd.

Mayor Hellmich reported to Council that the illumination of the lights will not impact the residential areas. 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: 23-1290-RES

[23-0461](#)

A Resolution Approving the Surplus/Disposal of Police Units and Requesting to Purchase Replacements

Attachments: [AMIC Claim Check 116](#)
[AMIC Claim Check 1622](#)
[AMIC Proof of Loss 220](#)
[2023 DONOHOO TAHOE QUOTE](#)
[REPLACEMENTS REQUEST TO INCREASE](#)
[REPLACEMENT VEHS CAPITAL SHEET](#)
[SIGNED REQ TO INCREASE REPLACEMENTS](#)
[SIGNED CAPITAL REQ REPLACEMENTS](#)
[MIKE APPROVAL INCREASES](#)
[WAYNE APPROVAL INCREASES](#)

Foley Police Commander/Patrol Officer Tony Fuqua reported to Council that the Police Department would like to surplus and dispose of three vehicles and replace them with three new vehicles that are currently available. 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: 23-1291-RES

[23-0462](#)

A Resolution Requesting to Increase the Capital Purchase Account for 7 Vehicles

Attachments: [2023 DONOHOO TAHOE QUOTE](#)
[BUDGETED VEHS INCREASE CAPITAL SHEET](#)
[BUDGETED VEHS CAPITAL PURCHASE](#)
[STIVERS MASTER AGREEMENT](#)
[STIVERS STATE BID VEH LIST](#)
[SIGNED REQ TO INCREASE CAPITAL](#)
[SIGNED CAPITAL PURCHASE](#)
[MIKE APPROVAL INCREASES](#)
[WAYNE APPROVAL INCREASES](#)

There was no 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: 23-1292-RES

[23-0464](#)

A Resolution To Approve A Contract For The City's Reinsurance/Stop Loss For The 2024 Calendar Year.

Attachments: [Stop Loss Renewal Comparison 9.1.2023](#)

Kate Ray reported to Council that this would be the third year that the City of Foley has had a contract with Symetra, this contract includes no changes to the health plan. 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: 23-1293-RES

[23-0465](#)

A Resolution to Approve Placing a Marker and White Rose Bushes on the Wilbourne Antique Rose Trail

Attachments: [DAR Request and Photo](#)

Mayor Hellmich and Council Member Charles Ebert, III, reported to Council that this plaque will be a positive addition to the Rose Trail. 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: 23-1294-RES

[23-0466](#)

A Resolution Authorizing Employees to Enter Upon the Property at 621 East Walker Ave. for the Purpose of Abating the Public Nuisance.

Attachments: [20230815161936693](#)

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: 23-1295-RES

[23-0470](#)

A Resolution to Reappoint Tim Closson to the Graham Creek Nature Preserve Board.

Attachments: [20230815153314356](#)

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: 23-1296-RES

[23-0471](#)

A Resolution to Reappoint Zana Price to the Graham Creek Nature Preserve Board.

Attachments: [20230815153314356](#)

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: 23-1297-RES

[23-0473](#)

Resolution Approving Additional Funds for the Purchase of a Trash Cart Cleaning System for Residential Sanitation.

Attachments: [23-1238 RES Can Washer](#)
 [City of Foley Mail - P.O. For Tip Too Can Washer](#)
 [Trash cart](#)

Public Works Director Darrell Russell reported to Council that the vendor failed to include the freight charge with the original quote. Mr. Russell requested an additional \$500.00 to cover the freight charge. 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: 23-1298-RES

[23-0474](#)

A Resolution Accepting Unbudgeted Donations in FY23 from Several Sources to the Foley Fire Department

Foley Fire Chief Joey Darby reported to Council that the donations will be utilized to purchase Rapid Intervention Team rescue packs. 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: 23-1299-RES

[23-0475](#)

A Resolution Appointing Jennifer Laughlin to the Senior Center Advisory Board

Attachments: [20230815152705456](#)

There was no 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: 23-1300-RES

[23-0476](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT 1 MAGNOLIA CIRCLE AND ORDERING ITS ABATEMENT

Attachments: [1 Magnolia Circle](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be removed. The motion carried by an unanimous vote.

Enactment No: 23-1301-RES

[23-0477](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT 5 MAGNOLIA CIRCLE AND ORDERING ITS ABATEMENT

Attachments: [5 Magnolia Circle](#)

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: 23-1302-RES

[23-0478](#)

A Resolution to Increase Capital Project Funds to create conceptual plans for the Armory

Attachments: [Armory Conceptual Plans](#)

Executive Director of Leisure Services David Thompson reported to Council that he would like to move forward with the architecture design plans for the Armory Building. He also reported that this proposal consists of three conceptual plans for the City. 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: 23-1303-RES

[23-0479](#)

A Resolution approving the purchase of a golf cart with a dump bed for the Foley Event Center.

Attachments: [EC Golf Cart](#)

Executive Director of Leisure Services David Thompson reported to Council that the purchase of the golf cart will assist with the daily operations at the Foley Event Center. 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: 23-1304-RES

[23-0457](#)

A Resolution to Approve Entering into an Interlocal Agreement Between Emerald Coast Utilities Authority (ECUA) and The City of Foley for the Acceptance and Processing of Source Separated

Recyclables

Attachments: [City of Foley \(1\)](#)

There was no 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: 23-1306-RES

Mayor's Comments

Mayor Ralph Hellmich reported to Council that the City of Foley has had new businesses open and there has been several ribbon cutting ceremonies throughout the City. He welcomed Texas Roadhouse, Fairfield Inn, and the J1 Housing Program.

Mayor Hellmich reported to Council that he would like to clarify the information about the J1 Program and what this offers to the City of Foley and Baldwin County. He reported that this is a work force program for exchange students that will assist local businesses with the high demand of employment in the service industry.

Mayor Hellmich also reported that he is hopeful that the Juniper Street Extension will be opened by the end of September. Project Director Jeff Phillips reported that ALDOT confirmed that the traffic signal mast arms are expected to be available by the end of September.

Visitor Comments

Carl Aslanian, who resides at 111 West Laurel Apt. B, reported his concerns about the J1 Program and how this will affect our community. Mr. Aslanian also reported that if the City will invest in other programs, it could assist citizens to be prosperous and successful.

Stephanie Williams, who resides at 1040 Sunny Bell Lane, reported to Council that she is concerned about inappropriate material at the Foley Public Library.

Jack Greer, who resides at 14313 Riverside Drive, reported to Council that he is concerned about the inappropriate material at the Foley Public Library.

Brian Schwab, who resides at 1029 Slurry Loop Drive, reported to Council about his concerns with the pool closing before Labor Day. He also reported that the City of Foley needs to recondition the pool facility and he is concerned about the poor conditions of the pool.

Mayor Hellmich reported that the City of Foley has a plan in the future to build an Aquatic Center and this facility will be open the entire year.

Adjournment

A motion was made by Council Member Rick Blackwell, seconded by Council

Member Richard Dayton to adjourned the meeting.

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