



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, August 16, 2021

4:00 PM

Civic Center

Work Session/Council Meeting

Call to Order

Council President Trawick called the meeting to order at 4:00 pm.

Roll Call

All Council Members were present with the exception of Council Member Rick Blackwell, who was out of town. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, Kate Embry, Brenda Shambo, Joey Darby, Leslie Gahagan, Steve Smith, Thurston Bullock, Rachel Keith, Sue Steigerwald, Chad Christian, Pam Harris, LaDonna Hinesley, Reese Wiley, Miriam Boone, Eddie Sue Winter, Justin Brooks, Mike and Lisa Yeater, Barbara Killian, Doug Powell, Michelle Powell, Linda Champion, Lee Bochnia, Bobby Hall and press representative Jessica Vaughn.

Present: 4 - Council Member Richard Dayton, Council Member Charles Ebert III, Vera Quaites and Wayne Trawick

Absent: 1 - Council Member Rick Blackwell

Moment of Silence

A moment of silence was observed.

Pledge of Allegiance

Discussion Items

There was a presentation made for the retirement of Foley Police Corporal Steven Smith. Corporal Smith served for the City of Foley for 25 years.

Consent Agenda

[21-0456](#)

Work Session/Council Meeting Minutes of August 2, 2021

Attachments: [Work Session.Council Meeting Minutes of August 2, 2021](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to approve the Work Session/Council Meeting Minutes of August 2, 2021. The motion carried by an unanimous vote.

[21-0457](#)

Departmental Reports

Attachments: [July 2021 Bid Awards](#)
 [Grant Status Report June 2021](#)
 [Tax Report and Permit-Plan Review July 2021](#)
 [July 2021 CDD Report](#)
 [July 2021 PD Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, that this Agenda Item be approved on the Consent Agenda. The motion carried by an unanimous vote.

[21-0476](#)

Report of July, 2021, Approved and Paid Bills for the Record

Attachments: [2021-07 Approved & Paid Bills.Expense Approval Report](#)

A motion was made by Council Member Charles Ebert, III , seconded by Council Member Richard Dayton, that this Agenda Item be approved on the Consent Agenda. 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 21-0445 and 21-21-0449 from the agenda. Both of the properties were abated by the owners and further Council action is required. The motion carried by an unanimous vote.

Ordinances

[21-0440](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY LILY FLOWERS STEWART

Attachments: [Stewart Annexation](#)
 [Stewart Valuation](#)

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

[21-0441](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY JAMES A. FLOWERS

Attachments: [Flowers Annexation](#)
 [Flowers Valuation](#)

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

[21-0479](#)

(Second Reading) An Ordinance Declaring Certain Real Property Not Presently Needed For Municipal Purposes And Authorizing The Lease Of The Same To Terra Trucking

Attachments: [Lease Agreement - Truck Parking Terra Trucking](#)
 [Tera Truck Lease Drawing](#)

City Administrator Mike Thompson reported Council may consider suspending the rules for the immediate adoption of the ordinance so the lease agreement can begin in September contingent upon the City receiving a certificate of insurance.

A motion was made by Council Member Vera Quaites, seconded by Council Member Richard Dayton, to approve the ordinance on the first reading . The motion carried by an unanimous vote.

Resolutions and Other Business

[21-0454](#)

ABC License: 140 - Special Events Retail for Blooms 4 You, Inc., applicant operating under the trade name Bacon Brew And Bash located at Foley Heritage Park in Foley, Alabama.

Attachments: [ABC Application](#)

The Foley Police and Fire Departments made recommendations to move forward with the ABC 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 ABC License. The motion carried by an unanimous vote.

[21-0408](#)

A Resolution Declaring Surplus Corporal Steven Smith's Badge and Service Weapon

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: 21-1280-RES

[21-0442](#)

A Resolution to Set Public Hearing to Consider the Passage of an Ordinance Approving Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley (Stewart)

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: 21-1281-RES

[21-0443](#)

A Resolution to Set Public Hearing to Consider the Passage of an Ordinance Approving Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley (Flowers)

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: 21-1282-RES

[21-0444](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING THE DILAPIDATED BUILDING TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT At 122 WEST WALNUT AVENUE

Attachments: [122 W Walnut Ave.](#)

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: 21-1283-RES

[21-0445](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 204 WEST MYRTLE AVE

Attachments: [204 West Myrtle Avenue Weed Abatement](#)

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: 21-1284-RES

[21-0449](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1063 AMAZON DRIVE

Attachments: [1063 Amazon Dr.](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, that this item be removed from the agenda. The motion carried by an unanimous vote.

Enactment No: 21-1285-RES

[21-0450](#)

A Resolution Accepting Survey Proposal for County Road 12 Cross Drain Project

Attachments: [Capital Project Worksheet_CR 12 Crossdrains](#)
 [EDG Proposal](#)

City Engineer Chad Christian reported this item is for the cross drains on County Road 12 running north to south.

Mayor Hellmich reported the drainage currently makes a hard right angle. The drains were built in 2006 and hopefully the new drains will take pressure off the drainage near Meadow Run subdivision.

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

Enactment No: 21-1286-RES

[21-0452](#)

A Resolution Memorializing Volkert's Agreement for ESA Phase I for First Responder Safe Room Property

Attachments: [Volkert Agreement](#)

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: 21-1287-RES

[21-0453](#)

A Resolution Accepting Unbudgeted Donations in FY21 from Several Sources to the Foley Fire Department

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: 21-1288-RES

[21-0455](#)

A Resolution Authorizing the Mayor to Sign a Letter of Intent for the Purchase of Three (3) 2023 Peterbilt 520 Chassis and Three (3) 2023 New Way Front Load 40 yd Bodies

Attachments: [Peterbilt Quote & Letter of Intent .pdf](#)
 [SANSOM Quote & Letter of Intent for Bodies .pdf](#)

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: 21-1289-RES

[21-0458](#)

A Resolution Approving New Flag Location and Parking Lot Design

Attachments: [New Flag Location and Parking Lot \(1\)](#)

Brenda Shambo reported no bids were received. The parking lot is in good shape and all that is needed is a coating and sealant. The parking space

striping will be completed in house but the coating will be outsourced. The existing pole will be removed by Riviera Utilities.

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: 21-1290-RES

[21-0459](#)

A Resolution Approving the Dedication of the Second Butterfly Garden to Terry Underwood

Attachments: [Dedication to Mr. Terry Underwood](#)

Brenda Shambo reported there is now a second Butterfly Garden north of the Dog Park. She also reported the Foley Revitalization and Beautification Board would like to dedicate the garden to Terry Underwood, who was a member of the Board for 15 years. She reported they are planning a dedication ceremony on Tuesday, September 7, 2021.

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: 21-1291-RES

[21-0460](#)

A Resolution Approving a Capital Project for the Foley Municipal Airport to Add a Self-Serve Fueling Terminal to the Existing Fuel Farm

Rachel Keith reported this item is to install a self service fuel terminal. Currently, if no one is at the airport, pilots have no options and can not get fuel.

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: 21-1292-RES

[21-0461](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 210 NORTH BEECH ST

Attachments: [210 North Beech St.](#)

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: 21-1293-RES

[21-0462](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT LOT AT ROOSTER AND DAILEY LANE

Attachments: [Corner of rooster Ln & Dailey Ln](#)

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: 21-1294-RES

[21-0464](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 915 NORTH MCKENZIE ST

Attachments: [915 north mckenzie st. grass complaint.](#)

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: 21-1295-RES

[21-0471](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 12630 BRIARWOOD DR

Attachments: [12630 Briarwood Dr. complaint](#)

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: 21-1296-RES

[21-0474](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 409 EAST MYRTLE AVE

Attachments: [409 E. Myrtle Ave.](#)

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: 21-1297-RES

[21-0475](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT NORTH SIDE OF DAM ON LAKEVIEW DR

Attachments: [Dam at Glenlakes Weed Abatement](#)

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: 21-1298-RES

[21-0480](#)

A RESOLUTION ACCEPTING GOODWYN MILLS CAWOOD, LLC'S

PROPOSAL FOR PROFESSIONAL SERVICES FOR THE REPLAT OF TAX
PARCEL NO. 05-54-08-28-1-000-001.000 (PIN #67656 & 67658)

Attachments: [GMC Proposal Replat 05-54-08-28-1-000-001.000](#)

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: 21-1299-RES

[21-0481](#)

A Resolution Accepting Amerson Roofing Inc's Proposal for Engineering Building Roof Repairs.

Attachments: [Budget Increase Capital Eng Roof Repairs](#)
[Amerson Roofing Inc Proposal](#)

City Engineer Chad Christian reported this item is to repair damage from Hurricane Sally and it could be reimbursed by insurance.

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: 21-1300-RES

[21-0482](#)

A Resolution To Approve The COVID-19 Vaccine Incentive Payment Program For City of Foley Employees

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: 21-1301-RES

[21-0483](#)

A Resolution to Support South Baldwin Regional Medical Center Appreciation

City Administrator Mike Thompson reported this is a request made by Mayor Hellmich to partner with other entities to provide lunch for hospital staff this week.

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: 21-1302-RES

[21-0484](#)

A Resolution to Increase the Budget and Move Forward with the Purchase of a Zero Turn Mower for the Nature Parks Department

Attachments: [Capital Purchase Request for Zero Turn Mower.2021](#)
[Budget Increase Request Forms. Zero Turn Mower](#)
[SKM C250i21081315140](#)

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: 21-1303-RES

Mayor's Comments

Mayor Hellmich thanked Council for approving the vaccine program to keep employees and citizens as safe as possible. He also reported that the City was notified at the last FEMA meeting that the City's largest claim from Hurricane Sally has been forwarded to Congress and should move quickly. He reported that the 2020 Census data that was recently released is not as accurate as it could be.

Visitors Comments

Doug Powell, who resides at 8434 Heron Drive addressed Council with his concern of County Road 12 and Foley Beach Express. He reported there seems to be an abundance of police to catch speeders but not people running through red lights. He also reported his concern of no right turn lanes east and west on County Road 12 and asked if that is will be coming because traffic is only getting worse. Mayor Hellmich reported this is being addressed and the improvements are not complete because there is a wait on the mast arms that is needed to move the traffic light poles in order to widen those areas to install turn lanes.

Lee Bochnia, who resides at 2534 W. Park Place Ave. reported that he asked for assistance with the drainage pond last month. City Engineer Chad Christian reported that he has mailed out requests to property owners to obtain easements so the City can enter unto their property to fix this issue. He reported it has been two weeks and he will a followup with them because he has not received a response. He also reported all the debris is on the School Board's property and Public Works has cleared the trench. Mayor Hellmich reported that the ditch behind the YMCA goes around to Pine Street and it is private property and that is why the City must have easements from the owners. Council Member Ebert, III asked Mr. Christian and Public Works Superintendent Darrell Russell to walk the ditch and see what is happening. Mr. Russell reported once they get the easements, they will get this issue fixed.

Michelle Powell, who resides at 8434 Heron Drive reported that the area of Wolf Bay and County Road 12 has a bad smell and asked what is causing it. Mayor Hellmich reported that new developments do not add to the lift stations or other sewer systems. Alabama does not regulate smell.

Justin Brooks, who resides at 2021 Bourbon Street reported that he speaks for the majority that essential workers were working while many workers were home. He reported he would like to see some recognition for those who have to report to work.

Eddy Sue Winter, who resides at 14325 Cougill Ave. Magnolia Springs reported she is the owner of 508 E. Myrtle Ave. and she had requested drainage repair. A metal plate was placed but it didn't solve the water and moisture washing

away under the foundation. She asked if Engineering could give any solutions. City Engineer Chad Christian reported he has seen the pictures and the debris line is below the house. Ms. Winter reported the water came in and quickly went away. She added sand and re-did the foundation. She had to remove her renter and re-home cats. Mr. Christian reported Public Works rebuilt the drain on the corner and that he will follow with Ms. Winter because he was not aware that water went into the home. Ms. Winters also reported that she also owns 618 W. Orchid. She reported the electrical wires hangs low and the Sanitation Department truck ripped the wires off the house. She had an electrician repair the wires and the repairs cost \$1600.00. She asked for reimbursement. City Administrator Mike Thompson reported he spoke with Public Works Superintendent and this claim is handed over to the City's insurance carrier.

Council Member Vera Quaites congratulated Corporal Steven Smith on his retirement and Fire Chief Joey Darby for being named Alabama Fire Chief of the year.

Adjournment

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

The meeting adjourned at 5:07 pm.