



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, November 7, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0638](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 1260 Briarwood Dr.

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.

[22-0639](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 2550 South McKenzie St.

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. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, David Thompson, Suzanne Kellams, Leslie Gahagan, Logan Eberly, LaDonna Hinesley, John Jackson, Sue Steigerwald, Jeff Lee, Darrell Russell, Gregg Knight, Police Chief Bullock, Fire Chief Darby, Wayne Dyess, Deputy Police Chief Kevin Carnley, Jamie Smith, Jeff Phillips, and Brandon Mothershed,

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

Moment of Reflection

Pledge of Allegiance

Discussion Items

[22-0623](#)

Discussion of Graham Creek Haunted Forest

Environmental Director Leslie Gahagan reported to Council that the Graham Creek Haunted Forest was a successful six night event with one night being a rain night. Mrs. Gahagan reported that this event was in its eighth year and there were 3,800 people who attended. Mrs. Gahagan also reported that 59% were local residents, 33% drove one hour away, and 8% were overnight guest. Mrs. Gahagan reported that one family from England was visiting New Orleans and inquired about the Haunted Forest.

Mrs. Gahagan reported to Council that the next event will be the Christmas Trail. This event will begin in December and they are excited to offer this festive event to local residents and our out-of-town guests. There was no further discussion on this item.

Consent Agenda[22-0648](#)

Work Session/Council Meeting Minutes of October 17, 2022

Attachments: [10-17-22 Work Session.Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to approve the October 17, 2022 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

[22-0625](#)

Fiscal Year 2023 Budget Award Presentation

Attachments: [FY2023 Budget Award Presentation](#)

City Administrator Mike Thompson congratulated the Finance Department for receiving this award. Mr. Thompson reported that the City of Foley was awarded three awards and that Foley is one out of five cities in the state of Alabama to receive this award.

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to add item 22-0661 to the Council Meeting Agenda. 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 Vera Quaites, seconded by Council Member Richard Dayton, that this Ordinance be approved on the first reading. The motion 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 Charles Ebert, III, that this Ordinance be approved on the first reading. The motion carried by an unanimous vote.

Enactment No: 22-2045-ORD

Resolutions and Other Business

[22-0640](#)

ABC License: 050 - Retail Beer (OFF PREMISES ONLY) 070 - Retail Table Wine (OFF PREMISES ONLY) Family Dollar Stores Of Alabama, LLC, applicant, operating under the trade name Family Dollar 20375 located at 761 South McKenzie St. in Foley, Alabama.

Attachments: [Family Dollar Store 20375 ABC Application](#)
 [Family Dollar](#)

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 Vera Quaites, to make the recommendation to the ABC Board to move forward with the license. The motion carried by an unanimous vote.

[22-0641](#)

ABC License: 020- Restaurant Retail Liquor Jim N Nicks Management LLC, applicant, operating under the trade name Jim N Nicks BBQ located at 2500 South McKenzie St. in Foley, Alabama.

Attachments: [Jim N Nicks BBQ ABC Application](#)
 [Jim N Nicks BBQ](#)

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

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

[22-0613](#)

A Resolution Approving Going to Bid and Purchasing of (3) Unmanned Aerial Vehicles (UAV) and related equipment for the Patrol Division at the Police Department

Attachments: [Capital Purchase Paperwork UAV](#)
 [Mike Thompson approval email](#)
 [Wayne Trawick email](#)
 [UAV transfer of funds](#)

There was no further 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: 22-1374

[22-0615](#)

A Resolution to Accept the Grant Award from ADCNR for the State Hwy 59 Corridor Comprehensive Plan Update

Attachments: [FOLEY-CZM-306-23-1](#)
 [Budget Increase Form](#)

Logan Eberly reported to Council that the Community Development Department was awarded \$21,000 with a match of \$21,000 to complete the state HWY 59 corridor project. 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: 22-1375-RES

[22-0617](#)

A Resolution Memorializing the Capital Project of GCNP Boardwalk Improvements and Transferring Funds from the Operating Account

Environmental Director Leslie Gahagan reported that this project was completed in phases. There was no further discussion on this item.

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

Enactment No: 22-1376-RES

[22-0618](#)

Resolution Approving Entering into the FBI's Organized Crime Drug Enforcement Task Force (OCDETF) Overtime Reimbursement Agreement for FY2023.

Attachments: [OCDETF 2023](#)

Logan Eberly reported to Council that this contract is an annual contract for overtime and to accept the cost reimbursement for up to \$25,000.000. 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: 22-1377-RES

[22-0620](#)

A Resolution Approving Going Out to Bid for a 15 Passenger Golf Cart for the Nature Parks Department

Attachments: [Capital Purchase Request for 15 passenger Golf Cart](#)

Environmental Director Leslie Gahagan requested permission from Council to begin the bidding process for the fifteen passenger golf chart. 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: 22-1378-RES

[22-0621](#)

A Resolution to Allocate Funds to Environmental Dept to Perform a Phase II ESA on the Hamburg Building

Attachments: [Budget Increase.Phase II ESA.2022](#)

City Administrator Mike Thompson reported to Council that a third party would like to move forward on the phase two environmental site assessment. 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: 22-1379-RES

[22-0624](#)

A Resolution to approve the transfer of funds between Categories and approve a Capital purchase for the Foley Police Department

Attachments: [Ballistic Shield Paperwork for agenda](#)
[WTrawick approval email](#)

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: 22-1380-RES

[22-0627](#)

A Resolution Amending Resolution 22-1217 and Approving Other Financial Institution Actions

Attachments: [22-1217 Investment Resolution](#)
[Code of AL - Section 18-81-19](#)
[Code of AL - Section 18-81-21](#)

Finance Director Sue Steigerwald requested permission of opening a new investment account at The First Bank and to monitor cash balances, outflows

and invest cash surplus at the financial institutions that the city is involved with. Mrs. Steigerwald also reported this needs to be implemented due to the financial institution customer agreement and not providing a tailored RSP. 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: 22-1381-RES

[22-0628](#)

A Resolution Accepting Sawgrass Consulting's Proposal for City Hall / Riviera Utilities Employee Parking Lot Project

Attachments: [Budget Increase Capital Projects](#)
 [Capital Project Worksheet](#)
 [Sawgrass Proposal](#)

Project Director Jeff Phillips requested from Council to accept the proposal from Sawgrass Consulting. He also reported Riviera Utilities will appropriate half of the funds for this project. There was no further discussion on this item.

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

Enactment No: 22-1382-RES

[22-0629](#)

A Resolution Appropriating Funds for Installation of New Security Cameras for the Foley Pedestrian Bridge for Public Safety.

Attachments: [Elevator Cameras Pedestrian Bridge - TK](#)
 [Security101 Elevator Cameras](#)
 [Budget Increase - Signed](#)
 [Capital Project Worksheet](#)

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: 22-1383-RES

[22-0630](#)

A Resolution Rescheduling Council Meeting Dates Due To Holidays

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: 22-1384-RES

[22-0631](#)

A Resolution Amending The Pay Classification Plan For Positions In The Library

Attachments: [Pay Classification Plan - Effective 09-06-22](#)

Human Resource Director Suzanne Kellams reported to Council that the Library restructured the children's division and a job analysis was performed on two current positions. Mrs. Kellams reported that this action resulted in the need to amend the pay classification and this is budget neutral. 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: 22-1385-RES

[22-0632](#)

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned by Richard Schwartz

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: 22-1386-RES

[22-0633](#)

A Resolution Setting a Public Hearing to Consider Amending Article 3.3-6 of Ordinance 22-2028 Land Development Ordinance

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: 22-1387-RES

[22-0634](#)

A Resolution to Memorialize the use of Heritage Park by Redemption Church for a Worship Service on Sunday, November 6, 2022.

Attachments: [Andrea Overstreet - Faith Tabernacle \(2\) \(1\)](#)

Parks and Recreation Director Jeff Lee reported to Council that this item missed the deadline for the previous Council meeting and needs to be memorialize for the record. 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: 22-1388-RES

[22-0635](#)

A Resolution Approving Entering into an Interoperability Communications System Agreement with Baldwin County

Attachments: [Baldwin County Agreement](#)

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: 22-1389-RES

[22-0642](#)

A Resolution Approving the Capital Purchase of a K9 Dual Purpose Dog.

Attachments: [Capital Purchase Worksheet and email approvals](#)
 [Quotes](#)

Foley Police Chief Thurston Bullock reported to Council that this item is a replacement of a retired K9. 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: 22-1390-RES

[22-0643](#)

A Resolution Memorializing Entering into an On-the-Job Training (OJT) Reimbursement Agreement

Attachments: [On the Job Training Agreement - 09.02.22 - 11.30.22](#)
 [Budget Increase - OJT](#)

Human Resource Director Suzanne Kellams reported to Council that this item is for training of an Equipment Operator 1 city employee that has qualified for this program. 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: 22-1391-RES

[22-0644](#)

A Resolution Memorializing Entering into a Training Reimbursement Agreement through the Alabama Workforce Stabilization Program

Attachments: [Alabama Workforce Stabilization Program](#)
 [Budget Increase - AWSP](#)

Human Resource Director Suzanne Kellams reported to Council that this item is reimbursement for training for two new sanitation workers II. There was no further 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: 22-1392-RES

[22-0646](#)

A Resolution to Reappoint Bill Swanson to the Foley Building Authority, Foley Library Authority, Foley Public Parks & Recreation and Redevelopment Authority Board.

Attachments: [Bill Swanson](#)

There was no 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: 22-1393-RES

[22-0647](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 416 WEST ORCHID AVENUE

Attachments: [416 W Orchid](#)

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: 22-1394-RES

[22-0649](#)

A Resolution to Waive the Fees for the Foley Civic Center

Executive Director of Leisure Services David Thompson reported to Council that this item is for Calvary Chapel to prepare over six hundred meals for Thanksgiving for the seniors in our community. 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: 22-1395-RES

[22-0650](#)

Acceptance and Use of Friends of the Library Donation

Library Director John Jackson requested from Council to accept a donation of \$6,000.00 to purchase shelving. 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: 22-1396-RES

[22-0651](#)

A Resolution Approving the Lease of T-Hangar End Units on the North

Apron at the Foley Municipal Airport and Establishing a Lease Rate

Attachments: [Large Hangar End Units.pdf](#)

Logan Eberly reported to Council that this item is to establish a lease rate for the T hanger end units of \$180.00 per month. There was no further 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: 22-1397-RES

[22-0652](#)

A Resolution Amending the 2023 Budget and Approving the Purchase of a 2022 Ford F150 4x4 Truck for the Sanitation Department

Attachments: [Proforma-a-FOLEY PARKS & REC2](#)
[Capital Purchase - Capital purchase for residential sanitation.xlsx - Capital Purchase](#)
[Budget Increase and Transfer Request Forms.xlsx - Increase in Budget Dollars](#)

Public Works Director Darrell Russell reported to Council that he would like to move forward on this item that was from FY21 due to the supply and demand issues. 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: 22-1398-RES

[22-0653](#)

A Resolution to Approve the Purchase of Embroider Shirts for the City of Foley Planning Commission Members

Mayor Hellmich reported to Council that the Planning Commission had requested embroidered shirts. 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: 22-1399-RES

[22-0654](#)

A Resolution Amending The Pay Classification Plan For The Police Department

Attachments: [Pay Classification Plan - Effective 09-06-22](#)

Human Resource Director Suzanne Kellams reported to Council that this item is to convert this position to Corrections/Shift Leader and eliminate the vacant position of Assistant Chief Corrections Officer. This item is budget neutral. 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: 22-1400-RES

[22-0656](#)

A Resolution Approving the Application for the FY23 ADECA Local Law Enforcement Assistance Grant for Equipment Purchases

Logan Eberly requested permission from Council for the Foley Police Department to apply for this grant. Mrs. Eberly reported that the award from this grant is \$24,000.00 with no matching funds. 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: 22-1401-RES

[22-0661](#)

A Resolution to Appoint Jerry Morrison to the Foley Historical Commission.

Attachments: [Jerry Morrison Resume](#)
 [Jerry Morrison Appointment](#)
 [Jerry Morrison \(2\)](#)

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: 22-1402-RES

Mayor's Comments

Mayor Ralph Hellmich reported that November 8, 2022 is Election Day and to get out and vote. Mayor Hellmich also reported that November 11, 2022 is Veteran's Day and thanked all the men and women that have served our country.

Mayor Hellmich reported that November 16, 2022 is safety training for City Hall and this event begins at 8:30 a.m. and he reported that November 17, 2022 is the Mayor's luncheon. Mayor Hellmich thanked the City Council and employees for their diligent work.

Visitor Comments

There were no visitor comments.

Executive Session

City Administrator Mike Thompson reported the need to go into executive

session to discuss certain aspects of several possible real estate transactions it is considering. Mr. Thompson reported the executive session will take approximately 30 to 40 minutes and Council will not be coming back to vote.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton 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 4:41 p.m.

The Council Meeting reconvened at 5:18 p.m.

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

There was no further business to conduct.

Adjournment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to adjourn the meeting.

The meeting was adjourned at 5:18 p.m.