



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Final

### City Council

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Monday, December 7, 2020

4:00 PM

Council Chambers

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#### Work Session/Council Meeting

#### Public Hearing

[20-0569](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 12767 Springsteen Lane.

**Council President Pro-Tempore Charles Ebert, III opened the public hearing at 4:00 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.**

[20-0591](#)

Public Hearing to Consider Planning Commission's Recommendation to Adopt an Ordinance to Amend the Zoning Ordinance.

**President Pro-tempore Charles Ebert, III 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

**President Pro-tempore Charles Ebert, III called the meeting to order at 4:01 p.m.**

#### Roll Call

**All Council Members were present with the exception of Council President Wayne Trawick, who was absent due to illness. Mayor Ralph Hellmich was also absent due to illness. Present were: City Administrator Mike Thompson, City Clerk Katy Taylor, Wynter Metz, Thurston Bullock, Joey Darby, Sue Steigerwald, Gale Croft, Donna Watts, Leslie Gahagan, Miriam Boone, John Jackson, LaDonna Hinesley, Pam Harris, Keith Nelson, Suzanne Kellams, Darrell Russell, Darrelyn Dunmore and press representative Jessica Vaughn.**

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

**Absent:** 2 - President Wayne Trawick and Ralph Hellmich

## Pledge of Allegiance

## Additions/Removals/Carry-Overs

A motion was made by Rick Blackwell, seconded by Vera Quaites, to add item 20-0595 to the agenda. The motion carried by an unanimous vote.

## Discussion Items

There were no discussion items.

## Consent Agenda

### [20-0608](#)

Work Session/Council Meeting Minutes of November 16, 2020

**Attachments:**     [11-16-20 Council Meeting Minutes-Draft](#)

A motion was made by Rick Blackwell, seconded by Council Member Richard Dayton, to approve the Work Session/Council meeting Minutes of November 16, 2020. The motion carried by an unanimous vote.

### [20-0564](#)

A Resolution Rescheduling Council Meeting Dates Due To Holidays

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

Enactment No: 20-1357-RES

### [20-0570](#)

A Resolution Authorizing Employees to Enter Upon the Property at 12767 Springsteen Lane for the Purpose of Abating the Public Nuisance.

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

Enactment No: 20-1358-RES

### [20-0575](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 13301 KEIL TRAIL

**Attachments:**     [Weed Abatement 13301 Keil Trail](#)

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

Enactment No: 20-1359-RES

[20-0598](#)**A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for Pastor Nolan Donald of Foley United Methodist Church**

**Attachments:**     [Foley UMC Christmas Eve Service](#)  
[Foley UMC Spring Community Worship Service](#)

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

Enactment No: 20-1360-RES

[20-0599](#)**A Resolution Waiving Fees for the Use of Max Griffin Park for Pastor Michael Buskett, the President of Gospel Outreach Ministries in Fairhope, AL to have a Community Gospel Outreach Service.**

**Attachments:**     [Pastor Michael Busket's Gospel Outreach](#)

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

Enactment No: 20-1361-RES

[20-0600](#)**A Resolution to waive fees for the Sue Leavins and the Women's Care Medical Center to have their Annual Walk For Life Walk-A-Thon Fundraiser**

**Attachments:**     [Sue Leavins - Womens Care Medical Center Fundraiser](#)

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

Enactment No: 20-1362-RES

[20-0605](#)**A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT THE VACANT LOT BETWEEN 504 AND 506 HAMILTON BLVD**

**Attachments:**     [Hamilton Blvd Weed Abatement](#)

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

Enactment No: 20-1363-RES

**Ordinances**[20-0526](#)**Zoning Ordinance Amendments**

**Attachments:**     [Zoning Ordinance Amendment and Recommendation](#)

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

Enactment No: 20-2023-ORD

[20-0529](#)

**(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY WILLIAM BYARD GORDON SR ETAL FROM AO TO PUD AND INITIAL ZONING OF PROPERTY OWNED BY WILLIAM BYARD GORDON SR ETAL TO PUD**

**Attachments:**     [Initial and rezone Gordon](#)  
[Overall Site Plan \(12-15-2020\)](#)

President Pro-tempore Charles Ebert, III reported this first reading is for the same rezoning and initial zoning for the property located on County Road 12. The developer had made minor changes regarding improvements to the right-of-way and staff believes it was important to hold another first reading. The public hearing and second reading of this ordinance will still be held on December 21, 2020.

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

Enactment No: 20-2024-ORD

## **Resolutions and Other Business**

[20-0577](#)

Resolution Approving The Budget Transfer From The Revitalization & Beautification Board To The Municipal Complex Department

**Attachments:**     [Budget Transfer Request From - RBB to Muni Cplx](#)  
[Email Backup for RBB Budget Transfer](#)

Suzanne Kellams reported to Council that two City of Foley employees worked on a Saturday to help set up Christmas decorations and this budget transfer will cover those costs. There was no further discussion on this item.

A motion was made by Vera Quaites, seconded by Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 20-1364-RES

[20-0590](#)

A Resolution Approving the Purchase of a 2020 Bull Dozer

**Attachments:**     [ST RD CNSTR 2020 Bull Dozer Quote.PDF](#)  
[ST RD CNSTR 2020 Cap Purch Wrsht for Bull Dozer.xlsx](#)

Darrell Russell reported to Council that this bull dozer is in the FY21 budget, but that he would like to purchase it in 2020. Mr. Russell reported that this will be the departments second bull dozer. There was no further discussion on this item.

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

Enactment No: 20-1365-RES

**[20-0593](#)**

A Resolution to Approve Task Order FY21-01 with Synergy Disaster Recovery LLC For the Purpose of Providing Disaster Consulting Services for Hurricane Sally Recovery

**Attachments:**     [Task Order FY21-01 for Disaster Consulting Services.pdf](#)

**City Administrator Mike Thompson reported to Council that the services are not to exceed \$625k, and that this service is 100% is reimbursed by FEMA. There was no further discussion on this item.**

**A motion was made by Vera Quaites, seconded by Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 20-1366-RES

**[20-0594](#)**

A Resolution to Accept the FY2021 Alabama Historic Commission Historic Sites Grant

**Attachments:**     [Grant Agreement](#)

**City Administrator Mike Thompson reported to Council that the City has received a \$15k grant with no match required to repair the pier foundation on the Hamburg building. There was no further discussion on this item.**

**A motion was made by Vera Quaites, seconded by Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 20-1367-RES

**[20-0596](#)**

A Resolution to Accept the National Fish and Wildlife Foundation Grant for Bon Secour Headwaters Restoration Project - Phase II

**Attachments:**     [70266 Award Letter - Bon Secour](#)  
                              [NFWF - Bon Secour](#)

**Leslie Gahagan reported to Council that the City has received \$5.1 million for the second phase of the Bon Secour Headwaters Restoration Project. Mrs. Gahagan also reported that there is no match required. There was no further discussion on this item.**

**A motion was made by Richard Dayton, seconded by Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.**

Enactment No: 20-1368-RES

**[20-0597](#)**

A Resolution to Accept the National Fish and Wildlife Foundation Grant for Wolf Creek Headwaters Restoration Project - Phase I

**Attachments:**     [70266 Award Letter - Wolf Creek](#)  
                              [NFWF - Wolf Creek](#)

Leslie Gahagan reported to Council that the City has received \$500k for the first phase of the Wolf Creek Headwaters Restoration Project. Mrs. Gahagan also reported that there is no match required. There was no further discussion on this item

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

Enactment No: 20-1369-RES

[20-0601](#)

A Resolution to Accept the ADECA FY20 Alabama State Energy Program Grant

**Attachments:**     [Grant Agreement](#)  
                              [ADECA - Civic Center](#)

City Administrator Mike Thompson reported to Council that the City has received a grant for \$40k for the stage lighting in the Civic Center. Mr. Thompson reported that there is required match of \$10k. There was no further discussion on this item.

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

Enactment No: 20-1370-RES

[20-0602](#)

A Resolution to Apply for the FY2020 FEMA Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) Grants

City Administrator Mike Thompson reported to Council that these grants will provide money for studies to be done on the areas of Foley that flooded during Hurricane Sally. There was no further discussion on this item.

A motion was made by Richard Dayton, seconded by Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 20-1371-RES

[20-0603](#)

Request for Reimbursement of Funds to Foley Kiwanis Club Due to Cancellation of Christmas Parade

**Attachments:**     [Santa Invoice for Kiwanis\\_11\\_20](#)

Council Member Charles Ebert, III reported that the Kiwanis Club is asking for reimbursement of \$150 from a deposit they lost due to the cancellation of the 2020 Christmas Parade. There was no further discussion on this item.

A motion was made by Richard Dayton, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 20-1372-RES

[20-0606](#)

A Resolution Approving Going to Bid for Foley Civic Center Roof & Sheet Metal Restoration

**Attachments:**     [Project Manual](#)  
                              [Capital Projects Worksheet](#)

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

Enactment No: 20-1373-RES

[20-0609](#)

A Resolution to go to Bid and Purchase a Hydroponics Container for the Nature Parks Department

**Attachments:**     [Capital Project Request for Hydroponics Container](#)  
                              [LETTER OF COMMITMENT](#)  
                              [SUF info booklet Dec2019](#)

**Leslie Gahagan reported to Council that this container would be similar to a modular container or a shipping container. There was no further discussion on this item.**

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

Enactment No: 20-1374-RES

[20-0610](#)

A Resolution Approving A Budget Increase For An Updated Fee Analysis

**Attachments:**     [2958-07 RES](#)  
                              [TischlerBise March 13, 2008](#)  
                              [Tischler Bise Proposal](#)

**City Administrator Mike Thompson reported to Council that the last fee update was roughly 10 years ago. There was no further discussion on this item.**

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

Enactment No: 20-1375-RES

[20-0611](#)

Approving Renewal of Sublease Agreement between City of Foley and Gregory Scott and Lindsey Driskell

**Attachments:**     [Driskell Sublease Renewal 2020 \(2\)](#)

**City Administrator Mike Thompson reported to Council that the sublease agreement states a 2 year sublease at \$800 per month, with the option for either party to terminate this agreement with a 90 day notice. There was no further discussion on this item.**

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

Enactment No: 20-1376-RES

### [20-0613](#)

A Resolution Approving the Purchase of Real Property

**Attachments:** [Purchase Agreement & Map](#)

City Administrator Mike Thompson reported to Council that the property being purchased is North of the Hamburg Building and South of the Public Works facility. Mr. Thompson reported that the purchase price for the property is \$412k with a non-refundable down payment of \$5k. Mr. Thompson also reported that the closing date will be April 30, 2021. There was no further discussion on this item.

A motion was made by Richard Dayton, seconded by Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 20-1377-RES

### [20-0595](#)

A Resolution Approving a Revised Contract for Public Purpose with the South Baldwin Chamber Foundation

**Attachments:** [Revised - South Baldwin Chamber Foundation Foley Schools 11.30.20](#)  
[Addendum A - Chamber Foundation Reporting Spreadsheet](#)

Sue Steigerwald reported to Council that this resolution will update and clarify the South Baldwin Chamber Foundation contract. There was no further discussion on this item.

A motion was made by Vera Quaites , seconded by Council Member Richard Dayton, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 20-1378-RES

## Mayor's Comments

There were no comments to report.

## Visitor Comments

Gale Croft with the South Baldwin Chamber Foundation thanked Council for their continuous support.

Council Member Vera Quaites stated that the South Baldwin Chamber does a great job.

Council Member Quaites also thanked Darrell Russell for the speed bumps that were placed on Chestnut Street.

Fire Chief Joey Darby gave an update on COVID-19, and also stated that PPE is



becoming difficult to order once again.

## **Adjournment**

A motion was made by Vera Quaites, seconded by Council Member Richard Dayton, that this be adjourned. The motion carried by an unanimous vote.

The meeting was adjourned at 4:31 p.m.