



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, May 17, 2021

3:30 PM

Council Chambers

Work Session/Council Meeting

Call to Order

Council President Wayne Trawick call the meeting to order at 3:30 pm.

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Wynter Metz, Thurston Bullock, Joey Darby, Leslie Gahagan, Taylor Davis, Carson Bise, Jamie Smith, Miriam Boone, Suzanne Kellams, David Thompson, Pam Harris, Logan Eberly, Frances Holk-Jones, Jerome Roper, Gregg Logan, Sam Franklin, Graig Miller, and press representative Jessica Vaughn.

Present: 7 - Council Member Wayne Trawick, President Wayne Trawick, Council Member Vera Quaites, Council Member Vera Quaites, Council Member Rick Blackwell, Council Member Charles Ebert III and Council Member Richard Dayton

Moment of Silence

A moment of silence was observed.

Pledge of Allegiance

TischlerBise Presentation/Discussion

Carson Bise presented to Council an impact fee study that was performed by TischlerBise. Mr. Bise reported that impact fees are not a tax, but a one time payment to offset development costs.

City Administrator Mike Thompson reported that the City provided TischlerBise with the projected spending over the next 10 years in order to receive an accurate development.

President Wayne Trawick asked Mr. Bise if the fees can be placed on residential development alone or if industrial developments have to be included as well. Mr. Bise reported that with impact fees you have to treat everyone equally, but there is some lead-way where you can makeup the difference from another revenue source.

City Administrator Mike Thompson reported that City Attorney Casey Pipes is currently in the process of drafting an Ordinance and looking into the alternatives and legal aspects of the impact fees.

Council Member Richard Dayton asked if he were a business owner looking to relocate to Foley, why would he come to Foley if there would be an impact fee added onto his development. Mr. Bise reported that there is a reason these businesses want to move here, and if they are making an investment, buying land, and constructing a new building, there would most likely be a loan involved. Mr. Bise reported that the State of Alabama has a 1% rule, meaning the impact fee cannot be more than 1% of the value of the development, and broken down into a mortgage, it is usually low enough not to deter the business from coming to Foley. Mr. Dayton asked that if he was a current business owner in Foley, and he was wanting to expand his building, would he be charged the impact fee. Mr. Bise reported that it is usually dependant on how the City Ordinance is written, but unless the purpose of the building is switching use, or growing by an extreme amount, then there should not be any impact fees added.

Council Member Charles Ebert, III asked which cities near Foley have adopted impact fees. Mr. Bise reported that Orange Beach, Gulf Shores, Spanish Fort, Fairhope, Daphne, and Robertsdale have impact fees while Baldwin and Foley are now in the review process. There was no further discussion on this item.

There was a consensus from Council to move forward with the impact fee study.

Discussion Items

[21-0253](#)

Discuss Foley Municipal Airport - Fixed Base Operator (FBO) Lease Renewal

Logan Eberly reported that the 5-year lease that the City has with Roger Watkins/Lightning Aviation at the airport will expire on July 19, 2021. Mrs. Eberly stated that the City has had a few other individuals express an interest in taking over as the FBO, but Roger would like to continue to serve in this position. Mrs. Eberly recommends continuing with Roger as the FBO and stated that if Council agrees, it will be presented as a Resolution at an upcoming Council Meeting. There was no further discussion on this item.

Consent Agenda

[21-0249](#)

Work Session/Council Meeting Minutes of May 3, 2021

Attachments: [05-03-2021 Work Session.Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council

Member Richard Dayton, to approve the May 3, 2021 Work Session /Council Meeting Minutes. The motion carried by an unanimous vote.

[21-0247](#)

Report of April, 2021, Approved/Paid Bills for the Records

Attachments: [2021-04 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. The motion carried by an unanimous vote.

[21-0250](#)

Departmental Reports

Attachments: [Grant Status Report March 2021](#)

[Tax Report APRIL 2021 and BUILDING Permit Report](#)

[April 2021 CDD Report](#)

[April 2021 PD Report](#)

City Administrator reported to Council that this has been a strong tax year and that this time last year most businesses were closed due to the pandemic. 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 Agenda Item be approved. The motion carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Vera Quaites, seconded by Rick Blackwell, to add items 21-0648 and 21-0262 to the agenda. The motion carried by an unanimous vote.

Ordinances

[21-0251](#)

AN ORDINANCE TO APPROVE THE ANNEXATION OF TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF FOLEY, ALABAMA

Attachments: [BC Letter](#)

[Exhibit A Legal Description](#)

[Exhibit A Map](#)

[Exhibit B BC-Res 2021-075](#)

[Infrastructure Valuation CR20S](#)

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.

Enactment No: 21-2008-ORD

[21-0252](#)

Road Naming Ordinance

Attachments: [Road Naming Ordinance w Backup](#)

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

Enactment No: 21-2009-ORD

[21-0261](#)

An Ordinance for a 10 Year Construction, Right-Of-Way Use & Franchise Agreement between the City of Foley and Telepak Networks, Inc. and its affiliates, D/B/A C Spire

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

Enactment No: 21-2010-ORD

Resolutions and Other Business

[21-0243](#)

A Resolution Approving the Maintenance of Stan Mahoney Lane and Wolf Creek Parking Area Capital Project

Attachments: [Capital Project for Rocking Stan Mahoney.2021](#)

Environmental Director Leslie Gahagan reported to Council that the gravel on this road has been washed away and this Resolution will allow the purchase of more rock and to allow the use of City forces to build up the existing road. 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: 21-1151-RES

[21-0244](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING THE STRUCTURE ON CO RD 12 EAST OF LAKEVIEW DR TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: [Pole Barn on County Road 12](#)

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: 21-1152-RES

[21-0245](#)

A Resolution To Approve Filling An Environmental Inspector Position Earlier Than Budgeted

Attachments: [Budget Transfer Request Forms-Environmental](#)

Human Resource Director Suzanne Kellams reported to Council that there is a current employee going on a leave of absence sooner than expected, and that this item is budget neutral. 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: 21-1153-RES

[21-0254](#)

A Resolution Accepting FY21 Alabama Transportation Rehabilitation and Improvement Program II (ATRIP-II) Grant for the Construction of Intersection Improvements at State Highway 59 and County Road 12

Attachments: [ATRP2-02-2021-213 FOLEY 100073291](#)
[Capital Project Worksheet and Budget Increase](#)

Logan Eberly reported to Council that the City of Foley was awarded the grant for intersection improvements at Highway 59 and County Road 12. Mrs. Eberly reported that it is a \$1,500,060.00 grant with a \$300k match, in which the budget will need to be amended to reflect. 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: 21-1154-RES

[21-0255](#)

A Resolution to Approve Hazard Mitigation Grant Program Application and Project Administration Consulting Services and Enter into an Agreement with EnCompass360

Attachments: [EnCompass360 RFR Proposal](#)

Logan Eberly reported to Council that there were two bids for the First Responders Shelter, and that the City is wanting to move forward with the bid from EnCompass360. 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: 21-1155-RES

[21-0256](#)

A Resolution Approving Application for FY 2021 Bulletproof Vest Partnership Grant

Attachments: [BVP Application](#)

Logan Eberly reported to Council that the Police Department is wanting to apply for a grant for bullet proof vests. Mrs. Eberly reported that the grant would be \$5,107.00 with a \$5,107.00 match. 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: 21-1156-RES

21-0257

Approval of Lease Agreement Between COF and Lakeview Estates / Lakeview Gardens POA for Helicopter Landing Zone

Attachments: [20210510172028996.pdf](#)
[Lakeview Estates LAND LEASE AGREEMENT.pdf](#)

Fire Chief Joey Darby reported to Council that with the Medstar helicopter now being located at South Baldwin Hospital, the Fire Department is wanting to acquire a space for emergency landing. Chief Darby reported that there is a common space for Lakeview Estates that would need 2 pine trees removed, but other than that would be the perfect location for this landing zone. Chief Darby reported that a concrete slab would not be needed on the site and that for insurance purposes, there would be a lease for \$1 per year with Lakeview Estates. 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 the following vote: Council Member Quaites, aye; President Trawick, aye; Council Member Dayton, abstained; Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by a majority vote.

Aye: 4 - Council Member Trawick, Council Member Quaites, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - Council Member Dayton

Enactment No: 21-1157-RES

21-0260

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 303 N BEECH ST

Attachments: [303 N Beech St. 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: 21-1158-RES

21-0262

A Resolution Approving the usage of Aaronville Park for May Day

Attachments: [May Day Celebration - Jerome Roper](#)

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: 21-1159-RES

[21-0248](#)

ABC License: 020 - Restaurant Retail Liquor for OWA Burgers LLC, Applicant, operating under the trade name El Diablo Taqueria and Cantina located at 104 A SOUTH OWA BLVD Foley, Alabama 36535.

Attachments: [EL Diablo Taqueria and Cantina - ABC Application](#)

The Foley Police Department and Fire Department made a recommendation to move forward with the ABC License.

A motion as 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 ABC License. The motion carried by an unanimous vote.

Mayor's Comments

Mayor Hellmich reported that the Gulf Coast Hot Air Balloon Festival, the Art in the Park and the sporting events that took place were all great successes.

Visitor Comments

Amy Brooks who resides on Wilson Road reported that she just wanted to make sure the City is still working to resolve the flooding on Wilson Road. She reported she and other residents have been working with the Engineering Department to resolve the issues. Mayor Hellmich reported that the City is working with a property owner to purchase adjacent property that will allow the City to improve the drainage in that area.

Craig Miller with Foley Youth Football reported that this season he is anticipating over 200 registrants and is wanting Council's help on finding an adequate place for the kids to practice for games safely. Mr. Miller reported that they have outgrown Cedar Street Park and most other fields have un-level ground or no lighting.

Recreation Director David Thompson reported they are trying to come up with a solution. Foley resident Jerome Roper inquired if the Aaronville Park baseball field could be used for the youth football practices. David Thompson reported the lighting issue there is still an issue and suggested moving the practice times until an appropriate solution can be made.

Council Member Rick Blackwell left the meeting at 4:47 pm.

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 was adjourned at 4:57 pm.