



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, February 15, 2021

4:00 PM

Foley Civic Center

Work Session/Council Meeting

Public Hearings

[21-0097](#)

A Public Hearing to Consider Planning Commission's Recommendation to Adopt an Ordinance to Amend the Building Code Ordinance Pertaining to Parcel or Lot Requirements Before Issuance of a Building Permit for a New or Expanded Habitable Structure.

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

President Trawick called the meeting to order at 4:01 p.m.

Roll Call

All Council Members were present with Council Member Rick Blackwell arriving at 4:23 p.m. Mayor Ralph Hellmich was absent due to being out of town. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Wynter Metz, John Koniar, Linda Koniar, Mell Davis, Sue Kimsey, Leslie Gahagan, James Wallace, Toney Shackle, Danny McDuffy, Angie Beard, Marcia and Mary Angel, Brenda Shambo, Kelley Wansley, Jonathan Wallace, Deborah Mixon, Logan Eberly, Rachel Keith, Kim Koniar, David Vosloh, Tommy Lee, Randy Kurtts, Darrell Russell, Todd Koniar, Jennifer Nolte, LaDonna Hinesley, James Atkins, Reese Wiley and press representative Jessica Vaughn.

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

Pledge of Allegiance

Presentations

[21-0062](#)

Proclamation: Arbor Day

Attachments: [Arbor Day Proclamation 2021](#)

Council Member Charles Ebert, III presented the proclamation for Arbor Day.

[21-0063](#)

2021 Arbor Day Book Donations

Attachments: [Book Donations](#)

Brenda Shambo presented the donated books to the Foley librarians.

[21-0073](#)

Proclamation

Council Member Charles Ebert, III presented the proclamation for Linda Koniar.

Sue Kimsey spoke about Meals on Wheels and the dedication Linda Koniar and her family have put forth over the past 40 years. Mrs. Kimsey presented a new 2016 van for the Meals on Wheels program in Mrs. Koniar's honor.

Discussion Items

[21-0077](#)

A Resolution to Approve the Mel Roberts Park Pavilion Project and Budget Increase

Attachments: [Council Agenda Bid Tab - Rebid for Mel Roberts Park](#)
[20210204132112401](#)

Randy Kurtts reported to Council that this project is expected to cost more than initially planned due to the durable building materials they are wanting to use to make sure the pavilion will last a long time. Council Member Rick Blackwell recommended adding this item to the agenda. There was a consensus to move this item to the agenda. There was no further discussion on this item.

[21-0100](#)

An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of Same to Riviera Utilities

Attachments: [22271 County Road 12](#)
[22271 CR 12-Proposed Water Plant Site](#)

City Administrator Mike Thompson reported Riviera Utilities is interested in purchasing property from the City of Foley at the appraised value. Riviera plans to proceed with designs for a potential water distribution site at the location in order to better service the southeast quadrant of the City. This location is currently used by the Foley Fire Department for storage purposes. Fire Chief Joey Darby reported the City was losing ISO credit for insurance purposes. This prompted the building of the Fire Station in the Glen Lakes area. Chief Darby reported this property is no longer needed for the Fire Department purposes and Riviera Utilities has agreed to allow the Department

time to relocate their equipment stored on the site.

After further discussion, there was a consensus to have they first and second readings of the ordinance in March of 2021.

Enactment No: 21-2002-ORD

Consent Agenda

[21-0071](#)

Work Session/Council Meeting Minutes of February 1, 2021

Attachments: [02-01-21 Wors Session & Council Meeting Minutes-Draft](#)

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 February 1, 2021. The motion carried by an unanimous vote.

[21-0072](#)

Departmental Reports

Attachments: [2021 - Quarterly Report Oct. Nov. Dec](#)
[Tax Report Jan 2021](#)
[January 2021 CDD Report](#)
[January 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. The motion carried by an unanimous vote.

[21-0082](#)

A Resolution Waiving Horse Arena Fees for Jennifer Claire Moore Foundation Annual Rodeo

Attachments: [Jennifer Claire Moore Letter](#)

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: 21-1038-RES

[21-0084](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 9190 LAKEVIEW DRIVE

Attachments: [9190 Lakeview Dr 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: 21-1039-RES

[21-0088](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING A STRUCTURE TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 906 SOUTH MAPLE ST

Attachments: [906 South Maple Street Derelict Structure.2021](#)

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

[21-0095](#)

Report of Prior Month Approved/Paid Bills for the Records, January, 2021.

Attachments: [2021-01 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.

[21-0096](#)

Special Called Audit Reading/Council Meeting Minutes of February 1, 2021

Attachments: [02-01-21 Special Called Audit Reading Minutes-Draft](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to approve the Special Called Council Meeting /Audit Reading Minutes of February 1, 2021. 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 Vera Quaites, to add item 21-0077 to the agenda and to remove item 21-0088 from the agenda. The motion carried by an unanimous vote.

Ordinances

[21-0016](#)

BUILDING CODE AMENDMENT

Attachments: [Building Permit Code Amendment](#)

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

Enactment No: 21-2000-ORD

Resolutions and Other Business

[21-0069](#)

A Resolution Approving the Surplus & Disposal of Six (6) Street Dept

Vehicles/Equipment.

Public Works director Darrell Russell reported to Council that 3 vehicles would be sent to auction in Montgomery, and the other 3 vehicles will be destroyed per the rules of the grant. 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: 21-1041-RES

[21-0070](#)

A Resolution to Approve Police Department Vehicle to be Deemed Surplus

Public Works director Darrell Russell reported to Council that this vehicle will be going to auction as well. 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: 21-1042-RES

[21-0074](#)

A Resolution to Approve Foley Civic Center Stage Lighting Upgrade Bid Recommendation

Attachments: [Bid Tab - Civic Center Lighting](#)

Logan Eberly reported to Council that this item falls under the ADECA grant and is coming in under budget. There was no further 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: 21-1043-RES

[21-0075](#)

A RESOLUTION APPROVING STREET LIGHT INSTALLATION ON HAMILTON BLVD.

Attachments: [Riviera Quote](#)

City Engineer Randy Kurtts reported to Council that residents in this area are requesting a light to be added to an existing pole. 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: 21-1044-RES

[21-0076](#)

A Resolution Approving the Transfer of Budgeted Funds and Purchase of Two Message Board Signs

Attachments: [STREET Dept Request to Transfer Dept Budget Dollars.pdf](#)
[ST CNSTR - 2 Message Board Signs Cap Purch Wrksht.pdf](#)
[K&K Systems Quote for 2 Message Board Signs.pdf](#)

Public Works director Darrell Russell reported to Council that this item is budget neutral, transferring funds from street construction to street signs. 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: 21-1045-RES

[21-0078](#)

A Resolution to Enter into Contract with Volkert, Inc. for Bon Secour River Headwaters Restoration Phase II Project

Attachments: [21-P0206 City of Foley Bon Secour River Headwater Restoration Phase 2](#)

Environmental director Leslie Gahagan reported to Council that this item is 100% funded by the NFWF grant.

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

Enactment No: 21-1046-RES

[21-0079](#)

A Resolution to Enter into Contract with Volkert, Inc. for Wolf Creek Headwaters Restoration Phase I

Attachments: [21-P0207 City of Foley Wolf Creek Headwaters Restoration Phase 1](#)

Environmental director Leslie Gahagan reported to Council that this phase will allow for the design and engineering of the stream restoration, and that is it 100% covered by the NFWF grant. There was no further 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: 21-1047-RES

[21-0080](#)

A Resolution Approving a Request to Purchase an Upgrade to InCode Software for the Community Development Department

Attachments: [Software Upgrade Backup](#)

Community Development Director Miriam Boone reported to Council 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 Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 21-1048-RES

[21-0081](#)

A Resolution Deeming Stage Curtains as Surplus

Logan Eberly reported to Council that these are the old curtains from the Civic Center and they are currently being stored in the Barnes building. 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: 21-1049-RES

[21-0083](#)

A Resolution Approving an Appraisal for Potential Property Purchase

Environmental Director Leslie Gahagan reported to Council that hopefully in the future the GOMESA grant will fund this purchase. 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: 21-1050-RES

[21-0085](#)

A Resolution Approving Bid Solicitation for an Electric Vehicle for the Environmental Department

Attachments: [Capital Purchase Request for Electric Vehicle.2021](#)

Environmental Director Leslie Gahagan reported to Council that her department is in need of another vehicle to handle their workload. 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: 21-1051-RES

[21-0086](#)

A Resolution Approving the GCNP West Entrance Improvements Capital Project

Attachments: [Capital Project for West Entrance Improvements.2021](#)

Environmental Director Leslie Gahagan reported to Council that they are going to be re-doing the red clay entrance to gravel, as well as adding entrance signs. Mrs. Gahagan reported that the project is coming in under \$7,500. 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: 21-1052-RES

[21-0089](#)

A Resolution Accepting Natural Resources Conservation Services Emergency Watershed Protection Grant

Attachments: [Hurricane Sally DSR County Road 20S and Hickory Street](#)
[Budget Increase Request-NRCS](#)

Environmental Director Leslie Gahagan reported to Council that this grant will help clean out 3 streams damaged by Hurricane Sally. Mrs. Gahagan also reported that 75% of the work is covered by the grant. 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: 21-1053-RES

[21-0090](#)

A Resolution Approving the Application to the Environmental Protection Agency FY21 Diesel Emissions Reduction Act National Grants

Attachments: [2021-1-8-dera-national-grants](#)

Logan Eberly reported to Council that this grant will allow for the purchase of an electric trash or recycling truck. Mrs. Eberly reported that the grant is 40% with a 60% match. 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: 21-1054-RES

[21-0091](#)

A Resolution Authorizing City of Foley Forces To Assist The South Baldwin Chamber of Commerce with the Hot Air Balloon Festival

City Administrator Mike Thompson reported to Council that this item is a Public Good and this will allow our City forces to help with the event. 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: 21-1055-RES

[21-0092](#)

A Resolution to Approve Volkert Inc. Supplemental Agreement No. 2 for Evaluation, Design and Construction Phases of Foley Municipal Airport T-Hangar Repair Resulting from Hurricane Sally

Attachments: [SA No 02 \(Hangar Repairs\).pdf](#)
[Capital Project Request - T-Hangar Repair due to Hurricane Sally.pdf](#)

Project Manager Rachel Keith reported to Council that this item will allow the initial evaluation, which will be covered by the insurance claim. 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: 21-1056-RES

[21-0094](#)

A Resolution to Approve Warner's Athletic Bid for Foley Sports Tourism Safety Netting

Attachments: [Pages from Bid Tab - FST Safety Netting](#)
[Budget Increase Form](#)

Project Manager Rachel Keith reported to Council that Sports Tourism received a lot of damage to the safety netting during Hurricane Sally. Mrs. Keith reported that there is \$369,000 worth of damage and will cover it with a \$200,000 deductible. Mrs. Keith stated that FEMA is expected to reimburse some funds. 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: 21-1057-RES

[21-0077](#)

A Resolution to Approve the Mel Roberts Park Pavilion Project and Budget Increase

Attachments: [Council Agenda Bid Tab - Rebid for Mel Roberts Park](#)
[20210204132112401](#)

A motion was made by Council Member Rick Blackwell, this item failed for lack of a second motion.

Mayor's Comments

There were no comments to report.

Visitor Comments

Fire Chief Joey Darby thanked Orange Beach for their help with the OWA vaccination site.

City Administrator Mike Thompson advised everyone to be on weather watch for the following day.

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 5:29 p.m.