



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, July 17, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearings

[23-0396](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 2150 South McKenzie St.

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.

[23-0397](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 209 West Roosevelt Ave.

Council President Pro-Tempore Charles Ebert, III, opened the Public Hearing at 4:01 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[23-0398](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order Its Abatement at 407 Cedar Court.

Council President Pro-Tempore Charles Ebert, III, opened the Public Hearing at 4:01 p.m. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

Council 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 on vacation. Also present: Mayor Ralph G. Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Leslie Gahagan, Jeff Lee, Guy Busby, Darrell Russell, David Thompson, Jeff Phillips, Wayne Dyess, Brandon Mothershed, David Wilson, Dennis Crist, Jim Roark, James Craig, Kylee Raulerson, Logan Eberly, Rachel Keith, Richard Payne, Tony Fuqua, Brenda Shambo, Reagan Goff, Angela Sherman, Jamie Smith, Becky Kendrick, Robert Whittan, Paula Whittan, LaDonna Hinesley, and Fire Chief Joey Darby.

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

Absent: 1 - Wayne Trawick

Moment of Reflection

Pledge Of Allegiance

Presentation

[23-0372](#)

South Baldwin Chamber of Commerce Presentation - Entrepreneur Program Impacting Communities

Executive Director of South Baldwin Chamber Foundation Kylee Raulerson presented to Council a new program called Entrepreneur Program Impacting Communities. Ms. Raulerson reported that the Chamber has partnered with Coastal Alabama to mentor students from seventh through twelfth grade. She also reported that EPIC will give each student the fundamental foundation of owning their own business and the importance of networking.

Ms. Raulerson reported to Council that EPIC welcomes anyone that would like to volunteer their time as a mentor for Entrepreneur Program Impacting Communities. There was no further discussion on this item.

Work Session Discussion

Consent Agenda

[23-0375](#)

Report of June, 2023, Approved and Paid Bills for the Record

Attachments: [2023-06 Approved & Paid Bills.Expense Approval Report](#)

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell, to approve the Report of Paid Bills for June 2023. The motion was carried by an unanimous vote.

[23-0390](#)

Departmental Reports

Attachments: [Tax Report and Permit-Plan Review June 2023](#)

[June 2023 CDD Report](#)

[June 2023 PD Report](#)

[June 2023 FD Report](#)

[Marketing Quarterly Report](#)

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell, to approve the Departmental Reports for June 2023. The motion was carried by an unanimous vote.

[23-0389](#)

Work Session/Council Meeting Minutes of July 5, 2023

Attachments: [7-05-2023 Work Session Council Meeting Minutes](#)

A motion was made by Council Member Richard Dayton, seconded by Council Member Rick Blackwell, to approve the July 5, 2023 Work Session/Council Meeting Minutes. The motion was carried by an unanimous vote.

Additions/Removals/Carry-Overs

There were no additions, removals or carry-overs to report.

Ordinances

[23-0401](#)

(Second Reading) An Ordinance Amending Ordinance No. 1028-08 An Ordinance to Protect the Public Health, Safety, and Welfare by Providing Policies and Procedures For Usage At Public Parks Within The City of Foley.

Attachments: [Sarah Thompson Kids Park Rules](#)

Parks and Recreation Director Jeff Lee reported to Council that this item is to revise the policies and procedures pertaining to the Sarah Thompson Kids Park. 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 Ordinance be approved on first reading. The motion was carried by an unanimous vote.

Resolutions and Other Business

[23-0235](#)

A Resolution Approving the Use of Heritage Park for the 2023 Society of Black Hats Foley Witches Ride Charity Event and After Party.

Attachments: [Society of Black Hats Witches Ride](#)

Parks and Recreation Director Jeff Lee reported to Council that this annual event would include the road closure of East Violet Ave.

President Pro-Tempore Charles Ebert, III asked staff if golf carts would be permitted during this event. Brenda Shambo reported to Council that golf carts would be limited to the first twelve participants this year. 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: 23-1246-RES

[23-0367](#)

A Resolution Approving Monthly Bids - June 2023

Attachments: [June 2023 Bid Awards](#)

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: 23-1247-RES

[23-0376](#)

A Resolution Appointing City Clerk as the Absentee Elections Manager for the Special Municipal Election

Attachments: [Appointment Letter From JOP](#)

City Administrator Mike Thompson reported to Council that the special election for the Mills Annexation is schedule for August 22, 2023 from 7:00 a.m. until 7:00 p.m. 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: 23-1248-RES

[23-0377](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING 621 EAST WALKER AVENUE TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: [Walker Avenue Pool](#)
 [1066-08 ORD](#)

City Administrator Mike Thompson reported to Council that the City performed a title search and discovered that the owners of the property are divorced and they have abandoned this property. 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: 23-1249-RES

[23-0378](#)

A Resolution to Accept Bid for Construction of Access Taxilane and 8-Unit T-Hangar at the Foley Municipal Airport

Attachments: [1059406 - Bid Results - Construct Access Taxilane & 8-Unit T-Hangar.pdf](#)
 [Capital Budget Increase for Airport Project.pdf](#)

Council President Pro-Tempore Charles Ebert, III allowed for public comment on this item.

Jim Roark who resides at 1693 Hudson Road reported to Council his concerns about the noise level of the aircrafts at Foley Airport. Mr. Roark reported that since the wood line and vegetation has diminished over the years, he noticed the noise level has increased and there is a higher level of air traffic. He

reported that sitting outside can be not as enjoyable as it once was.

Mr. Roark reported that he spoken to Roger Watkins, who is the Airport's Fixed Base Operator about his concerns. Cory Kirkwood who represents the Foley Airport reported to Council that some of the night activity is training performed by the United States Navy.

Kathy Fedaway reported to Council about the safety concerns and the noise level. She also reported that the helicopter is extremely loud and operates at all hours of the day.

Mayor Ralph G. Hellmich and City Administrator Mike Thompson reported to Council about adding some boxwoods and vegetation along the boundary to assist with lowering the noise level. Mr. Thompson reported to Council that a chain link or privacy fence may better assist with this problem. Rachel Keith reported that she will research the requirements to determine if this is within the FHA guidelines.

Dana Cleverdon who resides at 15133 George Younce Road reported to Council that he has lived in Foley all of his life and has noticed that Foley Airport is in need of remodeling. He reported that the Foley Airport is an asset to the City of Foley. 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: 23-1250-RES

[23-0379](#)

A Resolution to Accept Grant Offers from the FAA & ALDOT for an Airport Improvement Project to Construct Access Taxilane and 8-Unit T-Hangar

Attachments: [Foley Municipal Airport_2023 State Grant Offer 3-01-0031-024-2023_AIG.pdf](#)
[Foley Municipal Airport_2023 State Grant Offer 3-01-0031-025-2023_AIP.pdf](#)
[20230714154511745](#)
[20230714154414795](#)

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: 23-1251-RES

[23-0381](#)

A Resolution Approving an Unplanned Capital Purchase for the Parks & Recreation Department.

Attachments: [Capital Purchase Forms - Painter](#)
 [Graco Painter - Sherwin Williams](#)
 [Graco Painter - Amazon](#)
 [Graco Painter - Grainger](#)

Parks and Recreation Director Jeff Lee reported to Council that this equipment needs to be replaced because their current painter is over twenty years old. 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: 23-1252-RES

[23-0383](#)

A Resolution Approving a Budgeted Capital Purchase of (2) Trailers

Attachments: [Capital Purchase Worksheet](#)
 [Emails from W.Trawick and M. Thompson](#)
 [Quote Buy Rite Trailers](#)

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: 23-1253-RES

[23-0384](#)

A Resolution Finding a Trip to Hennef, Germany Served a Public Purpose and Authorizing the Reimbursement of Travel Expenses

There was no 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: 23-1254-RES

[23-0385](#)

A Resolution Approving Wall Repairs for the Foley Justice Center.

Attachments: [Estimate for Wall Repair](#)

Project Director Jeff Phillips reported to Council that this project is to repair the extensive damages from the previous roof replacement. 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: 23-1255-RES

[23-0387](#)

A Resolution to Approve Use of the Foley Event Center by the Baldwin County Board of Education and to Set the Fee Schedule for Multiple Graduations.

Attachments: [Graduation planning and organization](#)

Executive Director of Leisure Services David Thomspson reported to Council that the Baldwin County Board of Education requested the use of the Foley Event Center for high school graduations in 2024. Mr. Thompson reported that multiple schools will have the inability to host graduation ceremonies at their stadiums due to installing synthetic turf.

Mr. Thompson reported that the Baldwin County Board of Education plans to have the graduation as a ticketed event to keep the occupancy at four thousand participants. He also reported to Council that the City of Foley and Baldwin County Board of Education will determine the cost fee and also which option would be best for this event. Mr. Thompson reported that the resource officers from each school may be utilized but this will be confirmed at the next meeting. 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: 23-1256-RES

[23-0388](#)

A Resolution Approving Change Order #2 for the Downtown Improvements 2022 Project/Centennial Fountain.

Attachments: [Change Order#2 Downtown Improvements 2022](#)
[Change Order#2 Budget Increase Capital Projects](#)

Project Director Jeff Phillips reported to Council that this consists of the area located near the Post Office that previously had drainage issues and the water needed to be rerouted. Mr. Phillips reported that he installed some curbs to better assist with the water flow. He also reported that in order to keep the electric online, an additional circuit box had to be installed. 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: 23-1257-RES

[23-0391](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT 1235 SOUTH MCKENZIE STREET AND ORDERING ITS ABATEMENT

Attachments: [1235 South McKenzie weed abatement](#)

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: 23-1258-RES

[23-0392](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT 9475 HICKORY STREET AND ORDERING ITS ABATEMENT

Attachments: [9475 Hickory Street weed abatement](#)

There was no 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: 23-1259-RES

[23-0399](#)

A Resolution Approving Bid Award for Foley Public Works Complex-Civil Site

Attachments: [Bid Tabulation - Foley PWC Civil \(3\)](#)

Public Works Director Darrell Russell reported to Council that EDT recommends awarding the project to Ammons & Blackmon Construction.

Mayor Hellmich and City Administrator Mike Thompson reported to Council that this new facility will provide a broad variety of capabilities for the future. Mayor Hellmich reported that the expansion of the fuel island is one example.

Mr. Russell reported to Council that the original facility will be repurposed. 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: 23-1260-RES

[23-0400](#)

A Resolution to Declare Bicycles as Surplus and Donate to Calvary Chapel Fellowship of Foley.

Attachments: [Bikes serial numbers, brands](#)

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: 23-1261-RES

[23-0405](#)

A Resolution To Approve Going To Bid for Equipment Associated With The Nexedge Tower Site Upgrade

Public Safety Director David Wilson reported to Council that this equipment will enhance the digital radio system. 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: 23-1262-RES

Mayor's Comments

Mayor Hellmich reported to Council that the Public Information Meeting pertaining to the storm water drainage system of Beulah Heights was scheduled for July 20, 2023. He reported that this meeting will identify where the need is for revamping any particular area. Mayor Hellmich also reported that this meeting will help to identify who would meet the requirements for the sewer grant program.

Mayor Hellmich reported to Council that the City of Foley was allocated \$5 Million from the GOMESA Grant. This grant will be used to expand the property of our Graham Creek Nature Preserve. Mayor Hellmich reported that he is extremely proud of the dedication from Environmental Director Leslie Gahagan.

Mayor Hellmich reported to Council that the Mills Annexation Election is set for Tuesday, August 22, 2023 from 7:00 a.m. until 7:00 p.m. He reported that the community of Mills will decide if they would like to be annexed into the City of Foley.

Visitor Comments

James Craig, who resides at 595 Fulton Loop is concerned about the retention pond that is located between his house and Hampton Park. Mr. Craig reported that this retention pond has a large amount of cattails that pose a risk of flooding. He also reported that this pond has not been maintained for a long of time. Mr. Craig reported that he has spoken to the HOA President about his concerns, the HOA President informed him that this problem would cost approximately \$200,000 to correct. Mr. Craig reported that the HOA does not have the money to cover the cost for this project.

Mayor Hellmich reported to Council that the Environmental Department has met with the HOA and they are working towards an active plan to assist with the overgrowth of this retention pond. He reported that this area was constructed in the early 1990's and the building standards were different compared to now.

Mayor Hellmich reported that Hampton Park and Ashford Park need to have joint ownership of this pond and work together to resolve this issue. Mayor Hellmich also reported to Council that if this retention pond was maintained, it would benefit both neighborhoods.

Council President Pro-Tempore Charles Ebert, III reported to Council that an

assessment could be useful. Executive Director of Infrastructure and Development Wayne Dyess reported to Council that some HOA's of smaller neighborhoods are not charging enough for the annual dues to assist with the costs for maintaining these retention ponds. He also reported that some HOA's now perform assessments every five years.

City Administrator Mike Thompson reported to Council that if this HOA was receiving the correct amount of fees there would not be a need to have an assessment and this area would be maintained on a regular basis.

Mr. Craig also reported to Council that he wanted the City to be aware that grass clippings from Public Works have gone onto the streets. Council President Pro-Tempore Charles Ebert, III reported that this will be cleaned in the morning.

Jane Whittan who resides in Ashford Park reported to Council that she disagrees with the joint ownership of this retention pond. She reported that this retention pond runs south on County Road 20 and the ditch along 20 was cleared of debris a year ago and now it is full of debris.

Mayor Hellmich reported to Council that this area has been evaluated and will include maintenance this fall. He also reported that this area has been checked for beaver dams and any other blockages.

Mrs. Whittan reported to Council that the majority of residents in the neighborhood are retired. She also reported that when infrastructure is given back to the HOA there is a lack of expert knowledge and resources like what the City of Foley can provide. Mrs. Whittan thanked the City of Foley and Council Member Charles Ebert, III.

Foley Fire Chief Joey Darby reported to Council that Alabama Legislature passed the Safe Haven Baby Box Bill sponsored by Representative Donna Givens. Chief Darby reported to Council that this new law allows for the safe surrender of infants at Fire Stations.

Chief Darby reported to Council that the Foley Fire Department is one out of ten Departments in the state that was chosen. He reported that as much as he hopes this box will never be needed it will be beneficial for the safety of the mothers and infants.

Adjournment

A motion as made by Council Member Richard Dayton, seconded by Council Member Vera Quaites, to adjourn the meeting.

The meeting was adjourned at 5:32 p.m.