



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, March 21, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0150](#)

Public Hearing to consider adopting an ordinance to repeal Ordinance 17-2032 and to Replace it with a New Ordinance for Control, Collection and Disposal of Refuse.

Council President Wayne Trawick opened the Public Hearing at 4:00 p.m. He asked for comments from the public. Hearing no comment, 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 Wilson, Wayne Dyess, Leslie Gahagan, LaDonna Hinesley, Jamie Smith, Police Chief Thurston Bullock, Logan Eberly, Suzanne Kellams, David Thompson, Jeff Lee, Brandon Mothershed, Pam Harris, Rachel Keith, Frances-Holk Jones, Miriam Boone, Chief Joey Darby, John Jackson, Darrelyn Dunmore, Jeff Phillips, Darrell Russell, Angie Eckkman, Chad Christian, Greg Wood, W.J. Wilson, Don Wenzel, J. D. Wilson, Rebecca Paul, Guy Busby, Garry Wenzel, Rodney Schrimphshire, Cheryl Schrimphshire, J. Michael Newton, Nick Wilmott, Austin Hynson, Roddy Burkle, William Potter, and Ashley McNair.

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

Moment of Silence

A moment of silence was observed.

Pledge of Allegiance

Presentation

[22-0142](#)

Proclamation: Foley Middle School - Lighthouse School

Attachments: [Foley Middle School - Lighthouse School](#)

Mayor Hellmich presented the Proclamation for Foley Middle School to Dr. Ashley McNair, Kim Bach, and Brandy Baker. Foley Middle School is the first school in Alabama to be awarded the Lighthouse Certification. Foley Middle School implemented the Leader in Me program. This program has influenced other schools in Baldwin County and in Alabama.

[22-0146](#)

Proclamation: Frances Underwood Lager

Attachments: [Proclamation Lager](#)

This proclamation was carried over to the May 2, 2022 Council Meeting so that Mrs. Lager's family could be present to accept the proclamation.

Consent Agenda

[22-0133](#)

Report of February, 2022, Approved and Paid Bills for the Record

Attachments: [2022-02 Approved & Paid Bills.Expense Approval Report](#)

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

[22-0141](#)

Departmental Reports

Attachments: [Grant Status Report Feb 2022](#)
[February 2022 Bid Awards](#)
[Tax Report and Permit-Plan Review Feb 2022](#)
[February 2022 CDD Report](#)
[February 2022 PD Report](#)
[February 2022 FD Report](#)

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

[22-0147](#)

Work Session/Council Meeting Minutes of March 7, 2022

Attachments: [Work Session Council Meeting Minutes of March 7, 2022](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the March 7, 2022 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

Additions/Removals/Carry-Overs

Council Member Ebert, III, made a recommendation so the Lager family can be in attendance to carry over item 22-0146 to the May 2, 2022 Council Meeting. A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites to carry over item 22-0146. The motion carried by an unanimous vote.

Ordinances

[22-0129](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY THE CITY OF FOLEY

Attachments: [Annexation Petition](#)
 [Deed 114869](#)

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

[22-0155](#)

(Second Reading) Rezoning of Property from B1A, AO, R2 & PO to R3 - Residential Multi-Family

Attachments: [Backup for Council Agenda.pdf](#)

Nick Wilmott representing Crimson Land Development reported to Council that this property is located on East Michigan Avenue, Cypress Street and South Bay Street. This property will include 62 town homes and 140 apartments.

Crimson Land Development performed a traffic analysis because of the concerns of the traffic pattern, which the final outcome of the study was low impact traffic. This development will have three entrances and exits that are located on Cypress Street, South Bay Street and East Lawson Avenue. Council Member Dayton inquired about what did Crimson Land Development use for study factors for the traffic patterns. Mr. Wilmott reported to Council that intersections around the property were examined. Michigan and Juniper, Commercial Drive and Highway 59, Bay Street, Michigan and Cypress Street were intersections that were examined by the Engineering Firm.

Council Member Dayton asked Mr. Wilmott that since there are 260 parking spaces, how would that impact the traffic flow from the entrances and exits? Mr. Wilmott reported that with so many people working from home and that the property would be developed in phases, not all residents would be entering or exiting at the same time.

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

[22-0136](#)

A Ordinance Approving Lowering Speed Limits within the City

Public Safety Executive Director David Wilson requested Council to move forward on this item. With the future growth of South Baldwin Regional Medical Center, hospital staff needs to shuttle to and from the hospital by

utilizing golf charts. Mr. Wilson asked Council to lower the speed limits around the area of the hospital to 25mph for the golf charts to be considered legal.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to suspended the rules for the immediate adoption of this Ordinance. City Administrator Mike 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 suspend the rules.

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

Enactment No: 22-2011-ORD

[22-0110](#)

(Second Reading) An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Conveyance of Same to Baldwin County, Alabama

Attachments: [Warranty Deed](#)

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

Enactment No: 22-2009-ORD

[22-0113](#)

(Second Reading) Ordinance for Control, Collection and Disposal of Refuse

Attachments: [17-2032 ORD](#)

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

Enactment No: 22-2010-ORD

Resolutions and Other Business

[22-0128](#)

A Resolution Appropriating Funds for the New Comfort Station

Attachments: [Res 21-1432](#)

Project Director Jeff Phillips reported to Council that he would like to move forward on this project due to the increase of cost. The Comfort Station that was chosen will have the same style and design as the Train Depot. 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: 22-1082-RES

[22-0131](#)

A Resolution to Memorialize declaring bikes as Surplus and Donate them to Calvary Chapel Fellowship of Foley.

Police Chief Thurston Bullock reported to Council that the Police Department has a surplus of unclaimed bikes and requested to donate the bikes to a good cause. 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: 22-1083-RES

[22-0132](#)

A Resolution Approving the Sponsorship for the South Alabama Land Trust's Bald Eagle Bash

Attachments: [Bald Eagle Bash](#)

Council Member Ebert, III, reported to Council that this is the same amount of sponsorship from last year and that this is a good environmental organization. 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: 22-1084-RES

[22-0137](#)

A Resolution to Increase the Small Tools Budget for Public Works

Attachments: [Increase Budget Form](#)

Logan Eberly requested from Council to approve a budget increase for furnishing the office for the new Executive Director position. 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: 22-1085-RES

[22-0138](#)

A Resolution Authorizing Sean Duke, President of the Alabama Municipal Insurance Corporation to act as proxy for the City of Foley at the Regular Annual Membership Meeting to be held in Tuscaloosa, Alabama on May 12, 2022.

Attachments: [AMIC Proxy Voting](#)

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: 22-1086

[22-0139](#)

A Resolution Approving County Road 12 Turn Lane Widening Bid Award and EDG LLC's Professional Services Proposal

Attachments: [Res 22-1001 Funding Approval](#)
[City of Foley Mail - Fwd County Road 12 Widening Bid Tab](#)
[Bid Tab - County Road 12 Turn Lane Widening](#)
[EDG Proposal CR 12 Turn Lane](#)
[Capital Budget Increase CR12 Turn Ln](#)
[Capital Project Worksheet CR12 Turn Lane](#)

City Engineer Chad Christian requested from Council to accept the bid award for the lane widening project on County Road 12. Mr. Christian also requested from Council to accept EDG LLC's professional services, which would include inspection, destruction testing and also accepting Riviera participation of the water line. Mr. Christian reported that the construction time of this project is about 70-90 days. 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: 22-1087-RES

[22-0140](#)

A Resolution Amending The Pay Classification Plan In The Fire Department

Attachments: [Pay Classification Plan - Effective 03-07-2022](#)

Human Resource Director Suzanne Kellams reported to Council that this item is budget neutral. The Fire Department needed to increase the Lieutenants slots from 6 to 9 slots. This action resulted in three firefighter promotions. Mrs. Kellams reported that this transition would establish the Captains to have an leadership position and to be off of the engine. 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: 22-1088-RES

[22-0143](#)

A Resolution Memorializing the Application for the FY2023 Alabama Coastal Area Management Program Grant for a Storm Water Management Plan.

Environmental Director Leslie Gahagan requested Council to accept the ACAMP grant funds application. Mrs. Gahagan reported that this grant would be utilized for storm water management for Beulah Heights. There was no further discussion on this item.

A motion was made by Council Member Vera Quaite, seconded by Council

Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 22-1089-RES

[22-0144](#)

A Resolution Requesting an Increase in Funds and Approving the Capital Purchase & Installation of a New Fuel Pump Kiosk

Attachments: [Quote- Fuel Pump Kiosk](#)
 [Financial Forms](#)

Public Works Director Darrell Russell requested from Council to approve the purchase of the fuel pump kiosk. Mr. Russell reported that this kiosk is environmental friendly, IT friendly, and can transfer to the new Public Works Department Facility. 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: 22-1090-RES

[22-0145](#)

A Resolution Adding Certain Public Streets to the Authorized List of Designated Golf Cart Streets.

Attachments: [18-2018 ORD](#)
 [22-2005 ORD](#)

Public Safety Executive Director David Wilson reported to Council that this item is adding a street to the designated golf cart street list.

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: 22-1091-RES

[22-0148](#)

A Resolution Approving the Request to Go to Bid for an Access Control Board for the Jail

Logan Eberly requested from Council to approve the Police Department to begin the bidding process for a new access control board. Mrs. Eberly reported that this equipment controls doors, electrical outlets, lights, and cameras at the jail. The current board needs to be reset every day and then a reboot has to occur. 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: 22-1092-RES

[22-0149](#)

A Resolution for the Acceptance and Use of Friends of the Library Donation.

Library Director John Jackson requested from Council to accept the donation from Friends of the Library. Mr. Jackson reported that the Library would

purchase book shelves that will transfer to the new Library and extend the summer reading program into July. 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: 22-1093-RES

[22-0151](#)

A Resolution to Approve Volkert, Inc. Supplemental Agreement No. 5 for Professional Services Related to Master Plan / ALP Update at the Foley Municipal Airport.

Attachments: [1-SA No 05 - Agreement - Foley \(ALP Update\)](#)
[Capital Purchase - Capital Project Worksheet](#)

Rachel Keith requested from Council to approve the Master Plan/ALP Update. Mrs. Keith reported that this item would allow Volkert to prepare a layout plan and would show what area of infrastructure needs improvements and expansion. Mrs. Keith also reported that the last master plan/update was in FY2013 and this item is \$79,000 with 90% from a grant.

Mayor Hellmich reported that this update includes infrastructure not expansion of the airport runway. 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: 22-1094-RES

[22-0154](#)

A Resolution to Approve or Deny a New Business License Application for Semmes Towing and Recovery LLC.

Attachments: [Semmes Towing Revocation Resolution 21-1138](#)

Police Chief Thurston Bullock reported to Council that Rodney Schrimphshire's of Semmes Towing, business license was revoked on May 3, 2021. The revoked license occurred due to the practices that resulted in a felony arrest in Mobile, AL. and Mr. Schrimphshire exhibited unprofessional conduct during an towing rotation and the patron claimed that there was property damage. This vehicle was towed to Freeman's in Foley. Chief Bullock reported that after these incidences Mr. Schrimphshire Business License was revoked and for several months, Mr. Schrimphshire operated Semmes Towing without a business license. Mr. Schrimphshire was issued a citation.

Chief Bullock reported to Council that Mr. Schrimphshire is serving a one year court ordered probation and the felony charge was dropped due to the arresting Mobile Police Officer is no longer employed with the City of Mobile. Chief Bullock reported that no matter the decision the Council makes, he feels that it would not be appropriate to have Semmes Towing on the Police Towing Rotation until his court ordered probation is served.

City Administrator Mike Thompson asked Chief Bullock when was Mr.

Schrimpshire court ordered probation to begin. Chief Bullock replied February 2022 and the end of probation is February 2023.

The Council denied Semmes Towing business license application. 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: 22-1095-RES

22-0156

A Resolution Approving the Street Maintenance (3012) Purchase of a 2022 JD Mower and Deck

Attachments: [ST MAINT \(3012\) 2022 JD 1575 Mower & Deck Signed Cap Purch Wrksht .pdf](#)
[ST MAINT \(3012\) 2022 JD 1575 Mower & Deck Quote.pdf](#)
[ST MAINT \(3012\) 2022 JD 1575 Mower & Deck Approval Email.pdf](#)

Public Works Director Darrell Russell requested from Council to move forward on the purchasing of new equipment. Mr. Russell reported that the mower and deck were included on the FY22 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: 22-1096-RES

22-0157

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned By Crimson Land Development, LLC. from B-1A (Extended Business District), PO (Preferred Office District), AO (Agricultural Open Space) and R-2 (Residential Single Family and Duplex) to R-3 (Residential Multi - Family)

There was no 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: 22-1097-RES

Mayor's Comments

Mayor Hellmich reported to Council that The Baldwin Pops will perform a free concert at Heritage Park Sunday March 27th from 5:00-6:30 p.m.

Mayor Hellmich wanted to clarify the Economic Developmental Program. He reported that Foley was designated by the Federal Government as an Opportunity Zone. The City of Foley is one of many Cities in Alabama that was submitted by Governor Ivey. This means that investors can invest in commercial and residential development. Opportunity Zones allow investors to

look at an area that may be disadvantaged, the demographic of a certain area or the economics of a particular area. This Opportunity Zone is an incentive for investors for economic development in the City of Foley. Mayor Hellmich reported that he wanted to clarify this for the record.

Mayor Hellmich wanted to thank Council for moving forward on the Comfort Station at Heritage Park.

City Administrator Mike Thompson reported to Council that FEMA will support 90% instead of 75% from Hurricane Sally. FEMA is currently funding 75% and 25% is split between the City of Foley and the State of Alabama. The City of Foley has 3 outstanding projects currently. Once the State goes through its process then the City should receive its portion.

Visitor Comments

Darrellyn Dunmore from Foley Main Street reported to Council about the ten minute survey for the Envision Downtown Foley. Mrs. Dunmore reported that this survey is on social media and asked everyone to get the word out.

Adjournment

A motion was made by Rick Blackwell, and seconded by Vera Quaites, to adjourn the meeting. The motion carried by an unanimous vote.

The meeting was adjourned at 5:06 p.m.