



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, September 18, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Call to Order

Council president Wayne Trawick called the meeting to order at 4:00 pm.

Roll Call

All Council Members were present with the exception of Council Member Rick Blackwell, who was absent due to an appointment. Also present, Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, David Wilson, Kevin Carnley, David Thompson, Joey Darby, Wayne Dyess, Logan Eberly, Sue Steigerwald, Miriam Boone, LaDonna Hinesley, Guy Busby, Chuck Maglothin, Tina Maglothin, Mickey Ezell, Jane Tyler, Jenni Currie, Nancy Nall, Amanda Burgett, Sharon Watson, Melanie Schnieders, Lynn Johnson, Ed Bushaw, Donna Watts, Billie Nardell, Jeff Lee, John Lynch, Brandi Wittman, Lisa Miller, Keith Nelson, Jennifer Orr and Darrelyn Dunmore.

Present: 4 - Wayne Trawick, Vera Quaites, Charles Ebert III and Richard Dayton

Absent: 1 - Rick Blackwell

Moment of Reflection

Pledge Of Allegiance

Mayor's Presentation

[23-0530](#)

Proclamation: August 2023 Veteran of the Month

Attachments: [Veteran of the Month](#)

Mayor Hellmich presented the Veteran of the Month Proclamation, a key to the City and a City of Foley lapel pin to Chuck Maglothin.

Work Session Discussion

There was no Work Session Discussions to report.

Consent Agenda

[23-0519](#)

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

Attachments: [2023-08 Approved & Paid Bills.Expense Approval Report](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to approve the report of the paid bills. The motion carried by an unanimous vote.

[23-0529](#)

Departmental Reports

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

[August 2023 CDD Report](#)

[August 2023 PD Report](#)

[August 2023 FD Report](#)

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

[23-0514](#)

Work Session/Council Meeting Minutes of September 5, 2023

Attachments: [Work Session.Council Meeting Minutes of September 5, 2023](#)

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 September 5, 2023. 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 Richard Dayton, to remove items 23-0525 and 23-0528 from the agenda. The motion carried by an unanimous vote.

Ordinances

Resolutions and Other Business

[23-0527](#)

ABC License: 050 - RETAIL BEER (OFF PREMISES ONLY) , 070 - RETAIL TABLE WINE (OFF PREMISES ONLY), for HERO 101 LLC, applicant operating under the trade name RACEWAY 6990 located at 16161 FOLEY BEACH EXPRESS, Foley, Alabama 36535.

Attachments: [ABC - Raceway 6990](#)

Foley Fire and Police Departments made a recommendation to move forward with the ABC License. There was no further discussion on this item.

A motion was made by Council Member Richard Dayton, seconded by Council Member Vera Quaites to make a recommendation to the ABC Board to move forward with the ABC License. The motion carried by an unanimous vote.

[23-0491](#)

A Resolution Amending the Purchasing Policy and Procedures

Attachments: [Puchasing Policy - Marked Up](#)
 [Purchase Policy - Clean](#)

Logan Eberly reported that the Finance Department is recommending to update the Purchasing Policy to align with the State Bid Law and the Public Works Bid Law, both of which have just increased the threshold amounts. 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: 23-1329-RES

[23-0496](#)

A Resolution Approving Joseph Fowler and Big Fish Ministries the Use of Heritage Park to Give Away Bibles and Water Until December 31, 2023.

Attachments: [Joseph Fowler - Big Fish Ministries](#)

Executive Director of Leisure Services David Thompson reported that Mr. Fowler plans to set up in the Park at one location and he will work closely with Parks Director Jeff Lee on where the location will be.

Mr. Thompson also reported he plans to put a policy in place that will help regulate these requests.

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: 23-1330-RES

[23-0512](#)

A Resolution Accepting the FY2023 Dollar General Grant for Youth Literacy Grants

Attachments: [Grant Award](#)
 [Budget Adjustment](#)

Logan Eberly reported that the Library was awarded \$3,000 to purchase a computer in the Children's Section of the Library. This computer will be preloaded with various apps and games that will promote reading, science and math. She further reported that she is requesting to amend the FY 2024 Budget. 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: 23-1331-RES

[23-0513](#)

A Resolution to Accept Donated Equipment.

Foley Deputy Police Chief Kevin Carnley reported this item is to accept a donated Quicksan 650 device to the Foley Police Department. This handheld device is used to scan animals for microchips with the intention of returning pets back to their owners in a timely manner. 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: 23-1332-RES

[23-0516](#)

A Resolution to Transfer Funds from Municipal Complex Capital to Operating

Attachments: [MuniComplex Request to transfer Budgeted Dollars](#)

Keith Nelson reported the commercial washer and dryer was budgeted as a capital expense, but came in \$7,000 under budget. They are requesting to transfer \$7,000 from 100-1020-5100 to 100-1020-6053 small tools in order to purchase two spare LED lights for the Civic Center stage area, a portable bar for the Civic Center and two backpack style floor waxing applicators. 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: 23-1333-RES

[23-0517](#)

A Resolution Memorializing a Capital Improvement at the Depot Museum and Amending the Budget

Attachments: [M. Thompson approval to go on agenda](#)
 [W. Trawick approval for resolution to go on agenda](#)
 [Amended Request to transfer funds from Depot Operations to Capital Project 2023](#)
 [Budget Increase Request for Departmental Capital Account](#)

Marketing Director LaDonna Hinesley reported this item is to memorialize a Depot Museum Lighting Improvement that added directional spotlights and dimmer switches to the Exhibit Hall. 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: 23-1334-RES

[23-0522](#)

Resolution Approving Baldwin EMC Relocation and Reimbursement due to Widening, Resurfacing, and Improving the Foley Beach Express.

Attachments: [Budget Increase Capital Projects](#)

City Administrator Mike Thompson reported the City desires to widen, resurface, and improve the Foley Beach Express. Intersection improvements are planned for CR12 and Foley Beach Express as part of this project and two power poles require relocation to accommodate a turn lane at this location. 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: 23-1335-RES

[23-0523](#)

Facade Grant Recommendation for Lisa Miller Oral Facial Surgery

Attachments: [Lisa Miller Facade Recommendation.pdf](#)

City Planner Miriam Boone reported the applicant plans to perform slab and foundation work as well as new paint and shutters in an amount up to \$9,300.00.

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: 23-1336-RES

[23-0524](#)

Facade Grant Recommendation for the South Baldwin Chamber of Commerce

Attachments: [South Baldwin Chamber Facade Grant.pdf](#)

City Planner Miriam Boone reported the South Baldwin Chamber of Commerce plans to replace the doors, awnings, perform brick and mortar work, chimney flashing and landscape work in an amount up to \$14,820.00. 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: 23-1337-RES

[23-0525](#)

A Resolution Approving the Transfer of Funds and the Purchase of a John Deere Gator for the Nature Parks Department

Attachments: [Capital Purchase Request for ATV](#)

[Budget Increase.ATV.2023](#)

[ATV Quotes 2023](#)

[SunSouth Quote ATV.2023](#)

There was no discussion on this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to remove this item from the agenda. The motion carried by an unanimous vote.

[23-0526](#)

A Resolution to Purchase a Pickup for the Environmental Department

Attachments: [20230907165040](#)
 [2023 F150 W1C State Contract U281](#)

Environmental Manager Leslie Gahagan reported is in the FY 2024 budget. She further report Strivers Ford has a truck available now and all that is required to secure the truck is a letter of intent to purchase signed by the Mayor. She also reported this truck has some hail damage. 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: 23-1338-RES

[23-0528](#)

A Resolution to Purchase a 4x4 Pickup for the Nature Parks Department

Attachments: [20230907165040](#)
 [2023 F150 W1E State Contract - J348 & J349](#)
 [Budget Transfer. Capital 2024 \(1\)](#)

There was no discussion on this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to remove this item from the agenda. The motion carried by an unanimous vote.

Enactment No: 23-1339-RES

[23-0531](#)

A Resolution Authorizing the Mayor to Sign a Master Service Agreement with Lexipol, LLC.

Attachments: [Lexipol Service Agreement](#)

Foley Deputy Police Chief Kevin Carnley reported this software will help modernize the Police Department's policies and procedures. 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: 23-1340-RES

[23-0532](#)

A Resolution to Reappoint Ira Bates, Jr. to the Housing Authority Board.

Attachments: [Ira Bates, Jr.](#)

There was no 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: 23-1341-RES

[23-0533](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT THE VACANT LOT WEST OF 780 WEST LAUREL AVENUE AND ORDERING ITS ABATEMENT

Attachments: [LOT W OF 780 West Laurel](#)

There was no 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: 23-1342-RES

[23-0534](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING 311 WEST 5TH AVENUE TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: [311 West 5th Avenue](#)

There was no discussion on this item.

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: 23-1343-RES

[23-0536](#)

A Resolution Approving the Winter Season Firework Shows at OWA

Attachments: [OWA Fireworks Proposal Winter 2023](#)

Fire Chief Joey Darby reported that OWA requests to host two additional fireworks shows on Saturday, November 18, 2023 at 7:00 p.m. for the Christmas Tree lighting ceremony and on Saturday, December 30, 2023 at 8:50 p.m. for New Year's Eve. 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: 23-1344-RES

[23-0538](#)

A Resolution Approving the Application to Firehouse Subs Public Safety Foundation Grant for the Foley Fire Department

Fire Chief Joey Darby reported the Fire Department requests permission to submit an application to the Firehouse Subs Public Safety Foundation to purchase a Digital Fire Extinguisher Training System to be used to teach various groups how to properly use a fire extinguisher. The total purchase price is \$18,000. The grant is 100% funded with no match requirements. 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: 23-1345-RES

[23-0539](#)

A Resolution to Appoint a Council Member Representative to the Foley Education Advisory Board.

President Trawick reported Council Member Charles Ebert, III has served on this Board and he is willing to be reappointed. 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: 23-1346-RES

[23-0542](#)

A Resolution Amending the FY2023 Budget

Attachments: [Budget Increase Form_0001](#)

Marketing Director LaDonna Hinesley reported this item is for budget clean up purposes. 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: 23-1347-RES

Mayor's Comments

Mayor Hellmich reported that the Juniper Street detour will begin on September 18, 2023 until October 30, 2023. He also reported that the Engineering Department received approval to seek bids for the TAP Grant. This grant will be used for the construction of new sidewalks located at Mathis Elementary and Foley Elementary Schools.

Visitor Comments

John Lynch, who resides at 22355 County Road 12 near Glen Lakes, reported that it is his belief that 10% sales tax is too high. He further reported that he would like to know what the results are for the speed monitoring that took place on County Road 12 because drivers are still speeding. He reported that the police needs to enforce the speed limit. Executive Director of Infrastructure

and Development Wayne Dyess reported there will plenty of opportunities for public input during the strategic planning process that will take place in approximately three months with consultants. Mr. Lynch reported he encourages adequate advertising of these public input meetings. Mr. Dyess reported the meetings will be advertised and people need to actively be on the lookout for the meeting dates and times. Mayor Hellmich reported that citizens have been given a tax break on food when the Alabama Legislature lowered the tax collected on grocery items. Mayor Hellmich further reported the reason sales taxes are high in Alabama is due to the property taxes being low.

Robert Howard, who resides at 16361 County Road 49 South, reported that the current infrastructure can not keep up with the demands of the growth of the City. He also reported that there was a murder that took place across the street from his home on County Road 49 and that crime is getting worse. Mayor Hellmich reported that the area where this murder took place is outside of the City limits. Executive Director of Public Safety David Wilson reported Mr. Howard should contact the Baldwin County Sheriff's Office to discuss this matter. City Administrator Mike Thompson advised Mr. Howard to contact the Baldwin County Commission regarding the areas of infrastructure that is maintained by the County as well as contacting the State of Alabama for the portions of infrastructure the State maintains.

Jenni Currie, who resides on Ashford Park Drive, reported on the importance of not restricting literature and censoring materials at the library.

Mickey Ezell, who resides in Gulf Shores reported that he agreed with Ms. Currie about not censoring reading materials at the library. He reported that people have a right to read the books that they want to read. He further reported that libraries are a market place of ideas and censorships do not belong there. He also reported any materials any person would want to find is readily available on the internet and no one censors the internet.

Adjournment

A motion was made by Council Member Richard Dayton, seconded by Council Member Vera Quaites, to adjourn the meeting. The motion carried by an unanimous vote.

The meeting was adjourned at 4:58 pm.