



Meeting Minutes - Draft

City Council

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Monday, October 18, 2021

4:00 PM

Civic Center

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Work Session/Council Meeting

**Public Hearing**

[21-0642](#)

Public Hearing to Consider the Passage of an Ordinance Approving Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley (Flowers 8, LLC)

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 call the meeting to order at 4:00 p.m.

**Roll Call**

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Leslie Gahagan, Joey Darby, David Wilson, Tony Fuqua, LaDonna Hinesley, Logan Eberly, Darrell Russell, Chad Brewer, David Thompson, John Jackson, Dana McLeod, Randy McKinney, Robert Irwin, Suzanne Kellams, Bethany Rouss, Ann Smith, Mike Yeater, Lisa Yeater, David Thompson, Andrew Thomas and press representative Jessica Vaughn.

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

**Moment of Silence**

A moment of silence was observed.

**Pledge of Allegiance**

## Proclamation

[21-0637](#)

Proclamation: Domestic Violence Awareness Month

**Attachments:** [Proclamation](#)

Mayor Hellmich presented the proclamation to Dana McLeod from The Lighthouse.

## Discussion Items

[21-0641](#)

Discuss the Miracle League of Coastal Alabama's Regional Miracle League Complex Project

**Attachments:** [ML Flyer Revised](#)

President Trawick reported there is a donation request from The Miracle League to help build the handicap accessible baseball fields and play ground in Summerdale, Alabama. He also reported the City of Orange Beach has committed to donate up to \$20,000. He reported if Foley City Council decides to donate, the funds must be earmarked for the baseball fields only and funds should not be transferred with a signed contract.

Council Member Charles Ebert, III. asked if The Miracle League would obtain ownership of the field and the equipment or will it become the property of the Town of Summerdale, who will take care of the maintenance.

President Trawick reported this request needs to come back to the next Council meeting because there are several questions that need answers and none is present today to answer them.

Mayor Hellmich reported that he supports donating funds for the baseball fields but the City of Foley is planning playground equipment upgrades as well.

## Consent Agenda

[21-0631](#)

Work Session/Council Meeting Minutes of October 4, 2021

**Attachments:** [10-04-2021 Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III, seconded by Council Member Richard Dayton, to approve the October 4, 2021 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

[21-0632](#)

## Departmental Reports

**Attachments:** [September 2021 Bid Awards](#)  
[Tax Report and Permit-Plan Review Sept 2021](#)  
[Sept 2021 CDD Report](#)  
[CDD Annual Report](#)  
[September 2021 PD Report](#)  
[Fire Department Report](#)  
[2020-2021 Marketing Annual 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.**

[21-0613](#)

Report of September, 2021, Approved and Paid Bills for the Record

**Attachments:** [2021-09 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.**

**Additions/Removals/Carry-overs**

**A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to add item 21-0644 to the agenda. The motion carried by an unanimous vote.**

**Ordinances**[21-0545](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY FLOWERS 8, LLC

**Attachments:** [Flowers 8, LLC Petition and Maps](#)  
[Valuation](#)

**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: 21-2030-ORD

[21-0611](#)

(Second Reading) AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CONVEYANCE OF SAME TO THE SOUTH BALDWIN CHAMBER OF COMMERCE

**Attachments:** [Foley deed to Chamber for Engineering Building](#)

**A motion was made by Council Member Vera Quaites, seconded by Council Member Richard Dayton, that this Ordinance be approved on the first reading. The motion carried by the following roll call vote: Council Member Quaites, aye; Council Member Dayton, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, abstained.**

**Aye:** 4 - Council Member Dayton, Council Member Blackwell, Trawick and Quaites

**Abstain:** 1 - Ebert III

## Resolutions

### [21-0618](#)

ABC License: 140 - Special Events Retail for Blooms 4 You, Inc, applicant operating under the trade name Chocolate and Cheese Festival on November 13, 2021 from 8am-8:00pm located at 200 N. McKenzie Street Foley, Alabama 36535.

**Attachments:** [Chocolate and Cheese Fest ABC](#)

**Foley Fire and Police Department made recommendation to move forward with the license.**

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

### [21-0619](#)

ABC License: 070 - Retail Table Wine (Off Premises Only) for Dolgencorp, LLC, applicant operating under the trade name Popshelf Store 23579 located at 2863 S McKenzie Street Foley, Alabama 36535.

**Attachments:** [Popshelf ABC](#)

**Foley Fire and Police Department made recommendation to move forward with the license.**

**A motion was made by Council Member Vera Quaites, 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.**

### [21-0599](#)

A Resolution Requesting to Purchase Southern Software's Mobile Data Information System (MDIS)

**Attachments:**    [MDIS AGREEMENT AND QUOTE](#)  
[MDIS SOLE SOURCE LETTER 2021](#)  
[MDIS CAPITAL PURCHASE WORKSHEET](#)  
[MDIS EMAIL APPROVAL](#)  
[MDIS QUOTE PT 2](#)

**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: 21-1384-RES

[21-0607](#)

A Resolution Approving an Agreement with Mobile County Commission's SWARHSO/ADECA (Southwest Alabama Regional Highway Safety Office) Community Traffic Safety Program (CTSP) for reimbursement of Overtime for the FY 2021-2022.

**Attachments:**    [2021-2022 Traffic Grant MOU agreement](#)

**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: 21-1385-RES

[21-0608](#)

**A Resolution Approving the Use of Heritage Park and Pavilion for Michelle Szidon with Acceptance Insurance to Host a Movie In the Park Night for the Kids in the Community.**

**Attachments:**    [Michelle Szido- Acceptance Insurance Movie In the Park](#)

**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: 21-1386-RES

[21-0609](#)

**A Resolution Waiving Fees for the Use of Mel Roberts Park for Andrea Overstreet and Faith Tabernacle to Host a Community Church Fellowship**

**Attachments:**    [Andrea Overstreet and Faith Tabernacle UPC](#)

**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: 21-1387-RES

[21-0610](#)

A Resolution to Approving Waiving the Fees at Aaronville Park for Donna Bolden with Angels of Hope Community Outreach Services in Partnership with Feeding the Gulf Coast to Host a Food Distribution Event.

**Attachments:** [Donna Bolden Food Distribution Event](#)

**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: 21-1388-RES

[21-0612](#)

A Resolution to Accept the Grant Award from ADCNR for the Northwest Comp Plan Update

**Attachments:** [FOLEY-CZM-306-22-1](#)  
[Budget Increase File](#)

**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: 21-1389-RES

[21-0614](#)

Resolution appropriating additional funds for the purchase for a new bathroom/pavilion at Mel Roberts Park and permission to bid and purchase.

**Attachments:** [Mel Roberts Bathroom](#)

**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: 21-1390-RES

[21-0615](#)

A Resolution Approving the Purchase of a 2023 Custom Fire Pumper for the Foley Fire Department

**Attachments:** [HGAC Purchase Letter 9-17-2021.pdf](#)  
[HGAC Contract REV 9-17-2021.pdf](#)

**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: 21-1391-RES

[21-0616](#)

A Resolution Memorializing Entering into an Interlocal Agreement Between Governmental Entities in Florida and Alabama for the Acceptance and Processing of Source Separated Recyclables

**Attachments:** [Interlocal Agreement - Recyclables](#)

**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: 21-1392-RES

[21-0617](#)

A Resolution Approving Two Additional Firework Shows at OWA

**Attachments:** [OWA Fireworks proposal v1](#)

**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: 21-1393-RES

[21-0620](#)

A Resolution Approving FY21 Equipment Not Received by Year End

**Attachments:** [HAYNES STATE BID CONTRACT OCT 2021](#)  
[REQUEST TO INCREASE FORM 2021](#)  
[EMAIL APPROVAL MIKE AND WAYNE TO INCREASE BUDGET](#)  
[PT 1 HAYNES QUOTE FOR 2 CODE ENFORC TRUCKS](#)  
[PT 2 HAYNES QUOTE FOR 2 PATROL TRUCKS](#)

**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: 21-1394-RES

[21-0621](#)

A Resolution Approving Professional Services Proposals for the New Library Expansion

**Attachments:** [GeoCon - Library Project](#)  
[GMC - Library Project](#)  
[EDT-THA Proposal](#)  
[EDT Floorplan Sample](#)  
[EDT Floorplan Sample 2](#)  
[ADEM Environmental Site Assessment](#)

**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: 21-1395-RES

[21-0622](#)

A Resolution to Purchase a Zero Turn Mower for the Nature Parks Department

**Attachments:** [Quotes for Zero Turn Mower](#)  
[G&J Equipment Mower Quote](#)  
[Capital Purchase Request for Zero Turn Mower.2022](#)  
[Budget Trnsfer Request Forms. Zero Turn Mower](#)

**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: 21-1396-RES

[21-0623](#)

A Resolution Approving an Intergovernmental Service Agreement for the Use of County Voting Machines and the Service of the County Voting Machine Custodian and Employees for Municipal Elections

**Attachments:**     [County Commission Letter](#)  
[Baldwin County Resolution](#)  
[Intergovernmental Service Agreement](#)

**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: 21-1397-RES

[21-0624](#)

A Resolution Reappointing A. Clyde Abrams to the Foley Building Authority, Foley Library Authority, Foley Public Park & Recreation Authority and Foley Redevelopment Authority

**Attachments:**     [Authority Boards Member List](#)

**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: 21-1398-RES

[21-0625](#)

Resolution Approving Entering into the FBI's Organized Crime Drug Enforcement Task Force (OCDETF) Overtime Reimbursement Agreement for FY2022.

**Attachments:**     [OCDETF FY 2022](#)

**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: 21-1399-RES

[21-0626](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 312 WEST MARIGOLD

**Attachments:**     [312 w. Marigold Grass Complaint](#)

**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: 21-1400-RES

[21-0627](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 1608 SOUTH OAK ST

**Attachments:** [1608 S. Oak St. Grasscomplaint](#)

**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: 21-1401-RES

[21-0628](#)

A Resolution Amending The Pay Classification Plan And Authorizing The Transfer Of Funds For Job Analyses In The Library, Marketing And General Government Departments

**Attachments:** [Pay Classification Plan - Effective 09-06-2021](#)

**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: 21-1402-RES

[21-0629](#)

A Resolution to Increase Sanitation Commercial budgeted funds for Dumpsters

**Attachments:** [Dumpster Req to Increase Budget & Quotes.pdf](#)  
[Email\\_Dumpster Request to Increase Budget and Quote](#)

**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: 21-1403-RES

[21-0630](#)

A Resolution appropriating funds for a Reel Mower for Foley Sports Tourism Fields.

**Attachments:** [Reel Mower](#)

**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: 21-1404-RES

[21-0634](#)

A Resolution to purchase 3 Security Door Systems for Public Works

**Attachments:** [PW Security Door Sytem quote, cap purch wrksht, approval email.pdf](#)

**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: 21-1405-RES

[21-0638](#)

A Resolution Appointing Dr. Brett Taylor to the Library Advisory Board

**Attachments:**     [LIBRARY ADVISORY BOARD](#)

**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: 21-1406-RES

[21-0640](#)

A Resolution Appointing Rick Blackwell to the Public Athletic and Sports Facilities Cooperative District and Public Cultural and Entertainment Facilities Cooperative District

**Attachments:**     [Board Member List](#)

**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: 21-1407-RES

[21-0644](#)

A Resolution Approving the Transfer of Budgeted Funds for the Police Department

**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: 21-1408-RES

## Mayor's Comments

Mayor Hellmich reported the City has been awarded a \$2.5M GOMESA Grant for the expansion of the Graham Creek Natural Preserve.

He also reported it has been decided to not hold Uptown Halloween this year due to vendor concerns regarding Covid-19. There will be a drive in movie held at the City's Sports Complex on Hwy 98 and the Foley Public Library will hold a drive through truck or treat event.

He reported the National Guard's new armory facility is 50% completed.

He also reported the Midday Melodies are back for a few weeks in Heritage Park on Wednesdays from 11 am until 2 pm.

He reported the City will be getting some Hurricane Sally reimbursement back from FEMA soon.

## Visitor Comments

Ann Smith - 1018 Pecan Street. Ms. Smith reported that she gave her grand-daughter one acre of land to build a house on. Her grand-daughter signed a contract with Heritage Homes in April of 2021 to build her house. The

contractor recently told Ms. Smith's grand-daughter that she will have to pay an extra \$1,500 in order for him to obtain a permit to start building her house.

City Administrator Mike Thompson reported that the City adopted an Impact Fee for developments and Ms. Smith's grand-daughter signed the contract in April, which was before the Impact Fee took effect in June. He also reported that the contractor should have known about the Impact Fee prior to getting the permit.

Council Member Charles Ebert, III reported he would like City staff to thoroughly review the City's subdivision regulations and see if decreasing density and enhancing PUDs. He wants the City to initiate communication with the Planning Commission and the Planning and Zoning Department so Council can have some input and offer suggestions.

Mayor Hellmich reported City Planner Miriam Boone will set a meeting with Council, the Planning Commission and City staff to discuss growth and development of the City.

Curtis Minor addressed Council with his concerns of the slow internet speed in the City.

Mayor Hellmich reported that there are other internet providers coming into the area that residents will be able to switch to. He also reported Riviera Utilities is aggressively expanding their internet service areas. Some areas are a challenge because they are having to bore underground. He reported if Mr. Minor already has Riviera Cable TV, he can call Riviera Utilities for the internet service as well. Mediacom is expanded into the area and CSpire is now in Foley.

Mr. Minor reported there are citizens who are paying Century Link for internet service but the service is as though they have no service at all. It is simply not working. He reported he would like to see other companies come to Foley to provide service and create competition.

Council Member Charles Ebert, III reported the City of Foley has no regulatory authority over Century Link and he himself had to obtain services from other companies.

## 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 5:39 p.m.