



Meeting Minutes - Final

City Council

Monday, May 3, 2021

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[21-0224](#)

A Public Hearing To Consider The Revocation Of A Business License

Council President Wayne Trawick opened the public hearing at 4:00 pm. He asked for comments from the public. Foley Police Chief Thurston Bullock reported that in Mobile County, the Satsuma Police Department had three vehicles that were seized and forfeited that were impounded by Semmes Towing and put on hold. Chief Bullock reported that the Satsuma Police reported that two out of the three impounded vehicles were missing, and that Semmes Towing had crushed them to recover costs. He reported that the owner of Semmes Towing Rodney Schrimphshire was charged with two felony counts of theft of property in the 1st degree. After further investigation, Mr. Schrimphshire had not been keeping proper records required by State Law until this incident occurred. Separately, a complaint was filed by Ms. Kayla Watson that Semmes Towing damaged her trailer jack in the towing process after an accident and when she called and spoke with Mr. Schrimphshire regarding the situation, he was unprofessional and spoke profanities at her. Chief Bullock reported that the unprofessional conduct towards citizens plus the two pending felonies show an unethical conduct and he is asking to revoke Semmes Towing's business license under these circumstances.

Rodney Schrimphshire reported that the charges against him are false and that he is not guilty. Mr. Schrimphshire stated that the vehicles were on his lot for one year and nine months and that he was not aware the Satsuma Police Department had a hold on the vehicles. He stated the lady with the complaint was informed to bring in pictures of the damaged trailer or to email them, but he never heard from her again. Mr. Schrimphshire further reported that he does not see why his license would be pulled over a complaint and two pending felony charges he has not been found guilty of.

Owner of McAdams towing Charles McAdams reported he is Mr. Schrimphshire's biggest competitor. Mr. McAdams reported that it is an easy mistake to make and that anybody could crush junk cars that they have had for over a year and a half. He also reported Mr. Schrimphshire was honest with the Satsuma Police about the matter and tried to rectify the issue by paying for the crushed vehicles but the police arrested him. He stated he sent his own attorney to assist in getting Mr. Schrimphshire out of jail. Mr. McAdams reported he believes what is being done to Rodney Schrimphshire is wrong and that revoking his

business license will leave a lot of employees without a job.

Police Chief Thurston Bullock reported that he is not aware of the type of vehicles that were crushed, or their value, but typically the police will not seize a car unless there is a significance to the car and the crime. Chief Bullock reported Mr. Schrimphshire admitted to crushing the vehicles but then argued over rights to those vehicles. The Satsuma Police Department had an impound document which Mr. Schrimphshire signed for the vehicles with the police hold on them. Mr. Schrimphshire did not try to rectify the issue until there were pending charges and jail time involved. He also stated that regarding the complaint, the issue is not whether or not the trailer was damaged, but the unprofessional conduct from the business towards the citizen.

Chris Taylor reported that he was the tow truck driver that hauled Ms. Watson's trailer and reported that no additional damages were done to the trailer.

Hearing no further comments, President Trawick closed the public hearing.

Call to Order

President Trawick called the meeting to order at 4:11 pm.

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Wynter Metz, Thurston Bullock, Joey Darby, Leslie Gahagan, LaDonna Hinesley, Darrell Russell, Jamie Smith, Pam Harris, Susanne Kellams, Logan Eberly, Travis Valentine, Rodney Schrimphshire, Penny Hughey, Ashley Thompson, Stephen Thompson, Cheryl Schrimphshire, Charles McAdams, Chris Taylor, Charles Weber, Kylee Raulerson, Frances Holk-Jones and press representative Jessica Vaughn.

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

Moment of Silence

A moment of silence was observed.

Pledge of Allegiance

Mayor's Presentation

[21-0159](#)

Proclamation: Lemonade Day Coastal Alabama

Attachments: [Lemonade Day Proclamation](#)

Mayor Hellmich presented the Lemonade Day Coastal Alabama Proclamation to Penny Hughes.

[21-0234](#)

Proclamation: Building Safety Month

Attachments: [Building Safety Month](#)

Mayor Hellmich presented the Building Safety Month Proclamation to City Planner Miriam Boone and Fire Chief Joey Darby.

Discussion Items

There were no discussion items.

Consent Agenda

[21-0219](#)

Work Session/Council Meeting Minutes of April 19, 2021

Attachments: [4-19-2021 Work Session. Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to approve the Work Session/Council Meeting Minutes of April 19, 2021. The motion carried by an unanimous vote.

[21-0228](#)

Public Projects Recommendation from Planning Commission

Attachments: [Public Projects Recommendation](#)

Council Member Charles Ebert reported to Council that the Foley Fire Department is only capable of maintaining a 90' to approximately 95' pole, and the Planning Commission is recommending a 100' pole. City Administrator Mike Thompson reported that Mrs. Brenda Shambo is communicating with Riviera Utilities to see if they would be willing to do repairs on the pole if needed, should the City move forward with the 100' pole. There was no further discussion on this item.

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

[21-0235](#)

A Resolution to Set a Public Hearing to Consider Zoning Ordinance Amendments

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: 21-1135-RES

[21-0236](#)

A Resolution to Set a Public Hearing to Consider the Passage of an Ordinance to Approve the Rezoning of Property Owned by MTSC Land Development from R-3 (Residential Multi-Family) to TH-1 (Residential Townhouse)

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: 21-1136-RES

[21-0237](#)

A Resolution to Set a Public Hearing to Consider Planning Commission's Recommendation for Initial Zoning of Property Owned by Norman and Marjorie Moore

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: 21-1137-RES

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaite, to add item 21-0223 to the agenda and to remove item 21-0202 from the agenda. The motion carried by an unanimous vote.

Ordinances

[21-0229](#)

REZONING OF PROPERTY OWNED BY MTSC LAND DEVELOPMENT FROM R3 TO TH1

Attachments: [MTSC Rezoning Recommendation](#)

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

Enactment No: 21-2011-ORD

[21-0232](#)

Zoning Ordinance Amendments

Attachments: [Zoning Ord Recommendation](#)

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

Enactment No: 21-2012-ORD

[21-0233](#)

ORDINANCE APPROVING INITIAL ZONING OF PROPERTY OWNED BY NORMAN AND MARJORIE MOORE

Attachments: [Norm Moore Initial Zoning Recommendation](#)
[Legal Description Moore Property](#)

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

Enactment No: 21-2013-ORD

Resolutions and Other Business

[21-0222](#)

A RESOLUTION REVOKING BUSINESS LICENSE FOR RODNEY SCHRIMPshire/SEMMES TOWING & RECOVERY AT 19891 COUNTY ROAD 10 A; FOR VIOLATIONS OF STATE CODE AND COMPLAINT FROM CITIZEN

Attachments: [Semmes Towing & Recovery DETAIL](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to discuss this item and vote.

Council Member Rick Blackwell asked Police Chief Thurston Bullock what will happen if Mr. Schrimphshire is not convicted of the two felonies in Mobile County. Chief Bullock reported that regardless of the criminal charges, there is still the civil issues that the Police Department is concerned about.

Council Member Vera Quaites asked Chief Bullock if Semmes Towing's business license is revoked, would they be able to apply for another one. Chief Bullock reported that if they were found innocent of the felony charges they could reapply and then it would be brought before Council to vote on. Chief Bullock also reported that the Town of Summerdale has already started this process as well due to the same infraction.

Council Member Charles Ebert, III, asked Chief Bullock if the civil complaint was emailed in or if someone from the police department had met with Ms. Watson. Council Member Ebert also asked if any of the allegations were denied by the towing company. Chief Bullock reported that she submitted her formal complaint via email and that Mr. Schrimphshire had the opportunity to speak on the allegations during the Public Hearing.

Council Member Richard Dayton asked Chief Bullock how long Mr. Schrimphshire was not keeping proper records for his business. Chief Bullock reported that Code Enforcement found that there were no entries for two years prior to Mr. Schrimphshire's arrest. He also reported that after the arrest was made, Mr. Schrimphshire started reporting to the State of Alabama as per the State's requirements for all towing companies.

Council Member Dayton asked Chief Bullock about the vehicles being on Mr. Schrimphshire's lot for the one year and nine months, who is entitled to the money made from scrapping the vehicles. Chief Bullock reported that these

particular vehicles that were crushed were part of an ongoing investigation in Mobile County and were on a police hold by the Satsuma Police Department, therefore they should not have been crushed regardless of the amount of time that they sat on the lot.

Council Member Dayton also asked if it was possible that Mr. Schrimphshire was unaware of the police hold on the vehicles. Chief Bullock reported that there was a police hold document signed by Mr. Schrimphshire for at least one of the vehicles. Rodney Schrimphshire reported that he was unaware of the police hold on the vehicles and that in the City of Satsuma, a bailiff slip is signed and then faxed to the towing company. Mr. Schrimphshire reported that he was never faxed the proper documents.

Mayor Ralph Hellmich asked Mr. Schrimphshire if he had thought about calling the City of Satsuma before crushing the vehicles. Mr. Schrimphshire reported he did not think to do that. He reported that he tried to talk to the officer about the situation but still ended up being arrested. He also reported that if there is further discussion on this situation at a later date, he would like to have his attorney present.

City Administrator Mike Thompson asked Chief Bullock if Semmes Towing has been removed from the Foley Police Department's rotation list, seeing that the business license does not have to be revoked in order to do so. Chief Bullock reported they had been removed from the Police Department's rotation of towing companies they use and Mr. Schrimphshire had already been notified of that. Chief Bullock reported that revoking the business license will stop Mr. Schrimphshire from conducting all business within the City of Foley, not just with the Police Department.

Council Member Charles Ebert, III, asked if Semmes Towing being off of the Police Department's rotation is indefinite or just until deemed fit to go back onto rotation. Chief Bullock reported Semmes Towing could be placed backed on the rotation list.

Council President Trawick reported there was a motion made by Council Member Ebert and seconded by Council Member Quaites. He asked for all those in favor of the revocation of the business license to say aye. The motion carried by a unanimously vote to revoke the business license.

Enactment No: 21-1138-RES

[21-0202](#)

A Resolution Adopting the 2021 Baldwin County Multi-Hazard Mitigation Plan, in Fulfillment of the Federal Disaster Mitigation Act of 2000 and the Local Mitigation Plan Requirements of 44 C.F.R. Section 201.6 and FEMA Local Hazard Mitigation Planning Guidance

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

[21-0216](#)

A Resolution to Increase Budget and Accept Bid for the Graham Creek Boardwalk Capital Project

Attachments: [Budget Increase and Transfer Request.East Boardwalk](#)

Environmental Director Leslie Gahagan reported to Council that this project has gone to bid twice and is going to be much higher than originally budgeted. Mrs. Gahagan is asking to increase the budget by \$38,811 and is going to remove a proposed capital project since this project's costs are so high. There was no further discussion on this item.

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: 21-1140-RES

[21-0217](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 232 WEST LAUREL AVE

Attachments: [232 W. Laurel](#)

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: 21-1141-RES

[21-0218](#)

A Resolution to Memorialize Submission of Foley Beach Express-Mifflin Road Intersection Improvement Project to Community Funding Program

Attachments: [Guidance for Local Transportation Priorities](#)

Logan Eberly reported to Council that the application for this project was due by April 30th so the application was already submitted. Mrs. Eberly reported that it will be a \$1.6 million project and Foley is asking for a \$1 million grant from the State. Mayor Hellmich stated he hopes that this project has a good chance of being awarded seeing that it is on the Foley Beach Express and also serves as an evacuation route. 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: 21-1142-RES

[21-0220](#)

A Resolution to Appoint A New Member to the Museum Archive Board.

Attachments: [Museum Brd List](#)

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: 21-1143-RES

[21-0221](#)

A Resolution Approving A Budget Increase to Community Development Personnel Accounts

Attachments: [Budget Increase Request Form CDD Part-Time Acct](#)

Human Resource Director Suzanne Kellams reported to Council that Community Development hired a part time temporary worker earlier this year to help with the record breaking work load and they are requesting an increase in the budget by \$15,855. 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: 21-1144-RES

[21-0225](#)

Resolution to approve Foley Main Street Branded Street Signs.

Attachments: [Final Street Signs and Numbers 2021](#)

Marketing Director LaDonna Hinesley presented Council with the new Main Street street signs. Mrs. Hinesley reported that the signs have been approved by the Historic Commission and the Beautification Board, and that the signs are in 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: 21-1145-RES

[21-0238](#)

A Resolution to Rescind Resolution 20-1072 A Resolution Authorizing the Surplus & Disposal of Sanitation Truck #401055 (Old #1055)

Attachments: [#1055 Surplus Resolution.pdf](#)

Public Works Director Darrell Russell reported to Council that they have decided to keep Sanitation Truck #401055. 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: 21-1146-RES

[21-0239](#)

A Resolution Approving the Surplus & Disposal of Sanitation Truck #401064 (Old #1064).

Public Works Director Darrell Russell reported to Council that they would like to surplus and send Sanitation Truck #401064 to auction as soon as possible. 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: 21-1147-RES

[21-0241](#)

A Resolution to Accept Volkert Inc.'s Supplemental Agreement No. 3 - Amendment No. 1 for Runway 18/36, Taxiway A, and South Apron Pavement Maintenance

Attachments: [1059403 - Letter Agreement \(Amdmt No. 1\) \(2\)](#)
[Budget Increase Form](#)

Logan Ebery reported to Council that after ALDOT reviewed the Volkert Supplemental Agreement No. 3, an amendment was made resulting in an increase in funds of \$1,320. 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: 21-1148-RES

[21-0242](#)

Resolution Amending the Pay Classification Plan to Transfer and Re-class a Position in the Environmental Department

Attachments: [Pay Classification Plan - Effective 04-19-2021](#)

Human Resources Director Suzanne Kellams reported that this is a budget neutral housekeeping item. 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: 21-1149-RES

[21-0246](#)

A Resolution Addressing Societal Unrest in the United States.

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: 21-1150-RES

[21-0223](#)

A Resolution Approving The Increase Of Annual Membership Fee For The Senior Center

Pam Harris reported to Council that this is the first Senior Center yearly dues increase in 15 years. Mrs. Harris reported that the Senior Center Advisory Board has already approved the amount of \$15, resulting in an increase of \$4 per year. 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: 21-1139-RES

Mayor's Comments

Mayor Hellmcih reported that the Balloon Festival will be taking place this weekend at OWA, and Art in the Park will be taking place at Heritage Park this weekend as well.

Visitor Comments

Fire Chief Joey Darby reported that hot air balloons will be flying in the mornings this weekend all over town.

Adjournment

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

The meeting was adjourned at 5:00 pm.