



Meeting Minutes - Final

City Council

Monday, April 4, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[22-0164](#)

Public Hearing to Consider Planning Commission's Recommendation to Rezone Property owned by FDR Properties, LLC from B-3 (Local Business District) to R-1A (Residential Single Family). Property is located at 21311 County Road 12 South.

Council President Wayne Trawick opened the Public Hearing at 4:01 p.m. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

[22-0165](#)

Public Hearing to Consider Planning Commission's Recommendation to Approve the Initial Zoning of 1.03 +/- Acres Owned by Gary Flowers to B-1A (Extended Business District). Property is located south of County Road 12 South and west of State HWY 59.

Council President Wayne Trawick opened the Public Hearing at 4:01 p.m. He asked for comments from the public. Bob Johnson of MDM Consultant Firm representing Circle K reported to Council that this facility will provide ten fuel bays which will include two diesel bays. Mr. Johnson also reported that it will provide the normal convenience store items for customers. Hearing no further comments, President Trawick closed the Public Hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 4:04 p.m.

Roll Call

All Council Members were present. Mayor Ralph Hellmich was absent due to being out of town. Also present : City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, David Wilson, Wayne Dyess, Sue Steigerwald, Tony Fuqua, Brenda Shambo, Police Chief Thurston Bullock, Jamie Smith, Jeff Lee, John Jackson, David Thompson, LaDonna Hinesley, Suzanne Kellams, Brandon Mothershed, Jeff Phillips, Chad Brewer, Dan Sellers, Darrelyn Dunmore, Bob Johnson, John Mullen, Lindsay Barrios, Isaiah Gulwards, Rodney Schrimphshire, Cheryl Schrimphshire, Donna Watts, and J. Michael Newton

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

Moment of Silence

A motion of silence was observed.

Pledge of Allegiance

Presentation

[22-0166](#) Proclamation: Child Abuse Prevention Month

Attachments: [Child Abuse Prevention Month](#)

Council Member Charles Ebert, III, presented the proclamation for Child abuse Prevention Month.

[22-0186](#) Proclamation: South Baldwin Workforce Development Campus Support

Attachments: [South Baldwin Workforce Campus Support](#)

Council Member Charles Ebert, III, presented the proclamation to Donna Watts from the South Baldwin Chamber of Commerce. Donna Watts thanked the Council for the Proclamation. Mrs. Watts reported that this would be a facility to train individuals in the hospitality industry with funding from local, state and private investors. Mrs. Watts also reported that South Baldwin Chamber of Commerce is looking into property across from Glass Inc. on Foley Beach Express. Mrs. Watts reported that a Memorandum of Understanding agreement is with the University of South Alabama and Coastal Community College.

Discussion Items

[22-0170](#) Discussion: Executive Director of Public Safety David Wilson- Dog Kennel Project

Executive Director of Public Safety David Wilson reported to Council that the Police Department is looking into an updated dog kennel. Mr. Wilson reported that as of now, the Police Department maintains a small area that can hold up to five dogs. With the expansion of a new facility, Mr. Wilson reported that it could hold up to ten dogs.

[22-0185](#) Brenda Shambo - New Flag Pole Update

Brenda Shambo reported to Council that the new flag pole is complete and is planned to have a trial run on Tuesday. During the trial run the City will also look to make sure that the 400 watt light is sufficient. Mrs. Shambo reported to Council that Ricky Rider and Taylor Davis is working on updating the parking area and John Graham is working on the landscape. Mrs. Shambo also reported that in the future, the Mayor would like a dedication ceremony and

Mrs. Shambo would be happy to assist if needed.

[22-0194](#)

John Mullen: "100 Things to do on the Alabama Gulf Coast Before You Die" Book

Attachments: [100 Things to Do on the Alabama Gulf Coast Before You Die front cover](#)
[100 Alabama Gulf Coast sell sheet](#)

John Mullen representing Reedy Press reported to Council that he has written about Owa, Stacey's and the Train Museum. The newest book that Mr. Mullen wrote is 100 Things to Do on the Alabama Gulf Coast Before You Die was available April 1, 2022. Mr. Mullen reported that he will leave order forms with LaDonna Hinesley to be placed at the Welcome Center.

Consent Agenda

[22-0188](#)

Work Session/Council Meeting Minutes of March 21, 2022.

Attachments: [3-21-22 Work Session Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III, to approve the March 21, 2022 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Ebert, III, seconded by Council Member Blackwell, to add item 22-0197 to the agenda. The motion was carried by an unanimous vote.

Ordinances

[22-0163](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY DAVID SMITH FROM PUD - PLANNED UNIT DEVELOPMENT TO R1A - RESIDENTIAL SINGLE FAMILY DISTRICT

Attachments: [David Smith Recommendation.pdf](#)

There was no discussion on this item.

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

Enactment No: 22-2017-ORD

[22-0171](#)

An Ordinance Approving Lowering Speed Limits within the City

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 Ordinance be approved on first reading. The motion carried by an unanimous vote.

Enactment No: 22-2016-ORD

[22-0173](#)

(Second Reading) AN ORDINANCE AMENDING THE CITY OF FOLEY ZONING ORDINANCE

Attachments: [ZO Amendment Backup.pdf](#)

There was no discussion on this item.

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

Enactment No: 22-2018-ORD

[22-0191](#)

(Second Reading) An Ordinance Setting a Maximum Axle Limit for that Portion of Little Rock Road and Dailey Lane between Mills Road and County Road 65

There was no discussion on this item.

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

Enactment No: 22-2019-ORD

[22-0093](#)

(Second Reading) An Ordinance Approving the Rezoning of Property Owned by FDR Properties LLC from B3 - Local Business District to R1A - Residential Single Family

Attachments: [FDR Rezoning Recommendation.pdf](#)

There was no discussion on this item.

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

Enactment No: 22-2012-ORD

[22-0094](#)

(Second Reading) An Ordinance Approving the Initial Zoning of Property Owned by Flowers 8 LLC to B1A - Extended Business District

Attachments: [Gary Flowers Initial Zoning.pdf](#)

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 Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 22-2013-ORD

Resolutions and Other Business

[22-0055](#)

A Resolution to Approve Brenda McGaster to host a May Day community event at Beulah Heights Park May 21, 2022.

Attachments: [Brenda McGaster May Day Event](#)

Foley Police and Fire Departments made a recommendation to move forward. 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: 22-1098-RES

[22-0158](#)

A Resolution Approving the Increase of Departmental Budget Dollars using restricted cash from the Local Drug Fund Account #100-1064 in the Amount of \$8,223.00.

Attachments: [Thermal Binoculars Signed Agenda Form and approval email](#)

Police Chief Thurston Bullock requested approval from Council to move money out of that account to purchase thermal binoculars. 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: 22-1099-RES

[22-0159](#)

A Resolution Amending Resolution 22-1088 A Resolution Amending The Pay Classification Plan In The Fire Department

Attachments: [Pay Classification Plan - Effective 03-07-2022](#)
[22-1088 RES](#)

Human Resource Director Suzanne Kellams reported to Council that this item is a correction from Resolution 22-1088 pertaining to the increase of firefighter positions in the Fire Department. 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: 22-1100-RES

[22-0160](#)

A RESOLUTION TO APPROVE AMENDMENTS TO THE CITY OF FOLEY
2008 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP

Attachments: [SW_NE Quad Comp Plan Update Backup .pdf](#)

There was discussion 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: 22-1101-RES

[22-0161](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for Andrea Overstreet with Faith Tabernacle for a Public Worship Service and Family Day

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

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: 22-1102-RES

[22-0162](#)

A Resolution Approving to Seek Statements of Qualifications (Request for Qualifications) from Architectural Firms

Library Director John Jackson requested from Council to seek architectural firms for the design of the new Library. 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: 22-1103-RES

[22-0167](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for Adrian Hill and Golden Knight General Konstruktion Alzheimer's Remembrance Walk Fundraiser.

Attachments: [Adrian Hill - Alzheimers Walk Fundraiser](#)

There was no 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: 22-1104-RES

[22-0169](#)

A Resolution Approving the Use of Heritage Park for the 2022 Witches Ride Charity Event After Party

Attachments: [Foley Witches Ride Council Agenda Request](#)

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: 22-1105-RES

[22-0172](#)

A Resolution to Approve the Purchasing of the New 40' Movie Screen for the Marketing Department

Attachments: [Bid Tab - Outdoor Movie Screen](#)

Marketing Director LaDonna Hinesley requested from Council to use additional funds left over from the capital purchase of the movie projector. The bid on the movie screen was over the budgeted amount. 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: 22-1106-RES

[22-0174](#)

A Resolution to Move the Projector Purchase from the Capital Expense Account to a Small Tools Account

Attachments: [BlueAlly for projector March 2022](#)

Marketing Director LaDonna Hinesley requested from Council to move this item to small tools instead of capital expense due to the reduction of cost of this item. 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: 22-1107-RES

[22-0175](#)

A Resolution to allow the Rental of Heritage Park and Pavilion for the Foley Assembly Church to host a Freedom Walk Benefit Fundraiser for the Adult & Teen Challenge of AL Men's Center

Attachments: [Judd Sessions - Freedom Walk Benefit](#)

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: 22-1108-RES

[22-0177](#)

A Resolution to Accept 2013 Chevrolet Silverado from Baldwin County Circuit Judge Jody W. Bishop for use by the Foley Police Department

Attachments: [CIRCUIT COURT FILING](#)
 [KBB VALUE](#)

Foley Police Chief Thurston Bullock requested Council to accept a drug seized vehicle valued at \$13,900.00. 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: 22-1109-RES

[22-0179](#)

A Resolution to Approve Police Department Vehicles to be Deemed Surplus

Foley Police Chief Thurston Bullock requested from Council to accept two drug seized vehicles that were no longer being utilized to be classified as surplus. 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: 22-1110-RES

[22-0183](#)

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned By David Smith from PUD (Planned Unit Development) R-1A (Residential Single Family and Duplex) to R-3 (Residential Single Family)

There was no 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: 22-1111-RES

[22-0184](#)

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

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: 22-1112-RES

[22-0189](#)

A RESOLUTION AUTHORIZING (i) acceptance of the assets and liabilities of Coastal Alabama Farmers' and Fishermen's Market, Inc. upon its dissolution and (ii) the obtaining of an appraisal to determine the value of the real property received from the dissolution in anticipation of a potential sale of such real property.

- Attachments:** [Description of Closing Documents](#)
- [1. First Amendment to Certificate of Formation - CAFFM -](#)
 - [2. First Amendment to Bylaws - CAFFM](#)
 - [3. Plan of Dissolution and Liquidation - Chase NMTC CAFFM Fund](#)
 - [4. Statement of Intent to Dissolve - CAFFM](#)
 - [5. Distribution Agreement - CAFFM](#)
 - [6. Termination Agreement Tri-Party Landlord Agreement - CAFFM - 3-28-22](#)
 - [7. Termination Agreement - Prisila Hughes - CAFFM - 3-29-22](#)
 - [8. Quitclaim Deed - CAFFM to Foley - 3-28-22](#)
 - [9. Assignment and Assumption of Lease - CAFFM - Moes](#)
 - [10. Assignment and Assumption of Lease - CAFFM - Loxley - Forland](#)
 - [11. Articles of Dissolution - CAFFM \(1\)](#)

Council Member Charles Ebert, III, reported to Council that the Finance Department did an outstanding job for the last eight years, and thanked them for their diligent work. Council President Trawick reported to that the City achieved its goals to get commercial buildings back in service. 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: 22-1113-RES

[22-0193](#)

A Resolution Amending The Pay Classification Plan In The Financial Services Division Of General Government

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

Human Resource Director Suzanne Kellams requested from Council to accept the recommendation to re-title two positions in the Financial Services Division. Mrs. Kellams reported that the position of Project and Risk Manager/EMA Director would be re-title to Project Risk Airport Manager and Grants and Special Agreements Administrator would be re-title to Purchasing Agent/Grants and Agreement Administrator. Both of the re-titled positions are budget neutral and the pay grade would remain the same. 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: 22-1114-RES

[22-0197](#)

A Resolution Approving Application for the Representative Jerry Carl FY2023 Community Project Funding Grant

Executive Director of Leisure Services David Thompson requested from Council to approve to the application process for this community grant. Mr.

Thompson reported that this grant would be used to refurbish the Armory building for the expansion of additional office space for City Hall. 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: 22-1116-RES

Mayor's Comments

Council Member Rick Blackwell reported to Council that the Mud Bugs and Margarita's was a huge successful event and that at least 10,000 people attended. Council Member Charles Ebert, III, reported that the event was extremely busy when he attended.

Visitor Comments

There were no visitor comments to report.

Public Hearing

[22-0176](#)

Public Hearing On Matters Related To A Denied Business License

Attorney J. Michael Newton representing Rodney and Cheryl Schrimphshire for Semmes Towing and Recovery LLC. wanted to address City Council about reinstating Semmes Towing and Recovery Business License. Mr. Schrimphshire was charged for crushing two vehicles that were drug seizures from Satsuma. These two vehicles were on Mr. Schrimphshire's lot for over one year and six months. Mr. Schrimphshire asked his employee to check into the abandoned vehicle procedure and thought that the correct protocol was implemented. Mr. Schrimphshire reported that was a huge mistake. Mr. Newton reported that Mr. Schrimphshire was charged with theft of property 1st for both vehicles which later the charges were dismissed.

Semmes Towing and Recovery does business in Mobile and Baldwin County. Mr. Schrimphshire has taken his towing company off of the towing rotation for several municipalities. Mr. Newton reported to Council that Mr. Schrimphshire apologizes for his behavior and will follow all of the City of Foley procedures and rules. Mr. Newton reported to Council that Mr. Schrimphshire would like the opportunity to conduct business again in the City of Foley.

Foley Police Chief Thurston Bullock reported to Council that he gave Council a time line of events that lead up to this hearing. Police Chief Bullock reported that he has a document with Mr. Schrimphshire signature pertaining to those vehicles and Mr. Schrimphshire could have called the Satsuma Police Department before taking action on those vehicles.

Chief Bullock reported to Council that Semmes Towing has had a Foley Business License from March 2018 to April 2021. Mr. Schrimphshire was operating Semmes Towing without a Foley Business License and received a

citation and his lot was active during the time and after he was given the citation. Chief Bullock reported to Council that because of the decision that Mr. Schrimphshire made to conduct business without a Business License and received a citation. Mr. Schrimphshire was put on court ordered probation that started in February 2022 and will end February 2023. Chief Bullock reported to Council that it is a privilege to be on the Towing Rotation and if Council approves to reinstate Mr. Schrimphshire Business License, Semmes Towing will not be added to the Police Towing Rotation while Mr. Schrimphshire is on probation.

Mr. Newton reported to Council that as of now Mr. Schrimphshire isn't looking at being added to the Police Towing Rotation. Mr. Newton reported to Council that Mr. Schrimphshire will follow all rules and regulations with the City of Foley.

[22-0178](#)

A Resolution to Approve or Deny A Business License

Attachments: [21-1138 RES](#)
 [Newton Email](#)
 [Res. 22-1095](#)
 [Notice of Appeal](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to approve the business license. The motion was carried the following vote: President Trawick, aye; Council Member Quaites, aye; Council Member Dayton, nay; Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by majority vote.

Aye: 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Charles Ebert III and Council Member Rick Blackwell

Nay: 1 - Council Member Richard Dayton

Enactment No: 22-1115-RES

Adjournment

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

The meeting was adjourned at 5:12 p.m.