



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, February 6, 2023

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

23-0075

Public Hearing to Consider Adopting an Ordinance to Rezone Property Owned by Kaymac LLC/Chris and Phil Johnson from R1C (Residential Single Family) to PUD (Planned Unit Development).

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

Council President Wayne Trawick called the meeting to order at 4:01 p.m.

Roll Call

All Council Member were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, David Thompson, Wayne Dyess, David Wilson, Logan Eberly, Jeff Lee, LaDonna Hinesley, Larry Dearing, Brandon Mothershed, Deputy Police Chief Kevin Carnley, Police Chief Thurston Bullock, Leslie Gahagan, Brenda Shambo, Michelle Davis, Alicia Gourley, Pam Harris Ann Todd, Kip Garner Chandler Dunaway, Gary Schrader, Sue Steigerwald, Philip Johnson, Chris Johnson, Kelly McCrady, Angie Eckman, Suzanne Kellams, Darrell Russell, Michelle Monk, Kelly Garrett, Diane Bunch, Susan Norman, Pat Davis, Pam Engel, Ashley McMair, John Graham, Joanne Jordan, and Rachel Keith.

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

Moment of Reflection

Pledge of Allegiance

Proclamation

23-0035

Proclamation: Arbor Day

Attachments: [Proclamation-Arbor Day](#)

Mayor Ralph Hellmich presented the Proclamation for Arbor Day to Pat Davis and Pam Engel, who represented the Revitalization and Beautification Board.

[23-0049](#) Proclamation: National Parent Leadership Month

Attachments: [Proclamation-National Parent Leadership Month](#)

Mayor Ralph Hellmich presented the Proclamation for the record for Parent Leadership Month.

Presentation

[23-0044](#) 2023 Arbor Day Book Donations

Mayor Ralph Hellmich presented the donated books to the Foley Librarians.

[23-0058](#) Presentation: Alabama Free Clinic by Alicia Gourlay

Executive Director Alicia Gourlay made a presentation to the Mayor and City Council on how beneficial Alabama Free Clinic is for the citizens of Baldwin County and the City of Foley. Mrs. Gourlay reported that this program offers medical services for citizens, who do not have health insurance. Mrs. Gourlay requested for Council support in the amount of \$5,000.00 to be included in the City's FY 2024 budget.

Work Session Discussion

Consent Agenda

[23-0041](#) Work Session/Council Meeting Minutes of January 17, 2023

Attachments: [01-17-2023 Work Session.Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, to approve the January 17, 2023 Work Session/Council Meeting Minutes. The motion was carried by an unanimous vote.

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites to add item 23-0043 to the February 6, 2023 Council Meeting Agenda and to carry over item 23-0061 to the February 20, 2023 Council Meeting Agenda. The motion was carried by an unanimous vote.

Ordinances

23-0061

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

Attachments: [Thornton Annexation](#)

[Thornton Annex Valuation](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Ordinance be carried over to the Engineering Department for further assessment due back by 2/20/2023. The motion carried by an unanimous vote.

23-0001

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY KAYMAC LLC / CHRIS AND PHIL JOHNSON FROM RIC - RESIDENTIAL SINGLE FAMILY TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Recommendation KayMac-Chris Phil Johnson.pdf](#)

There was no discussion on this item.

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

Enactment No: 23-2002-ORD

23-0040

(Second Reading) An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of the Same

There was no discussion on this item.

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: 23-2003-ORD

Resolutions and Other Business

23-0056

ABC License: 020 - Restaurant Retail Liquor At Southern Shores Coffee, LLC, applicant operating under the trade name Southern Shores Eats And Drinks located at 217 N. McKenzie St. Foley, Alabama 36535.

Attachments: [Southern Shores Coffee LLC](#)

Foley Police and Fire Departments made a recommendation to move forward with the license.

A motion was made by Council Member Charles Ebert, III, seconded by Council

Member Vera Quaites, to make a recommendation to the ABC Board to move forward with the license. The motion carried by an unanimous vote.

[23-0011](#) A Resolution Accepting Land Donation from Forestar (USA) Real Estate Group, Inc.

Attachments: [ROBERTS COVE PH 1 PLAT - Final Draft for Submittal to City\(8486247.1\) \(1\)](#)
[Donation Agreement - Forestar - City of Foley - Robert's Cove Wetlands - EXECUTION COPY\(8508656.1\)](#)
[Land Donation Valuation](#)

Environmental Director Leslie Gahagan reported to Council that this property is approximately eighty acres of wet lands on the North West side of Graham Creek Nature Preserve. 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: 23-1021-RES

[23-0034](#) A Resolution Approving the Jehovah Witness Community to Use Heritage Park to Display Bible Literature Until July 1, 2023.

Attachments: [Heritage Park Reservation - Jehovah Witnesses](#)

Parks and Recreation Director Jeff Lee reported to Council that this item is to expand dates for the distribution of literature. There was no further 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: 23-1022-RES

[23-0036](#) A Resolution to Reappoint Diane Bunch to the Revitalization & Beautification Advisory Board.

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: 23-1023-RES

[23-0037](#) A Resolution Waiving Horse Arena Fees for Jennifer Claire Moore Foundation Annual Rodeo and Rodeo Queen Horsemanship Competition

Attachments: [Rodeo Letter to City of Foley 2023](#)
[SpecialEventApp\(RODEO\)](#)

Executive Director of Leisure Services David Thompson reported to Council that he would like to move forward on this item. 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: 23-1024-RES

23-0039

A Resolution Approving Two Applications for the FY2023 Alabama Historical Commission Certified Local Government Grant

Attachments: [FY23_CLG_Grant_Application](#)

Logan Eberly reported to Council that if approve this grant would be utilized for the reprint of Discovering Downtown Foley brochures and for the staff to attend the National Alliance of Preservation Commissions training in 2024. 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: 23-1025-RES

23-0047

A Resolution Approving the Purchase of 2 Zero Turn Mowers and 1 Front Mount Mower for the Street Department

Attachments: [Proposal for Quote 27854566 \(1\)](#)

[Capital Purchase - Capital Project Worksheet 2023 front mount](#)

[20230123111214434](#)

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: 23-1026-RES

23-0048

Resolution Approving the Purchase of a 2023 Tractor for the Street Department

Attachments: [Capital Purchase - Capital Project Worksheet 2023 Massey](#)

[City Of Foley 6713 Tractor-Cutter 2022](#)

There was no 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: 23-1027-RES

23-0050

A Resolution Accepting Costs for Weed Abatement at 510 East Myrtle Ave. and Authorizing a Copy to be Sent to the Baldwin County Tax Collector

Attachments: [Property Abatement Cost Sheet for 510 East Myrtle Ave.](#)

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: 23-1028-RES

23-0053

A Resolution Approving Execution of a Contract for the Operation of the Farmers Market.

Attachments: [FY22-FY23 Market Operator - Alesia Forland \(1\) \(1\)](#)

Finance Director Sue Steigerwald reported to Council that this contract is a renewal for the Coastal Alabama Farmers and Fishermen's Market, and to authorize the Mayor to execute this contract. 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: 23-1029-RES

23-0054

A Resolution Approving the Application to the FY23 Rebuild Alabama Act Annual Grant Program

Attachments: [Grant Guidelines](#)

Logan Eberly reported to Council that the Engineering Department is requesting permission to apply for the Rebuild Alabama Act Annual Grant Program. Mrs. Eberly reported that this grant would fund the resurface project of South Alston Street from West Azalea Avenue to West Rose Avenue and the total cost of this project is estimated to be \$300,000, the city is requesting for \$250,000 in grant funds and there is a \$ 50,000 match. 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: 23-1030-RES

23-0059

A Resolution Amending The Pay Classification Plan In Multiple Departments

Attachments: [Pay Classification Plan - Effective 01-03-23](#)

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: 23-1031-RES

23-0062 A Resolution to Approve Contracting Sawgrass Consulting, LLC for Pickleball Design

Attachments: [Pickleball](#)
[22-1204 RES](#)

Executive Director of Leisure Services David Thompson requested from Council to move forward with the design part of this project. Mr. Thompson reported that the funds have been allocated and Mr. Thompson is opened to suggestions from Council. 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: 23-1032-RES

23-0064 A Resolution of Binding Joint Agreement for Seeking ADEM Grant Funding for the Baldwin County Material Recovery Facility

Attachments: [Grant Application](#)

Logan Eberly reported to Council that The City of Foley has partnered with Orange Beach and Gulf Shores to apply for the Alabama Recycling Fund Grant Program, this program will support the Baldwin County Recovery Facility in which Gulf Shores is the lead applicant. Mrs. Eberly reported to Council that the total requested amount of this grant is \$350,000 with no match required. 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: 23-1033-RES

23-0065 A Resolution Approving A One Day Members Only Pop Up Local Arts And Crafts Show

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: 23-1034-RES

23-0066 A Resolution Approving the Purchase of a Zero Turn Mower for the Horticulture Department

Attachments: [Capital Approval - Hort - Zero Turn](#)

There was no 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: 23-1035-RES

[23-0068](#) A Resolution Accepting The Capstone Engineering Group's Proposal for RAISE Grant Assistance

Attachments: [The Capstone Engineering Group Proposal](#)

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: 23-1036-RES

[23-0071](#) A Resolution to Approve the Transfer of Funds Between Categories and Approve a Capital Purchase for the IT Department

Attachments: [20230131172913.pdf](#)

[Budget Transfer Request - IT 013123.pdf](#)

[Email Budget Transfer_Capital Purchase Request - New Phone System.pdf](#)

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: 23-1037-RES

[23-0072](#) A RESOLUTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION WARRANTS OF SERIES 2023

Attachments: [Foley 2023. Authorizing Proceedings of City Council](#)

[Blackline of document numbers. 06614079.2 and 06721271.1 \(06721307x80C68\)](#)

[Foley 2023. Financing Agreement \(06721271x80C68\)](#)

City Administrator Mike Thompson reported to Council that this is the second phase of the warrants from United Bank that will assist in the financial installment of several large capital projects. Mr. Thompson reported that this warrant transaction is at a fixed interest rate for twenty years. 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: 23-1038-RES

23-0043

A Resolution Approving Engineering Design Group's Professional Services Proposal for Replacement Pipe on County Road 12.

Attachments: [EDG Proposal](#)

[Budget Increase Capital Projects](#)

[City of Foley Mail - CR12 Approval](#)

City Engineer Chad Christian reported to Council that this item is a proposal for the replacement pipe project for County Road 12. Mayor Hellmich also reported to Council that this project is essential to be completed before the spring rain season. 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: 23-1039-RES

Mayor's Comments

Mayor Ralph Hellmich reported to Council that the last Saturday of February is Arbor Day and the event will be held at the Farmers Market. Mayor Hellmich also reported that Saturday, February 18, 2023 is the Foley's Mardi Gras Parade.

Mayor Hellmich reported to Council that February 8, 2023 South Baldwin Hospital had the ground breaking event for the expansion of the hospital. He also reported that he is excited to announce four new restaurants in the downtown area.

Visitor Comments

There were no comments to report.

Executive Session

City Administrator Mike Thompson reported the need to go into executive session to discuss certain aspects of potential litigation. Mr. Thompson reported the executive session will take approximately 20 minutes and Council will not be coming back to vote.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to go into executive session.

Mr. 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 go into executive session.

The Council Meeting recessed at 5:00 p.m.

The Council Meeting reconvened at 5:40 p.m.

All Council Members were present. Also present: Mayor Ralph Hellmich and City Administrator Mike Thompson.

There was no further business to conduct.

Adjournment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to adjourn the meeting.

The meeting was adjourned at 5:40 p.m.