



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, February 7, 2022

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearings

[22-0064](#)

Public Hearing to Consider a Resolution to Approve an Economic Development Grant Agreement By the City of Foley and SDP AL Foley 1, LLC.

Council President Wayne Trawick opened the Public Hearing at 4:00 p.m. He asked for comments from the public. Carter Irmscher representing Streamline Development Partners reported to Council that Streamline is looking forward to the economic growth. President Trawick closed the Public Hearing.

[22-0065](#)

A Public Hearing to Consider Approving an Ordinance Amending the Zoning Ordinance.

President Trawick opened the Public Hearing at 4:02 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 Members were present with the exception of Council Member Richard Dayton, who was out of town. Also present : Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, David Thompson, Suzanne Kellams, Logan Eberly, LaDonna Hinesley, Roddy Burkle, Angie Eckman, John Jackson, Jeff Lee, David Wilson, Leslie Gahagan, Gary Schrader, Kyle Parken, Kelly Garrett, Carter Irmscher, PJ Sute, Kelly McCrady, Nicole Hart, Kelley Wansley, Sue Norman, Phillip Santon, Guy Busby, Brenda Shambo, Torrey Bery, Sylvia Smith, Ashley McNair, Chad Brewer, Darrelyn Dumore, Charles Weber, Darrell Russell, Wynter Metz, Deborah Mixon, Chief Bullock, Russ Moore, Frances Holk-Jones, and Reece Wiley.

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

Absent: 1 - Council Member Richard Dayton

Moment of Silence

A moment of silence was observed.

Pledge of Allegiance

Presentations

[22-0021](#)

Proclamation: Arbor Day

Attachments: [Proclamation Arbor Day 2022](#)

Mayor Ralph Hellmich presented the Proclamation for Arbor Day.

[22-0048](#)

2022 Arbor Day Book Donations

Mayor Hellmich presented the donated books to the Foley Librarians.

[22-0059](#)

Proclamation: David Horton

Attachments: [Proclamation](#)

Mayor Hellmich presented the Proclamation for the record in memory of David Horton for his service in the community.

Discussion Items

There were no discussion items.

Consent Agenda

[22-0047](#)

Work Session/Council Meeting Minutes of January 18, 2022

Attachments: [01-18-2022 WS.Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quites, to approve the January 18, 2022 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

Additions/Removals/Carry-overs

There were no additions, removals or carry-overs to report.

Ordinances

[21-0733](#)

(Second Reading) An Ordinance Approving Zoning Ordinance

Amendments

Attachments: [PROPOSED ZONING ORDINANCE 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 Ordinance be adopted. The motion carried by an unanimous vote.

Enactment No: 22-2004-ORD

[22-0015](#)

(Second Reading) AN ORDINANCE AMENDING ORDINANCE NUMBER 18-2018 AND AUTHORIZING THE USE OF GOLF CARTS ALONG CERTAIN DESIGNATED PATHS

Attachments: [18-2018 ORD](#)
[Golf Cart Path](#)

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

Enactment No: 22-2005-ORD

[22-0037](#)

(Second Reading) ORDINANCE REZONING PROPERTY OWNED BY CHEN REALTY CO INC FROM B1A - EXTENDED BUSINESS DISTRICT TO R3 - RESIDENTIAL MULTI-FAMILY

Attachments: [Chen Realty Rezoning Recommendation.pdf](#)

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

[22-0038](#)

(Second Reading) ORDINANCE PRE-ZONING PROPERTY OWNED BY TERRY GRANT TO R3 - RESIDENTIAL MULTI-FAMILY DISTRICT

Attachments: [Terry Grant Pre-Zoning Recommendation.pdf](#)

There was no discussion on this item.

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

Resolutions and Other Business

[22-0042](#)

ABC License: 020- Restaurant Retail Liquor for La Parilla Express Y Taqueria LLC, applicant operating under the trade name La Parilla

Express Y Taqueria located at 2851 S Pine Street Foley, Alabama.

Attachments: [La Parilla Express ABC Application](#)

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

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

[22-0029](#)

A Resolution Accepting Costs for Weed Abatement at 3278 Bellingrath Drive and Authorizing a Copy to be Sent to the Baldwin County Tax Collector

Attachments: [3278 Bellingrath Dr. Cost Sheet](#)

There was no discussion on this item.

A motion was made by Council Member Charles Ebert, II, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 22-1022-RES

[22-0033](#)

A Resolution Amending The Pay Classification Plan By Authorizing A New Position Of Executive Director Of Infrastructure and Development

Attachments: [Pay Classification Plan - Effective 01-18-2022](#)
[Budget Increase Request Form - Public Works - Leg File 22-0033](#)

Human Resource Director Suzanne Kellams reported to Council that this item is an increase to the FY22 budget. 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: 22-1023-RES

[22-0034](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING 3217 UPTON GRAY PLACE TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT

Attachments: [3217 Upton Gray Place](#)

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: 22-1024-RES

[22-0035](#)

A Resolution to Redirect the FY21 Alabama Historic Commission Grant

Focus and Amend the Budget

Attachments: [FY21 CLG Grant Application amended 01.19.22](#)
[Budget Increase Form](#)

Logan Eberly requested Council to approve redirecting grant funds to be used for training. Mrs. Eberly reported that the initial purpose of this grant was to be used to hire a consultant, after the City did the RFP's she couldn't fulfill her obligation. 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: 22-1025-RES

[22-0039](#)

Resolution Approving An Increase In Marketing Public Relations Account.

Attachments: [Marketing request to increase public relations fund - June 2021](#)

There was no 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: 22-1026-RES

[22-0041](#)

Resolution to Increase Marketing Budget for Writing Services

Attachments: [Budget Increase Form](#)

Marketing Director LaDonna Hinesley requested Council to approve the increased budget for writing services. 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: 22-1027-RES

[22-0043](#)

A Resolution Approving Application for the FY2022 Dollar General Grant for Summer Reading

Library Director John Jackson requested Council to approve applying for a \$3,000 grant with no match.

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 22-1028-RES

[22-0046](#)

A Resolution to Reappoint Gary Pitts to the Foley Revitalization and

Beautification Board.

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: 22-1029-RES

[22-0049](#)

A Resolution Accepting Thompson Engineering's Proposal for Grant Assistance

Attachments: [Budget Increase Departmental](#)
 [Thompson Engineering Grant Assist Proposal](#)

City Engineering Chad Christian requested Council to accept the proposal of an hourly rate not to exceed \$25,000 from Thompson Engineering to assist the City with grant services. 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: 22-1030-RES

[22-0050](#)

A Resolution Accepting Thompson Engineering's Professional Services Proposal for the Foley Beach Express Widening and Resurfacing Project

Attachments: [ALDOT HSIP Grant Agreement](#)
 [Thompson Engineering Proposal](#)

City Engineer Chad Christian reported that this project includes surveying, geo technical testing, road way plans, specifications and inspection of the work. Mr. Christian also reported to Council that this would include widening of County Road 12.

Charles Weber representing Thompson Engineering reported to Council that this project includes 2 feet widening on both sides of County Road 12 and also resurfacing improvements. 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: 22-1031-RES

[22-0051](#)

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND SDP AL FOLEY 1, LLC

Attachments: [Foley Streamline 2022. Minutes of City Council Re Grant Agmt \(2\)](#)

City Administrator Mike Thompson reported to Council that the Public Facilities Cooperative District agreed to accept the 75/25 split economic initiative fee

with Streamline. Mr. Thompson requested Council to accept the 75/25 split initiative fee. 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: 22-1032-RES

[22-0052](#)

A Resolution Accepting Right of Way Easement Properties Donation for the Use as Public-Rights-Of-Way

Attachments: [CAFFM No. 116 - A Resolution Donating Right-of-Way Land to the City of Foley - Signed](#)
[Stabler Ave and Koniar Way Map](#)
[Valuation Stabler Ave and Koniar Way](#)

City Administer Mike Thompson requested Council to accept the donation of right of way from CAFFM. Mr. Thompson reported to Council that this public right of way is located at Stabler Ave. and Koniar Way. There was no further 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: 22-1033-RES

[22-0053](#)

A Resolution to Approving Waiving the Fees at Heritage Park for Sue Leavins with Women's Care Medical Center in Robertsedale, AL to host a Walk For Life Walk-A-Thon

Attachments: [Sue Leavins - Women's Care Medical Center](#)

There was no discussion on this item.

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 22-1034-RES

[22-0054](#)

A Resolution Approving Lowering Speed Limits within Lakeview Gardens

City Engineer Chad Christian requested Council to approve lowering the speed limit to 25 mph. 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: 22-1035-RES

[22-0056](#)

A Resolution Accepting Land Parcel Donation From Bridgeco, LLC.

Attachments: [Recorded Bridgeco Deed](#)
 [Map](#)

City Administrator Mike Thompson requested Council to accept the donation of a small strip of land on the east side of the Foley Beach Express. Mr. Thompson reported that this land parcel donation is from Bridgeco, LLC. There was no further 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: 22-1036-RES

[22-0057](#)

Resolution Modifying The City's Personnel System Policy (PSP) To Update The Appointed City Officials And Other Housekeeping Items

Human Resource Director Suzanne Kellams requested Council to approve the modification of the PSP and including the Executive Director of Infrastructure and Development. Mrs. Kellams also reported to Council about updating housekeeping items that included leave of absences, computer use, and safety. There were 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: 22-1037-RES

[22-0058](#)

A Resolution Approving a One Time Payment to Foley Main Street to Assist with a Downtown Foley Strategy Plan

Attachments: [DRAFT-22-Foley-Strategy-Plan-Scope \(1\)](#)

Darrellyn Dunmore of Foley Main Street requested Council to approve \$15,000 to \$20,000 to assist with the Downtown Foley Strategy Plan. Mrs. Dunmore reported that Alabama Main Street donated \$10,000. Council Member Ebert, III, made a motion to approve this item in the amount up to \$20,000. 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: 22-1038-RES

[22-0066](#)

A Resolution to Set a Public Hearing to Consider the Rezoning of Property Owned By Chen Realty Co., Inc. from B-1A (Extended Business District) to R-3 (Residential Multi-Family).

There was no 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: 22-1039-RES

[22-0067](#)

A Resolution to Set a Public Hearing to Consider the Pre-Zoning of Property Owned By Terry Grant as R-3 (Residential Multi-Family).

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: 22-1040-RES

Mayor's Comments

Mayor Ralph Hellmich reported to Council that their support for the economic development for the City is greatly appreciated. Mayor Hellmich also reported that he wanted to thank Foley Main Street for their positive progress and he is looking forward towards future projects.

Mayor Hellmich reported to Council that last week, the City signed on the first GOMESA Grant Project. Mayor Hellmich reported that with this grant, the City was able to add 82 acres to the Western border of Graham Creek. Mayor Hellmich also reported that there will be future additions to wet lands with the next GOMESA Grant Projects.

Mayor Hellmich reported about the Mayor's Design Summit and he received excellent compliments about Graham Creek. Mayor Hellmich reported that the environmental structure of Graham Creek inspired colleagues at the Mayor's Design Summit.

Visitor Comments

Darrellyn Dunmore thanked Council for their continue support for Foley Main Street.

Executive Session

City Administrator Mike Thompson reported the need to go into executive session to discuss potential litigation with the City's attorney. He reported the executive session will take approximately 35 to 45 minutes and Council may choose to come back for a vote.

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

Mr. Thompson took the following roll call vote: Council Member Quaites, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. Of those present, the motion carried by an unanimous vote.

The Council Meeting was recessed at 4:49 p.m.

The meeting was reconvened at 5:42 p.m.

All Council Members were present with the exception of Council Member Dayton, who was out of town. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Casey Pipes, Larry Wettermark, Dan Blackburn, Ken Montgomery, Fay Krehling, Marcellow Conte, Donna Givens, and Guy Busby.

[22-0070](#)

A Resolution Authorizing A Settlement in the Charter Landing, Inc. v. City of Foley Lawsuit

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: 22-1041-RES

Adjournment

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

The meeting was adjourned at 5:43 p.m.