



Meeting Minutes - Draft

City Council

Monday, March 18, 2024

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[24-0183](#)

A Public Hearing to Consider Adopting an Ordinance to Amend Ordinance 21-2014 Pertaining to Flood Prevention

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 Members were present. Also present: Mayor Ralph G. Hellmich, City Clerk Katy Taylor, Darrell Russell, Leslie Gahagan, Jack Gramm, Logan Eberly, Jeff Phillips, Kate Norris, Darrelyn Dunmore, Suzanne Kellams, David Thompson, Lisa Yeater, Rachel Jerkin, Rachel Keith, Austin Lutz, Guy Busby, Jeff Lee, Dana Dailey, Marcus Banks, Charles Weber, Thurston Bullock, Chuck Lay, Nathan Smith, Cian Harrison, Jamie Smith, Wayne Dyess and Angie Eckman.

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

Moment of Reflection

Pledge of Allegiance

Work Session Discussion

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to add item 24-0207 to the agenda. The motion carried by an unanimous vote.

Consent Agenda

[24-0161](#)

Report of February, 2024, Approved and Paid Bills for the Record

Attachments: [2024-02 Approved & Paid Bills.Expense Approval Report](#)

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 Agenda Item be approved. The motion carried by an unanimous vote.

[24-0163](#)

Departmental Reports

Attachments: [Tax Report and Permit-Plan Review March 2024](#)
[February 2024 CDD Report for Council](#)
[February 2024 PD Report](#)
[January 2024 FD Report](#)
[February 2024 FD Report](#)

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 Agenda Item be approved. The motion carried by an unanimous vote.

[24-0162](#)

Work Session/Council Meeting Minutes of March 4, 2024

Attachments: [3-4-24 Work Session.Council Meeting Minutes](#)

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 Agenda Item be approved. The motion carried by an unanimous vote.

Ordinances

[24-0137](#)

(Second Reading) An Ordinance Setting a Maximum Axle Limit for Kenny Stabler Avenue Between South Juniper Street and East Pride Boulevard

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

Aye: 4 - Council Member Vera Quaites, Council Member Rick Blackwell, Council Member Charles Ebert III and Council Member Richard Dayton

Nay: 1 - President Wayne Trawick

[24-0158](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY CRIMSON LAND DEVELOPMENT LLC FROM B1A - EXTENDED BUSINESS DISTRICT TO R3 - RESIDENTIAL MULTI-FAMILY

Attachments: [Rezoning Recommendation Docs.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 unanimous vote.

[24-0159](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY FIKES WHOLESALE INC FROM B1A - EXTENDED BUSINESS DISTRICT & M1 - LIGHT INDUSTRIAL DISTRICT TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Fern Medical Rezone Recommendation](#)

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

[24-0171](#)

(Second Reading) AN ORDINANCE REPEALING ORDINANCE NUMBER 13-1030-ORD AND CREATING A LIBRARY BOARD AND LIBRARY ADVISORY BOARD

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 approved on first reading. The motion carried by unanimous vote.

[24-0114](#)

(Second Reading) AN ORDINANCE AMENDING ORDINANCE #21-2014 PERTAINING TO FLOOD DAMAGE PREVENTION

Attachments: [City of Foley Floodplain Development Ordinance](#)

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.

Enactment No: 24-2006-ORD

Resolutions and Other Business

[24-0178](#)

ABC License: 140- Special Events Retail for BLOOMS 4 YOU INC, applicant operating under the trade name of MUDBUGS AND MARGARITAS FESTIVAL located at 200 N McKenzie St. Foley, Alabama 36535.

Attachments: [MUDBUGS AND MAGARITAS FESTIVAL](#)

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

[24-0187](#)

ABC License Application for RAM 24 INC

Attachments: [RAM 24 INC ABC Application](#)
[Foley Shell Map](#)

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

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

[24-0188](#)

ABC License Application The Gathering Place of Summerdale LLC

Attachments: [The Gathering Place ABC Application](#)
[The Gathering Place Map](#)

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

A motion was made by Council Member Vera Quaites, 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.

[24-0138](#)

A Resolution to Set a Public Hearing to Consider an Ordinance Setting a Maximum Axle Limit for Kenny Stabler Avenue Between South Juniper Street and East Pride Boulevard

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: 24-1108-RES

[24-0141](#)

Resolution to approve additional funding and award the bid to

McElhenney Construction Company for the Philomene Holmes project through Graham Creek Nature Preserve.

Project Manager Jeff Phillips reported that the project would be completed in approximately six months.

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: 24-1109-RES

[24-0165](#)

Resolution Modifying The Personnel System Policy (PSP)

Attachments: [PSP Updated 03-18-24](#)
[Summary of Changes to Personnel System Policy 2024](#)

Human Resource Director Suzanne Kellems reported that this Resolution is for the approval of several revisions made to The Personnel System Policy (PSP). She reported the changes mainly being housekeeping items, procedural changes and additions to employee benefits. She also reported all have been reviewed by the City's labor attorney and recommended.

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: 24-1110-RES

[24-0166](#)

A Resolution Approving A Retirement Award

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: 24-1111-RES

[24-0167](#)

A Resolution to Approve Construction of a Sidewalk at the Foley Municipal Airport

Attachments: [James Bros Quote - Feb 29 2024.pdf](#)
[Capital Budget Increase Request - Airport Sidewalk.pdf](#)
[Capital Project Worksheet -Airport Sidewalk.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 Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 24-1112-RES

[24-0169](#)

A Resolution to Allocate Additional Funding for the Beulah Heights

Upgrade Project.

Attachments: [Budget Increase - Beulah Heights](#)

Parks and Receptions Director Jeff Lee reported once the construction contract is signed and the site prep is complete the project should be completed within the next month.

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: 24-1113-RES

[24-0170](#)

A Resolution for the Acceptance and Use of Friends of the Library Donation

Attachments: [Budget Increase Form](#)

Kate Norris reported the Friends of the Library made a donation in the amount of \$6,000 and they would like to amend their part-time salaries account to fund a temporary employee through the summer.

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: 24-1114-RES

[24-0172](#)

A Resolution Declaring the Bathroom/Concessions Building at Mel Roberts Park Surplus.

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: 24-1115-RES

[24-0173](#)

A Resolution Approving Monthly Bids - February 2024

Attachments: [February 2024 Bid Awards](#)

Logan Eberly reported that there were three bids for the month of February, 2024. There was a bid for a new truck for the Parks and Recreation Department, one for Family Home Improvements and a shuttle bus for the Senior Center.

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: 24-1116-RES

[24-0174](#)

A Resolution Amending Street Department Budget for Concrete

Crushing

Attachments: [Quote for Concrete Crushing](#)
[Budget Increase - Rock Crushing](#)

Public Works Director Darrell Russell reported that this Resolution is for the approval of an additional \$83,000 to the budget for a contractor to crush concrete that has been stock piled. He reported that it will be a reusable material for the City's future projects.

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: 24-1117-RES

[24-0177](#)

A Resolution Approving the Sponsorship for the South Alabama Land Trust's Bald Eagle Bash

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: 24-1118-RES

[24-0179](#)

Resolution to Approve and Appropriate Funding for the Capacity Fee for the Public Works Complex.

Attachments: [PROJECT FEES AND COSTS - CITY OF FOLEY PW FACILITY](#)
[Budget Increase Form](#)

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: 24-1119-RES

[24-0180](#)

Resolution Awarding the Bid to Mobile Asphalt Company, LLC for Repaving, Widening, and additional safety improvements to the Foley Beach Express from County Road 12 to AL Highway 59.

Attachments: [Budget Increase Form](#)
[Foley Beach Express - Engineer Recommendation and Bid Tab](#)
[Reg Concur to Award](#)

Project Manager Jeff Phillips reported that the City is ready to move forward with awarding the bid. He reported that the project should start within the next month and is scheduled to be a 250 day project.

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: 24-1120-RES

[24-0181](#)

A Resolution Approving the Street Department Purchase of a Massey Ferguson 2860M Utility Tractor

Attachments: [Deere VS Massey Comparison](#)
[Massey Tractor Quote](#)
[John Deere Tractor Quote](#)
[Capital Purchase - utility tractor](#)

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: 24-1121-RES

[24-0182](#)

A Resolution to Reappoint John Foley to the Museum Advisory 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: 24-1122-RES

[24-0184](#)

A Resolution Approving an Increase in Funds for Jessamine Extension.

Attachments: [21-1073 RES 4 road projects](#)
[Budget Increase - Jessamine Extension](#)

Public Works Director Darrell Russell reported this Resolution is for the approval for an additional \$125,000. He reported that this additional amount will be for the gravel and drainage to begin the road build for the Jessamine extension.

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: 24-1123-RES

[24-0185](#)

A Resolution to Approve the Facade Grant Recommendation for Foley CB, LLC / Vita Bruno (200 W Laurel)

Attachments: [Facade Recommendation Combined.pdf](#)
[January 2024 HC Minutes](#)
[Feb 2024 minutes HC](#)
[Drawings](#)

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: 24-1124-RES

[24-0186](#)

A Resolution Authorizing the Mayor to Execute an Addressing Agreement between Baldwin County Emergency Communication District and the City of Foley

Attachments: [Revised 3_11_24 911 Interlocal Addressing Agreement.pdf](#)
[Budget Increase and Transfer Request Forms \(5\)](#)

Community Development Director Miriam Boone reported they have updated the City's addressing and is ready to submit to E911.

Fire Chief Joey Darby reported on the challenges of addressing and the benefits that this agreement would bring due to being how advanced the addressing system is with Baldwin County Emergency Communication.

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: 24-1125-RES

[24-0189](#)

A Resolution to Appoint Steve Bailey as a Regular Member to the Board of Adjustment and Appeals.

Attachments: [Resignation Letter](#)

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: 24-1126-RES

[24-0190](#)

A Resolution Approving the Application for the FY2025 Alabama Coastal Area Management Program Grant for a Stormwater Management Plan for Bon Secour

Attachments: [ACAMP FY25 Annual Request for Proposals - Application](#)

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: 24-1127-RES

[24-0191](#)

A Resolution to Approve Funding for the Utility Installation at Wolf Creek Park

Attachments: [Wolf Creek Ridge Park - Riviera](#)
[Wolf Creek Ridge Park - Baldwin EMC](#)

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: 24-1128-RES

[24-0193](#)

A Resolution Authorizing the President of the Alabama Municipal Insurance Corporation to Act as Proxy for the City of Foley at the Regular Annual Membership Meeting

Attachments: [AMIC Annual Meeting Voting Packet Forms - Voting Member](#)

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: 24-1129-RES

[24-0194](#)

A Resolution Approving 2024 OWA Fireworks Display Calendar

Attachments: [City Council Fireworks Proposal Summer 2024](#)

Fire Chief Joey Darby reported he recommends moving forward with OWA's submittal for their 2024 summer fireworks show schedule.

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: 24-1130-RES

[24-0196](#)

A Resolution to Appoint Brandon Nelson as an Alternate Member of the Board of Adjustments and Appeals.

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: 24-1131-RES

[24-0200](#)

A RESOLUTION AUTHORIZING THE PROJECT USER FEE AGREEMENT (MAGNOLIA WALK DEVELOPMENT) BY THE CITY OF FOLEY, ALABAMA And THE CITY OF FOLEY PUBLIC FACILITIES

COOPERATIVE DISTRICT

Attachments: [Foley Magnolia Walk 2024 City Council Minutes - User Fee Agreement\(200004674.2\) \(1\)](#)

Mayor Hellmich reported that this Resolution is to authorize The Project User Fee Agreement for a development the Public Facilities Cooperative District approved on the East side of the Beach Express that will involve a hotel and a residential development.

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: 24-1132-RES

[24-0207](#)

A Resolution to Amend Resolution 24-1107 A Resolution to Approve a One Time Donation of Support to Foley High School ACT Test Attendees

Attachments: [24-1107 RES](#)
[Chick fil a Receipt](#)

Mayor Hellmich reported the corrected amount to be donated is \$1,384.50. He reported that this was beneficial to the students and that Foley High School reported record gains in their SAT test scores.

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: 24-1133-RES

Mayor's Comments

Mayor Hellmich reported that the next Council Meeting will be the Monday after Easter on April 1, 2024.

He reported that Midday Melodies is currently being held every Wednesday from 11 a.m. to 2 p.m.

He also reported there will be a Public Engagement Session on Monday April 1, 2024 from 4:30 to 6:30 p.m. in the Civic Center.

Visitor Comments

Jack Gramm, who resides at 1312 Makaira Dr. Foley, AL 36535, addressed the Council with concerns of receiving a letter from the City of Foley Community Development Department stating that he may be in a zoning violation due to an anonymous complaint that he may be running a business from his address in Marlin Place Subdivision. He reported that he just moved into his new address two weeks ago and that he does not run a daycare from his home but that he does have visiting grandchildren of different national descents. He expressed concerns that the City allows anonymous complaints of this nature to be taken seriously and requested that the City reconsider their decision to

allow anonymous complaints of this nature to be sent to citizens.

Mayor Hellmich asked Mr. Gramm if he contacted Community Development upon receiving his letter and if so did he feel like they resolved his issue.

Mr. Gramm reported that he did contact them and that he did feel as if the issue was resolved but that he still felt that the anonymous complaint was not right.

Mayor Hellmich reported that the City will look into this issue.

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 adjourned at 5:03 p.m.