



Meeting Minutes - Final

City Council

Monday, August 2, 2021

4:00 PM

Civic Center

Work Session/Council Meeting

Public Hearings

[21-0383](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 19184 County Road 20

This property was abated by the owner and no further Council action is required.

Council President Wayne Trawick open the public hearing at 4:00 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[21-0384](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at 1817 East Candlestick Court.

President Trawick open the public hearing at 4:01 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[21-0385](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at the Vacant Lot North of 908 N Oak St.

President Trawick open the public hearing at 4:02 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[21-0386](#)

Public Hearing to Consider Weeds to be a Public Nuisance and to Order is Abatement at Vacant Lot 3 of Seacole Subdivision.

President Trawick open the public hearing at 4:02 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[21-0427](#)

Public Hearing To Consider Planning Commission's Recommendation To Adopt An Ordinance Approving The Rezoning Of Property Owned By Gary Bullard From AO (Agricultural Open Space) TO Recreational Vehicle (RV) Park District. Property Is Located N. Of Keller Road And E. Of State HWY 59.

President Trawick open the public hearing at 4:02 pm. He asked for comments

from the public. Hearing no comments, he closed the public hearing.

[21-0428](#)

Public Hearing To Consider Planning Commission's Recommendation To Adopt An Ordinance Approving The Rezoning Of Property Owned By Schlichting Family LLC From AO (Agricultural Open Space) To B-1A (Extended Business District). Property Is At 12476 Robert Lane Foley, AL.

President Trawick open the public hearing at 4:03 pm. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 4:03 pm.

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Kevin Carnley, Darrell Russell, David Thompson, Angie Eckman, John Graham, LaDonna Hinesley, Darrelyn Dunmore, Miriam Boone, Sue Steigerwald, Rachel Keith, Pam Harris, Joey Darby, Jack Lynch, Robert Cummings, Chris Daugherty, Ron Buczyk, Frieda Buczyk, Bertha Gibbs, Randy Davis, and press representative Jessica Vaughn.

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

Moment of Silence

Pledge of Allegiance

Discussion Items

There were no discussion items.

Consent Agenda

[21-0429](#)

Work Session/Council Meeting Minutes of July 19, 2021

Attachments: [Work Session. Council Meeting Minutes of July 19, 2021](#)

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

[21-0438](#)

Special Called Council Meeting Minutes of July 26, 2021

Attachments: [Special Called Council Meeting Minutes of July 26, 2021](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to approve the Special Called Council Meeting Minutes of July 26, 2021. The motion carried by an unanimous vote.

[21-0422](#)

A Resolution to Reappoint Kenneth Underwood to the Museum Archive Advisory Board.

Attachments: [Museum Brd Member List](#)

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: 21-1259-RES

[21-0423](#)

A Resolution to Reappoint Keith Jiskra to the Board of Adjustments and Appeals

Attachments: [BAA Member List](#)

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: 21-1260-RES

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to add items 21-0426 and 21-0448 to the agenda and to remove item 21-0422 from the Resolutions section of the agenda only due to it being a duplicate. The motion carried by an unanimous vote.

Ordinances

[21-0367](#)

REZONING PROPERTY OWNED BY GARY BULLARD FROM AO TO RV PARK

Attachments: [Gary Bullard Rezoning Recommendation](#)
 [Keller Road Rezoning Citizen Opposition Letter](#)

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: 21-2022-ORD

[21-0368](#)

**REZONING PROPERTY OWNED BY SCHLICHTING FAMILY LLC FROM
AO TO B1A**

Attachments: [Schlichting Family Rezone](#)

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: 21-2023-ORD

Resolutions

[21-0388](#)

A Resolution Authorizing Employees to Enter Upon the Property at 1817 East Candlestick Court for the Purpose of Abating the Public Nuisance.

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: 21-1261-RES

[21-0389](#)

A Resolution Authorizing Employees to Enter Upon the Property at Lot 3 of Seacole Subdivision for the Purpose of Abating the Public Nuisance.

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: 21-1262-RES

[21-0390](#)

A Resolution Authorizing Employees to Enter Upon the Property at the Vacant Lot North of 908 N Oak St for the Purpose of Abating the Public Nuisance.

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: 21-1263-RES

[21-0407](#)

A Resolution to Approve FY21 Community Development Block Grants (CDBG) Application

Rachel Keith reported this is a \$250,000 grant with a \$25,000 match for the Aaronville Park bathrooms and playground.

City Administrator Mike Thompson reported this is a CDBG grant that City applied for last year but was not awarded. The City is applying for it again in the hopes it will be awarded this year.

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: 21-1264-RES

[21-0419](#)

A Resolution to Accept Funds Under the American Rescue Plan Act 2021 for the Foley Municipal Airport in the Amount of \$32,000 Through the FAA.

Attachments: [AL 5R4 - SF424 Unsigned.pdf](#)

Rachel Keith reported that this grant can be used for operations and various other items. There is a \$13,000 grant for this fiscal year so they intend to move this grant to fiscal year 2022.

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: 21-1265-RES

[21-0422](#)

A Resolution to Reappoint Kenneth Underwood to the Museum Archive Advisory Board.

Attachments: [Museum Brd Member List](#)

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

Enactment No: 21-1259-RES

[21-0425](#)

A Resolution to Waive the Fees for the Use of the Foley Civic Center for the Baldwin County Youth Orchestra Performance

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: 21-1266-RES

[21-0430](#)

A Resolution to Apply for the FY2022 Alabama Historic Commission Historic Sites Grant Program

Attachments: [2022 ETF Grant Guidelines \(1\)](#)

Rachel Keith reported this grant will be used for lighting for the Museum Depot exhibits.

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: 21-1267-RES

[21-0431](#)

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

Rachel Keith reported staff has been updating the 2015 Mitigation Plan for Baldwin County and it has been submitted to the State. Each municipality and the County must formally adopt the updated Mitigation Plan.

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: 21-1268-RES

[21-0432](#)

A Resolution to Memorialize the Application Submitted for the Alabama Humanities Recovery Grant

Attachments: [Alabama-Humanities-Recovery-Grants_FullGuidelines](#)

LaDonna Hinesley reported this is an application that was for a grant for the Museum Depot and it will be used for the archives.

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: 21-1269-RES

[21-0433](#)

A Resolution to Accept and Use Unbudgeted Donation Money Issued to the Foley Police Department.

Attachments: [Signed Budget Increase for Rain Gear Agenda Item](#)

Deputy Police Chief Kevin Carnley reported this item is to use donations made to the Police Department to purchase rain gear for officers.

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: 21-1270-RES

[21-0436](#)

A Resolution to Approve & Appropriate Funds for Road Building Project for S. Pecan from the N. Pride Dr Round-About to Lay Lane

Attachments: [Captial Project Worksheet](#)

Darrell Russell reported he would like to start working on this road and he needs to purchase the pipe and supplies that are currently back ordered.

Mayor Hellmich reported this road is included in the City's 10 year road plan.

City Administrator Mike Thompson reported the City does not currently have

the right-of-way for the property yet but it is believed the City will have it within a few weeks. He also reported by the time Public Works is ready to begin the work, the right-of-way will be in place. Mayor Hellmich reported he received information today that the right-of-way is in the final stages of the sign off.

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: 21-1271-RES

[21-0437](#)

A Resolution Waiving Fees for the Use of Heritage Park and Pavilion for the Coaches of Foley High School Introduction to Fall Sports Pep Rally

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: 21-1272-RES

[21-0439](#)

A Resolution Amend the FY22 Performance Contract with MedStar EMS

Rachel Keith reported the City would like to make this performance contract a two year contract instead of a one year contract.

City Administrator Mike Thompson reported this contract is for Medstar EMS to transport prisoners to the hospital for medical care.

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: 21-1273-RES

[21-0446](#)

Resolution Approving an Increase of Funds for Max Griffin Park Sidewalk Project

Attachments: [Max Griffin Park Cap Proj Wrksht & Budget Incr Wrksht.pdf](#)

Darrell Russell reported work was planned to begin on this project next fiscal year but currently, the contractors are in town repairing other sidewalks and he would like to hire the contractors now to perform the work. This project will connect Oak Street and Roosevelt Avenue to the park.

Mayor Hellmich reported this will provide a sidewalk all the way around Max Griffin Park.

Council Member Charles Ebert, III asked Mr. Russell is there are plans for crosswalk striping on Oak Street. Mr. Russell reported Public Works will put down striping because they already have the products to do it.

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: 21-1274-RES

[21-0447](#)

**A RESOLUTION DECLARING EMERGENCY POWERS TO THE MAYOR
OR COUNCIL PRESIDENT DURING THE RESURGENCE OF COVID-19**

City Administrator Mike Thompson reported that last year, staff brought to Council for approval a pandemic plan, which included three phases of the plan depending on how severe the pandemic may become. This will give the Mayor the authority to implement the three phases as he deems appropriate.

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: 21-1275-RES

[21-0426](#)

A Resolution Amending the City's Fund Balance Policy

Attachments: [3649-09](#)
 [4648-11](#)
 [15-2296 RES](#)
 [2021 2nd Draft Fund Balance Policy](#)

Sue Steigerwald reported that as part of the budget each year, the fund balance policy is reviewed. The current policy is based on calculations for the effects of Hurricane Ivan on the General Fund operations. The City has removed three times as much debris after Hurricane Sally than what was removed after Hurricane Ivan. This helps the City be better prepared for the next scenario. Staff believes it is best to increase the calculations from 25% to 35%. This will bring the General Fund balance from just a little over \$1 Million to approximately \$1.5 Million.

Mayor Hellmich also reported that this will reflect positively on the City's Financial ratings because it shows the City is being proactive in preparing for natural disasters.

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: 21-1276-RES

[21-0448](#)

**A Resolution To Approve Paid Sick Leave For Employees Due To
COVID-19 Vaccination Situations**

Attachments: [COVID 19-8 Leave Request Form](#)

City Administrator Mike Thompson reported that the Covid paid sick leave had been in place since last year and was required by the government. The City implemented this plan through December 31, 2020. Council approved extending the paid sick leave through the spring of 2021 as the number of Covid cases dropped. Now that the numbers are increasing again, this pay can

be put in place with up to 80 hours paid Covid leave for an employee who tests positive for Covid but only after they have received the vaccine. If an employee tests positive for Covid that has not received the vaccine, they must use their own sick leave.

Mayor Hellmich reported this also incentivizes employees to get the Covid vaccine.

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: 21-1277-RES

[21-0421](#)

A Resolution Amending The Pay Classification Plan To Convert And Upgrade Positions In The Police Department.

Attachments: [Pay Classification Plan - Effective 07-19-2021](#)

Deputy Police Chief Kevin Carnley reported this is to change a Corporal position into a Sergeant position.

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: 21-1279-RES

Mayor's Comments

Mayor Hellmich thanked Council for approving the expansion the sidewalk project and for approving the resolution to incentivize the Covid 19 vaccination for City employees. He also reported staff is continuing to address the drainage issues in the City and staff also continues to work with ALDOT, who has agreed to expand the safety grant for the Foley Beach Express.

Visitor Comments

Jack Lynch, who resides on County Road 12 reported he does not feel safe in his front yard on County Road 12 due to the large amount of speeding traffic on the road. The posted speed limit is 35 mph but traffic including fully loaded dump trucks and other construction trucks go 55-65 mph. He further reported that it is extremely unsafe to mow the lawn anywhere close to the road due to the large speeding trucks and other vehicles. Mayor Hellmich reported that the area of County Road 12 where Mr. Lynch lives was platted in the early 1990s as a PUD, which had five or six phases. The development happened when this area was still in the County and before other developments were there. Unfortunately the lots including Mr. Lynch's lot was platted on a main arterial connector road, which is no longer allowed in the City. This area was annexed into the City after the fact. He also reported the City is looking at options to alleviate this issue in that area.

Bertha Gibbs, who resides on Rooster Lane asked for an update on the placement of speed bumps in her neighborhood. Public Works Superintendent

Darrell Russell reported that the speed bumps were ordered a while back but they are on back order. He reported that as soon as they arrive, City crews will install them.

Council Member Vera Quaites asked if Fire Chief Joey Darby could give an update on Covid. Chief Darby reported Covid information he learned from the daily EMA meetings.

Randy Davis, who resides at 6590 Thompson Lane in Daphne, AL reported he is now working at Southern Columbia University in the Government Affairs Division. He reported he is calling on City Councils and County Commissions in a five county area. He reported that Southern Columbia University's impact in the region is significant regarding training police and fireman after they are involved in their careers.

Executive Session

City Administrator Mike Thompson reported the need to go into Executive Session in order to discuss two separate topic. The first topic is to discuss certain aspects of potential economic Development projects under the trade negotiations exception to the Open Meetings Act. The second topic is to discuss certain aspects of several real estate transactions to be considered. He reported the Executive Session should last approximately thirty minutes for the real estate discussions and ten-fifteen minutes on the economic development discussions and Council may choose to come back and vote on one item.

Council Member Charles Ebert, III made a motion to go into Executive Session. The motion was seconded by Council Member Rick Blackwell.

Mr. Thompson took the following Roll Call vote: Council Member Quaites, aye; Council Member Dayton, aye; 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 5:01 p.m.

The Council Meeting reconvened at 5:52 p.m.

All Council Member were present. Also present: City Administrator Mike Thompson, City Clerk Katy Taylor, Joey Darby and Darrell Russell.

21-0451

A Resolution Authorizing the Mayor to Negotiate the Purchase of Real Property

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: 21-1278-RES

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 5:54 p.m.