



Meeting Minutes - Final

City Council

Monday, March 1, 2021

4:00 PM

Foley Civic Center

Work Session/Council Meeting

Public Hearing

[21-0126](#)

Public Hearing To Consider The Revocation Of A Business License

Council President Wayne Trawick opened the public hearing at 4:00 p.m. Revenue Officer Jamie Smith reported that International Construction Enterprises, also known as ICE Restorations, is being charged with insurance fraud and first degree elderly abuse in Mobile County. Mrs. Smith reported that the State Board of Homebuilders suspended ICE's homebuilders and roofing certifications on February 11, 2021. Ronald Massengale, Co-Owner of ICE Restoration, stated that they are innocent and would like for the City of Foley to hold off on revoking their business license. City Administrator Mike Thompson reported that all permits that have come in for ICE Restoration after the allegations, have been put on hold until there is a decision made on their City of Foley business license. City Prosecutor Warren Harbison reported that since the State has suspended ICE Restorations certifications through June 11, 2021, and they cannot legally perform work in the state of Alabama, therefore they cannot perform work in the City of Foley. ICE employee Thomas Mouledous reported that he believes ICE Restoration is innocent. Office Manager of ICE Restoration Tristian Parker reported that this business is how they all feed their families, and that they are innocent of these charges. ICE Restoration employee Shawn McFadin asked Council to consider letting ICE Restoration finish the existing projects they have, with the customers who already have materials at their homes. ICE Restoration Co-Owner Ronald Massengale reported that with their State Certifications suspended, the company cannot perform jobs larger than \$2,500. Mr. Massengale then stated that if they were to keep their Foley Business License, they would still be able to go out and tarp customers roofs in case of leaks and do clerical work. Wanda Land reported that ICE Restoration is innocent. ICE Restorations Attorney Dave York reported that going forward ICE Restoration would like to just perform clerical work, they understand they cannot do any business in the City of Foley. Hearing no further comments, Council President Wayne Trawick closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 4:31 p.m.

Roll Call

All Council Members were present. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Darrell Russell, David Vosloh, Thurston Bullock, Kevin Carnley, Leslie Gahagan, Miranda Bell, Jamie Smith, Suzanne Kellams, Kay Kellams, Kayla, Kellams, Logan Eberly, Anita Allen, Nicole Blackwell, Joey Darby, Sue Steigerwald, David Thompson, LaDonna Hinesley, James Wallace, Felicia Bazzel, Kate Embry, Kelly O'Donnell, John Jackson, Sandra Pate, Michael Dasinger, Kelly Wansley, Frederick Buczyk, Ron Buczyk, Wanda Land, Amanda Hoover, Tristan Parker, Tony Perry, Jessica Wilkerson, Ronald Massengale, Thomas Mouledous, Sally Westendorf, Tyler Brunson, Roddy Burkle, Heyward Hosch, Dave York, Warren Harbison, Micha McCall, and press representative Jessica Vaughn.

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

Pledge of Allegiance

Presentation

[21-0114](#)

Appointment of Human Resource Director

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: 21-1059-RES

[21-0115](#)

Oath of Office - Human Resource Director

The Honorable Michael Dasinger asked Suzanne Kellams to step forward to be sworn in.

Discussion Items

[21-0093](#)

Gateway Initiative Update

Attachments: [Gateway Initiative Report](#)

Donna Watts reported a partnership with Coastal Alabama Community College that the South Baldwin Chamber is very excited about. Josh Duplanis reported that they are offering programs in Foley for adult education, marine mechanics, HVAC & electrical, and ESL classes. Mr. Duplanis reported that they are offering skills and certifications so the people in the programs have the necessary training when starting their new career. Sally Westendorf reported there is a shortened version of the report that was dropped off a few weeks ago for council to read in their folder handouts. Mrs. Westendorf presented the 2021 agenda, and informed Council that they are providing a virtual option for the introductory course in the Gateway Initiative Project. Ed Bushaw reported

there are over 70 investors in the Gateway project right now. Mr. Bushaw reported Vulcan and Cactus Cantina are both doing a wonderful apprenticeship program that helps the business out. Mayor Ralph Hellmich thanked everyone for their hard work and stated he appreciated all that they are doing and the Initiative is really showing results for our area.

[21-0108](#)

Discuss the City's Popular Annual Financial Report

Attachments: [FY 2020 PAFR](#)

Financial Director Sue Steigerwald reported to Council that this report is a shortened and simpler version of the city's annual financial report. Mrs. Steigerwald thanked Miranda Bell for all of her hard work on creating this report start to finish. There was no further discussion on this item.

Consent Agenda

[21-0103](#)

Work Session/Council Meeting Minutes of February 15, 2021

Attachments: [02-15-2021 Work Session. Council Meeting Minutes](#)

[21-0132](#)

Special Called Council Meeting Minutes of February 24, 2021

Attachments: [02-24-2021 Special Called Council Meeting Minutes](#)

[21-0106](#)

A Resolution Approving the Marketing Department to Create a Music for Lunch in Heritage Park 2021 Spring Event.

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: 21-1060-RES

[21-0124](#)

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

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: 21-1061-RES

[21-0045](#)

Acceptance and Use of Friends of the Library Donation.

Attachments: [Increase In Funds_Small Tools_Gen Fund_1_21](#)

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: 21-1062-RES

[21-0101](#)

A Resolution to Set a Public Hearing to Consider Passage of an Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of the Same to Riviera Utilities

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: 21-1063-RES

Additions/Removals/Carry-Overs

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to carry-over item 21-0123. The motion carried by an unanimous vote.

Ordinances

[21-0100](#)

An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of Same to Riviera Utilities

Attachments: [22271 County Road 12](#)
[22271 CR 12-Proposed Water Plant Site](#)

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: 21-2002-ORD

[21-0119](#)

An Ordinance Amending The City of Foley Zoning Ordinance

Attachments: [Recommendation and backup](#)

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

Enactment No: 21-2003-ORD

[20-0552](#)

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II OF THE CODE OF ORDINANCES FOR THE CITY OF FOLEY, ALABAMA ENTITLED "SALES TAX" TO REQUIRE ELECTRONIC FILING AND PAYMENT OF TAXES ONLINE

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

Enactment No: 21-2001-ORD

Resolutions and Other Business

[21-0136](#)

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION WARRANTS (FEDERALLY TAXABLE), SERIES 2021-A, AND THE EXECUTION AND DELIVERY OF RELATED TRANSACTION DOCUMENTS

Attachments: [Foley 2021. Minutes - Authorizing Resolution- March 1 \(05814141x80C68\)](#)

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: 21-1064-RES

[21-0098](#)

A Resolution Accepting FY21 Transportation Alternative Set-Aside Program (TAP) for Bicycle and Pedestrian Improvements Grant

Attachments: [TAPAA-TA21\(910\)FOLEY 100072670](#)
[Capital Project Forms](#)
[21-P0211 City of Foley TAPAA-TA21\(910\) Sidewalks Along Pine Street -9th Avenue-Hickory Street](#)

Logan Eberly reported to Council that this resolution will accept the \$640k grant, allow the City to enter into a contract with Volkert for engineering of the project, as well as allow the City to go to bid for the construction of the project. Mrs. Eberly also reported that the project total is estimated at \$958k. 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: 21-1065-RES

[21-0099](#)

A Resolution to Accept 2011 Ford Mustang from Baldwin County Circuit Judge Jody W. Bishop for use by the Foley Police Department

Attachments: [CIRCUIT COURT MUSTANG](#)
[KBB MUSTANG](#)

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: 21-1066-RES

[21-0102](#)

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

Attachments: [2021-Bald-Eagle-Bash-Sponsor-Packet](#)

City Administrator Mike Thompson reported to Council that this resolution is to support the Weeks Bay Resource Center, and to support them with a sponsorship. Leslie Gahagan reported that the South AL Land Trust holds our conservation easements for the City. 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: 21-1067-RES

[21-0107](#)

A Resolution Amending Resolution #13-0510 to Update the City of Foley's Employee Incentive Design Regarding Preventative Wellness Activities

Attachments: [Res 13-0510](#)
 [FOLEY Proposed Incentive Design - Updated 2-2021](#)

Sandra Pate reported to Council that every year the HR Department budgets \$8k for prizes for the Wellness Program. Mrs. Pate stated this resolution will allow Symbol Clinic to make the purchases from now on, and billing the City \$2k quarterly for the prizes. 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: 21-1068-RES

[21-0110](#)

A Resolution Accepting Costs for Property Abatement at 216 W Orchid Ave and Authorizing a Copy to be Sent to the Baldwin County Tax Collector

Attachments: [Costs-216 W Orchid Ave](#)

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: 21-1069-RES

[21-0111](#)

A RESOLUTION REVOKING BUSINESS LICENSE FOR JESSICA WILKERSON AT INTERNATIONAL CONSTRUCTION ENTERPRISES, INC/ICE RESTORATION AT 8195 STATE HIGHWAY 59; FOR VIOLATIONS OF STATE CODE AND SUSPENSION OF ROOFING CERTIFICATION

Attachments: [International Construction Ent Detail for Council](#)

Council President Wayne Trawick stated that even though the City cares about their citizens, and the employees of this business, without a State License this company cannot legally do work in the City of Foley. Mayor Hellmich stated the company cannot finish any unfinished projects legally, but hopefully they can communicate and work with their existing customers and issue refunds. Council Member Charles Ebert, III, stated that if the company is cleared of the felony charges and found innocent, they will be able to apply for a new business license in the City of Foley. 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: 21-1070-RES

[21-0116](#)

A Resolution to Appoint Pam Engel to the Foley Revitalization and Beautification Advisory Board.

Attachments: [Pam Engel Bio](#)

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: 21-1071-RES

[21-0117](#)

A Resolution to Appoint Mark Jones to the Graham Creek Nature Preserve Advisory Board

Attachments: [Mark Jones Bio](#)

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: 21-1072-RES

[21-0120](#)

Resolution Approving the Appropriation of Funds for Four (4) Road Building Projects.

Attachments: [ROAD FEES Cap Proj Wrksht.xlsx](#)

President Trawick turned the meeting over to Council Member Charles Ebert, III.

Public Works Director Darrell Russell reported to Council that the City has the Right of Ways for all four of these road building projects, and that this will just allow the money to be there for when the time is needed. 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 the following roll call vote: Council Member Quaites, aye; President Trawick, abstained; Council Member Dayton, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by a majority vote.

Aye: 4 - Quaites, Blackwell, Ebert III and Council Member Dayton

Abstain: 1 - Trawick

Enactment No: 21-1073-RES

[21-0121](#)

A Resolution Requesting Permission to Increase the United Bank VISA Credit Card Limit

Financial Director Sue Steigerwald reported to Council that the Walmart card can is no longer accepted at Sam's Club, which is where all of the concession items are purchased. Mrs. Steigerwald is asking for an increase on the Visa card for those purchases. 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 the following roll call vote: Council Member Quaites, aye; President Trawick, abstained; Council Member Dayton, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The motion carried by a majority vote.

Council Member Charles Ebert, III turned the meeting back over to Council President Wayne Trawick.

Aye: 4 - Quaites, Blackwell, Ebert III and Council Member Dayton

Abstain: 1 - Trawick

Enactment No: 21-1074-RES

[21-0122](#)

Resolution Approving the Purchase of a 2021 Tractor & Bush hog for Street Department - Maintenance

Attachments: [ST MAINT 2021 Tractor & Bush hog Cap Purch Wrksht.xlsx](#)
[ST MAINT Coblenz Tractor & Bush hog Quote.PDF](#)

Public Works Director Darrell Russell reported to Council that this purchase is in the FY21 budget, and the quote is coming in under budget. 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: 21-1075-RES

[21-0123](#)

A Resolution Approving The Facade Improvement Incentive Grant Program Amendments

Attachments: [Facade Grant Amendment 2 22 21](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to carry over this item to allow more time to gather more information. The motion carried by an unanimous vote.

Enactment No: 21-1076-RES

[21-0125](#)

A Resolution appropriating funds for a robotic line painter for Foley Sports Tourism.

Attachments: [Robotic Painter Approval](#)

David Thompson reported to Council that since this will be the second machine purchased, it is significantly discounted and coming in under budget. Mr. Thompson reported that this machine is also used on the football and soccer fields. 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: 21-1077-RES

[21-0128](#)

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

LaDonna Hinesley reported to Council that this Art show is to be held the same day as the BBQ & Blues Festival. There was no further 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: 21-1078-RES

[21-0105](#)

ABC License: 200 - Manufacturer for MURDER CREEK DISTILLERY LLC, applicant operating under the trade name MURDER CREEK DISTILLERY located at 102 S OWA BLVD FOLEY, AL 36535.

Attachments: [Murder Creek Distillery ABC License](#)

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

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.

Mayor's Comments

Mayor Hellmich reported that the Archery Tournament was super successful and it was the largest to date held in Foley.

Mayor Hellmich reported that Arbor Day turned out very nice with a large turnout. Mayor Hellmich thanked the Beautification Board and stated all of the trees were given away and that next year the City will look into providing fruit trees as well.

Visitor Comments

Kerry Slota reported to Council that trash and debris still needs to be picked up

on his alley on West Orchid.

Lorenzo Johnson thanked Council for the quick action on getting speed breakers installed on his road.

Adjournment

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

The meeting was adjourned at 5:46 pm.