



Meeting Minutes - Final

City Council

Tuesday, September 3, 2024

4:00 PM

Council Chambers

Work Session/Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 4:00 p.m.

Roll Call

All Council Members were present. Also present: Mayor Ralph G. Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Christi Watkins, Jane Tyler, Tanys Waldron, Eileen Huisman, Stephanie Brewster, Logan Eberly, Miranda Bell, Lynn Johnson, Herman Johnson, Freya Sonensfein, Tom DeBell, James Wallace, Lily Jackson, Chuck Lay, David Thompson, Angela Sherman, Darrell Russell, Pam Harris, Rachel Keith, Myra Clayton, Frances Holk-Jones, Brian Skelton, Gia Long, Darrelyn Dunmore, Joey Darby, Thurston Bullock, Jeff Phillips, Angie Eckman, Pam Harris, Suzanne Kellams, Wayne Dyess, Guy Busby and Cian Harrison.

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

Moment of Reflection

Pledge of Allegiance

Proclamation

[24-0506](#)

Proclamation: National Voter Registration Day

Attachments: [20240819145549401](#)

Mayor Hellmich presented the Proclamation recognizing the 2024 National Voter Registration Day to be observed on Tuesday, September 17, 2024.

Work Session Discussion

Additions/Removals/Carry-Overs

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

Consent Agenda

[24-0509](#)

Work Session/Council Meeting Minutes of August 19, 2024

Attachments: [8-19-24 WS.Council Meeting Minutes](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, to approve the August 19, 2024 Work Session/Council Meeting Minutes. The motion carried by an unanimous vote.

Ordinances

[24-0503](#)

(Second Reading) An Ordinance to Adopt a Right-Of-Way Permit Fee Schedule

Attachments: [541-97ORD ROW Permit](#)

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

Enactment No: 24-2028-ORD

[24-0524](#)

(Second Reading) An Ordinance to Require a Permit to Perform Work Within the Public Right-Of-Way

Attachments: [541-97ORD ROW Permit](#)

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

Enactment No: 24-2029-ORD

[24-0533](#)

(Second Reading)ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY JBW INVESTMENTS, LLC FROM B1A - EXTENDED BUSINESS DISTRICT AND PDD - PLANNED DEVELOPMENT DISTRICT TO PUD - PLANNED UNIT DEVELOPMENT

Attachments: [Backup for S Juniper St Rezoning.pdf](#)
[20240904085053215](#)

Executive Director of Infrastructure Wayne Dyess reported this project will include townhomes and multi-family units on the S Juniper St. project. He reported that the site plan does comply and meets with the City's design guidelines as referenced in the Design Zoning Ordinance 21.1.1E and will include said reference in the next hearing the project is scheduled. He reported that the Planning Commission recommended the approval of the design with two opposed.

A motion was made by Council Member Richard Dayton, seconded by Council

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

Aye: 4 - President Wayne Trawick, Council Member Vera Quaites, Council Member Rick Blackwell and Council Member Richard Dayton

Nay: 1 - Council Member Charles Ebert III

[24-0543](#)

AN ORDINANCE CONSENTING TO THE TRANSFER OF CERTAIN PROPERTY BY RIVIERA UTILITIES

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to suspend the rules for the immediate adoption of this Ordinance. The motion carried by 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.

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.

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

Enactment No: 24-2027-ORD

[24-0464](#)

(Second Reading) AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO HOTWIRE INFRASTRUCTURE GROUP, LLC, ITS AFFILIATES, SUCCESSORS, AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A SYSTEM NETWORK FOR THE PURPOSE OF TRANSMISSION OF CABLE AND INTERNET SERVICES WITHIN ALL INCORPORATED PORTIONS AND LOCATIONS OF THE CITY OF FOLEY, ALABAMA AND TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY FOR SUCH PURPOSES

Attachments: [Hotwire Franchise Agreement Final Version](#)

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: 24-2026-ORD

Resolutions and Other Business

[24-0433](#)

A Resolution Approving the Increase of Funds for the Public Works Department

Attachments: [Wynter-Metz-08-09-2024](#)

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: 24-1338-RES

[24-0502](#)

A Resolution Waiving the Fees and Approving the Use of Foley and Heritage Parks for a Festival Hosted by Show Baldwin Inc. on October 12, 2024.

Attachments: [Special Event Application - Show Baldwin](#)
[Letter from Show Baldwin Inc.](#)

Executive Director of Leisure Services David Thompson reported that the approval of this item will allow for fees to be waived for the use of Heritage Park for a festival hosted by Show Baldwin, Inc. in support of special needs.

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: 24-1339-RES

[24-0504](#)

A Resolution to Approve Submittal of a FY25 FAA/ALDOT Airport Improvement Project (AIP) Pre-Application and Application for the Reimbursement of Expenses to Construct Access Taxilanes

Attachments: [FOLEY FY 2025-PRE APP-TAXILANE REIMBURSEMENT-AIP.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: 24-1340-RES

[24-0505](#)

A Resolution to Approve Submittal of a FY25 FAA/ALDOT Airport Infrastructure Grant (AIG) Pre-Application and Application for the Reimbursement of Expenses to Construct a T-Hangar Building

Attachments: [FOLEY FY 2025-PRE APP-HANGAR REIMBURSEMENT-AIG.pdf](#)

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: 24-1341-RES

[24-0507](#)

A Resolution to Waive the Fees for the Use of the Foley Civic Center for Riviera Utilities Employee Training

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: 24-1342-RES

[24-0508](#)

A Resolution to Waive the Fees for the Use of the Foley Civic Center for the Baldwin County Master Gardeners and the Alabama Cooperative Extension System (ACES) Program for 4-H

Tanys Waldron with the Baldwin County Master Gardner Association addressed Council with a request for the City to waive the fees for the use of the Foley Civic Center so that they may host a gardening workshop for local children.

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: 24-1343-RES

[24-0510](#)

Resolution Authorizing American Benefit Administrators as the Administrator of the City's Flexible Spending Account (FSA) for City employees Effective January 1, 2025

Attachments: [FSA HSA Proposal City of Foley \(1\)](#)

Human Resource Director Suzanne Kellams reported that due to low participation numbers and issues with the current administrator over the City's Flex Spending Account, the City's broker has recommended the City to sign with American Benefit Administrators as the new administrator's to the City's Flex Spending Account for City employees effective January 1, 2024.

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: 24-1344-RES

[24-0511](#)

A Resolution Approving A Retirement Performance Award

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: 24-1345-RES

[24-0514](#)

A Resolution to Memorialize the Application and Accept the FY24 Byrne Discretionary Community Project Grant for the Police Department

Attachments: Award_Package_FAW-182161
[Budget Form](#)

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: 24-1346-RES

[24-0518](#)

A Resolution to reappoint Johnny Inzer to the Industrial Development Board.

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: 24-1347-RES

[24-0521](#)

A Resolution to Accept Grant Offers from the Federal Aviation Administration (FAA) and Alabama Department of Transportation (ALDOT) for Reimbursement of the Construction of Access Taxilanes

Attachments: [5R4-SOG-3-01-0031-027-2024-Grant Agreement - unsigned.pdf](#)
[Foley Municipal Airport 2024 State Grant Offer](#)
[3-01-0031-027-2024-AIP](#)

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: 24-1348-RES

[24-0522](#)

A Resolution to Accept Grant Offers from the Federal Aviation Administration (FAA) and Alabama Department of Transportation (ALDOT) for Reimbursement of the Construction of an 8-Unit T-Hangar Building

Attachments: [5R4-SOG-3-01-0031-026-2024-Grant Agreement - unsigned.pdf](#)
[Foley Municipal Airport 2024 State Grant Offer](#)
[3-01-0031-026-2024-AIG](#)

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: 24-1349-RES

[24-0525](#)

Resolution Authorizing an Unplanned Capital Project in the Street Department and Increasing Departmental Dollars

Attachments: [Wynter-Metz-Street-Department \(3\)](#)

Public Works Director Darrell Russell reported to Council that the approval of this item would allow for the increase of the Street Departments departmental dollars that would cover the cost of an unplanned project to increase parking and improve drainage conditions to a site behind local businesses in the City.

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: 24-1350-RES

[24-0526](#)

Resolution Amending The Pay Classification Plan In The Sanitation And Street Departments

Attachments: [Pay Classification Plan - Effective 08-05-24](#)

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: 24-1351-RES

[24-0528](#)

A Resolution to Accept and Use Unbudgeted Donation Money Received by the Foley Fire Department.

Attachments: [Joseph-Darby-08-23-2024.pdf](#)

Fire Chief Joey Darby reported to Council that the approval of this item will allow for the purchase of some rescue tools for the City Fire Department that will make jobs more effective and safer.

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: 24-1352-RES

[24-0529](#)

A Resolution to Approve Entering into an Interlocal Agreement Between Emerald Coast Utilities Authority (ECUA) and The City of Foley for the Acceptance and Processing of Source Separated Recyclables

Attachments: [City of Foley Alabama Interlocal Agreement 2024](#)

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: 24-1353-RES

[24-0530](#)

A Resolution Amending Personnel Accounts For The FY2024 Budget

Attachments: [FY24 Personnel Budget Adjustments](#)

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: 24-1354-RES

[24-0532](#)

Resolution to Approve going to Bid and Appropriate Funds for the Heritage Park Electrical Upgrades and Park Improvements.

Attachments: [WAS Design](#)
[Daisha-Barnes-Engineering](#)

Project Manager Jeff Phillips reported the approval of this item will allow for park improvements including upgrading light poles on the south end of the park, tree lighting on east side of the park and brick pavers to the entrance of the park.

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: 24-1355-RES

[24-0534](#)

Transferring a New Generator from Capital Purchases to Capital Projects and Increasing the Budget to Cover Installation

Attachments: [City of Foley Mail - Your request has been approved .pdf](#)

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

Enactment No: 24-1356-RES

[24-0535](#)

A Resolution to Approve the Purchase of a 1941 N3N Navy WWII Trainer

Attachments: [Budget Form and Photos](#)

City Administrator Mike Thompson reported to Council that the approval of this item will allow for the purchase of an operational 1941 N3N Navy WWII trainer, which is the oldest trainer aircraft type used at Barin Field to train Navy pilots during WWII, and is currently available for purchase for \$88,000. He reported that it will serve as a display as an educational aide to the community.

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: 24-1357-RES

[24-0536](#)

A Resolution Adopting Fiscal Year 2025 Budgets

Attachments: [Fiscal Year 2025 Budget Agenda File](#)
[Draft - Pay Classification Plan - Effective 09-03-24](#)

City Administrator Mike Thompson reported that for revenue, the City is budgeted for FY 2025 at 72.5 million with a 1.8% forecasted growth from 2024 to 2025. He reported he considers that to be a relatively conservative budget.

He reported that for operational expenses, the City anticipates closing the FY 2024 at approximately 54 million and for the FY 2025 the City has budgeted 60 million with a projected growth of approximately 4.3%.

He also reported that capital expenses grew from approximately 3.7 million for the FY 2024 to a proposed 4.9 million for the FY 2025 budget, with that being an increase of 1.2 million. He reported that a large part of the growth was due to the purchase of a recycling truck and adding an automated truck for the Sanitation Department.

He reported that on capital projects the City has an excess of 85.6 million for FY 2025. He reported of that amount, 39.8 million is via grant and bond funds. He reported that from a general fund perspective that approximately 45.9 million dollars will be funding capital projects in FY 2025.

He also reported that there is a request for an additional 21 headcount for the City, growing the budgeted staff from 406 in FY 2024 to 427 for FY 2025.

He reported that on the general fund they anticipate to start the FY 2025 at about 68.8 million and projected to end the year at approximately 44.2 million.

City Administrator also reported that the budget also includes merit raises for staff and a 2.5% COLA adjustment beginning FY 2025.

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: 24-1358-RES

[24-0537](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT 410 OAKLEIGH CIRCLE AND ORDERING ITS ABATEMENT

Attachments: [410 Oakleigh Circle Weed abatement](#)

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: 24-1359-RES

[24-0538](#)

A Resolution to Set a Public Hearing to Consider an Ordinance to Require a Permit to Perform Work within the Public Right-of-Way

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: 24-1360-RES

[24-0539](#)

A Resolution to Set a Public Hearing to Consider an Ordinance to Adopt a Right-Of-Way Permit Fee Schedule

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: 24-1361-RES

[24-0540](#)

A Resolution to Set A Public Hearing to Consider the Rezoning of Property Owned by JBW Investments, LLC from B-1A (Extended Business District) and PDD (Planned Development District) to PUD (Planned Unit Development)

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: 24-1362-RES

[24-0541](#)

A Resolution to Create a Program of Public Initiatives and Community Events Designed for Community Outreach and Engagement and Detailing Expenditures for FY 2025

Attachments: [FY 25 Public Purpose Schedule & Statements for Awards & Programs](#)

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: 24-1363-RES

[24-0544](#)

A Resolution to Grant a Tax Abatement to Point Broadband Holding, LLC

Attachments: [Application for Abatement of Taxes](#)

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: 24-1364-RES

[24-0545](#)

A Resolution to Reappoint Gary Hellmich to the Construction Board of Adjustments and Appeals

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: 24-1365-RES

[24-0547](#)

A Resolution Approving the Purchase of City of Foley Challenge Coins

Attachments: [20240829094509113](#)

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: 24-1366-RES

[24-0550](#)

A Resolution to Amend Resolution 24-1168 Appointing Michael Dugger to the Riviera Utilities Board

Attachments: [24-1168 RES](#)

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: 24-1367-RES

Mayor's Comments

Mayor Hellmich expressed his gratitude to everyone that worked on the budget.

He reported the City is progressing well with all on going projects in the City.

He also reported Foley High School football team is doing well and encouraged the public to attend the games.

Mayor Hellmich reported that he will be live on WHEP radio at 7:15 a.m.

Wednesday, September 4th.

Visitor Comments

There were no visitor comments to report.

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 5:50 p.m.