



**Meeting Minutes - Final**

**City Council**

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Monday, November 4, 2024

4:00 PM

Council Chambers

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**Work Session/Council Meeting**

**Public Hearing**

[24-0684](#)

A Public Hearing to Consider Adopting Zoning Ordinance Amendments for Greenbelt Zones

President Wayne Trawick opened the Public Hearing at 4:01 pm. 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 pm.

**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, Jeff Lee, Justin Blackwell, Gary Schrader, Yvette Klupp, Nick Williams, Tom Klupp, Kim Aldridge, Robin Walker, Sara Filley, Darrell Russell, Logan Eberly, Angela Sherman, Ryan Cover, David Johnson, Kate Norris, Frances Holk-Jones, Jamie Smith, Gene Breck, Nicole Blackwell, Darrelyn Dunmore, Guy Busby, Marcia Hicks, Chris Holly, LaDonna Hinesley, David Wilson, Joey Darby, Jeff Phillips, Jamie Smith, Cian Harrison, Wayne Dyess, Thurston Bullock and Miranda Bell.

**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**

There were no additions or carry-overs to report.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell to remove Items 24-0523, 24-0663, 24-0668 and Item 24-0672 from the agenda. The motion carried by an unanimous vote.

## Consent Agenda

### [24-0664](#)

Annual Report of the Impact Fee Review Committee for the Year Ended September 30, 2024

**Attachments:**     [FY24 Impact Fee Fund Activity Report](#)  
                              [FY24 Revenue & Expense Details](#)  
                              [Impact fee fund-FY 25 -10 Yr](#)

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

### [24-0682](#)

Work Session/Council Meeting Minutes of October 21, 2024

**Attachments:**     [10-21-24 Work Session Council Meeting Minutes](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Richard Dayton, to approve the Work Session/Council Meeting Minutes of October 21, 2024. The motion carried by an unanimous vote.

## Ordinances

### [24-0658](#)

(Second Reading) An Ordinance Declaring Certain Real Property Surplus and No Longer Needed for Municipal Purposes and Authorizing the Sale of the Same

**Attachments:**     [Development Agreement - City of Foley & Baldwin Cold Logistics \(1\)](#)  
                              [Deed - City of Foley to Ghor - Lot 2B and Lot 6 \(1\)](#)  
                              [Purchase Agreement Foley - Baldwin Cold Logistics \(Ghor\) \(1\)](#)

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 an unanimous vote.

Enactment No: 24-2037-ORD

### [24-0666](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY FOLEY PROFESSIONAL PARK, LLC FROM PO - PREFERRED OFFICE & B1A - EXTENDED BUSINESS DISTRICT TO PUD - PLANNED UNIT DEVELOPMENT

**Attachments:**     [ReZoning Recommendation Documents \(1\).pdf](#)

Executive Director of Infrastructure Wayne Dyess reported this item is a

proposal to move the road over farther to the East to allow for a larger natural open space in the design for the neighborhood.

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

Enactment No: 24-2039-ORD

[24-0674](#)

(Second Reading) An Ordinance Approving the Amendment of a Ground Lease by Riviera Utilities

**Attachments:**     [Board Approval of PBB Ground Lease Modification](#)  
                              [Riviera Ground Lease - First Amendment Exhibits A and B](#)

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

Enactment No: 24-2038-ORD

[24-0523](#)

(Second Reading) AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY CLUB RV, LLC

**Attachments:**     [Club RV, LLC](#)

The petitioner asked to remove this item.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to remove item 24-0523 from the Agenda. The motion carried by an unanimous vote.

Enactment No: 24-2034-ORD

[24-0598](#)

(Second Reading) An Ordinance Adopting Zoning Ordinance Amendments - Greenbelt Zones

**Attachments:**     [Zoning Amendments Ordinance](#)  
                              [Attachment for Council.pdf](#)

Executive Director of Infrastructure Wayne Dyess reported that the approval of this item will allow for a buffer area required that will be a green space that can have sidewalks, lighting, community walls or fences providing a more pleasant travel environment and a barrier for surrounding neighborhoods.

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

Enactment No: 24-2035-ORD

[24-0657](#)

(Second Reading) An Ordinance Approving a First Amendment to IRH

**Foley, LLC Warranty Deed**

**Attachments:**     [22-2035 ORD](#)  
                              [Foley to IRH Deed](#)  
                              [First Amendment To Use Restrictions](#)

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 adopted. The motion carried by an unanimous vote.**

Enactment No: 24-2036-ORD

**Resolutions and Other Business**[24-0631](#)

A Resolution Amending The Pay Classification Plan In the Public Works And Street Departments

**Attachments:**     [Pay Classification Plan - Effective 10-07-24](#)

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: 24-1442-RES

[24-0634](#)

A Resolution Approving a Commercial Lease Agreement Between the City of Foley and Foley CB, LLC

**Attachments:**     [City of Foley 200 W. LAUREL AVE - DRAFT SUITE 250 LEASE CITY OF FOLEY 9-24-24 \(1\)](#)  
                              [Adjusted DRAFT SUITE 250 LEASE CITY OF FOLEY 10-28-24 copy \(1\) \(4\)](#)

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: 24-1443-RES

[24-0652](#)

A Resolution Approving the Purchase of a Vehicle for the Library

**Attachments:**     [Capital Purchase Approval - SUV](#)

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: 24-1444-RES

[24-0655](#)

A Resolution Amending The Pay Classification Plan In Public Safety

**Attachments:**    [Transfer of Funds Between Departments - NP Operational to Public Safety Personnel](#)  
[Transfer of Funds Between Departments - NP Personnel to Public Safety Personnel](#)  
[Transfer of Funds Between Departments - Maint Shop Personnel to Public Safety Personnel](#)  
[Pay Classification Plan - Effective 10-07-24](#)

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: 24-1445-RES

[24-0659](#)

A Resolution Approving the Purchase and Surplus of Zero Turn Mowers in the Parks and Recreation Department.

**Attachments:**    [Jeff-Lee-Parks-Recreation](#)  
[Quote](#)

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: 24-1446-RES

[24-0660](#)

A Resolution Approving the Purchase of an ATV for the Nature Parks Department

**Attachments:**    [Quotes for ATV](#)  
[Leslie-Gahagan-Nature-Parks](#)

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: 24-1447-RES

[24-0661](#)

A Resolution Amending Resolution 24-1396-RES for the Purchase of a 2024 RC Mower for the Street Department

**Attachments:**    [24-1396-RES RC Mower](#)  
[RC Mower Quote](#)

Public Works Director Darrell Russell reported that the approval of this Resolution is to allow for the vendor name to be changed in the previously

approved Resolution and that it will be for the same purchase.

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: 24-1448-RES

#### [24-0662](#)

A Resolution Appropriating Additional funds for the East Verbena Ave Extension Project

**Attachments:**     [Scope and Fee Proposal - Survey Only](#)  
[24-1423-RES E Verbena Design](#)  
[Wynter-Metz-Street-Department \(9\)](#)

Pubic Works Director Darrell Russell reported that the approval of this Resolution will allow for the funds to obtain a survey for the East Verbena Ave. Extension Project.

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: 24-1449-RES

#### [24-0663](#)

A Resolution Approving the Purchase of a Vehicle for the Leisure Services Food & Beverage Manager

**Attachments:**     [Prisila-Hughes-Leisure-Services](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to remove item 24-0663 form the agenda. The motion carried by an unanimous vote.

Enactment No: 24-1450-RES

#### [24-0665](#)

A Resolution to Amend the Capital Purchase Accounts for Fiscal Year 2024 Approved Items That Were Not Received

**Attachments:**     [FY 2024 capital not received](#)

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: 24-1451-RES

#### [24-0667](#)

Facade Grant Extension for Mark Wright

City Planner Miriam Boone reported that this Resolution will allow Mr. Wright's request for an additional six months for the grant extension from April 2, 2024 to April 2, 2025 to ensure there is time to complete the project.

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: 24-1452-RES

[24-0668](#)

A Resolution Approving the Purchase and Surplus of a Backhoe in the Parks and Recreation Department.

**Attachments:**     [Jeff-Lee-Parks-Recreation](#)  
[new 416 cab quote 10.18.24](#)

**A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that item 24-0668 be removed from the agenda. The motion carried by an unanimous vote.**

Enactment No: 24-1453-RES

[24-0669](#)

A Resolution Approving the Purchase of a Holiday Decor for the Nature Parks Department

**Attachments:**     [Leslie-Gahagan-Nature-Parks \(2\)](#)  
[Estimate 12487 \(2\)](#)

**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: 24-1454-RES

[24-0670](#)

A Resolution to Memorialize the Good Roots Grant Application

**Attachments:**     [Good Roots Grant Proposal](#)

**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: 24-1455-RES

[24-0671](#)

A Resolution Approving the Purchase of a Bucket Truck from Riviera Utilities

**Attachments:**     [Wynter-Metz-Street-Department \(10\)](#)

**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: 24-1456-RES

[24-0672](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AT HICKORY PLACE LOT 3 AND ORDERING ITS ABATEMENT

**Attachments:** [Vacant lot SE Magnolia & N. Hickory weed abatement](#)

**A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, to remove item 24-0672 from the agenda. The motion carried by an unanimous vote.**

Enactment No: 24-1457-RES

[24-0673](#)

A Resolution Approving the Purchase of Multifunction Copy Machines

**Attachments:** [Capital Purchase Form - New Copiers.pdf](#)  
[City of Foley - Sourcewell Proposal \(1\).zip](#)

**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: 24-1458-RES

[24-0675](#)

A Resolution Approving the Application for the FY25 ADECA Local Law Enforcement Assistance Grant for Equipment Purchases

**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: 24-1459-RES

[24-0676](#)

A Resolution Accepting FY25 Transportation Alternative Set-Aside Program (TAP)

**Attachments:** [TAPAA-TA25\(929\) 100079634 FOLEY](#)  
[Capstone Agreement](#)  
[Capital Project Form](#)

**Logan Eberly reported that the approval of this Resolution will allow for the acceptance of the grant awarded in the amount of \$800,000.**

**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: 24-1460-RES

[24-0677](#)

A Resolution to Waive the Fees for the Use of the Foley Civic Center for The Gateway Workforce Initiative Wednesday, January 29, 2025.



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: 24-1461-RES

[24-0678](#)

A Resolution Accepting an Unbudgeted Donation from Ascend Performance Materials and Approving the Purchase of an Arizona Vortex Kit for Special Rope Rescue for the Foley Fire Department

**Attachments:**     [20241029162142857.pdf](#)  
[Capital form - Arizona Vortex 10-2024.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: 24-1462-RES

[24-0679](#)

A Resolution Approving the Purchase of a Fire Extinguisher Digital Training System for the Foley Fire Department

**Attachments:**     [Capital form - Fire Extinguisher Digital Training system 10-2024.pdf](#)  
[Q1224101493321.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: 24-1463-RES

[24-0680](#)

A Resolution Approving the Purchase of Self-Contained Breathing Apparatus (SCBA) for the Foley Fire Department

**Attachments:**     [Capital form - SCBA- 10-2024.pdf](#)  
[Quote - SCBA - 54 Units 10 28 2024 \(2\).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: 24-1464-RES

[24-0683](#)

A Resolution to Set a Public Hearing to Consider the Rezoning of 9.14+/- acres of Property for the Foley Professional Park from PO (Preferred Office and B1A( Extended Business District) to PUD

(Planned Unit Development)

Executive Director of Infrastructure Wayne Dyess reported that the R-1A may be a misprint due to it currently being professional office and B-1A.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted to set the Public Hearing with a review of the correct zoning of the property. The motion carried by an unanimous vote.

Enactment No: 24-1465-RES

## **Mayor's Comments**

Mayor Ralph Hellmich reported that the Navel airplane had a successful arrival to great fan fair. He reported that they tried to enter it into the air show but had missed the deadline but will enter it next year.

He reported that the Haunted Forest was greatly successful with a reported 2,800 people coming through this year.

He also reported the Burgers Brats and Beer Fest will be held November 9, 2024 from 10am to 6 pm at Heritage Park, Foley.

He reported Tuesday November 5, 2024 is election day and encouraged all to get out and vote.

He also reported that Monday, November 11, 2024 is Veteran's Day and encouraged everyone to attend the parade downtown.

Mayor Hellmich reported that he and Council Member Richard Dayton attended the ALM Conference and the City received an award for all Council Members now being Certified Municipal Officials.

Mayor Hellmich congratulated Council Member Vera Quaites for earning her Emeritus.

He reported that the City received the TAP Grant and thanked all city officials for their efforts.

He also reported that the new Symbol Health building has been delivered.

He reported that the new downtown outdoor lights have been ordered and should be here and installed by the end of November.

He also reported that Christmas lights have started being installed in preparation for the holiday season.

## **Visitor Comments**

Darrellyn Dunmore reported that Foley Main Street has received the opportunity to give five \$1,000 grants to businesses within the district for marketing. She reported that they will hold a pitch contest giving away \$10,000 grants and then will move onto regional and state for an additional \$10,000 and \$25,000 grants. She also reported that they have received a \$5,000 grant from Regions

to conduct soft training for employees in the downtown district and also received a \$7,500 grant for Cat Alley.

Sara Filley, who resides at Glenn Lakes Unit 1, asked Council to consider that once the new phases of subdivisions start to be built that their HOA be grandfathered in and to not receive city street light invoices. She also asked Council to consider a new public area as new phases come into the neighborhood that will help provide a buffer and add some privacy and protection to the 50 foot green space.

David Johnson, who resides at Dundee Cr., expressed that their neighborhood located at Carnoustie Gardens would like to be grandfathered in as well to not receive invoices for street lights.

Gene Breck, who resides at Ethos Subdivision, asked Mayor Hellmich to give him the background on the City's purchase of the naval airplane.

Mayor Hellmich reported that Foley was selected as a WWII Heritage site and the purchase of the plane is to honor the Naval Aviators in the area by adding the plane as an exhibit to the museum.

## **Executive Session**

City Administrator Mike Thompson reported that there is a need to go into Executive Session to discuss certain aspects of a possible real estate transaction to discuss consideration that Council would be willing to accept to purchase certain real property. He further reported this discussion should take approximately twenty minutes and there will be no need for a vote.

A motion was made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton, to go into Executive Session.

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 was recessed at 5:04 p.m.

The Council Meeting reconvened at 5:50 pm.

President Trawick called the meeting back to order. All Council Members were present. Also present: Mayor Ralph G. Hellmich and City Administrator Mike Thompson.

There was no further business to discuss.

## **Adjournment**

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

The meeting adjourned at 5:50 pm.