



Meeting Minutes - Final

City Council

Tuesday, January 2, 2024

4:00 PM

Council Chambers

Work Session/Council Meeting

Public Hearing

[24-0030](#)

Public Hearing to Consider Adopting an Ordinance to Rezone Property Owned by SCP BPG Magnolia Holdings, LLC from PDD (Planned Development District) to PDD (Planned Development District).

Council President Wayne Trawick opened the Public Hearing at 4:01 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 with the exception of Council Member Vera Quaites, who was absent due to being out of town. Also present: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, David Thompson, Christi Watkins Jeff Phillips, Darrell Russell, Guy Busby, Leslie Gahagan, Lisa Yeater, Jeff Lee, Frances Holk-Jones, Pam Harris, Tony Fuqua, LaDonna Hinesley, Ted Hughes and Darrelyn Dunmore.

Present: 4 - Wayne Trawick, Rick Blackwell, Charles Ebert III, and Richard Dayton

Absent: 1- Vera Quaites

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

Moment of Silence

Pledge of Allegiance

Presentation

[24-0034](#)

Presentation By Representative Frances Holk-Jones

Representative Frances Holk-Jones gave a synopsis of the upcoming 2024 legislative session schedule.

Mayor's Presentation

[24-0011](#)

Proclamation: Human Trafficking Awareness Month

Attachments: [Human Trafficking Awareness](#)

Mayor Ralph Hellmich presented the Proclamation in recognition of Human Trafficking Awareness Month.

Work Session Discussion

Mayor Hellmich reported The National Park Service has designated Foley as an American World War II Heritage City.

Only one city in each state or territory can receive this designation.

In picking a community, the National Park Service looked at the war's impact on the community and how the community supported the war effort.

Work War II had a huge impact on Foley. Less than a year after Pearl Harbor, Barin Field opened to train pilots. In Barin's first 24 months of operations, almost 5,800 aviation students were entered in the field log. By 1945, Barin had more than 2,000 enlisted personnel and officers assigned to the base. That in a town that had a civilian population of 846 in the 1940 census.

The NPS also asked how the community has honored the service of veterans. We included the World War II live oak memorial dedicated in 1943 and still maintained by the city and the Veterans Memorial in Max Griffin Park and how the city has continued to expand that by adding the two anti-tank guns in 2023.

Additions/Removals/Carry-Overs

A motion made by Council Member Rick Blackwell, seconded by Council Member Richard Dayton to remove item 24-0663, which will be brought back to Council at a later date.

Consent Agenda

[24-0000](#)

Work Session/Council Meeting Minutes of December 18, 2023

Attachments: [12-18-2023 Work Session.Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton to approve the December 18, 2023 Work Session/Council Meeting Minutes. The motion was carried by an unanimous vote.

Ordinances

[24-0001](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 FOR INITIAL ZONING OF PROPERTY OWNED BY CITY OF FOLEY TO OSP - OPEN SPACE PRESERVATION DISTRICT

Attachments: [Initial Zoning Recommendation Documents.pdf](#)

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

[24-0009](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 FOR INITIAL ZONING OF PROPERTY OF THE MILLS COMMUNITY AS R4 - RESIDENTIAL SINGLE FAMILY & DUPLEX AND AO - AGRICULTURAL OPEN SPACE

Attachments: [Initial Zoning Recommendation Documents.pdf](#)

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

[23-0666](#)

(Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY SCP BPG MAGNOLIA HOLDINGS, LLC FROM PDD - PLANNED DEVELOPMENT DISTRICT TO PDD - PLANNED DEVELOPMENT DISTRICT

Attachments: [Backup for Rezoning.pdf](#)

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: 24-2000-ORD

Resolutions and Other Business

[24-0029](#)

ABC License: 140 - Special Events Retail for Blooms 4 You, Inc, applicant operating under the trade name Gumbo and Alabama Slammer Festival on January 27, 2024 from 10:00 a.m. to 6:00pm located at 200 N. McKenzie Street Foley, Alabama 36535.

Attachments: [ABC Gumbo & AL Slammer](#)

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.

23-0663

A Resolution Approving the Purchase of a Ford F-150 Truck for the Municipal Complex

Attachments: Capital Purchase - Capital Project Worksheet MC Truck

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

[23-0706](#)

A Resolution to Transfer Funds from Nature Parks to Environmental

Attachments: [Transfer Request Forms.NP to ENV. 2024. Trucks](#)
 [Proforma-a-FOLEY - W1E-M434](#)

Sustainability and Natural Resources Director Leslie Gahagan made a request to transfer funds from Nature Parks to Environmental.

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: 24-1001-RES

[23-0708](#)

A Resolution to Approving Waiving the Fees at Heritage Park for Sue Leavins with Women's Care Medical Center in Robertsedale, AL to host a Walk For Life Walk-A-Thon

Attachments: [Women's Care Medical Center Walk-a-thon](#)

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: 24-1002-RES

[23-0710](#)

A Resolution Approving the Purchase of a Zero Turn Mower for the Parks and Recreation Department.

Attachments: [ExMark Mower Quote](#)
 [Capital Worksheet](#)

Parks and Receptions Director Jeff Lee requested additional funding and approval for the purchase of a Zero Turn Mower for the Parks and Recreation Department instead of the planned purchase of the Gator.

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: 24-1003-RES

[24-0002](#)

A Resolution Approving an Increase in Funds for South Pecan Street Extension.

Attachments: [21-1271 RES S Pecan Funding](#)
[Budget Increase -S Pecan St](#)

Public Works Director Darrell Russell requested approval of the increase of funds for South Pecan Street Extension and reported the project should be completed by end of January 2024.

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: 24-1004-RES

[24-0003](#)

A Resolution to Approving the Jehovah Witness Community the Use of Heritage Park to Display Free Bible Based Literature

Attachments: [Randy Pelfrey](#)

Parks and Recreation Director Jeff Lee reported this Resolution is the renewal of application approving the Jehovah Witness Community the use of Max Griffin Park to display free Bible based literature.

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: 24-1005-RES

[24-0005](#)

A Resolution approving the ALDOT ROW Bond Change Order #1 for the Juniper Street South Extension Project.

Attachments: [Change Order #1 Juniper St Ext ALDOT ROW Bond](#)
[RES 22-1126 Juniper Bid McElhenney](#)

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: 24-1006-RES

[24-0006](#)

A Resolution Appropriating Funds for the Installation of Replacement Lights for the Pedestrian Bridge.

Attachments: [Owen Electrical Services Quote](#)
[Hellmich Electric Quote](#)
[Budget Increase Departmental](#)

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: 24-1007-RES

[24-0007](#)

A Resolution Approving the Location for the New Symbol Clinic in Foley and Approving the Purchase or Lease Option and Approving GeoCon's Professional Services Proposal for Soil Boring and Testing.

Attachments: [Drawing of Symbol Clinic revised 08 01 2023](#)
[Quick Building Modular](#)
[211 E Rose Ave](#)
[Violet Ave - No Address](#)
[GeoCon Modular](#)
[Cost Comparison](#)
[Budget Increase Capital Projects](#)

Project Manager Jeff Phillips presented the purchase or lease options for relocating the new Symbol Clinic in Foley and the approving GeoCon's Professional Services Proposal for soil boring testing. It was decided by Council to purchase property on 211 East Rd.

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: 24-1008-RES

[24-0008](#)

A Resolution to Replace the Rotted Wooden Siding and Encapsulate the Foundation for the Foley Arts Center (Peteet Building).

Attachments: [Amerson Roofing Estimate](#)
[Ox Estimate](#)
[Budget Increase Capital Projects](#)
[Capital Project Worksheet](#)

Project Manager Jeff Phillips reported on the replacement of the rotted wooden siding and the encapsulated foundation for the Foley Arts Center. He reported that a portion of the foundation has previously been worked on and just has a section to complete the whole project.

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: 24-1009-RES

[24-0010](#)

A Resolution Amending The Pay Classification For The Senior Center

Attachments: [Draft - Pay Classification Plan - Agenda item 24-0010](#)

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: 24-1010-RES

[24-0012](#)

A Resolution Approving Volkert Associates Professional Services Proposal for the Mills Community Pedestrian Improvements Project.

Attachments: [City of Foley Mills Community Ped Improvements](#)
 [Mills Community Ped Improvements-Manhour Backup](#)
 [Budget Increase Capital Projects](#)
 [Capital Project Worksheet](#)

Project Manager Jeff Phillips reported on the budget. Mr. Phillips stated that it only covered the design portion of the project so they will be coming back to council at a later date. Mr. Phillips also gave an update on timeline of project stating that should be completed in 6 months. There was no further discussion of 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: 24-1011-RES

[24-0013](#)

A Resolution Approving the Change Order to the Public Works Campus Civil Site Package Contract to Remove the Electrical Conduit Scope Out of the Building Bid Package and Adding it to the Ammons & Blackmons Contract.

Attachments: [Ammons & Blackmon Update PW Complex](#)
 [Budget Increase Capital Projects](#)

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: 24-1012-RES

[24-0014](#)

A Resolution to Set A Public Hearing to Consider the Initial Zoning of Property Owned by City of Foley

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: 24-1013-RES

[24-0015](#)

Resolution approving Volkert Associates professional services proposal for the Wetland Delineation Project.

Attachments: [Volkert Wetland Delineation](#)
[PIN 1378](#)
[PIN 46677](#)
[Budget Increase Capital Projects](#)
[Capital Project Worksheet](#)

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: 24-1014-RES

[24-0016](#)

A Resolution to Set a Public Hearing to Consider the Initial Zoning of Property of the Mills Community

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: 24-1015-RES

[24-0017](#)

A Resolution to Amend the Capital Purchase Account for Fiscal Year 2023 Approved Items that were not completed

Attachments: [Dana Safety Quote- CID Vehicles](#)
[Dana Safety Quote- K9 Vehicles](#)
[Dana Safety Quote- Patrol Vehicles](#)

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: 24-1016-RES

[24-0019](#)

A Resolution Approving the Renewal of the Agreement with the Alabama Department of Corrections, Loxley C. W. C, for Inmate Labor

Attachments: [2023 Work Squad Agreement](#)
[22-1272 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: 24-1017-RES

[24-0020](#)

A Resolution Declaring Surplus Sergeant James A. Nelson's Badge and (2) Service Weapons

City Administrator Mike Thompson reported that it was recommended by legal council that in the future this will be updated and added to the City PSP as a benefit to retiring police officers allowing the city to eliminate having to do a resolution each time an officer retires.

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: 24-1018-RES

[24-0024](#)

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND SELECT SITE VENTURES LLC

Attachments: [Foley Cobblestone 2024. City Minutes for Econ. Dev. Ag. \(07086396x80C68\)](#)

Attorney Heyward Hoasch reported to Council explaining that the City of Foley and Select Site Adventures LLC, is for the fees transaction gross sales tax state fee of two percent that is the original Foley Holdings LLC, jurisdiction area. Mr. Hosch explained that it is a distribution that the city would collect all of for the first five years and after the five years one half of the fee would be collected for the remaining period of time. Mr. Hosch further explained that this agreement can be amended at any time.

City Administrator Mike Thompson reported that this distribution was agreed upon after Select Site Adventures LLC, asked to purchase the property from the City as part of the existing Cooperative District Fee that runs through 2025. Mr. Thompson explained that this agreement would provide a much larger cash flow to the City. He also reported to Council that the fee schedule would work if Select Site Adventures, LLC, decided to sell in the future. Mr. Thompson explained that the new owner would continue to charge a two penny fee to their clients and the new owner would send that two penny fee collected to the City and the City would distribute according to this agreement.

Attorney Heyward reported that if Select Site Adventures LLC, were to sell, that the rights would then transfer and the City will continue the distribution fee. There was no further 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: 24-1019-RES

[24-0025](#)

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT

AGREEMENT BY THE CITY OF FOLEY, ALABAMA
AND IRH FOLEY LLC

Attachments: [Foley IRH 2024. City Minutes for Econ. Dev. Ag. \(07086453x80C68\)](#)

Attorney Heyward Hosch reported that this Agreement is for a project user fee collected for a property tax of a business used for infrastructure that will be payable once yearly in February by the business and the City of Foley will keep all proceeds collected.

City Administrator Mike Thompson reported that the Agreement is written to where the City of Foley would keep all fees collected and discussed the option of not collecting the entirety of the fees and how those funds would be distributed.

There was a consensus of the City Council that the property given to IRH Foley, LLC was in great value, enough so that the City will move to keep the agreement as written. 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 an unanimous vote.

Enactment No: 24-1020-RES

[24-0026](#)

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT
AGREEMENT BY THE CITY OF FOLEY, ALABAMA
AND MAGNOLIA MEAT AND GROCERY LLC

Attachments: [Foley Magnolia Meat 2024. City Minutes for Econ. Dev. Ag. \(07086421x80C68\)](#)

Attorney Heyward Hosch reported that this Agreement will be a Cooperative District Fee set up to be a 50/50 division after the City has met extensions the first five years. 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: 24-1021-RES

[24-0031](#)

A Resolution to Transfer Funds from Fire Department Capital to
Operating

Attachments: [Budget transfer request form](#)

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: 24-1022-RES

Mayor's Comments

There were no comments to report.

Visitor Comments

There were no visitor comments to report.

Adjournment

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

The meeting adjourned at 5:13 p.m.