



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, July 26, 2021

1:00 PM

Council Chambers

Special Called Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 1:00 pm.

Roll Call

All Council Members were present. Also present were: Mayor Ralph Hellmich, City Administrator Mike Thompson, City Clerk Katy Taylor, Fay Krehling, Miriam Boutwell, Chad Christian, Darrell Russell, Joey Darby, Kevin Carnley, Sue Steigerwald, LaDonna Hinesley and Richard Prisbie.

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

Pledge of Allegiance

Additions

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, to add item 21-0435 to the agenda. The motion carried by an unanimous vote.

Ordinances

[21-0424](#)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A NEW EXTRATERRITORIAL PLANNING JURISDICTION AGREEMENT WITH BALDWIN COUNTY

City Administrator Mike Thompson reported that Senate Bill 107, which Senator Elliott pushed through the Alabama Legislature has passed and is now Act 2021-297. This Bill has an effect on both the Planning Jurisdictions and the Police Jurisdictions of Municipalities regarding what services Cities can provide and how far out outside the Corporate City Limits they can go. This Bill goes into effect today. The two ordinances for Council's consideration is in response to the bill and to prepare the City for the changes that will be occurring because of the Bill. The first one has to do with Extraterritorial Jurisdiction (ETJ). The City has a current agreement with Baldwin County to perform subdivisions in the ETJ. This Bill adjusts how far out of the City limits the Planning Jurisdiction can go. It will initially allow for it to go out 3 miles

and it currently goes out 5 miles. In January of 2023, it will shrink down to 1.5 miles. The City does not do subdivisions out in the entire Planning Jurisdiction, we only do them in the ETJ and we currently have an agreement with Baldwin County on this. The problem with the ETJ map that the County proposed is there are a couple of spots on the map where the ETJ actually goes beyond the 1.5 mile and this new bill requires the city to stay within the 1.5 mile marker. City Planner Miriam Boone has done a lot of work to modify the map so that the proposed map will stay within the 1.5 mile marker. Staff is asking for Council to approve an ordinance giving the Mayor authority to negotiate and enter into an agreement with Baldwin County.

City Planner Miriam Boone reported that she has given each Council Member a couple of maps. The first map shows the ETJ that the current agreement allows for. This map was printed from Beacon. This map also shows they areas where the ETJ goes beyond the 1.5 mile mark. On the new map, the gray line is a 1.5 mile buffer. She reported she had to modify it in certain areas to maintain the 1.5 mile buffer. She reported if the two maps are compared to each other, that only the north west corner and the south west corner were effected.

Mayor Hellmich reported that the new map line is logical. Mrs. Boone and her department have this line following geographic boundaries and property lines in order to avoid splitting someone's property or a development being split in two. They tried to follow major roads and property lines.

City Administrator Mike Thompson reported that Council could choose to do subdivision regulations in the entire 1.5 miles. The map shows a mathematical equation of an arc. The arc crosses a parcel everywhere it is drawn. It makes it difficult to handle a subdivision. Who will take care of a developer where a line goes through the middle of a subdivision? Will there have to be two cities working on it? Staff worked hard at the beginning to try to create the proper boundaries.

Mayor Hellmich reported that the gray buffer line proposed by the County, it has the City of Foley lines going through downtown Magnolia Springs, Summerdale, Elberta and Gulf Shores.

City Administrator Mike Thompson reported that the gray line is improperly drawn. Senate Bill 107, clearly states that a Planning Jurisdiction can not go into another city's limits and where there is a city nearby, instead of a 1.5 mile, it has to be equidistance. The gray line the County proposed is not a proper line to begin with. He also reported this ordinance authorizes the Mayor to negotiate the agreement. He further reported that the new law goes into effect today and there is some question as to how some details will be handled between now and when a city and the County come to an agreed upon agreement. No one is really sure how it will work until the County and all cities have an agreement in place. It is unclear who will have the authority over subdivision regulations. He further reported that it is the belief that in the absence of an agreement, the authority belongs to the County. The sooner the City has an agreement in place with the County the better.

Mayor Hellmich reported that the City's attorney recommended that the City not sign any plats until the agreement is in place.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Richard Dayton, to suspend the rules for the immediate adoption of the ordinance. The motion carried by the following unanimous roll call vote: Council Member Quaites, aye; Council Member Dayton, aye; Council President Trawick, aye; Council Member Blackwell, aye and Council Member Charles Ebert, III, aye.

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

Enactment No: 21-2020-ORD

21-0434

AN ORDINANCE PERTAINING TO THE POLICE JURISDICTION OF THE CITY OF FOLEY AND THE SERVICES TO BE PROVIDED THEREIN

City Administrator Mike Thompson reported Senate Bill 107 ends any expansion of a police jurisdiction for any municipality as of January 1, 2021. As of January 1, 2021 the City had a 3 mile equidistance PJ line, which was modified by a Judge's order years ago. Any annexations of property outside the City limits will not push the police jurisdiction out any further than it is today. City Council may choose to have a smaller police jurisdiction as this Bill allows for any increment of a half mile. Council could change the current 3 mile to 2.5 mile, 2 mile, 1.5 mile, 1 mile or even no police jurisdiction. He further reported that once the police jurisdiction is reduced, it can never increase. The City's attorney suggested Council to view the 3 mile jurisdiction as a buffer because this Bill also ensured that adjacent cities can not annex into another city's police jurisdiction.

Fire Chief Joey Darby reported from a safety stand point, reducing the police jurisdictions would put fire fighters in a predicament. Reducing the police jurisdiction would be wonderful giving the exponential growth of the city. The Fire Department has already received 1500 calls this years when there were 1600 total calls for all of last year, but in reality the areas outside of the city limits are struggling for various reasons to provide services. If the city withdraws from the police jurisdiction, they will still receive calls requesting services but they will receive them long after the emergency starts, which is bad for citizens and bad for the safety of the fire fighters. It would be best to continue services out in the 3 mile jurisdiction.

Council Member Charles Ebert, III reported it is very important to get resources out to the two schools, Magnolia and Swift as soon as possible.

A motion was made by Council Member Richard Dayton, seconded by Council Member Charles Ebert, III, to suspend the rules for the immediate adoption of the ordinance. The motion carried by the following unanimous roll call vote: Council Member Quaites, aye; Council Member Dayton, aye; Council President Trawick, aye; Council Member Blackwell, aye and Council Member Charles Ebert, III, aye

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: 21-2021-ORD

[21-0435](#)

A Resolution Requesting Funding and Approval of Drainage Improvements for Michigan Avenue Regional Detention Pond

Public Works Superintendent Darrell Russell reported that the Engineering Department has found the plans for the detention pond that shows if the out-fall pipe is lowered three feet, it will gain approximately four million gallons of capacity. He further reported this will also empty the pipes going down Pecan Street that is about 3/4 full now. He reported that they have not located anyone who can scrape the sediment out of the pond at this time so he will be bringing it back to Council at a later date.

Mayor Hellmich reported that it is most likely that the pond will need to be dredged versus scraped.

City Administrator Mike Thompson asked Mr. Russell if this will make the pond a dry pond. Mr. Russell reported that it will remain wet with approximately six feet of water.

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: 21-1258-RES

Mayor Comments

Mayor Hellmich reported a citizen approached him regarding developing a Sister City Program. He asked Council if they would be interested in staff contacting other cities that participate and gather more information about it. There was a consensus from Council to approve gathering more information on this program.

Visitor Comments

Marketing Director LaDonna Hensley invited Mayor and Council to visit the Holmes Medical Museum. She reported Bill Swanson has done a wonderful job in getting the museum back up running after Hurricane Sally.

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 was adjourned at 1:44 pm.