



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, September 17, 2018

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 5:30 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Katy Taylor, Shelly Oliver, Mary Murchison, Mike Dasinger, Miranda Bell, Sue Steigerwald, LaDonna Hinesley, Joey Darby, David Thompson, Don Dukemineer, Jerry Wilkey, Paul Stewart and press representative Jessica Vaughn (Gulf Coast Media).

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

Pledge of Allegiance

Swearing In City Prosecutor

[18-0487](#)

A Resolution Appointing a City Prosecutor

Attachments: [PSP 1.2\(4\).pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1244-RES

[18-0503](#)

Oath of Office - City Prosecutor

Judge Mary Murchison swore in Michael A. Dasinger, III as the City Prosecutor.

Presentation

[18-0467](#)

Government Finance Officer's Association Awards

Attachments: [GFOA News Release & Instructions](#)

Mayor Koniar presented Sue Steigerwald with the Certificate of Achievement For Excellence in Financial Reporting, which is the City's fifth year of receiving the award and the Award of Financial Reporting Achievement, which is presented to the Finance Division of General Government.

[18-0489](#)

Presentation: The XOXO Foundation will provide the City of Foley with Kenny Stabler memorabilia for the first Gridiron Challenge.

Council Member Rick Blackwell presented the City with the Kenny Stabler memorabilia for the first Gridiron Challenge from the XOXO Foundation.

Departmental Reports

[18-0495](#)

Department Reports

Attachments: [August 2018 Tax Reports](#)
 [August 2018 CDD Report](#)
 [August 2018 PD Report](#)
 [August 2018 FD Report](#)
 [July 2018 Bid Awards](#)
 [August 2018 Bid Awards](#)

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

Audit the Accounts

[18-0494](#)

Audit the Accounts of August, 2018

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, to approve the accounts for payment. The motion carried by an unanimous vote.

Approval of the Minutes

[18-0492](#)

Work Session Minutes of September 6, 2018

Attachments: [09-06-18 Work Session Minutes](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, to approve the Work Session Minutes of September 6, 2018. The motion carried by an unanimous vote.

[18-0493](#)

Council Meeting Minutes of September 4, 2018 and September 6, 2018

Attachments: [09-04-2018 Emergency Council Meeting Minutes](#)
[09-06-2018 Council Meeting Minutes \(2\)](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, to approve the Emergency Council Meeting Minutes of September 4, 2018 and the Council Meeting Minutes of September 6, 2018. The motion carried by an unanimous vote.

Additions/Removals

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to add item 18-0513 and to remove items 18-0472 and 18-0473. The motion carried by an unanimous vote.

Ordinances

[18-0470](#)

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY OWNED BY COTTON BAYOU DEVELOPMENT, LLC/FOLEY FARM LLC

Attachments: [Petition, Description & Maps](#)
[PIN 66267 Chapman](#)
[PIN 378444 Chapman](#)
[PIN 378445 Chapman](#)

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

Enactment No: 18-2031-ORD

Resolutions and Other Business

[18-0457](#)

Consider Entering Into a Sponsorship Agreement With Emmanuel's Place

Attachments: [Emmanuel's Place Sponsorship Request](#)

A motion was made by Council Member Vera Quaite, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1245-RES

[18-0463](#)

A resolution Adopting Fiscal Year 2019 Budgets

Attachments: [~FY 2019 Budget Book-reduced](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1246-RES

[18-0472](#)

Adopt the Public Cultural & Entertainment Facilities Cooperative District FY19 Budget

Attachments: [22. FY 19 PCEFCD Budget & Cash Flow](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to remove this item due it being on the Public Cultural and Entertainment Facilities Cooperative District Agenda for September 17, 2018 and was in advertently place of the Council Meeting Agenda. The motion carried by an unanimous vote.

Enactment No: 18-0006-PASFCD

[18-0473](#)

Adopt the Public Facilities Cooperative District FY19 Budget

Attachments: [20. FY 19 PFCD Budget & Cash Flow](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, to remove this item due it being on the Public Facilities Cooperative District Agenda for September 17, 2018 and was in advertently place of the Council Meeting Agenda. The motion carried by an unanimous vote.

Enactment No: 18-0003-PFCD

[18-0475](#)

Street Dept. requests approval of funds to purchase a new Dodge R1500.

Attachments: [Street 2019 R1500 Price Quote.PDF](#)
 [Street Cap. Purch. Wrksht & Approval Email.PDF](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1247-RES

[18-0477](#)

A Resolution Approving a System of Gates for Graham Creek Nature Preserve

Attachments: [Graham Creek Nature Preserve 5](#)
 [Capital Purchase Request for Gates for Nature Parks](#)
 [Re_email-Approve Capital Purchase](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1248-RES

[18-0478](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 604 WEST MARIGOLD AVE

Attachments: [Weed Abatement 604 W Marigold Ave](#)

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: 18-1249-RES

[18-0479](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 608 W MARIGOLD AVE

Attachments: [Weed Abatement 608 W Marigold Ave](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1250-RES

[18-0480](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT PARCEL SOUTH OF WYLD PALMS DR

Attachments: [Weed Abatement South of Wyld Palms Dr](#)

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: 18-1251-RES

[18-0481](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT PARCEL EAST OF LAKEVIEW DR

Attachments: [Weed Abatement Vacant Parcel E of Lakeview Dr](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1252-RES

[18-0482](#)

A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT VACANT PARCEL EAST OF BELLINGRATH DR

Attachments: [Weed Abatement Vacant Parcel E of Bellingrath Dr](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1253-RES

[18-0483](#)

A resolution granting permission from Council for the Foley Fire Department to apply for the State Farm Good Neighbor Citizenship Company Grant.

Attachments: [State Farm Grant Information](#)

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: 18-1254-RES

[18-0484](#)

Resolution Authorizing Clean-Up Adjustments for Personnel Accounts in FY18 Budget. This is a housekeeping item and adjustments are budget neutral.

Attachments: [FY18 Personnel Category Budget Adjustments.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1255-RES

[18-0485](#)

A Resolution Accepting the FY17 Assistance to Firefighters Grant and Approving the Bid of Equipment

Attachments: [20180910140132530](#)

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: 18-1256-RES

[18-0486](#)

A Resolution Approving an Agreement with Mobile County Commission's SWARHSO/ADECA(Southwest Alabama Regional Highway Safety Office) Community Traffic Safety Program (CTSP) for reimbursement of Overtime for the FY 2018-2019.

Attachments: [MOU](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1257-RES

[18-0488](#)

A Resolution Continuing Appointment of Municipal Judge and

Recognizing Health Care Benefits

Attachments: [PSP 1.2\(4\) Judges.pdf](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Rick Blackwell, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1258-RES

[18-0490](#)APPROVES CUNNINGHAM DELANEY CONSTRUCTION LLC'S
CHANGE ORDER FOR PINE STREET DRAINAGE PROJECT

Attachments: [Change Orders 1 & 2](#)

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: 18-1259-RES

[18-0491](#)

A Resolution to Reappoint Phillip Hinesley and Homer Singleton to the Graham Creek Nature Preserve Board.

Attachments: [Phillip Hinesley Email](#)
[GCNP Board Member List](#)

A motion was made by Council Member Blackwell, seconded by Council Member Ebert, III, that this Resolution be adopted. The motion carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye; and Council Member Charles Ebert, III., aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 18-1260-RES

[18-0501](#)APPROPRIATES FUNDS FOR THE HERITAGE PARK SIDEWALK
PROJECT

Attachments: [18-1237 RES](#)
[Checklists](#)

City Clerk Katy Taylor reported that the resolution being considered is not accurate. The resolution should state that as follows:

SECTION 1: Rescinds Section 1. of Resolution 18-1237 and approves Public Works personnel to perform the work at a cost of \$2,000 rather than EJ Builders

SECTION 2: Appropriates \$13,400.00 to Account# 400-3020-5100 A17 Heritage - Sidewalk Improvements Heritage Park, which is the total amount needed to finish the project.

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Ralph Hellmich, that this resolution be adopted as stated above. The motion carried by an unanimous vote.

Enactment No: 18-1261-RES

18-0513

A RESOLUTUON APPROVING AGREEMENT BETWEEN THE BALDWIN COUNTY COMMISSION, THE CITY OF FOLEY AND THE PLANNING COMMISSION OF THE CITY OF FOLEY CONCERNING THE EXERCISE OF EXTRATERRITORIAL PLANNING JURISDICTION AUTHORITY OVER SUBDIVISIONS

Attachments: [Resolution for Extraterritorial Agreement for the City of Foley](#)

A motion was made by Council Member Ralph Hellmich, seconded by Council Member Vera Quaites, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 18-1262-RES

Mayor's Comments

No comments to report.

Visitor's Comments

Jerry Wilkey, who resides at the South Hampton Subdivision addressed the Council thanking them for their actions on correcting the concerns of the residents that was submitted to their Council Member Rick Blackwell.

Paul Stewart addressed the Council asking about the status on the sale of the Railroad Right-of-way in Bay Minette that he is interested in purchasing. Council Member Ralph Hellmich reported the public hearing is scheduled for October 1, 2018 regarding this matter.

Adjournment

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

The meeting adjourned at 6:01 p.m.