January 22, 2013  
Regular Council Meeting  
12191 Magnolia Springs Hwy.  
Magnolia Springs, Al.  
5:00 P.M.

1. **Call to Order**  
Mayor Underwood called the meeting to order at 5:00 p.m.

2. **Roll Call**  
Members present – Mayor Ken Underwood - Council Members: Dotty Johnson, Bob Holk, Tom Webb and Ben Dykema. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks  
Councilmember May joined the meeting at 5:10 p.m.

3. **Invocation and Pledge** – led by Councilmember Holk

4. **Approval of minutes:**  
12/11/12 Workshop and 12/18/12 Regular Council Meeting  
Motion by Councilmember Holk, 2nd by Councilmember Johnson to accept all minutes as presented. All in favor. Motion carried.

5. **Approval of financials and expenditures for December**  
Motion by Councilmember Johnson, 2nd by Councilmember Webb to approve all financials as submitted. All in favor. Motion carried.

6. **Public Comment**  
No public comment

7. **Proclamation for Arbor Day**  
Mayor Underwood stated that the proclamation was discussed at the workshop. The town will pay for the purchase of the trees that the garden club will give away that day.  
Motion by Councilmember Johnson, 2nd by Councilmember Holk to approve the proclamation for Arbor Day. All in favor. Motion carried.

8. **Planning Commission recommendation for two appointments to the Commission**  
Mayor Underwood stated that the Planning Commission had made two recommendations to fill two vacancies on the Commission:  
Johanna Shields – till February 28, 2019  
David Lawrence – till March 31, 2017  
Motion by Councilmember May, 2nd by Councilmember Dykema to appoint Johanna Shield and David Lawrence to fill the two vacant terms on the Planning Commission. All in favor. Motion carried.

Mayor Underwood also appointed Councilmember Holk as the Mayor’s designee and Councilmember Dykema as the Town Council representative to the Planning Commission and their appointments will run with the term of this Council.

9. **February Workshop**  
Mayor Underwood stated that the February workshop will fall on February 12th, which is Madri Gras and suggested changing the workshop to the first Tuesday in February.  
Motion by Councilmember Holk, 2nd by Councilmember May to change the workshop in February from the February 12th to the first Tuesday, February 5th. All in favor. Motion carried.

10. **Committee Appointments**  
Mayor Underwood’s Committee appointments are:  
**Finance and Audit** – Mayor Underwood, Chair – Councilmember Johnson – Councilmember May – Harry Dwyer – Karen Biel  
**Public Works and Safety** – Councilmember Holk, Chair – Mayor Underwood – Councilmember Webb – Rodney Hubble – Carey Bentley
Public Lands and Beautification – Councilmember Dykema, Chair – Mayor Underwood – Councilmember Johnson – Charles Houser – Rick Odess

Tree and Streetscape – Councilmember May, Chair – Councilmember Webb – Councilmember Holk – Lauren Mote – Terry Underwood.

The council discussed the plans for Magnolia Landing. Mayor Underwood and Councilmember Dykema have been reviewing the plans and visiting the site and have some suggested changes. It was advised by legal counsel to make a motion to authorize the Mayor to work with the HMR and the contractor to negotiate some changes. Suggested changes were: Walkway from 8’ wide to 6’ wide – Observation deck from 16’x24‘ to 8’x30‘ and taking the square footage from them and maybe adding another sitting area.

Motion by Councilmember Holk, 2nd by Councilmember Dykema to authorize the Mayor negotiate with the contractor and engineer on Magnolia Landing to improve the accessibility of the landing, to change the footage of the decks and the size of the boardwalk to preserve trees from being cut. All in favor. Motion carried.

Councilmember Holk reported that the South Baldwin Chamber is having their annual gala and tickets are $50.00 per person if anyone would like to attend. He also reported that the fire department is working on budget and is teaching a 160 hour class.

Councilmember Dykema wanted to make sure that the committee chairs would be using the handbook from the League of Municipalities on how to structure and run a committee. Mayor Underwood agreed to use that handbook and that the information he gave the council was just a guideline.

11. Any other business that might come before the Council

Resolution 2013-01 – Authorizing payment of legal expenses for Mayor and Council Member. Mayor Underwood explained that due to the Deidre Lee law suit that was filed against Charlie Houser and Bob Holk while on the council, the previous council approved by resolution an expenditure of up to $10,000 for legal fees. The fees have gone past that amount by about $5,200.00 and it is up to this council to pass another resolution. Legal counsel stated that Bob and Charlie were sued individually and they were dismissed on summary judgment, but as soon as that jury verdict came in Deidre Lee appealed the summary judgment. Bob and Charlie hired Stone, Grande and Crosby and the council agreed that the town should pay for their defense and we had hoped to keep it under $10,000. Brad stated that towns are permitted to pay for the defense of the council members when they are sued individually when it is during their official capacity.

Motion by Councilmember Johnson, 2nd by Councilmember May to adopt Resolution 2013-01, authorizing payment of legal expenses for Mayor and Council Member. All in favor. Motion carried. Councilmember Holk abstained from voting.

12. Council, Legal Counsel and Staff Comments

Councilmember Johnson asked where the school property stands if anyone has been contacted. Mayor Underwood stated that he is working on it.

Legal counsel stated that the clerk received a petition to vacate part of Palm Street from JD West. Brad will take a copy back to the office to review to make sure all required paper work has been submitted before starting the process.

No other business:

Motion by Councilmember Johnson, 2nd by Councilmember Dykema to adjourn the meeting. All in favor. Motion carried.

Meeting ended at 6:10 pm

Approved this the 26th day of February, 2013

Kenneth D. Underwood – Mayor

ATTEST:

Karen S. Biel – Town Clerk