February 20, 2012
Regular Council Meeting
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

1. Call to Order
Mayor Houser called the meeting to order at 5:05 p.m.

2. Roll Call

3. Invocation and Pledge – led by Councilmember Laurendine

4. Approval of minutes – 1/10/12 Workshop and 1/24/12 Regular Meeting
Councilmember Underwood noted one change on the workshop – under Public Works – change Community Center to Community Hall.
Motion by Councilmember Laurendine, 2nd by Councilmember Holk to accept all minutes as presented. All in favor. Motion carried.

5. Approval of financials and expenditures for January
Motion by Councilmember Underwood, 2nd by Councilmember Gaar to approve all financials and expenditures for January. All in favor. Motion carried.

6. Public Comment
Mayor Houser reviewed the signup sheets; he stated that all the public comment sheets were on the Jessamine Street paving. He asked that comments be kept to three minutes per individual and not be repetitive.

Mrs. Aimee Scott – stated that they have suffered with dust and pot holes for years and would like to have the road paved.

Mrs. Daniela Hagan – stated that they elected the Town Council to do what is best for the community now and in the future. She feels that paving the road will benefit Magnolia Springs and it is the best thing for our community.

Mr. Eric Bigelow – said that Gardner Malouf had made concessions to settle the matter and that he thought it was settled so it could be paved. With the litigation and delays let’s please get it done now.

Richard Holk – stated that the Town completed the Comprehensive Plan, so that the Town would move forward in a strategic manner and that the plan was derived from public input. He said he has heard reasons to pave because of dust, potholes and also a rumor about the run-off into the river. He talked about impervious material, such as asphalt and instead of asphalt using an overlay of chipped granite. He went on to say that the potholes could be taken care of with the agreement entered into with the county for maintenance of unpaved roads. He added that paving leads to increased and faster traffic and then the people on Cougill will want it to be paved. He feels like paving Jessamine from Oak to Cougill is the first step in opening Jessamine all the way to Highway 98. Mr. Holk stated fifteen people were asked for their input and that capital improvement should benefit all residents, why weren’t the other residents asked for their input.

Scott Jenke – wanted to know when the survey will be completed and he added that he and his wife are not against the paving. They can live with it as long as it is not going to be any wider. He has concerns about some of the tree along the street. He also wanted to know, once the survey is done if some of the property owners that wanted it paved changed their mind, will the council be willing to listen to that. He is also concerned about the road being opened and paved all the way to Hwy. 98. He also stated that he has heard two members of the public works committee stated that they don’t want their road paved. He was curious to know why McPherson and Hinson were asked since their properties are past Cougill.
Councilmember Gaar stated the reason is because they access their property from Jessamine. Mr. Jenke asked when the Council will make the decision on paving. Mayor Houser stated that the decision has been made; it was made when the committee brought it before the Council for budget approval after drafting their plan for paving.

**David Ryan** – stated that one good reason for paving is environmental because of the runoff into the river. It is also a big expense for the Town with the maintenance of the road. Another big issue is the health impact that the dust has. His parents irrigate the street at night to keep the dust down so they won’t be breathing it. He said the Town has a plan for the community and it doesn’t matter if it’s 50% for or against, it’s what makes best sense for the town.

**Mrs. Kathleen Ryan** – stated that they have lived here for 11 years and have been dealing with the dust; they do water the street to keep it down but are tired of breathing the dust in or having it on everything. She also added that paving is not a big deal and will improve the value of your property.

**Nancy Gaines** – asked what the plans were for detention ponds and runoff restrictions below the paved surfaces when you do surface all the roads in Magnolia Springs and what is the plan of the town to retard the runoff. Councilmember Gaar stated that the Town has completed a full drainage study for the town, and that HMR will be hired to do construction engineering inspections and if anything is needed such as culverts to divert the runoff to another area it would be done. Councilmember Gaar went on to say that the overall goal of the town is to pave every street in its limits, we assume that most people want their road paved and he feels that they go above and beyond the call of duty by asking everybody. The plan is to pave where the current gravel sits, we will be painting the edge of the road and will ask any of the residents that want to walk it to join us. Mrs. Ryan asked about the right-of-ways and that no one is suppose to plant flowers, shrubs or trees there because it’s not their property.

Mayor Houser stated that he had to end the public comment session since we do not need to get into side issues. He said there are people here, some pro and some con for the paving of Jessamine and he had allowed everyone time to speak. The Mayor thanked everyone for their input and stated that Councilmember Gaar is going to proceed with marking the edge of the pavement. He told those assembled they are free to go out and look at the marked pavement and make any comments that they wish. The committee brought the paving of Jessamine to the Council for review months ago; thus there is not a vote tonight. When the plan was reviewed by the Council and was within the Public Works Committee budget it was then approved.

**Les Farmer** – asked the Mayor what is going to happen from Cougill to Hwy 98? The Mayor stated that we (the Town Council) do not want to open it, it is prohibitively expensive, it is not in any plan for the Town, and it has never been discussed. Councilmember Gaar stated a good way to handle that would be to vacate a drainage easement down the middle of Jessamine, north of Cougill. Councilmember Underwood added that we can’t land lock anyone and the two of the properties do front Jessamine, but he does not see any advantage to paving north of Cougill.

Mayor Houser stated that the Council would take a five minute break.

7. **Planning Commission appointment**

Mayor Houser stated that a letter from the Planning Commission has been submitted to the Council and they are recommending Ben Dykema to fill a vacant seat.

**Motion by Mayor Houser, 2nd by Councilmember Underwood to appoint Ben Dykema to the Planning Commission. All in favor. Motion carried.** The unexpired term ends February 28, 2013.

8. **Moore’s application for the Magnolia Springs Seafood Celebration**

Mayor Houser stated that they have turned in an application for the Seafood Celebration for the use of the property on April 21st the same day as the Magnolia Run. Councilmember Gaar asked about the parking situation because last year there was a problem with the runners parking at the festival site. The clerk advised the Council that this is just an approval of the date, and that Nicole will be turning in the plans for the celebration; parking; festival lay out, liquor license, and copy of health department permit. Councilmember Gaar also asked about the road closure for the run, and Councilmember Holk reminded him that he will get the Fire Department to park some trucks around.

**Motion by Councilmember Laurendine, 2nd by Councilmember Gaar to accept the application for the Seafood Celebration with the intent of them to provide a parking plan. All in favor. Motion carried.**
9. **Ordinance 2012-02 – Establishing a voting/polling place for all municipal elections**

The clerk explained since the Town did not have an election in 2008 there was no voting place established and with municipal elections in August that she wanted to get the preclearance from the Justice Department early. She mailed a letter of request to the Wesleyan Church and has received an approval back to use their facility.

**Motion by Mayor Houser, 2nd by Councilmember Laurendine to suspend the rules for immediate consideration. Roll call vote: Councilmember Holk – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Gaar – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.**

**Motion by Councilmember Underwood, 2nd by Councilmember Holk to waive the reading of Ordinance 2012-02. All in favor. Motion carried.**

**Motion by Councilmember Gaar, 2nd by Councilmember Laurendine to adopt Ordinance 2012-02. Roll call vote: Councilmember Holk – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Gaar – Aye and Councilmember Laurendine – Aye. All in favor. Motion carried.**

10. **Ordinance 2012-03 – Rezoning Sherman property**

Mayor Houser stated that the Council had the first reading of this ordinance at the last regular Council meeting and asked for a motion.

**Motion by Councilmember Laurendine, 2nd by Councilmember Gaar to adopt Ordinance 2012-03 rezoning lots 3, 4, 5, and 6, in block Two of Cole’s Live Oak Addition to Magnolia Springs from R2B, Single Family District to B2, Local Business District.**

Councilmember Underwood stated that he didn’t know if we had given consideration to the adjoining property owners and the rezoning is not going to benefit the Town of Magnolia Springs. We are delegating the authority to approve to the Planning Commission or the Board of Adjustments and he doesn’t think that’s right. He believes it is up to the Council to vote it up or down. Mayor Houser stated that the Town did have two public hearing, adjoining property owners were notified twice and did have the opportunity to speak at the public hearings (Planning Commission and Town Council levels) and that the Town Council is the deciding body on the rezoning. Councilmember Gaar stated that he felt this process would have been easier had the Town had a PUD (Planned Unit Development) in their zoning.

**Roll call vote: Councilmember Holk – Aye, Mayor Houser – Aye, Councilmember Underwood – Nay, Councilmember Gaar – Aye and Councilmember Laurendine – Aye. Four Ayes – One Nay. Motion carried.**

11. **Committee recommendations**

**Finance:** No recommendations

**Public Safety:** Councilmember Holk reported that the trash on the right-of-way on School Street has been picked up after a visit by him and two visits by the deputy.

**Parks & Recreation:** No recommendations

**Public Works:** Councilmember Gaar reported that he met with a contractor about putting speed bumps lumps or tables on Pecan Grove. The committee agreed to order two speed lumps at the cost of $3250.00 each. They should be here and installed with in a month.

**Historic Commission** – Councilmember Underwood stated that the Town has officially been designated as a National Registry Historic District.

**Planning Commission:** Councilmember Holk stated the Town received a request for a sign for the pharmacy that did not meet our sign ordinance so the clerk notified the company. We have not heard back from them. Councilmember Underwood stated as we have been talking about servicing our streets, our own revised subdivision regulations require a minimum 18’ for paving and he has some concerns about not following our own regulations. He foresees a problem with vehicles trying to pass each other and questioned who will be the one to move off the pavement. How can we ask a contractor to pave at 18’ when we’re not doing it ourselves? He feels that we shouldn’t pave anything less than 18’ wide. Councilmember Gaar said that with a new subdivision you have a 60’ right-of-way and these are existing streets are 40’-50’ right-of-way and they have been here for over 100 years, that we now have utilities and trees to work around. Councilmember Holk said that you can’t compare streets that have
been here for a hundred years to a new subdivision, and he feels that each situation must be looked at individually. Councilmember Holk has no problem with Jessamine being a narrow street, but Bay Street is a different situation.

Motion by Councilmember Gaar, 2nd by Councilmember Holk to pave Jessamine at 15' wide from Oak to Coghill. Vote: four yea's and one nay – Motion carried.

Councilmember Gaar stated, regarding Bay Street, he suggests paving it at minimum width, subject to the engineers recommendations. We have a contractor in place, we have engineering inspection in place, what we don’t have is an agreement on the width for paving and the drainage. Councilmember Holk stated that the drainage will dictate the width paving.

Motion by Mayor Houser, 2nd by Councilmember Underwood to delay the decision on Bay Street until we meet with the engineers on the drainage. All in favor. Motion carried.

Motion by Councilmember Laurendine, 2nd by Councilmember Gaar to adjourn the meeting. All in favor. Motion carried.

Council Meeting ended at 6:30 pm

Approved this the 19th day of March, 2012

Charles S. Houser – Mayor

ATTEST:

Karen S. Biel – Town Clerk