February 5, 2013
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

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

2. **Roll Call**
Members present – Mayor Ken Underwood - Council Members: Dotty Johnson, Jim May, Bob Holk, Tom Webb and Ben Dykema. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks

3. **Invocation and Pledge** – led by Mayor Underwood

4. **Guest Speakers**
Baldwin County Highway Department – Troy Smith and Frank Lundy
Mr. Lundy presented a map with traffic data that was taken from the town’s radar speed counter. The data showed that about 3400 cars per day passing through, 85% were traveling at 46 mph, which was an average speed for both directions. In December the county placed traffic counters at both end of CR 49, and their data show about 4200 cars and 85% speed of 38/39 mph, with a posted speed of 35 mph. Mr. Lundy stated that whatever measures the council wants to take to slow traffic down in the town limits would be the council’s decision. He added that because that area on County Road 49 is residential in nature, the council might want to lower the speed limit. Mr. Lundy did say that he is not advising the town to lower the speed limit because the numbers from an engineering standpoint do not show a need to. Councilmember Holk stated that traffic is traveling at 45mph at the intersection of Co. Rd. 49 and Co. Rd. 26 and if the town wanted to lower the speed limit, would the county agree to lowering their the speed limit to 35 through that intersection. Mr. Lundy stated that the town could make that request to the County Commission, it would be their decision. There was some discussion about different types of stripping to visually narrow the lanes and that might help. Councilmember Holk asked if the county would entertain a caution light at CR. 49 and CR26, and Mr. Lundy said that would be up to the County Commission. Troy Smith gave each of the council members some literature on traffic calming ideas and Mr. Lundy reiterated that they were not recommending any of the ideas but it was just information for the council. Mr. Lundy recommended that the town get on the agenda for the Road and Bridge meeting to discuss the options of lowering the county speed limit and installing a caution light. Councilmember Dykema stated the most cost efficient for the town would be enforcement by the deputy. Councilmember Holk agreed, but added that a caution light could help a lot. The council thanked the county representatives for coming with the traffic information and possible recommendations.

Lt. Nolfe could not attend the meeting he was at home sick so Councilmember Holk read the police report:

**Traffic Stops:** 66 traffic stops were conducted resulting in written warnings, 2 arrests on warrants, 1 arrest for minor drug possession and 1 DUI arrest. It was noted by Lt. Nolfe and other deputies working the town that speeds seemed to have reduced over the course of the month and speeds exceeding 10 miles over were quite rare by the end of January.

**Calls:** 12 calls for service; mostly civil/minor complaints and alarm calls.

Councilmember Holk added that the visibility of our deputy has helped a lot and he hopes that it will continue in the future.

5. **Discussion of minutes:**
01/08/2013 Workshop
01/22/2013 Regular Council Meeting
No corrections noted.

6. **Discussion of financials and expenditures for January**

7. **Public Comment**
No public comment
8. Discussion – Update on Petition for Vacation – West/Russell
Legal counsel, Brad Hicks informed the Council that he has reviewed the petition and that it is all in order. Brad did outline the legal requirements for requesting compensation for the property that the petitioners will be getting, should the vacation be approved. There is a provision which is called a Vacation of Right-of-Way Fee, and this would allow the town to put as a condition of the vacation a fee that the petitioners would pay to the town for the fare market value of the property that will be added to their holdings. It gives the town some flexibility on what you could set the price for the vacation, but it also gives a ceiling on what it could be. The council will need to decide if they want to exercise this provision because it would be included in the resolution that needs to be passed if the vacation is approved. Brad added that the main thing the council needs to consider is whether or not the vacation denies property owners convenient means of ingress and egress to their property. Councilmember Johnson asked what would happen if the vacation was denied, could the applicants take the town to court. Brad said they could, but the town has a wide discretion whether to vacate streets or not, and if the council did deny and Mr. West did not remove the fence, then the town would have to sue him to remove the fence as a public nuisance. The clerk informed the council that the legal notice for the public hearing, letters to the abutting property owners have been drafted and reviewed by Brad and will be mailed in a few days. The public hearing is set for March 12th during the council work session and the petition will be considered at the regular council meeting on March 26th. Councilmember Johnson asked if the fee paid by the applicant covered the advertising and notices that needed to be sent, and the clerk informed her that it did not cover all expenses and that the council may want to revisit the fee schedule at a later date.

9. Discussion – Ordinance – Bay Street Pier Regulations
Mayor Underwood stated that on the sign in Daphne at their Bay Front Park they had stated “Do not remove, destroy or damage any plant material” and suggested that the town do the same. Mayor Underwood stated that the committee has reviewed the proposed regulations and has asked the council for any other suggestions. He also suggested that the new Public Lands Committee review these regulations and address the parking in that area and bring it back to the council for the March workshop. Councilmember Dykema, who is also chairman of the Public Lands Committee, stated that after the committee meeting they could visit to the site to discuss the parking area. Councilmember Webb stated that he was not in favor of the regulations because there are provisions that have been made for boaters but not swimmers. Councilmember Webb added that there were some other regulations that he did not agree with. Councilmember Holk stated that he had a problem with the no swimming because people have gone swimming off that pier for years. Rick Odess said that the reasoning for no swimming is because there is a lot of submerged stuff in the water, along with the riprap and we didn’t want anyone to get hurt. Brad Hicks stated that all the public lands abutting the water are different and will need to be addressed separately. Brad suggested the Public Lands committee review the proposed ordinance and report back to the council at the March workshop.

Dr. West joined the meeting at 6:40 p.m. and was updated on the process of his petition for vacation.

10. Discussion – Donations of a White Board-touch screen monitor for council meeting room
Mayor Underwood explained that a white board has been offered as a donation to the town, it is a large computer screen that would hang on the wall in council chambers. The board can be run by a laptop computer or a pc tower. Councilmember Johnson asked what the cost would be for the town. Mayor Underwood stated that the only cost to the town would be a laptop computer or a pc tower. The clerk stated that the town has a laptop computer we would just need to see if it has the capacity to run the program for the white board. The mayor thought that it might cost us just for the tower if needed. Councilmember May said we might just need the wires for hooking up the laptop and maybe software. The mayor said he would research and get the information back to the council.

11. Committee/Commission Reports
Public Works & Safety: Councilmember Holk reported that the committee will be bringing several projects to the council for approval, one being the paving of Camellia and Cedar. He also stated that Shannon Sandell, who in the past has been the contract labor for mowing, trimming, replacing the street signs and other odd jobs has submitted his proposal and he works on as-needed basis. The town has been happy with his work in the past and will stay with his proposal. Councilmember Johnson said that she has been asked about the condition of Cougill Avenue, and Councilmember Holk stated that it has been graded and so have the rest of the dirt roads in town.
Public Lands & Beautification: Councilmember Dykema had no report but asked the mayor to inform the council that he hired Susan Hess through SARPC to plant and maintain the beds in town. Councilmember Johnson asked how much the town is paying her and how many hours will she be working. It will cost the town $27.00 per hour and she will work about four hours a week, but initially to get things cleaned up she is going to work more than that, possibly one day a week. He added that there will be times when we will not need her services.
Historic Commission: Mayor Underwood reported that the commission is working on a grant application to host a training exercise here in Magnolia Springs.

Council, Legal Counsel and Staff Comments
Councilmember Dykema – as the library liaison reported that during the month of January the library had 3,859 books checked in or checked out. Councilmember Johnson asked about the financial reports from the library and Councilmember Dykema said that he had them. The clerk stated if Councilmember Dykema would bring them to the town hall she would scan them in and send them to the rest of the council.

Workshop ended at 6:55 pm
Approved this the 26th day of March, 2013

Kenneth D. Underwood – Mayor

ATTEST:
Karen S. Biel – Town Clerk