April 9, 2013  
Special Council Meeting  
Town Council Workshop  
12191 Magnolia Springs Hwy.  
Magnolia Springs, Al.  
5:00 P.M.  

Special Council Meeting  

1. Call to Order  
Mayor Underwood called the Special Meeting to order at 4:45 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. Deepwater Horizon Oil Spill Claim  
Brad Hicks explained that Beasley Allen has not heard from BP about resolving the claim for the town and needs authority from the council to file suit and the deadline is April 20th. Brad also stated that this suit is done on contingency.  
Motion by Councilmember Holk, 2nd by Councilmember May to authorize and hereby direct the Beasley Allen law firm to take all actions necessary to pursue the town’s claim arising from the Deepwater Horizon oil spill, including, without limitation, filing a civil action. All in favor. Motion carried.  

Motion by Councilmember May, 2nd by Councilmember Webb to adjourn the Special Council Meeting. All in favor. Motion carried.  
Special Meeting ended at 4:55 p.m.  

Town Council took a five minutes break and Mayor Underwood opened the Council Workshop at 5:00 p.m.  
Mayor Underwood called the workshop to order.  

1. Discussion of minutes  
03/12/13 – Workshop  
03/26/13 – Regular Meeting  
No corrections or comments  

2. Discussion of financials for March  
No comments  

3. Public Comment  
David Lawrence addressed the council on his concerns about the traffic and safety for pedestrians crossing the bridge. He asked the council to join him in crossing the bridge to get to the north side of town to conduct business, such as going to the post office, the bank, the church or town hall. Mr. Lawrence is asking the council to consider and to move forward with narrowing the road before approaching the bridge and installing a walkway with some concrete barriers on one side going across the bridge. Mr. Lawrence offered his assistance in getting the processing going. Steve Mobley, a resident of Village Green also agreed with Mr. Lawrence. Mayor Underwood stated that the town applied for a grant to address the situation and was denied, but HMR drafted a plan and Mayor Underwood will contact the firm about their plan. Councilmember Dykema stated that he didn’t think it was such a big project to narrow the lanes and install the concrete barriers to get across the bridge safely. Steve Mobley (resident from Village Green) added his concern about kids jumping off the bridge and citizens in Village Green being upset because they feel the town neglects them.
4. Discussion – Resolution – Vacation of Palm Street
Councilmember Holk asked legal counsel if he has heard from the attorney that requested a thirty-day postponement and legal counsel said that he has not heard from Mr. Blackburn (who represents Dr. West). Councilmember Holk asked what the council should do going forward. Brad stated that it is up to the council if they want it back on the agenda but not to let it drag on forever. Councilmember Holk stated that the town needs to research some guidelines for vacating property. Mayor Underwood said the question he keeps going over is if the council vacates the property how would it benefit all the citizens of Magnolia Springs. Councilmember Johnson brought it to Cathy Higgins’ (news reporter with the Onlooker) attention that the article she had written after the last council meeting stated that the petition for vacation was turned in last fall and Councilmember Johnson informed Ms. Higgins that the petition was not turned in until January 22, 2013 and would like it corrected in the next article that is written. Councilmember Holk said that there are few public accesses in town and if they are not being used or the town is not maintaining them then wouldn’t the town be better off to vacate them. The town can then take the right-of-way fee and use it to maintain the other sites that are being used. Councilmember Holk also stated that he didn’t want to see the town close anything that is being used or maintained and it’s a liability living next to one and he understands that because there is one next to his house, but he knew that when he moved there. Mayor Underwood said that he thinks about the folks that don’t live on the water. Mayor Underwood said that he had access at one time to the river and his access has been denied in a lot of locations, he lost a right and someone gained one. Mayor Underwood added that the town has spent about $60,000 defending one access point that’s about $800 per person and we are here to represent the rights of all the citizens in town. Councilmember Johnson asked if a committee was going to research some guidelines or does the council just keep talking about it at every meeting. The council asked the clerk to check with the League of Municipality to see if they have any guidelines available. A committee consisting of Mayor Underwood and council members Bob Holk and Jim May will research a process and guidelines for vacating property.

5. Committee/Commission Reports
Finance & Audit Committee: The council members were given a report on six month finances and the Mayor stated it was good information and if they had any questions to get in touch with the clerk.
Public Works & Safety: Councilmember Holk reviewed the deputy’s report: 55 traffic stops, resulting in 4 arrests, 2 DUI’s, 1 possession of Marijuana, 11 calls mostly civil/minor complaints. Councilmember Holk reported that the committee talked about the paving of Camelia and Cedar again and reviewed the drainage study that was completed. The committee is going to meet with R&S Paving to discuss the drainage situation on the two streets proposed to be paved.
Public Lands & Beautification: Councilmember Dykema stated that a sign is being ordered for Magnolia Landing. Mayor Underwood said that he is going to have legal counsel review it before ordering. Councilmember Dykema added that the committee is still working on Bay Street pier area. The committee is thinking about making the area a pedestrian walkway rather than a one way street. He said their primary concern should be the residents in that area and those residents have told Councilmember Dykema that a pedestrian street is what they would like. He also stated that pictures have been sent to him showing that people just parking their vehicles in the middle of the street. Councilmember Dykema stated that most people can walk, ride their bikes or push their baby buggies down there. We hope to have a public hearing, notify the citizens by email, the Onlooker and the community newsletter to see what they think about these plans. Councilmember Holk asked Brad if there were any legal issues on closing down the street and Brad suggested meeting with Councilmember Dykema.
Tree & Streetscape: Councilmember May reported that there is a possibility that the Garden Club will be applying for a grant to plant more trees. The committee will also be researching information on who to hire to do tree trimming and feeding, etc. Councilmember May and Councilmember Webb drove around town and did not see any areas that needed attention at this time and no concerns or complaints have been made to the town.
Planning Commission: No report
Historic Commission: Mayor Underwood stated that the Commission received notice that they received the $5,000 grant they applied for to host a state wide historic commission conference and the cost for the town would be about $1,000.00. We will hold it at the community center next spring, and get Jesse’s to serve lunch at St. Paul’s fellowship hall.

6. Council, Legal Counsel and Staff Comments
Legal Counsel – Brad Hicks stated that on the Fuller/Turner suit they filed a motion for rehearing and Brad filed a response to that.
Council – Mayor Underwood asked the council to consider rescheduling the regular council meeting in May because it will be the day after Memorial Day and he suggested changing it to the week before which would be May 21st. The council seemed to be in agreement and the consideration will be on the agenda for the regular meeting in April.
No other comments.
Motion by Councilmember Johnson, 2\textsuperscript{nd} by Councilmember Holk to adjourn the workshop. All in favor. Motion carried.

Workshop ended at 6:30 pm
Approved this the 28\textsuperscript{th} day of May, 2013

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Kenneth D. Underwood – Mayor

ATTEST:

Karen S. Biel – Town Clerk