April 13, 2010
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

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

2. **Roll Call**
Councilmember’s present – Mayor Houser, Bob Holsk, Ken Underwood, Brett Gaar and Kenny Laurendine. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks

3. **Invocation and Pledge of Allegiance**
Mayor Houser led the invocation and pledge.

4. **Discussion of Minutes – 03/09/10 Workshop – 03/23/10 Regular Meeting**
Mayor stated the minutes were emailed to the Council to review before the workshop meeting. No major corrections were noted.

5. **Financials and Expenditures for March, 2010**
The clerk reviewed the financials: General Fund - $50,187.02 – Income - $17,371.51 – Expenses - $16,104.72. Money Market - $102,047.97. CD - $51,598.73. Special Revenue - Income - $372.49. Balance: $12,040.66. Council discussed the six month budget vs actual totals. Mayor Houser asked about one of the convenience stores and the delinquent sales tax. The clerk stated that arranges have been made by RDS, and the owner has paid the promissory payment of $1,000 and must stay current. The back taxes owed with penalty and interest are divided by 12 months and that is what he will have to pay every month, which will be $800.00 - $900.00 per month. She also added that in reviewing the tax income she noticed a decline in the local gas tax and call RDS. One of the distributors had changed and the new one was paying the gas tax to another account, but will have the 3 months of taxes paid by the April due date.

6. **Public Comment**
No public comment

7. **Discussion – Closing of Oak Street – Garden Club Art and Jazz Festival**
Mayor Houser stated that his concern is the traffic coming from the south. Our deputy will be assigned to work that day and suggest maybe another officer be on duty. Shelia Turner stated that the Garden Club is willing to do what ever the Town says, and if it’s buying and putting up signs and getting more help for traffic control, they will take care of it. They will also notify the residents that live on Oak Street that the street will be closed off. **Will be on the agenda**

8. **Discussion – Proposed Amended Zoning Ordinance**
Mayor Houser wanted to discuss a couple of issues that he has been contacted about:
   1. R1 – River front lots
   2. PUD’s – Planned Unit Development

Christopher Baker was at the meeting and was asked to speak on both issues.
**R1 Lots** – Christopher stated that added to the document was a waterfront lot section which describes the front of the lot being at the water. It also determines the front set back from the river, which takes an average set back of the houses within 200 feet. The lot width requirement is 120 ft. at the set back lines and 60 ft. on the street side, which makes the lots very hard to subdivide.

**PUD’s** – He stated that PUD’s are a separate zoning district and it gives the Planning Commission and Town Council flexibility. If someone wants to develop a piece of property and they can not meet the underlying zoning requirements they can ask for a rezoning of the property to a PUD, and along with that comes a site specific plan that has 18 different requirements. There are two public hearings on the zoning change, at the Planning Commission and Council levels, if it is approved by both, the zoning change and site plan runs with the property forever. If the site plan changes at all it must start the process over. Councilmember Gaar asked that if one PUD is approved does that mean all PUD’s have to be approved and the Mayor stated that each one is unique and stands on its own. Christopher also explained that a commercial PUD is business specific. If the PUD states that the business will be a coffee shop and book store, then that is what it must be, it runs with the site plan and property. Christopher did state that some people do have a bad misconception of PUD’s but PUD’s are a very powerful tool for the Planning Commission and the Town Council. **Will be on the agenda**.
9. **Discussion – Law Enforcement Agreement**
Mayor Houser stated that the Town has been notified by the Sheriff’s Department that starting October 1, 2010 there will be an increase of $412.50 per month. Our annual contract will go from $50,000 to $54,950. The clerk also added that she had talked to Alabama Office of Courts and found out that if the ordinance adopting certain state codes for minor traffic violation is passed the town would receive by state law, 90% of the fines and forfeitures and 10% of the court cost. The turn around on receiving the funds is about 30 days after the fines are paid. *Will be on the agenda.*

10. **Discussion – Board of Adjustments Appointments**
Mayor Houser explained that two regular members have moved and a supernumerary is also needed. Ken Johnson has agreed to serve as a regular member and Tommy Rachel and Ben Dykema have agreed to serve as supernumeraries, all for 3 year terms. *Will be on the agenda*

11. **Discussion – Historic Preservation Commission Appointments**
Mayor Houser stated that Donna Esslinger and Jim Gaines terms will expire on April 30th and both have agreed to serve another three year term. *Will be on the agenda*

12. **Discussion – Vacant Council Seat**
Mayor Houser stated that the vacant seat will be announced at the regular meeting and will appoint in May or June depending on time restraints. Legal counsel, Brad Hicks did state that once the Council has the names for nomination that the Council can go into executive session to discuss the good name and character of an individual. The Mayor also asked about a committee and Brad did state that a committee could accept any letters of consideration, but would not have the authority to remove any names from the list and, only the council could motion to do that. *Will be on the agenda*

13. **Discussion – Resolution – Multiple Peril Insurance Act of 2009**
Mayor Houser stated that the Council has discussed this at previous meetings. After some discussion of the ordinance the Council will decide by the regular meeting if this is something the Town should support. *Will be on the agenda*

14. **Discussion – Ordinance – Adopting State Codes for Traffic Violations**
Mayor Houser explained that this ordinance had its first reading at the last Council meeting and asked if there was any other discussion needed. *Will be on the agenda*

15. **Discussion – Ordinance – Last call/Operation of hours**
Mayor Houser stated that this ordinance had its first reading at the last Council meeting. The clerk reported the three businesses that would be affected by the passing of this ordinance have been notified by mail. The letter invited the business owners to attend the workshop or the regular meeting if they had any concerns and along with the letter was a copy of the proposed ordinance. *Will be on the agenda*

16. **Committee reports/recommendations**

**Finance:** Mayor Houser had no report/recommendations

**Public Safety:** Councilmember Holk stated that the Fire Dept. is making an offer on a piece of property in the Vernon Park area for a substation. They have not heard anything on the ISO rating

**Parks & Recreation:** Councilmember Laurendine stated that Leroy Weeks has been working for the Town through SARPC for almost a year now and would like to suggest a raise in salary for him. Mayor Houser suggested that Councilmember Laurendine bring a recommendation to the Council at the regular meeting.

**Public Works:** Councilmember Gaar stated that he received the proposal for the bridge inspection that will be done in July and the price is $1,300.00. No diving will have to be done this year so he will authorize them to proceed with the inspection. He did state that the committee is going to work on a five year budget plan.

**Historic Preservation:** Councilmember Underwood reported that they received a proposal from David Schneider for National Registry which is $6,148 and the review is on an hourly rate. Councilmember Underwood had concerns about his budget not having enough to have the work completed. The Mayor suggested asking David to bill us for half this fiscal year and the balance next fiscal year. Councilmember Underwood will check with him. The committee also discussed historical signage and plaques.

**Environmental Protection:** Councilmember Gaar reported that they are still working on the signage for the Outstanding Alabama Water signs but has no other report.
13. **Council, legal counsel and staff comments**

**Mayor Houser** asked Brad Hicks about the status on the annexation on the rest of the rights-of-way. Brad stated that he had contacted the county a few weeks earlier, but we are still waiting on them but he will follow on it. Mayor Houser also added that when the Family Dollar is ready to annex into the town limits, he would like to discuss with the council about approaching the other properties up to Schindler Lane about annexing in also.

**Councilmember Gaar** said that he has drafted the letter to Vince Tamburello on the completion of the project and Mr. Tamburello would like a copy of the letter to be sent Larry Milstid, an investigator with the DA’s office. The clerk will take care of mailing out the letters.

**Motion was made to adjourn the workshop**

**Workshop ended at 7:30 pm**

Approved this the __19th__ day of __May, 2010__

Charles S. Houser – Mayor

ATTEST:

Karen S. Biel – Town Clerk