May 11, 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 Holk, 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
Councilmember Underwood led the invocation and pledge.

4. Discussion of Minutes – 03/16/10 Special Meeting – 04/13/10 Workshop – 04/19/10 Regular Meeting
One correction was noted on the 4/19 minutes, clerk will make the change.

5. Financials and Expenditures for April, 2010
The clerk reviewed the financials: General Fund - $33,449.84 – Income - $26,736.63 – Expenses - $42,122.34, a large expenditure for the month was the payment of $28,000 to the County for the resurfacing and drainage work completed. Money Market - $102,065.86. CD - $51,807.38. Special Revenue – Income - $365.48. Balance: $10,634.86. Mayor Houser added that the Town received the Alabama Trust Fund check which can only be used for capital improvement or renovations which the clerk applied about $5,800 to the renovations loans leaving a balance of one month’s payment.

6. Public Comment
Donna Esslinger – wanted to let the Council know how proud she and other citizens are of them, Rick, and the other individuals on creating a plan and implementation of that plan to protect the river.

7. Discussion – Proposed Zoning Ordinance
Mayor Houser stated that the proposed amended zoning ordinance had it’s first reading last month, the council had copies of the changes that were amended from the public hearing and asked if there was any discussion on them. Councilmember Holk stated that with comments from some of the citizens that he feels that the section on the Planned Unit Developments (PUD’s) should be left out at this time. He stated that at a later date, a committee could better research the requirements for a PUD, and if the Planning Commission and Council feel that is necessary to provide a PUD designation, then an amendment to the zoning ordinance can be made at that time. Mayor Houser added that a PUD is by design and if we start adding restrictions then it is not a PUD, for example, if you set lot sizes, set backs and specifics, then you are creating something set and not a PUD. Councilmember Gaar said his concern was that this Council is trying to establish some guidelines for future councils which will hopefully follow the guidelines and if we don’t have something in place we might get something we don’t like. Proposed Amended Zoning Ordinance will be on the agenda.

8. Discussion – Resolution – Baldwin County Solid Waste Collection
Mayor Houser stated Baldwin County is requesting a resolution to continue trash pick-up in the town limits. We do have a verbal agreement but need a written agreement. Will be on agenda

9. Discussion – Vacant Seat
Mayor Houser stated that three individuals are interested in serving and the council will appoint the position at the next council meeting. Will be on the agenda

10. Discussion – Placement of Historic Marker
The Council discussed the placement of the historic marker, some of the suggestions were, the school property, town hall or in front of the community center towards the church. Donna Esslinger the marker should be here within a couple weeks and should be installed one month prior to the dedication day, which will be 4th of July. The fire department will hold its parade on the 3rd of July, since the 4th is on a Sunday. Donna also stated the sign is two sided and should be visible from the street, but should be placed where a vehicle could pull off the road as to prevent fender-benders. Will be on the agenda
11. **Discussion – Sales Tax Holiday – August 6 – August 8, 2010**
Mayor Houser explained that the Alabama Department of Revenue is encouraging the municipalities to participate in the Sales Tax Holiday in August. This is to exempt municipal sales tax when purchasing certain school supplies and clothing. The Mayor did state that by the time the holiday is we hope that the Family Dollar will be finished. **Will be on the agenda**

12. **Discussion – Leadership Alabama**
Mayor Houser is asking for an expenditure of $2,500 to attend four retreats. **Will be on the agenda**

13. **Discussion – Ordinance – Establishing the Town as a Bird Sanctuary**
Mayor Houser explained that the town was establishing as a Bird Sanctuary, but it was through a resolution and this ordinance would repeal the resolution and have more policing powers. Councilmember Holk stated that at the last meeting a motion was approved to abate the peacocks if no person claimed ownership of the birds by the workshop in May, which is this meeting. He went on to say that Mary Emmett agreed to take the peacocks, but some of her neighbors have voiced their concerns and they don’t want them out there. One of the town citizens saw Mary at an event and chastised her and threatened her to the fact that the peacocks better be where she could visit them any time she wanted to. Councilmember Holk stated that a man out on Co. Rd. 55 raises peacocks, ducks, geese, and was willing to trap and take the peacocks out to his place. Councilmember Holk said that if the ordinance is passed at the meeting then he feels the council needs to vote to allow Mr. Wise to remove the peacocks and we should do it with a letter giving him permission. **Will be on the agenda**

14. **Discussion – Public Information Committee**
The Mayor was approached by a citizen and asked about appointing a Public Information Committee and that this citizen would be willing to chair the committee. The Mayor explained that the purpose of the committee was to attend the meetings and to report to the town citizens of what was taking place. Mayor Houser said one project for the committee would be to develop an email address list for all the citizens of the town. Councilmember Laurendine stated that the town must have some oversight on what is being sent out if this is a town appointed committee. Councilmember Gaar stated that he felt that posting the agenda should let people know what is going to be talked about. Legal counsel, Brad Hicks stated he didn’t think that anything other than the official minutes be apart of what is generated in town by the town. Anything that is produced by the town becomes permanent record and if someone’s report differs from what was discussed or voted on would become the words of the town. Brad stated that if a committee’s goal was to facilitate putting out the information that the town has already put out to more people then that would be fine, but the town should be very cautious about appointing any committee to do any reporting. **Will not be on the agenda**

15. **Committee reports/recommendations**
**Finance:** Mayor Houser had no report/recommendations.
*Public Safety:* Councilmember Holk reported the Fire Dept. had their annual meeting and everything is good. They are still looking at purchasing the property on Co. Rd. 12. He also added that the Fire Dept. has been very active in the oil spill situation. They have not heard anything on the ISO rating.
*Parks & Recreation:* Councilmember Laurendine had no recommendations.
*Public Works:* Councilmember Gaar reported that tree and brush trimming has started and right-of-way mowing has been scheduled right before the jazz festival. He added that they are looking into starting a five year plan.
*Historic Preservation:* Councilmember Underwood reported that he was in contact with David Schneider and he agreed to split the work between the fiscal years but the registry would not be completed for this year. Donna Esslinger added that she will be attending the Annual National Alliance of Preservation Commission convention in Grand Rapids, Michigan. The cost will be around $2,000, she has applied for a 50% matching grant and it has been approved.
*Environmental Protection:* Councilmember Gaar reported that they are still working on Outstanding Alabama Water signage and most of the meeting was directed at the oil spill.
Mayor Houser stated the town will receive $200,000 for the plan that was submitted, but that could be spent within a month if the barges need to be deployed, so he is going to apply for more funding.
16. **Council, legal counsel and staff comments**
No other comments

**Motion by Councilmember Laurendine, 2nd by Councilmember Gaar to adjourn the meeting.**
Workshop ended at 6:40 pm

Approved this the **22nd day of June, 2010**

[Signature]
Kenneth Underwood – Mayor Pro Tempore

**ATTEST:**

[Signature]
Karen S. Biel – Town Clerk