June 11, 2013  
Council Workshop  
12191 Magnolia Springs Hwy.  
Magnolia Springs, AL.  
5:30 P.M.  

1. **Call to Order**  
Mayor Underwood called the meeting to order at 5:30 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** – Mayor Underwood  

4. **Eddie Sue Winter** – made a presentation to the council concerning the Magnolia Springs Seafood Celebration, which will coincide with the Magnolia Run in April 2014. Ms. Winter stated that she is the president of the not-for-profit corporation along with five other board members. The corporation has applied for a grant through the Deepwater Horizon Gulf Seafood and Tourism Promotional Fund. They will announce the grant recipients on June 26th. It will be a one day event. They will have local seafood restaurants, live music and some art vendors. The money made on the event will stay in Magnolia Springs. Non-profit organizations can apply for money, such as the Community Center to help with the restoration of the building. Ms. Winter stated that the grant is for $116,000 which should help maintain the event for 3-5 years.  

5. **Discussion of minutes**  
05/14/13 – Special Council Meeting & Workshop  
05/28/13 – Regular Meeting  
No corrections or comments  

6. **Discussion of financials for May**  
The Mayor reported: Balances as of 05/31/2013 - General Fund - $73,465.36. Income - $19,576.50, Expenses - $17,960.36. Money Market – $127,610.01. CD - $53,626.55. Deepwater Horizon - $25,080.55. Special Revenue 4, 5, & 7f Gas Tax – Income $301.11 – Balance $9,712.52. The clerk provided the council with a year-to-date report so that each committee chair could review their committee budget.  

7. **Public Comment**  
Ron Chamberlin – requested that the council trim some of the trees in town, especially on Oak Street and Bay Street because the branches are hitting his motor home. Another issue he addressed the council about was drainage on Gates Avenue. He stated that with the new subdivision on Pecan Grove that Woodland will also have a bigger drainage problem. Councilmember Holk stated that the committee was in the process of getting quotes on having trimming done all around town. Mayor Underwood said that the drainage issue on Gates and in that area will be looked into.  

David Lawrence – asked the council that once the data from the county traffic study is gathered will the county provide information on ideas that the town can implement to help with the traffic on Co. Rd. 49. Mr. Lawrence stated that at first he was told that the town did not have the authority to change the speed limit and now we find out from Commissioner Gruber that we can control the speed limit on Co. Rd. 49. Mr. Lawrence added that once the traffic study is complete he hopes that the public safety committee will make a recommendation to lower the speed limit and with the county agreeing to assist the town with some restriping it should help the situation. Another issue he talked about was access across the bridge. Mr. Lawrence asked the council if the bridge is not wide enough for a walking area and if the town does not receive the grant is there a plan B. He suggested that a committee be formed to look into other possibilities. Mayor Underwood stated that if the grant does not come through that it is incumbent on the council to find a more economic method of providing access across the river. The clerk informed the council that she had talked with Troy Smith, at the county and all the data from the traffic study has been collected and the county was working on a process for the new striping which should get started soon.  

Councilmember Dykema – wanted to address the reasons that he voted for the West/Russell vacation on a portion of Palm Street. He stated that he did not arrive at his decision easily and that he changed his mind a dozen times. At first he was opposed because he didn’t like the way Dr. West put the fence across the street and that if the council had voted on it a couple of months ago he would have voted against it.
Councilmember Dykema said that his decision was made because he thought it would be in the best interest of the town. He added that gate sat there for six years while the prior council did nothing to remove the fence and that bothered him. If it was real important and it was a real street and people wanted to use it then the town would have taken the gate down. He stated four concepts why he voted for the vacation.

1. As far as he could tell the town was still keeping the water access. He walked down there and it could be cleared out, a parking area put in, a pier could be built, and there is a boat trailer in the way that could be easily moved.
2. Councilmember Dykema stated that vacating the property would keep the town out of court. He is tired of paying lawyers and going to court and he doesn’t believe that litigation is the answer to every problem the town might face.
3. He said that most important to him is there is a possibility of $30,000 that the town would receive rather than in one example that he read spending $70,000 on a case that has not been decided yet in terms of water access.
4. The town is vacating a small portion of Palm Street and he sees it as little value, and the people on both sides can still go to where they want to go.

Mayor Underwood said the vote blew him out of the water. He said we are selling a portion of Palm Street, which could serve as an access to the Magnolia River. He said I have lived here my whole life and you should have received a package in the mail and I hope you study that real close. Mayor Underwood said, I hope you can see what the condition of public access is today. We have one access point where you can get to the river which is not tied up or encumbered in some fashion. It’s either blocked by a private boat house, pier and building or it’s in litigation and if we lose that there is nothing left in Lyman’s Addition. Councilmember Dykema stated that the County Commission vacated the other properties. Mayor Underwood asked could there have been a benevolent sub-divider who wanted to provide access to those people that did not live on the river, I think so. In every one of these subdivisions there was access provided for the people that did not live on the river. Every one that bought a lot that is alive today knew that there was public access there and if they didn’t then they didn’t do their due diligence. He added you folks won the battle and we lost public access, but it’s not over yet, because the next time this comes up, I promise you that this room will be full of mad people. I haven’t mailed all the packages yet but I want them to look at the mail address of the three of the five who voted to close it, they get their mail at a river route. The rest of us who live on the north side of Oak Street are totally out of the picture. Councilmember Dykema said we are talking about a portion of Palm Street and we still have water access. Councilmember Dykema also added that there were misrepresentations in the Mayor’s mail out. Mayor Underwood said there are two dead end streets on Palm Street. Who benefits from closing Palm Street and to deny anybody the possibility of using Palm Street to get down to the river? He said you could enter through Holly Street but there is no place to turn around, you would have no through way. Councilmember Dykema asked Mayor Underwood why he didn’t take the gate down during the six years while you were on the council. Mayor Underwood explained that letters were sent to Dr. West to take the gate down and that the town could not remove the gate. Mayor Underwood said you are new to the council and if you’ll listen I will enlighten you on that issue. We can’t legally take it down, we have to declare it a nuisance and to direct him to take it down we have to follow a legal process. Councilmember May asked haven’t we done this already. I appreciate how the Mayor feels and how Ben feels but we’re wasting time here tonight about going back over this.

8. Discussion – ABC Transfer Beer and Wine License for Pure Station
Mayor Underwood stated that the Shell Station is under new management and the application is to transfer the beer and wine license to the new owner’s name.

9. Discussion – School property
Mayor Underwood stated that he hasn’t talked to Dr. Lee lately. He wanted to wait till school was out and that Dr. Lee indicated that he would call Mayor Underwood when he got information from his counsel.

10. Discussion – Council information letter
Councilmember Johnson wanted the council to review all the information and if there are any corrections to let her know so we can get them in the mail.

11 Committee/Commission Reports
Finance & Audit Committee: No report
Public Works & Safety: Councilmember Holik reported that the committee is still discussing the paving of Cedar and Camelia Streets. The council was given two different estimates, one was for paving each street at 14’ and the other is for paving at 18’. The price for paving at 18’ includes adding culverts which are about $1,000 for each. Estimates are: paving at 14’ – Camelia $14,213.88 and Cedar $14,723.10 –
paving at 18' – Camelia $21,698.00 and Cedar $21,663.09. The committee voted three to two in favor of recommending the paving at 18' wide. Councilmember Holk added that he and Mayor Underwood drove around and looked at some drainage issues and some tree trimming that needs to be done. Councilmember Holk stated that after reviewing his budget he has about $50,000 left for this fiscal year and he is recommending paving Camelia Street only, paving the two parking spaces on Bay Street, doing some drainage work on Bay Street and doing some tree and brush trimming all around town. Mayor Underwood said there are some trees that do need to be removed besides just paving. Councilmember Dykema asked about paving Camelia and not Cedar and Councilmember Holk said to save Cedar for next year. Councilmember Holk said there are some problems with paving Cedar at 18', if we are scared that we are going to be sued that we have to go 18' wide then we ought to be scared that we’re not obeying the six foot clearance between the trees and edge of pavement. Councilmember Holk said he would like to get one road paved this year. Councilmember Johnson stated that she attended the public works committee to understand what was going on with the paving. She stated that she has taken the estimates and with taking off the $1,000 for culverts, going from paving 14' to 18' on Camelia Street you are increasing the cost of your project by 45.6%, and asked if that was necessary. Rodney Hubbell stated that it’s a good idea to only pave one, but suggested not paving any because of all the trimming that needs to be done and the purchase of the school property is important. Mayor Underwood stated that in addressing the paving from 14' to 18', you won’t show him any standard code where cities go in and purposely pave a street less than 18' that is the minimum standard by AASHTO code. The mayor feels that anything less than 18' is an inferior product. Mayor Underwood stated that he has been practicing civil engineering for over forty years, and he has never and would never sign off on a drawing that did not meet code. I have a code of ethics he said. Councilmember Dykema asked the mayor if he was on the council when they paved Jessamine. The mayor stated that he was on the council at the time and that he resigned from the public works committee because of the paving of Jessamine and made sure it was in the minutes that he had nothing to do with it. Mayor Underwood said if litigation ever comes up I’m going to be your worse witness because I’m going to tell the truth. Mayor Underwood added that he’s worked enough as an expert witness that when he is asked to look at a situation he asks to see the design criteria and as-built drawings and they must meet the minimum design criteria standards. Councilmember Holk stated not all streets here are 18' wide. Each street will have to be looked at individually. He added that there is code for new construction whether that applies to existing roads we don’t know. Councilmember Holk said that when Jessamine was paved we had an engineer that was the county engineer for years with the road construction department and he said we didn’t have to go 18'. We could pave the road bed. Councilmember Holk said if we pave Camelia at 18' with a strip down the middle his concern is that people would be speeding down the street. Mayor Underwood said that he didn’t think speeding would be an issue the street is 400-500 ft long with stop signs at both ends. Mayor Underwood again stated that he has a code of ethics and he offers 40 years of engineering experience, if it’s not taken that’s not his fault and he wants it on record. Councilmember Holk stated that we are at a open public meeting and this will be in the record and I think everybody in this room has a code of ethics. Councilmember Holk stated to the Mayor that you did not do a lot of road design, you worked for the Corp of Engineers. The mayor answered back that Councilmember Holk was not familiar with military bases. Councilmember Holk said there are differences of opinions and you have to respect other peoples’ opinions. Mayor Underwood stated that he respects other peoples’ opinions but when it come to areas where he has expertise and I’m the only one here registered to sign an engineered drawing. I offered my advice and if it is not taken then I am not going to be included as a party to anything that is less than code. Councilmember May stated that if you are a city councilman or a mayor and you have that code of ethics and you feel as if you should vote no on a particular issue then you certainly are not going to be liable because you are an engineer if somebody gets injured on a street where the council has voted to pave at 14' instead of 18’. Councilmember May added that the mayor would not be sued as an engineer and Mayor Underwood stated that he would testify as an engineer in court. Mayor Underwood stated that he will have it in the record if it is less than code.

Public Lands & Beautification: Councilmember Dykema reported that the committee has discussed and agreed on installing two parking places down by the new pier at the cost is $5,200. The committee also discussed signage with some regulations for the pier area. The sign will be small, 24"x24" to be installed right at the entrance to the walkway. The signage will match the sign that is at the Springs. Councilmember Dykema added that we will see how these rules work out and if they don’t we will move forward with an ordinance to enforce them better. Mayor Underwood ask that it be noted that he missed this meeting because he was at the doctor’s.

Tree & Streetscape: Councilmember May reported that he and Councilmember Webb are going to recommend to do away with this committee because they feel there is nothing to do. With Public Works and Public Lands and Beautification committees he suggested possibly being a subcommittee of public works. Mayor Underwood said there may be a project coming up but will take it under consideration.

Planning Commission: No report

Historic Commission: Mayor Underwood reported that five of the commission members attended a CAMP in Foley. There were commission members and presenters from all over the state. This will be the same kind of CAMP that the town will sponsor next year.
9. Council, Legal Counsel and Staff Comments
Councilmember Johnson asked about the status of the appraisal on Palm Street. The clerk informed the council that the appraiser from Courtney and Morris will be on site in a couple of days and the town should have the appraisal by mid week.

Brad Hicks asked the council to review the amended resolution on the Palm Street vacation. This resolution will include the right-of-way fee amount and some language that the mayor noticed was not included. The mayor called the council’s attention to “the best interest of the town” section.

Mayor Underwood gave the council a proposal from Rod Koberg on a video system. The mayor stated that we have had complaints about communication and he felt like we do meet the requirements and have gone beyond those requirements. The system would give the town the capability of video taping the meetings, video conferencing and a document library. The cost of the system is $1,985.00, or we could lease it at an initial charge of $179.00 and a monthly fee of $67.00. Councilmember Holk stated that he has been to some meetings where he felt too much time was spent in an effort to operate the system and he doesn’t feel that we need to be video taped.

No other comments or business:

Motion by Councilmember Holk, 2nd by Councilmember Webb to adjourn the workshop. All in favor. Motion carried.

Workshop ended at 7:30 pm
Approved this the 23rd day of July, 2013

Kenneth D. Underwood – Mayor

ATTEST:

Karen S. Biel – Town Clerk