July 9, 2013  
Council Workshop  
12191 Magnolia Springs Hwy.  
Magnolia Springs, Al.  
5:00 P.M.  

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

2. **Roll Call**  
Members present – Mayor Ken Underwood - Council Members: Dotty Johnson, Jim May, Bob Holk, and Tom Webb. Not present: Ben Dykema. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks  

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

4. **Discussion of minutes**  
06/11/13 – Workshop  
06/25/13 – Regular Meeting  
06/27/13 – Town Hall Meeting – Community Hall  
No corrections or comments  

5. **Discussion of financials for June**  

6. **Public Comment**  
Frances Cleverdon – she suggested that the town should improve the river accesses that it has before starting on something new. She stated the Springs is closed off, has no table, no signage, nothing to make you feel welcome or that anyone would want to go see it. She stated Bay Street was nice till the town replaced the pier with the strange looking pier. She also asked if there were rules and regulations on sewer installation.  

Rod Kobarg – stated that the comprehensive plan addresses most of the issue that are controversial and have come before the council. He referenced and discussed parts of the comprehensive plan such as traffic control and public accesses on the river.  

Ginny Stone – stated that the boy scouts have offered to consider a project to obtain and install flags. Mrs. Stone thanked the council for the town hall meeting. She also thanked Bob Holk for mentioning the public access by his home and he assured her that it was a public access. She asked the council to consider parking at the three access points. She asked that the funds obtained from the Palm Street vacation be set aside for the purpose of developing an additional river access. She also requested a dead end sign to be placed on Jessamine Street. She would like a legal opinion on the potential liability of paving streets at 14’ width verses 18’ width.  

Jim Gaines – asked if the town has had any communication with D.R. Horton or Baldwin County Sewer to inform them that they have not followed any of the town’s rules and regulations. He stated that if they have not followed or have violated the rules and regulations they need to be put on notice. These guys are bullies and the only way you can stop a bully is to stand up to him. He hopes that the town will take some firm action.  

David Lawrence – stated that he was disappointed in the lack of unity in some of the things that are going on in the town. He discussed the recent editorials that have come out and the insinuations that the council’s involvement in things is really disgusting. He added that the mayor was unhappy with a five to one vote and going about it in a manner that could bring a group of citizens to file a law suit against the town council. Mr. Lawrence stated that he hopes that the Mayor will bring the citizens together.  

Donna Esslinger – stated that she concurred with David Lawrence. The dissention, the misinformation, the constant harping on an issue that has been solved or resolved is wasting time and is causing hard feelings. It is causing people to say very hateful things to each other. She added that we must be adults and when you don’t get your way, that’s just the way it is. The information in the Squawk is trash. The mayor and council owe it to the people of Magnolia Springs to run a decently organized meeting that is civil and productive. She added that there are constant comments that the mayor is doing the best for Magnolia Springs and she stated so are the other five people.  

Bob Stoddard – thanked the council for taking care of some tree trimming on Pecan Grove in a timely manner. He also addressed the issue of a street access in the D.R. Horton subdivision. He believes the access should come off of Highway 98 and not off Pecan Grove and run behind the Woodland subdivision. He is in opposition of any further subdivision of the 20 and 10 acre lots.
7. Discussion - Resolution - Vacating a portion of Palm Street
Councilmember Holk stated that he spoke to Joe Courtney about the appraisal on Palm Street. Mr. Courtney informed him that he was going to take over the appraisal work and that it would take several months before he could do it. Councilmember Holk told him that the town couldn’t wait that long so Mr. Courtney sent a letter declining to complete the appraisal work. Councilmember Holk and legal counsel have some other names of appraisers. Legal counsel, Brad Hicks will contact the appraisal firms to get the appraisal started again.

8. Discussion - Public Safety Committee re-establishment
Mayor Underwood would like to re-establish the public safety committee separate from the public works committee. Mayor Underwood feels that Councilmember Holk would be the best choice to chair that committee. Councilmember Johnson told Mayor Underwood that he would be a better choice since he is the mayor. Councilmember Holk said that the fire department and the sheriff’s department are separate and know what they need to do. He added that the mayor is the emergency management contact and as far as a public safety committee there isn’t much that the committee does. Councilmember Holk stated that he does not want to come off the public works committee and will still be involved with public safety through the fire department should there be an emergency.

9. Discussion - Camelia Ave Paving
Mayor Underwood stated that he still has liability concerns about paving roads at non-standard widths. He asked for an opinion from the Alabama League of Municipalities Executive Director, Ken Smith and Alabama Municipal Insurance Corporation Loss Control Division Director, Richard Buttenshaw. They stated that if the town’s ordinance stated 18’ then from a liability standing the town should pave at 18’. Mayor Underwood stated that if the council votes for less than standard width he will have to go along with it. Councilmember Holk stated:
   a. That the mayor keeps referring to our code, which is our subdivision regulations and it clearly says they are for new subdivision road construction.
   b. Volkert did a road study and they priced paving the streets at the present width.
   c. Comprehensive plan states local streets should retain their existing character and construction.
Councilmember Holk stated that he has ordered the paving and it is time to move on. There lots of other things to be worked on such as the school property by contacting Dr. Lee.

10. Discussion - Magnolia Farms Estates - Phase II
The council discussed Magnolia Farms Estates II that is located on Pecan Grove and the installation of a sewer pipe. Mayor Underwood said that he could not find any evidence that the subdivision had any approval by the town or county. Baldwin County sewer never applied for any permits through the town for the installation of the sewer pipe. The council asked Brad to send a letter to D.R. Horton and put them on notice to stop because no approval or permits have been issued.

11. Discussion - Right-of-Way Survey
Mayor Underwood stated that the county did a survey at the three access points, Bay Street, Jessamine Street and Rock Street and he would like to have a survey done on streets. Councilmember Holk asked Mayor Underwood what right-of-ways are you talking about? Mayor Underwood answered water accesses, like down Holly Avenue to see what we have. Councilmember Holk suggested running title searches first to see if the town does have any other accesses. Councilmember Holk said he would like to see a list of areas that the mayor is talking about. Mayor Underwood said any area that runs down to the river needs to be surveyed to see if the town owns it. Councilmember May stated that he doesn’t think the town needs to spend the money for the survey until the town has plans for a specific area. Mayor Underwood said there are other areas that might have access and stated that there might be one by Councilmember Johnson. Councilmember Johnson read from a title search Joe Sankey had done in 2009. It stated that there is no evidence that Dickinson Lane is a public right-of-way. Mayor Underwood said that the 2006 revenue commission office shows it as a right-of-way, and the town needs to know if it is.

12. Discussion - White board donation
Rod Koberg stated that he will donate the system to the town. Councilmember Johnson stated that we have that capability with the projector we just bought. Councilmember Holk stated that he has concerns about who has the time and who will be running the system during the meeting and the mayor said he would do it. The Mayor asked Mr. Koberg to submit a proposal.

13. Discussion – Regulation sign for Magnolia Landing
The council reviewed a draft of the rules and regulations sign for Magnolia Landing. There was discussion whether an ordinance was needed to enforce them and general consensus was to wait and see if it would be needed. The rules and regulations were fine with the council.
14. Committee reports
Finance – had no report. The clerk did inform the council that she would be compiling all the figures to present them to the committee for the 2013/2014 budget. The committee will recommend a proposed budget to the council at the August workshop for review and council should approve the budget at the September regular meeting.
Public Works – Councilmember Holk stated that the paving of Camelia Street and the parking area at Bay Street have been ordered. While the paving company is here they will also fix the washout on Bay Street, do some work at Cougill and Jessamine, and some grading and filling in Village Green. Councilmember Holk said that he is working on getting a price for some brush trimming and tree removal work.
Public Lands and Beautification – Councilmember Johnson reported that the committee is working on the plans to finish the Magnolia Landing which includes at the end of the landing a finger pier with a step down to launch kayaks and canoes and for water testing. There will be mooring pilings on one side which will be for use of the fire department boat only. Councilmember Johnson stated that Councilmember Dykema has a concern that one of the town workers is using subcontractors which would not be covered by the towns insurance. The clerk informed the council that she spoke to the insurance company and their recommendation was to contact SARPC and let them handle it since she is hired through them. The clerk was instructed to contact SARPC to make them aware of the situation.
Tree & Streetscape – Councilmember May suggested disbanding the committee because they don’t have anything to do and possibly becoming a subcommittee of public lands or public works. Mayor Underwood said there will be something down the pike.
Planning Commission – Councilmember Holk stated that the commission might be looking at a family subdivision outside the town limits. The commission is also working on squaring up the planning jurisdiction and will make that recommendation to the council.
Historic Preservation – No report

15. Council, Legal Counsel and Staff Comments
Councilmember Johnson – referenced a statement that was made at the town hall meeting that Orange Beach video taped their council meetings. Councilmember Johnson said that she called down to Orange Beach and spoke to the clerk and they do not video tape the meetings but they do audio tape the meetings. Councilmember Johnson stated that Karen said we have the capability to download our audio to the website and can be done the day after the meeting. Council instructed the clerk to try it and see how it goes.
Councilmember May suggested that the council consider a newsletter. Councilmember Holk asked Brad about the concerns he had at one time about the newsletter. Brad said he is interested in the town complying with the law which the town currently does. He does want anything out there that could compete with the minutes and create confusion. There is nothing prohibiting the town from doing so just to be careful. The clerk suggested posting the newsletter on the website because of all the address changes she get a lot of mail back. Councilmember May said it needed further discussion.
Frances Cleverdon – had a complaint about the pier at Bay Street that it was not built like the one that was there and should have just been repaired. Rick Odess, who was chairman of the committee that took that project on, stated that at that time it was the only size that could be built according to the Corp of Engineers. Rick’s concern was that it could not be repaired and if a storm took it out it would probably never be rebuilt. He wanted to make sure the project was completed before he left office.
Councilmember Holk – addressed an open letter that was put out and said that he is not going to comment or address falsehoods, stories or assaults on his character. He added that he has lived in Magnolia Springs all his life and would put his contributions to the town up to anyone because he loves the town. He also stated that he has never told anyone not to come down to Jessamine Street. He has maintained that area for 35 years. Councilmember Holk invited everyone to go to Jessamine Street and see what is down there. Whenever the town gets done with the Rock Street case then we can see what we need to do down there.
Rodney Hubble – stated that the first time he went down to that pier there was not doubt that it was public property and access. He was told by Bob that he could put his boat there if he needed to. Bob offered the use of the shed that is down there. Mr. Hubble stated that is was clear to him that he could go down there and use it anytime.
Legal counsel – Brad stated they filed the brief on the Rock Street case.

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

Workshop ended at 7:30 pm
Approved this the 27th day of August, 2013

Kenneth D. Underwood – Mayor

ATTEST:
Karen S. Bief – Town Clerk