July 28, 2009
Regular Council Meeting
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. Not present – Joe Sankey. 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.

Mayor Houser noted a couple of spelling corrections. Clerk will make the corrections.

Motion by Councilmember Underwood, 2nd by Councilmember Holk to approve all minutes as submitted. All in favor. Motion carried.

5. Approval of financial reports and expenditures for June

Motion by Councilmember Laurendine, 2nd by Councilmember Gaar to approve the June financials and expenditures. All in favor. Motion carried.

6. Public Comment
Steve Fuller – stated that he has notified the public works committee about a company charging for kayak trips on the river. Clerk stated that a company out of Fairhope has purchased a license for delivering kayaks to Magnolia Springs.

7. Highway 98 Turn Lane
Mayor Houser stated that since Mr. Dyas is going to build the Family Dollar according to the town guidelines in the Overlay District it will cost an additional $40,000.00. The council was in agreement that business would generate revenue for the town and this development would set precedence for any further development on Highway 98.

Motion by Councilmember Gaar, 2nd by Councilmember Holk to allow the Mayor or his designee to negotiate an agreement to pay, in form of direct payment or reimbursement, for the completion of a left turn lane as required by ALDOT for a retail development in an amount not to exceed $90,000.00 and in the event the following conditions are met:

a. The new development is located within the town limits of Magnolia Springs.
b. The development involves the building of retail establishment facing Highway 98, in an area east of Jessamine Street to the south and Schindler Lane to the north, and Magnolia Springs Highway (CR 49) to the west.
d. The retail business is in continual business for a period of not less than 45 days.
e. The development is built to the guidelines as set forth in the U.S. Highway Overlay District (HOD), currently part of our zoning regulations.
f. The town secures adequate financing or funding for the project.
g. The town will enter into to a binding agreement only upon the approval of the Town Council.

All in favor. Motion carried.
8. **Tree Ordinance**  
Mayor Houser informed the council that legal counsel made some substantial changes and the council should take the time to review the document again. He also added the council could introduce the ordinance as the first reading, it could be discussed at the next meeting and if the council so desires, they could adopt it.  
Motion by Councilmember Laurendine, 2nd by Councilmember Holk to waive the reading for consideration on the propose tree ordinance. All in favor. Motion carried.  
The ordinance will be placed on August council agenda.

19. **Committee Recommendation**
- **Finance** – Mayor Houser had no recommendation
- **Public Safety** – Councilmember Holk had no recommendations.
- **Parks & Recreation** – Councilmember Laurendine had no recommendations.
- **Public Works** – Councilmember Sankey was not present.
- **Historic Commission** – Councilmember had no recommendation but did remind the council of the public hearing on July 30th.
- **Environmental Protection** – Councilmember Gaar had no recommendations but did announce that Baldwin County Commission won an award for the work that was completed at the Springs and wanted to know where the signs were. Since no one knew, Councilmember Laurendine suggested the town should get a temporary one, because they will be filming at the Springs for the awards ceremony. They want Mayor Houser, Commissioner Gruber, a representative from Volkert, Brett Gaar and a representative from the Garden Club.
Motion by Councilmember Laurendine, 2nd by Councilmember Underwood to accept all committee reports as presented. All in favor. Motion carried.

12. **Council, Legal Counsel and Staff Comments**
No comments

13. **Any other business that might come before the meeting**
With no other business

Motion by Councilmember Underwood, 2nd by Councilmember Gaar to adjourn. All in favor.

Meeting adjourned at 6:30 P.M.

Approved this the 25th day of August, 2009  
Charles S. Houser – Mayor

ATTTEST:
Karen S. Biel – Town Clerk