September 10, 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: Bob Holk, Tom Webb and Ben Dykema.
   Not present: Dotty Johnson and Jim May. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks

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

4. **Guest Speakers**
   Donna Watts – South Baldwin Chamber – Mrs. Watts discussed with the council about securing a date for the 2014 Magnolia Run. The chamber is considering April 5th and will try to work it in conjunction with the seafood festival that Eddie Sue Winter is working on. The event has doubled in the last two years. They had over 300 runners last year. Mrs. Watts said that they will notify the residents on the streets that the run takes place of the date and time of the run. They will hang the banner a week before the run.
   Michael Steele and John Butler – Mr. Steele is asking the council to support a resolution to display the motto of “In God We Trust”. Mr. Butler stated that the City of Robertsdale and Foley had just passed the resolution and that Orange Beach is in the process of adding it to their agenda. Mr. Butler stated that it is a grassroots movement started by a council woman in California. The council will consider the resolution at the next meeting.

Councilmember May joined the workshop at 5:12 p.m.

5. **Discussion of minutes**
   08/13/13 – Special Council Meeting
   08/13/13 – Workshop
   08/27/13 – Regular Meeting
   No corrections or comments

6. **Discussion of financials for August**
   The Mayor reported: Balances as of 08/31/2013 - General Fund - $45,992.47. Income - $15,037.37, Expenses - $13,848.05. Money Market – $127,630.64. CD - $53,759.60. Deepwater Horizon - $10,669.33. Special Revenue 4, 5, & 7¢ Gas Tax – Income $296.35 – Balance $10,670.72.

7. **Public Comment**
   Donna Esslinger – encouraged the council to use caution when considering the adoption of the resolution to display “In God We Trust” that was submitted by Michael Steele and John Butler.

8. **Discussion - Resolution – Adopting the 2013/2014 General Fund Budget**
   Mayor Underwood stated that the council has had time to review the budget and asked if there were any questions or comments. The resolution will be on the agenda for adoption at the regular meeting.

9. **Discussion – Resolution – Library Expenditure**
   Mayor Underwood stated that the resolution has a schedule that sets the expenditures to be made quarterly. Councilmember May stated that it will also let the library set their budget accordingly. An expenditure of $3,875.00 will be made on 1/2/2014 – 4/1/2014 – 7/1/2014 – 9/30/2014.

10. **Discussion – Palm Street Vacation Right-of-Way Fee**
    Mayor Underwood said there is a problem within the state code where is refers to assessed value and fair market value. With the contradiction in the code the Mayor is suggesting the town table the decision and obtain an Attorney General’s opinion on some clarification on what the code means. Legal counsel, Brad Hicks, stated that he did speak with an attorney at the League of Municipalities and the town’s options are to request the AG Opinion by resolution or the council can vote to plug in an amount in the resolution. That resolution can then be voted on that night with unanimous consent to consider, if unanimous consent is not obtained then it would be the first reading and then voted on at the October regular meeting. Councilmember Holk asked about timing on the AG Opinion and Brad stated that the AG has no statutory deadline on when they have to reply.
11. **Committee/Commission reports**

**Finance** – had no report.

**Public Works/Public Safety** – Councilmember Holk reported that Riviera Utilities will be removing a couple of trees and also see if there is any other trimming that they might do within their power lines. He also stated that another company will be submitting an estimate on trimming some under growth.

**Public Lands and Beautification** – Councilmember Dykema reported that the town is moving forward to finish the Magnolia Landing project.

**Tree & Streetscape** – No report

**Planning Commission** – Councilmember Holk reported that the Broadway Group sent a copy of a plat for review to make sure it meets the town’s zoning requirements. Councilmember Holk and Chairman Mike Costigan will review the plat and report back to the group.

**Historic Preservation** – Mayor Underwood stated that on Sunday Bob Stoddard would be giving a report on the history of Magnolia Springs at the Community Association.

12. **Council, Legal Counsel and Staff Comments**

Brad Hicks requested the council go into executive session to discuss the Rock Street lawsuit.

Motion by Councilmember May, 2<sup>nd</sup> by Councilmember Holk to go into Executive Session to discuss with the town attorney, Brad Hicks, the legal ramifications of and legal options for pending litigation. Legal counsel Brad Hicks stated that he is an attorney licensed to practice law in Alabama and this exception under Section 36-25A-7(3) of the Code of Alabama is applicable to the planned discussion. Roll call vote: Councilmember May – Yea, Mayor Underwood – Yea, Councilmember Holk – Yea, Councilmember Webb – Yea, and Councilmember Dykema – Yea. Motion carried. Mayor Underwood stated the meeting would not reconvene.

Workshop ended at 5:50 pm

Approved this the 22<sup>nd</sup> day of October, 2013

Kenneth D. Underwood – Mayor

ATTEST:

Karen S. Biel – Town Clerk