October 28, 2008  
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, Joe Sankey, Ken Underwood, Reva Hinson 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. **Approval of minutes from the council workshop on 9/9/08 and council meeting 9/23/08**  
No corrections to the minutes.  
Motion by Councilmember Hinson, 2nd by Councilmember Sankey to accept all minutes as presented. All in favor. Motion carried.

5. **Committee Reports**  
Mayor Houser stated that the council members had reviewed the committee reports at the workshop and this time would be used if there is something new, any recommendations from the committee chair or any questions.  
**Finance:** No comments  
**Public Safety:** No comments  
**PR&B Committee:** Councilmember Hinson reported: “The Springs” is being opened, the clerk and deputy will open during the week and volunteers will be closing the gate. An automatic gate opener is being looked into. There will be a dedication for the Springs in November. She presented the council with a recommendation from the committee for a light in the Springs parking lot, but recommends that the council wait to purchase the light till the budget allows. Landscaping is still being done. Bird Sanctuary signs and the signage for the Springs have been ordered and will be installed. Dedication plaque needs to be ordered for the grand opening. Town sign easements are still being obtained.  
With this meeting being her last as a Council Member, she stated that she is committed to working through the Garden Club with the Town till the Springs and landscaping at the Town Hall are completed, because these projects have been very important to her.  
**Public Works:** Councilmember Sankey reported: Tree trimming is complete. Road repairs are being done and should be completed in the next couple of weeks. Clerk stated that she has talked with the county and is obtaining an estimate to replace the missing street signs and poles.  
**Planning Commission:** No comments  
**Historic Preservation Commission:** Councilmember Underwood stated that the tour that Magnolia Springs hosted was a great success. A grant application will be submitted to the Alabama Historical Commission to help cover the historic survey.  
Motion by Councilmember Holk, 2nd by Councilmember Sankey to accept committee reports. All in favor. Motion carried.

6. **Approval of financial reports and expenditures for August**  
The clerk reported September income and expenditures as follows:  
- **Money Market** - $106,658.50.  
Mayor Houser did state that the auditors have been in, have finished the on-site work and should have the audit complete soon.  
Motion by Councilmember Underwood, 2nd by Councilmember Hinson to approve financial reports and expenditures for September. All in favor. Motion carried.

7. **Public Comment**  
No public comment.
8. **Chance Wheeler – Flag Pole Project**
Mayor Houser explained that Chance is working on his Eagle Scout Badge and his project is to install the Town Hall’s flag pole.
**Motion by Councilmember Hinson, 2nd by Councilmember Sankey to approve Chance Wheeler’s Eagle Scout project of installing the Town Hall flag pole under the direction of the Mayor and Council. All in favor. Motion carried.**

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2008-10, Regulating Disturbing any Right-of-Way with proposed amendments.
**Discussion:** Councilmember Hinson asked about the Garden Club obtaining a permit for work that is going to be completed for the town. Legal Counsel stated that the town does not waive fees for any organization but that any organization that is completing any kind of work on behalf of the town does not pay because the town does not pay it’s self. **Roll Call vote:** Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried. **Roll Call vote:**

10. **Ordinance 2008-11 - Regulating Parking – 2nd reading**
Motion by Councilmember Holk, 2nd by Councilmember Sankey to adopt Ordinance 2008-11, Regulating Parking with proposed amendments. **Roll Call vote:** Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.

11. **Public Hearing – Amendment to the Zoning Ordinance 2007-02 – Establishing an Overlay District for Highway 98**
Mayor Houser opened the public hearing at 6:38 pm, with no discussion he closed the public hearing at 6:40 pm.

12. **Ordinance 2008-12 - Amendment to Zoning Ordinance 2007-02 – Establishing an Overlay District for Highway 98 – 2nd reading**
Motion by Councilmember Laurendine, 2nd by Councilmember Underwood to adopt Ordinance 2008-12 as amended. **Roll Call vote:** Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.

Mayor Houser stated that since the ordinance for the Overlay District was approved he suggested discontinuing the moratorium on Highway 98.

**Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to remove the moratorium as of the effective date of Ordinance 2008-12. All in favor. Motion carried.**

Mayor Houser did state that the ordinance to adopt the specifications is the first reading but the specifications themselves have been reviewed by the public works committee and legal counsel for the past several months.
**Motion by Councilmember Sankey, 2nd by Councilmember Hinson to suspend the rules for immediate consideration of Ordinance 2008-13. Roll Call vote:** Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.

**Motion by Councilmember Hinson, 2nd by Councilmember Sankey to waive the reading of Ordinance 2008-13. All in favor. Motion carried.**

**Motion by Councilmember Sankey, 2nd by Councilmember Underwood to adopt Ordinance 2008-13. Discussion:** Legal Counsel, Brad Hicks asked Councilmember Underwood, about being a Civil Engineer and working on sewer issues and Councilmember Underwood stated that yes. Brad then asked Councilmember Underwood if he has read the specification and if he feels they do an adequate job of protecting the town’s interest and the Magnolia River and Councilmember Underwood answered I do. Brad also asked do you feel the buffer zone does an adequate job of protecting the river from any poor sewer installation, Councilmember Underwood answered yes. **Councilmember Holk** stated that the town hired a very competent engineering firm to design a system to protect the Magnolia River and there have not been any negative comments about the specifications and he recommends adopting them.
Mayor Houser reminded the council that during the Comprehensive Plan discussions one of the top three concerns that the community had is to protect the Magnolia River.

**Roll Call vote:** Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.

14. **Recommendation from the Board of Adjustments**
Mayor Houser informed the council that with Brett Gaar being sworn in as a council member, he can no longer serve on the Board of Adjustments. Jack Godwin, Chairman is recommending Ken Dubard fill the unexpired term of Brett Gaar till May 1, 2010.

Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to fill the vacant spot on the Board of Adjustments. All in favor. Motion carried.

15. **Change workshop meeting in November**
Mayor Houser stated that the workshop meeting in November falls on Veterans’ Day which is a holiday and town hall will be closed. He suggested changing the meeting to November 18th, which is one week before the regular meeting.

Motion by Mayor Houser, 2nd by Councilmember Underwood to change the workshop meeting from November 11th to November 18th. All in favor. Motion carried.

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

17. **Any other business that might come before the meeting**
Mayor Houser stated it’s time to appoint the town’s special representative to the South Baldwin Chamber and Councilmember Laurendine has served the last two years.

Motion by Mayor Houser, 2nd by Councilmember Sankey to appoint Councilmember Laurendine to serve as the town’s representative to the South Baldwin Chamber. All in favor. Motion carried.

Councilmember Laurendine added that he has enjoyed serving; it keeps him abreast of what is going on in the county and will be happy to serve again.

Mayor Houser recognized Councilmember Hinson for her two years of dedication and hard work. The Mayor presented her with a Certificate of Appreciation. Councilmember Hinson added that being on the council was the best experience she has ever had and she now has a greater respect for elected officials.

Motion by Councilmember Sankey, 2nd by Councilmember Hinson, her last motion, to adjourn the meeting. All in favor. Motion carried.

Meeting adjourned at 6:58 P.M.

Approved this the _25th_ day of **November, 2008**

[Signature]
Charles S. Houser - Mayor

**ATTEST:**

[Signature]
Karen S. Biel – Town Clerk