November 13, 2012  
Council Workshop  
12191 Magnolia Springs Hwy.  
Magnolia Springs, Al.  
5:00 P.M.  

1. **Call to Order**  
Mayor Underwood called the workshop to order at 5:00 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** – led by Mayor Underwood

4. **Discussion of minutes:**  
10/08/12 Workshop  
10/22/12 Regular Council Meeting  
10/30/12 Workshop – New Council  
There were no corrections noted.

5. **Discussion of financials and expenditures for October**  

Councilmember Dykema asked about what the debt service was for. The clerk stated that it was a loan through United Bank for a turn lane that was required by ALDOT for Family Dollar. Councilmember Holk explained that the town agreed to help finance the turn lane if Family Dollar would bring the piece of property into the town limits. Bringing the property into the limits would give the town 2% sales tax instead of 1%, and it also allowed for town to have a say on how the building was built since it would fall into our zoning regulations and in our overlay district. It was also stated by legal counsel that the town had a plan to add a turn lane and that also helped accomplish that. Mayor Underwood added that the loan is for five years, which we should have it paid off in three years, and the town will also receive the ad valorem tax on the property. Councilmember Johnson asked if the $5,200 under Public Works covered the work that was requested by the Hinsons on Jessamine. Councilmember Holk said that the work had been completed and was included in that amount. Councilmember Dykema asked about the Deepwater Horizon expenditure for the boom expense. The clerk explained that the $663 expenditure is an annual payment for a storage unit for the boom. Mayor Underwood added that the town had just received Phase 1 of the drainage study done for Bay Street, and they haven’t had time to review it yet. Mayor Underwood reviewed the approved 2012/2013 budget with the Council, and discussed two new expenses on the budget, the Library expense and the Community Association expense. The Library Board approached the Town for some funding, and the Finance Committee and the previous Council agreed on $9,000, which would cover their monthly rent for one year stated by former Mayor Houser. The Community Association expense of $25,000 is for the rehabilitation of the community hall. Mayor Underwood stated that at the next work session the council can decide when and how to pay these expenses. Both of these expenses will be done through a contract agreement. Councilmember Holk stated that most of the town’s revenue comes in December through February from ad valorem tax and business licenses with exception of Riviera’s franchise check that comes in September.

6. **Public Comment**  
Jamie Hinton, Fire Chief, approached the Council with a request from a citizen that is on the Community Association Board, to have the Community Hall address on Oak Street. Jamie Hinton did speak with addressing at E911 and was told that the Town Hall, Community Hall and St. Paul’s all have the same address because of the shared driveway on Magnolia Springs Highway. St. Paul’s does use a different address (14755 Oak St.), and Annette at addressing told Jamie the town could request in writing that St. Paul’s keep their address and to assign the Community Hall with an Oak Street address. Mayor Underwood asked the clerk to verify this information and report on it at the regular meeting. Councilmember Holk added that the Kiwanis Club has been responsible for the last two years for the Christmas boat parade, and since the Kiwanis Club dissolved the fire department is interested in promoting the parade. Councilmember Holk stated that the fire department will be in charge of securing the permit and suggested a Friday night, possibly December 14th, and he will check to make sure there are no other conflicts for that night.
7. Discussion - Resolutions - Contractual Agreement
Mayor Underwood stated that in previous years the Council approved the following resolutions on the following contractual agreements:

a. Magnolia School - $1,000.00 — to support programs and expenditures benefiting the children and families of Magnolia Springs.

b. American Red Cross - $500.00 — Councilmember Johnson stated that she would like to know what part of these monies (also United Way) will go to administrative costs. Fire Chief Hinton stated that from the Fire Department aspect the Red Cross has always been there to help anyone in need. Councilmember Holk stated that the town has been approached by many organizations for these types of agreements. He added that the Council approved an amount and which organizations were good for the citizens of Magnolia Springs where the monies would go back into the community.

c. United Way - $500.00.

d. Baldwin Co. Voluntary Organization Active in Disaster (VOAD) - $500.00 — Mayor Underwood explained that the volunteers will assist in a disaster if a citizen needs help. The town can not go on private property and this is where the town can call VOAD to help.

8. Discussion – Resolution – Severe Weather Preparedness Tax Holiday
Mayor Underwood explained that certain items during this time can be purchased and there will be no municipal sales tax added. The clerk stated that the Alabama Department of Revenue will have the tax holiday from February 22-24 and they are asking all municipalities to participate.

9. Discussion – South Baldwin Chamber Representative
Mayor Underwood stated that the town is a member of the South Baldwin Chamber and it is time to appoint the new representative. Kenny Laurendine was the town’s representative and since he is no longer on the council we need to appoint a new representative. Mayor Underwood asked if anyone would be interested. The clerk stated that their meetings are the last Monday of the month and our representative might give a report on what is going on in the town. She added that there are some social functions that can be attended. Councilmember Holk added that you are on the board and a voting member. Councilmember Johnson suggested the Mayor be the representative and Mayor Underwood stated that Councilmember Holk is a member and attends the meetings. Councilmember Johnson said that would be good since Councilmember Holk is Mayor Pro Temp. Councilmember Holk said that he would agree to be the town’s representative.

10. Discussion - Committees
Mayor Underwood stated that the town has commissions, boards and committees. The Planning Commission will need two members, the Board of Adjustments will need two members, and the Library Board and the Historic Commission are complete. He added that since Councilmember Holk and Councilmember Dykema are on the Planning Commission and up to speed there is no need to move either of them. Mayor Underwood said that in the past the town has had the following committees; Finance, Public Safety, Parks and Recreation, Public Works and Environmental. Mayor Underwood said that he was going to send out a questionnaire to the council members and ask where they might want to serve. Brad Hicks said that if Environmental is going to be combined with Parks and Recreation that it should be named differently, such as Public Lands. Mayor Underwood also stated that he is going to investigate the possibility of a Tree Commission to take care of the trees around town. The Mayor said that the committees are only advisory committees and that the council makes all the final decisions.

11. Discussion – Change Regular Meeting in December
Mayor Underwood said that the regular meeting in December falls on Christmas Day. The council will vote to move the meeting to a different day, and usually when a meeting is rescheduled it is for the week before, which would be December 18th.

12. Council, Legal Counsel and Staff Comments
Mayor Underwood stated the town had a request from DAR (Daughters of the American Revolution) to celebrate November as National American Indian Heritage Month. The clerk drafted a resolution that will be on the agenda for the meeting.

Brad Hicks, Legal Counsel thanked the Council for appointing his firm to represent the town. Brad added that they are also legal counsel for the Town of Loxley, City of Bay Minette and the Baldwin County School Board. Brad said to keep costs down for the town that in the past he has only come to the work sessions. Brad presented the Council with a draft of an ordinance for the rules and regulations for the
pier at Bay Street. Brad asked the Council to review it, if there are any suggestions or changes please send them to him. Brad will start working on the easement from River Management, LLC, owned by Shay and Charles Houser for the parking at Magnolia Landing. Brad did say that there may be a monetary consideration for using their property. Brad reminded the Council about the letter sent (July) to J.D. West about the fence he put across Palm Street, and it gave him ten days to remove the fence. Brad asked if anything has happened on that situation. The clerk stated that J.D. West, Tim Russell and Todd Puckett attended a meeting a couple of months ago about the situation and they were told that they would need to make application to vacate that road. At this point in time Mr. West has not made any application. Councilmember Holk suggested that maybe the clerk should send a letter to J.D. West telling him to either make application to vacate or remove the fence. Brad stated that if he does not make application or remove the fence since it is a nuisance the town would have to file a lawsuit in the circuit court having it declared a nuisance and ordering him to abate the nuisance by removing the fence. Brad said that is our only method of enforcement. Brad did say that he is not telling the Council how to deal with it, but something needs to be done and if Council wants him to proceed with the situation to just let him know. Brad added that the town has a couple of appeals pending in the Supreme Court. Councilmember Johnson asked if there were any dates on the appeals and Brad said no dates yet, the briefs have all been filed. He added with the Rock Street case, the town has requested oral argument. It is rarely granted, but this is a public rights type issue case and it might have a better chance being granted.

13. **Any Other Business That Might Come Before the Meeting**

No other business

Workshop ended at 7:00 pm

Approved this the 18th day of December, 2012

Kenneth Underwood – Mayor

ATTEST:

Karen S. Biel – Town Clerk