December 14, 2010
Council Workshop
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
Council members present – Mayor Charles Houser, Bob Holk, Rick Odess, Ken Underwood, Brett Gaar and Kenny Laurendine. Also present: Town Clerk - Karen S. Biel

3. Invocation and Pledge of Allegiance
Invocation and Pledge by Councilmember Laurendine

4. Discussion of minutes – 11/09 Workshop and 11/23 Regular Meeting
No corrections or additions.

5. Discussion of financials and expenditures for November

6. Public Comment
Donna Esslinger – was asked by the council to do some research on signage for the approaches to the bridge with reference to the river designation of Outstanding Alabama Water. She reported that during her research she found that most target of vandalism is bridge signs so she suggested going with metal signs instead of cast aluminum. She stated that cast aluminum would be between $400.00 - $600.00, and she is waiting on a price from Vulcan on metal signs. Donna suggested using oval signage because the signs stand out more. The Town logo consists of blue and green, and she stated that as a recommendation for signage related to water/river could be a blue boarder and blue lettering, and signage for land use could be a green border and green lettering. Mayor Houser asked Donna to continue with the research and suggested to the council consider using the cast aluminum. Donna will have a price for the Council at the January workshop.

Vicky Cannon – is the owner of Vila’s Restaurant. Mayor Houser stated that one night when Deputy Gandy was working that Vila’s was still open after one o’clock, so the Deputy shut them down for the night. Ms. Cannon was upset and met with the Mayor and he explained that the ordinance had been passed that no establishment shall be open after 1:00 a.m. on any day. Mayor Houser also added that back in May a notice was mailed to all three of the establishment that might be affected, along with a copy of the ordinance that had been passed. A certified letter was also sent on November 16th again with a copy of the ordinance; that was never picked up at the post office. Ms. Cannon stated she did not receive either notice and questioned why there was such an ordinance passed. Mayor Houser explained that the town received numerous complaints about the loud noise late into the night. She also questioned why a noise ordinance wasn’t passed and the Mayor tried to explain to her that a noise ordinance is much more complicated and the only complaints the town has received were against her place of business with the loud music until after 3:00 a.m. Ms. Cannon mentioned something about her building being grandfathered and the town’s law does not apply to her. The Mayor asked her to bring a copy of her deed for our attorney to review. She said the law is unreasonable and the town is forcing her to close her business, and if the town doesn’t want her business there then they could buy her out. Ms. Cannon said she was not invited to any meetings about the ordinance before it was passed, and Mayor Houser explained that all meeting are open to the public and are posted. Ms. Cannon said there is no official complaint on file at the Sheriff’s Department from any calls they have received. Councilmember Holk stated that he has received numerous emails from residents in that area with complaints about the noise and activities in the parking lot at 3:00 a.m. He added that the town has gone above and beyond with publicizing and notifying the adoption of the ordinance. Councilmember Holk said that he was against the 1:00 a.m. closing time; he doesn’t feel the surrounding residents should be subjected to the noise, and the council is here to protect the residents of the town. Deputy Gandy said that they do not always make a report but will go out and tell them to turn the music down. When he gets a complaint he will go to the business or the residence and tell them that he received a complaint and the music must be turned down. Councilmember Odess said that one Sunday morning at 4:30 a.m. he was getting ready to leave to go to the airport and he could hear the bass music coming from Ms. Cannon’s place of business. She told him that was impossible. Councilmember Odess stated that he got in his car and when he got to Vila’s the parking lot was full; somebody threw a bottle and the people were starting to leave.
He thought to himself all these people were probably inebriated and heading out on the road. Councilmember Underwood said at 1:00 a.m. that was a time to be quiet; to protect residents the council felt the need to pass the ordinance. Ms. Cannon would not let the discussion end and wanted the council to tell her why it is not a noise ordinance instead. Mayor Houser reiterated that the citizens do not want businesses to stay open till all hours of the night. Councilmember Gaar added that the ordinance is intended to protect the peace and quiet of all the citizens of Magnolia Springs. Mayor Houser stated that if a survey was taken, most citizens would want the closing time to be earlier that 1:00 a.m. so the council compromised. Again the Mayor asked that she provide the town with a copy of her deed so our town attorney can research her claim that our laws do not apply to her. The Mayor stated that the Council must move on the rest of the agenda.

7. Discussion Flood Insurance Program Resolution and Ordinance
The Council reviewed the resolution and ordinance. The clerk stated that she is working with Mr. James Meredith, who is the National Flood Insurance Program Coordinator in Alabama; he has reviewed the resolution and the ordinance where we would fill in the blanks with our information and should be drafted exactly as this was presented. The clerk stated that in the ordinance there were two options to leave in or take out and the Council agreed that it would be better to leave them in.

8. Discussion of Grant for remaining BP Funds
Mayor Houser stated that the last proposal for the Wetland Project is $177,446.25. Another issue that was brought to the Mayor’s attention was a request from Les Farmer, that the town should consider the accesses at Bay and Jessamine while doing this project. Councilmember Gaar did say that some repairs have been done at Bay Street and a survey is in progress for the living shoreline at that same location. The Mayor has asked Christopher Baker to prepare a draft of the grant request for the Wetland Project, and he should have it completed in a couple of days.

9. Committee reports
Public Works: Councilmember Gaar has reviewed the sewer specifications and does have some suggestions and will be discussed at a later date. He is getting estimates from some contractors on the street paving that he will review.  
Park & Recreation: Councilmember Laurendine stated that the sidewalk project at the Springs has been completed and looks great.

Councilmember’s Gaar and Laurendine excused themselves from the meeting at 6:00 p.m. – their children where in a Christmas program at school.

Finance: Mayor Houser stated that the town should start looking into the loan for the turn lane because the contractor will be asking for it soon.  
Public Safety: Councilmember Holk stated he will have a report for the regular meeting but he did attend the Fire Department’s annual Christmas party and they had a slide show of the whole year’s activities.  
Planning Commission: Still working on the Subdivision Regulations  
Historic Preservation: Councilmember Underwood stated that the Alabama Historical Commission will be sending out information on grants for the upcoming year. He said the Community Association is asking the town to apply for a grant to have a comprehensive study done of the building.  
Environmental Protection Committee: Councilmember Odess reported that a survey of the Bay Street access has been ordered and should be completed before Christmas. The process for the grant request for the living shore line is, once the survey is complete it will be turned over to Mike Shelton, the US Fish and Wildlife, they will render us a design that they will support. Then we will meet with the property owners in that area to see if they have any recommendations and it will then go back to the US Fish and Wildlife to submit for a grant. The cost of the survey will be no more than $1,400.00.

15. Council, legal counsel and staff comments
No other comments

Workshop ended at 6:15 pm
Approved this the 25th day of January, 2011

Charles S. Houser – Mayor

ATTEST:

Karen S. Biel – Town Clerk