December 15, 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

3. Invocation and Pledge of Allegiance
Councilmember Laurendine led the invocation and pledge.

No corrections were noted.
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to accept all minutes as presented. All in favor. Motion carried.

5. Approval of financials and expenditures for November, 2009
Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to approve financials and expenditures for November. All in favor. Motion carried.

6. Public comment
Nancy Gaines: requested that the Council address the pot hole in the parking lot that the church, community center and town hall utilize. Councilmember Holk stated that he would take care of the problem.

7. Matt Taylor - Grant, Sanders and Taylor
Matt provided the Council with a copy of the 2008/2009 audit and stated that the clerk is doing a good job keeping the books. Matt did review with the Council some of the financial report and added that the town is in good shape financially, especially during this economy.

8. Appointment to Historic Preservation Commission
Mayor Houser stated that Bob Stoddard’s term has expired, he has agreed to serve another term and the Historic Commission is requesting that he be reappointed.
Motion by Councilmember Holk, 2nd by Councilmember Sankey to reappoint Bob Stoddard to the Historic Preservation Commission for a term ending April 30, 2012. All in favor. Motion carried.

9. Resolution 2009-09 – Authorizing the Mayor to enter into and agreement with Baldwin County for maintenance to unpaved roads
Resolution 2009-09 will authorize the Mayor to enter into an agreement for routine repair and maintenance for a period of up to one year.
Motion by Councilmember Laurendine, 2nd by Councilmember Underwood to adopt Resolution 2009-09, authorizing the Mayor to enter into an agreement with Baldwin County. All in favor. Motion carried.

10. Resolution 2009-10 – Authorizing the Mayor to enter into an agreement with Baldwin County for street and road resurfacing and drainage upgrades
Resolution 2009-10 will authorize the Mayor to enter into an agreement for the resurfacing of some paved roads and right-of-way and upgrade several drainage pipes within the town limits. The estimated cost for the work and improvements is about $58,000 and the town is due $30,000 for consideration for taking over the roads and rights-of-way. The town will agree to pay Baldwin County the amount due over the $30,000, up to but not to exceed $28,000.
Motion by Councilmember Holk, 2nd by Councilmember Sankey to adopt Resolution 2009-10, authorizing the Mayor to enter into an agreement with Baldwin County. All in favor. Motion carried.

Page 200
11. Planning Commission recommendation
Mayor Houser explained that the Planning Commission is requesting an amendment to the Zoning Ordinance-Overlay District with reference to the section on signage. At present the total square footage for a sign is 32 sq. ft. and that does not allow enough footage for signage at the road and on the building. The amendment would allow 48 sq. ft. but with the maximum of 32 sq. ft. on one sign. The Planning Commission did hold a public hearing and there was no public input.

Motion by Councilmember Holk, 2nd by Councilmember Underwood to set a public hearing for the Town Council meeting in January on the proposed amendment to the Overlay District Ordinance by recommendation of Planning Commission. All in favor. Motion carried.

12. Approval of Town Clerks pay-increase
Mayor Houser asked the Council to approve a 2% increase for the Town Clerk which was discussed at the workshop.

Motion by Councilmember Laurenzine, 2nd by Councilmember Sankey to approve a 2% pay increase for the Town Clerk effective January 1, 2010. All in favor. Motion carried.

Karen thanked the Town Council

13. Committee reports
Mayor Houser stated that the committee reports are discussed during the workshop and unless there is something new to add or a recommendation or request that needs to be voted on, then they do not need to be discussed all over again.

Finance: no recommendations
Public Safety: Councilmember Holk reminded the council about Riviera flushing the lines.
Parks & Recreation: no recommendations.
Historic Preservation: no recommendations.
Environmental Protection: no recommendation. Councilmember Laurenzine did state that ADEM did approve the OAW status and it will now go to the EPA. Mayor Houser did thank the efforts of Brett Gaar, Rick Odess and Carey Bentley for an outstanding job.

Public Works: Councilmember Sankey stated that he is working with legal counsel on the Vince Tamburello situation. At the next committee meeting they will decide if they need to repair it and send Mr. Tamburello a bill or charge him with a misdemeanor.

14. Council, legal counsel and staff comments
Councilmember Holk stated that he wanted to make a motion to allow the Mayor and Legal Counsel to work on what ever action needs to be taken to alleviate the problems the town is having with the peacocks. He stated that the town received complaints about the peacocks over a year ago.

Motion by Councilmember Holk, 2nd by Councilmember Underwood to allow the Mayor to take action along with Legal Counsel to explore and come up with a solution to the peacock issue we are having on Oak Street and what ever vehicle we need, whether it be an noise ordinance or a peacock at large ordinance to get the process started, and bring the alternative solutions to the Town Council to be voted on.

Discussion: Councilmember Holk stated that he is bringing it up because it is not just a private matter now, because a group of citizens have approached the council with a signed petition that they want the peacocks removed, so it has become a public problem. Mayor Houser stated that he wants to bring the problem to a conclusion, what ever the out come. Councilmember Underwood said he feels it is the responsibility of the council to make sure the citizens have complete enjoyment of their property and since it has been brought to the councillor’s attention, we need to step up and take some action. Councilmember Sankey asked if the motion is situation specific and Councilmember Holk answered that he motion is specific to the peacocks.

Mayor called for a vote: All in favor – Four (4) Aye’s and one (1) Nay. Councilmember Holk asked for a roll call vote: Councilmember Holk – Aye, Councilmember Sankey – Nay, Mayor Houser – Aye, Councilmember Underwood – Aye, and Councilmember Laurenzine – Aye. Motion carried.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adjourn the meeting.

Regular meeting ended at 5:50 pm
Approved this the 26th day of January, 2010

Charles S. Houser - Mayor

Karen S. Biel – Town Clerk