April 17, 2007
Regular Council Meeting
14809 Gates Ave.
Magnolia Springs, Al.
5:00 P.M.

1. Call to Order
Mayor Houser called the Council Meeting to order at 5:01 p.m.
Present – Mayor Houser, Councilmember’s: Bob Holk, Joe Sankey, Ken Underwood, Reva Hinson and Kenny Laurendine. Also present: Town Clerk, Karen S. Biel and Legal Council, Jim Gaines.

2. Invocation and Pledge of Allegiance
Councilmember Laurendine led Invocation and Pledge of Allegiance

3. Approval of minutes from Special Council Meeting on March 12, 2007
Motion by Councilmember Sankey, 2nd by Councilmember Underwood to approve the minutes from the Special Council Meeting on March 12, 2007. All in favor. Motion carried.

4. Approval of minutes from Council Workshop on March 13, 2007
Motion by Councilmember Hinson, 2nd by Councilmember Holk to approve the minutes from the Council Workshop on March 13, 2007. All in favor. Motion carried.

5. Approval of minutes from Regular Council Meeting on March 20, 2007
Motion by Councilmember Holk, 2nd by Councilmember Underwood to approve the minutes from the Regular Council Meeting on March 20, 2007. All in favor. Motion carried.

6. Committee Reports
Councilmember Hinson – PR&B - reported that the PR&B met on April 3rd, Ken McIwain was present at the meeting. He reported that only one (1) engineering firm answered the RFQ’s, which was Volkert and they will be presented to the County Commission. Brett Gaar volunteered his services for the project. The garden club is ready to make a presentation to the PR&B in regards to the project and town signs. The birthday and clean up date is set for June 29th and 30th, and there will be roll-offs or passes to the land fill for that day. Sheila Turner met with the Magnolia Springs Community Association and the Association is willing to co-sponsor the event. Councilmember Hinson has a sign-up sheet for those who want to help. The committee is also seeking about a couple of grants, Land & Water Conservation Program and Recreational Trail Program. She is working with Bob Zeman on that. She has also met with John Strickland from ADECA; a letter of intent is being sent to him and there may be some grant money.

Councilmember Holk – Public Safety – there were a couple of trees down in the right-of-way on Pecan Grove and the county is working clearing them up.

Mayor Houser – Finance Committee – The Town received a $5,900.00 check from the State of Alabama Trust Fund.

Councilmember Hinson was in touch with Donna Esslinger and Jacque Juvenal, co-chairs for Town Historian. They are going to appoint a committee for Adequate Preservation of Documentation of Town Papers and there may be some monetary needs. She also reported that she met with Riviera, some of the Council and Legal Council on April 12th, with discussion of trimming the trees.

7. Approval of Treasures Report
Clk reported the General Fund: Revenue was $3,075.96 and Expenses were $7,950.75. Special Revenue account: Revenue was $399.14. Mayor also stated that we will start receiving sales tax in May, Ad Valorem in December and the Franchise Fees will be November – December.
Motion by Councilmember Holk, 2nd by Councilmember Underwood to approve the treasures report. All in favor. Motion carried.

8. Public Comment
Ben Dykema: talked about public safety with traffic control. He suggested 3-way stop signs at Hwy 26 & 49, Oak St. & 49 and a stop light at Hwy 98 & 49. He also suggested law enforcement, there has been a lot of vandalism and he did hear gun shots about 1:00 a.m. He thinks that one of the Towns obligations is to protect citizen’s private property. Councilmember Holk asked if he call and reported it. Mr. Dykema didn’t. He suggested that next time he call 911 and that they will send a sheriff out. Councilmember Holk will also look into the stop sign issue for traffic control. As far as traffic light that would be up to the state.
9. Ordinance Establishing the Board of Adjustment

Legal Counsel stated a change where the number of members needed, to reverse any order, he wasn’t sure if that’s what the Council wanted. Councilmember Laurendine and clerk stated that it is four (4) members and that is state law. The number of four (4) members was added to the ordinance. Motion by Councilmember Sankey, 2nd by Councilmember Hinson to give immediate consideration of the ordinance. 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 Underwood, 2nd by Councilmember Holk to adopt the Ordinance Establishing the Board of Adjustment. Discussion: Councilmember Sankey stated that Alabama was misspelled, correction noted. Councilmember Laurendine pointed out that it didn’t specify the terms of the Supernumerary which are three (3) years, also leaves out how members will be removed for cause and how vacancies are filled. He read “Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant”. Councilmember Laurendine would like to make a motion to include this in the Ordinance. Vote on the motion made by Councilmember Underwood, 2nd by Councilmember Holk to adopt the Ordinance as written. All in favor: None. All opposed “yea” Motion is denied.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to amend Ordinance Establishing the Board of Adjustment to include the three (3) sentences that I read earlier the includes the terms limits, members removal and the vacancies of unexpired terms and how they should be met.

Legal Counsel stated that he thinks you have to go through the motion of consideration again.

Motion by Councilmember Sankey, 2nd by Councilmember Holk for immediate consideration of ordinance. Roll Call Vote: Councilmember Holk – Aye, Councilmember Sankey – Aye, Chairman Houser, Aye, Councilmember Underwood - Aye, Councilmember Hinson – Aye and Councilmember Laurendine – Aye. All in favor. Motion carried.

Motion on the floor by Councilmember Laurendine, 2nd by Councilmember Sankey to adopt the Ordinance as amended. All in favor. Motion carried.

10. Resolution Naming the Member of the Board of Adjustment

Motion by Councilmember Sankey, 2nd Councilmember Underwood to adopt Resolution with appointments of, Place #1 – Brett Gaar, Place #2 - Glen Bishop, Place #3 – Jack Godwin, Place #4 – Joan Dykes, Place #5 - John Reuss, Supernumerary Leah Kadunce and Supernumerary David Worthington. All in favor. Motion carried.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to amend the resolution to add the terms of the supernumerary from May 1, 2007 to May 1, 2010, the members removal and the vacancies of unexpired terms and how they should be met. All in favor. Motion carried.

11. Ordinance on Ad Valorem Tax and Repeal

Ordinance needs to be re-adopted because Section 5 was added, which stated that all exemptions available and applicable to tax payers living within the boundaries of the Town before the incorporation shall apply.

Motion by Councilmember Sankey, 2nd by Councilmember Underwood for immediate consideration of Ordinance on Ad Valorem Tax and Repeal. 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 Underwood, 2nd by Councilmember Hinson to adopt the Ordinance on Ad Valorem Tax and Repeal. All in favor. Motion carried.

12. Resolution Authorizing the Mayor to Sign a Contract for Web Site

Motion by Councilmember Holk, 2nd by Councilmember Sankey to adopt Resolution Authorizing the Mayor to sign a contract for web site concept, construction and hosting. Discussion: Councilmember Holk stated that he didn’t have a problem giving the Mayor the authority to sign the agreement. Councilmember Underwood said that the limit was set in the resolution. Councilmember Laurendine
had a question on the resolution and according to our rules of procedure, any resolution for the expenditure of funds shall have a motion for immediate consideration. Motion stayed on the table.

Motion by Councilmember Underwood, 2nd by Councilmember Holk for immediate consideration of Resolution. 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.

Back to Motion still on the table: Motion by Councilmember Holk, 2nd by Councilmember Sankey to adopt Resolution. All in favor. Motion carried.

13. Resolution on a Ninety (90) Day Zoning Amendment Moratorium
Motion by Councilmember Sankey, 2nd by Councilmember Underwood to adopt a resolution for a ninety (90) day zoning amendment moratorium. Discussion: Councilmember Sankey did ask if the ninety (90) days should be enough time. The Mayor said he believes so and that if every thing is in place before the ninety (90) days, that they would lift the moratorium by repeal. All in favor. Motion carried.

14. Resolution Ratifying & Confirming Agreement with Baldwin County on Planning Jurisdiction
Motion by Councilmember Underwood, 2nd by Councilmember Holk to adopt the resolution ratifying the agreement with Baldwin County on the Planning Jurisdiction. All in favor. Motion carried.

15. Motion to approve Town Newsletter
Motion by Councilmember Hinson, 2nd by Councilmember Holk to approve the publishing of a quarterly news letter. All in favor. Motion carried.

16. Baldwin County Sewer – Dolhite Property
Ms. Dolhite was present at the meeting, and she was questioning how long it was going to take for the town to decide about the sewer. Mayor Houser said that Baldwin County Sewer has asked permission to run a sewer line to Ms. Dolhite’s property. He explained that the sewer company doesn’t have a business license and the franchise agreement is not in place and the Town must come up with some guide lines. Councilmember Sankey agreed with the Mayor. Councilmember Holk asked Ms. Dolhite if she had any septic tank company come look at her system and she said not since last year. She feels it would be easier to get on sewer. Councilmember Underwood asked her is she would like to have some one come out and look at the system, he has agreed to go look at her system. Mr. Steve Kichler from the sewer company was in attendance and said that all that Baldwin County Sewer was waiting on was from the Towns Attorney on the franchise agreement.

17. Town Hall Project
Councilmember Holk gave each of the Councilmember’s a copy of the plans and cost for the project. He stated that the construction estimate is about $38,000.00 and we’re waiting on the lease to be signed. Mayor Houser said that there was no action to be taken at this time, but it will be presented to Council when it’s time to start.

18. Council, Legal Counsel and Staff Comments
Counsel: Nothing
Legal Counsel: Jim Gaines as legal counsel turned in his written resignation effective upon the Town hiring new counsel or June 1, 2007, which ever shall occur first. Councilmember Holk suggested a few of the council to start interview other legal counsel. Mayor asked for volunteers, Councilmember’s Laurendine, Sankey and Underwood will start looking into other legal counsel.

Staff: Nothing

Motion by Councilmember Sankey, 2nd by Underwood to adjourn. Meeting adjourned at 6:20 p.m.

Approved this the 18th day of May, 2007

ATTEST:

Karen S. Biel – Town Clerk

Charles S. Houser - Mayor