September 25, 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 5:00 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

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

3. Approval of minutes from Special Council Meeting on 8-14-07, Council Workshop on 8-14-07 and Regular Council Meeting on 8-28-07
Motion by Councilmember Sankey, 2nd by Councilmember Hinson to approve all minutes as presented. All in favor. Motion carried.

4. Committee Reports
Finance Committee: Committee met on September 4th, clerk presented the financial reports for August, total revenue till August 30th was $91,922.57 and operating expenses were $64,196.16. Sales tax was down in August. Mayor selected Grant, Taylor and Sanders for the audit. Also the council was presented a report for the expenditures for the renovations, funds available were $47,242.50 the expenses to date are $33,473.00, leaving $13,769.50. Move date for the town hall will be October 8th. The County Commission approved paving of two (2) handicapped parking spaces and extend Gates Ave. It has been donated out of Commission “Skip” Gruber’s contingency fund. Councilmember Hinson asked about the date for the committees to submit their budget, it was decided they should submit it by November 1st for the Finance Committee meeting on November 5th.

Ad Hoc Committee – Logo: Mayor had discussion with Post Mark Ink in Fairhope and was quoted $680.00

Parks, Recreation and Beautification: Councilmember Hinson report the committee met on September 4th. The committee discussed the signs, they approved two, 4x7 on high density urethane. Councilmember Hinson presented the council with a copy of the final rendition. The artist suggested a white back ground with a red boarder. Councilmember Underwood stated the date needed to be changed from 1894 to 1891. Posts will be treated wood, it was discussed whether the posts should be painted or left natural, it was decided to leave natural. She asked the council to look at the suggested sites for the signs. The sign company will install the signs and the Garden Club will do the landscaping. Volkert and the County will start working on the Springs in October. The Garden Club met with the architect who submitted a plan and the Garden Club is very pleased with, which is a continuation of the county work being done. The committee will submit the plan to the council at the next workshop.

Public Safety: Councilmember Holk reported the committee met on the September 19th, was a real good meeting. It was discussed with the Fire Dept. about signing a contract with them to provide fire protection. The committee decided to ask a representative from Med Star to come to the next workshop to explain the services they provide. Councilmember’s Holk and Underwood met with Sheriff Hoss Mack, meeting went well. Sheriff Mack assured them that the town does have police protection and he will have a proposal for hired protection for Magnolia Springs. The proposal will be in increments from forty (40) hours a week down, even an hourly rate, he will have it back to the town in two weeks. They talked to Sheriff Mack about a satellite office at the fire department.

EMA Sub-Committee: Councilmember Sankey reported that the functions of the sub-committee are made within the Public Safety Committee, and they are working on the duties of the EMA Committee. He also reported the County Commission met and approved the MOU agreement, there are two documents that will need to be approved by the Council.

Roads and Rights-of-Way: Councilmember Sankey reported the committee is gathering information, assessment and planning. The committee is working on an inventory of the roads, widths, surface and condition. It has been determined that the town has less than ten (10) miles of road, approximately six (6) miles of paved and three (3) miles unpaved, which some of these are private roads.
Planning Commission: Mayor Houser reported that the Town has received information through 911 addressing that there were six lots platted illegally, they did not have the county or town approval. He informed the Council that the town sent a registered letter to the owners, Crossroads LLC, telling them they need to submit to the town for subdivision. Mayor also reminded the Council of the rezoning public hearing on October 4th. Councilmember Holk added that with the rumors going around that he wants to remind the citizens that there is a process that must be followed when an application is submitted. The public hearing is for the citizens to express their opinions and the Planning Commission will vote on their recommendation to the Council. Mayor Houser added that no rezoning or subdivision will happen until the Planning Commission and/or the Town Council vote on it.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to accept all committee reports as submitted. All in favor. Motion carried.

5. Approval of Treasurer's Report
Clerk reported: For August, General Fund income was $10,796.81, expenses were $7,318.08. Income for Special Revenue: 4c - $117.35, 5c - $57.65 and 7c - $201.66. She also informed the Council that the auditors will be starting the yearly audit within the next two weeks.
Motion by Councilmember Holk, 2nd by Councilmember Hinson to accept the treasurers report as submitted. All in favor. Motion carried.

6. Public Comment
No public comment.

7. Ordinance 2007-13 – Historic Preservation Commission
AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE TOWN OF MAGNOLIA SPRINGS, TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.
Mayor stated this Ordinance had its first reading at the previous Council meeting, therefore this meeting is to adopt the Ordinance.
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2007-13.
Discussion: Councilmember Holk asked about appointing the members and Mayor Houser stated the members will be appointed at another meeting. The Mayor also added that he was very pleased with the ordinance. Councilmember Underwood stated it is the beginning of a lot of work.
Roll call vote: Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Hinson – Aye and Councilmember Laurendine – Aye. Motion carried.

8. Ordinance 2007-14 – Nuisance Abatement
AN ORDINANCE DEFINING REAL PROPETY NUISANCES AND UNSAFE BUILDINGS, ESTABLISHING A PROCEDURE FOR THE ABATEMENT OF SAID NUISANCES AND UNSAFE BUILDINGS, AND PROVIDING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.
Councilmember Sankey stated if an emergency disaster be declared that for FEMA and the State to be involved there must be a mechanism in place at the town level that will allow those assisting us to go on private property to insure the safety and well being of the community.
Motion by Councilmember Hinson, 2nd by Councilmember Underwood to waive the reading of Ordinance 2007-14. All in favor. Motion carried.

AMENDING ORDINANCE 2007-05, ADOPTING COUNCIL MEETING ORDER OF PROCEDURES. AMENDING SECTION 2, SECTION 5, SECTION 6, AND ADDING SECTION 23, SECTION 27, SECTION 28, AND SECTION 29.
Mayor went over the amendments: Section 2 – meeting days, Section 5 – meeting place, Section 6 – moved public comment, added Council, Legal Counsel and Staff comments and Other business that
might come before the meeting. Added: Section 23 – All ordinance, resolutions or propositions submitted to the council will be reviewed by legal counsel, Section 27 – Repeal of Prior Ordinance, Section 28 – Publishing and Effective Date, Section 29 – renumbered.


Motion by Councilmember Underwood, 2nd by Councilmember Sankey to waive the reading of Ordinance 2007-15. All in favor. Motion carried.


10. Approval of letter on behalf of the Town to submit bids for design work and expenditure.
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to approve letter and expenditure up to $1500.00 for design work. All in favor. Motion carried.

11. Authorizing the Mayor to sign Memorandums of Understanding
Motion by Councilmember Holk, 2nd by Councilmember Sankey to authorize the Mayor to sign up to two Memorandums of Understanding. All in favor. Motion carried.

12. Change name of Roads & Right-of-Way Committee to Public Works Committee
The Council discussed at the workshop about changing the name of the R&ROW Committee to Public Works Committee.

Motion by Councilmember Laurendine, 2nd by Councilmember Holk to change the name of the Roads & Right-of-Way Committee to Public Works Committee. All in favor. Motion carried.

13. Council, Legal Counsel and Staff Comments
No comments

14. Any other business that might come before the meeting
Mayor Houser advised the Council that the Town received a check from Riviera Utilities, for the franchise agreement in the amount of $38,036.39. This amount is only within the town limits. Legal counsel will be working on the police jurisdiction part.

Mayor Houser also told the Council that the Town received an application for annexation from Volkert & Associates representing Magnolia Oaks Landing Holding, LLC. It is 72.4 acres and the property is located on Hwy 49 across from Village Green. There was discussion on holding public hearings, if the planning commission has to hold one. The Town Council is the only one that has the authority to change the corporate limits and they must hold a public hearing. Councilmember Holk stated he believes that it has to go to Planning Commission. The Council was in agreement that it should go to the Planning Commission for a recommendation to the Council.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to submit the request for annexation to the Planning Commission for review and recommendation to the Council. All in favor. Motion carried.

Mayor Houser inquired about the town signs and if the committee was needing an approval on the signs. Councilmember Hinson stated the committee needs the approval of the Council so the signs can be ordered.

Motion by Councilmember Laurendine, 2nd by Councilmember Holk to allow the Garden Club to purchase the signs as presented. Discussion: Councilmember Underwood reminded them about the change on the date from 1894 to 1891. Vote: All in favor. Motion carried.

Motion by Councilmember Holk, 2nd by Councilmember Hinson to adjourn the meeting. All in favor. Motion carried.

Meeting adjourned at 6:20 P.M.

Approved this the 23rd day of October, 2007

ATTEST:
Karen S. Biel - Town Clerk

Charles S. Houser - Mayor