October 23, 2007
Regular Council Meeting
12191 Magnolia Springs Hwy.
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 Underwood led Invocation and Pledge of Allegiance

3. Approval of minutes from workshop on September 11, 2007 and Regular Council Meeting on September 25, 2007
One comment the Mayor made on the workshop minutes was that he under estimated the local gas tax inside the corporate limits, it would be about $40,000.00 not $20,000 to $25,000.
Mayor noted a correction on Roads and Right of Way Committee report was to add Councilmember Sankey “said”. Clerk will correct the minutes.
Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to approve all minutes as presented. All in favor. Motion carried.

4. Committee Reports
Finance Committee: Mayor stated these minutes are the same minutes submitted at the workshop
Public Safety Committee: – Councilmember Holk stated the committee met on October 16th. The town received the proposal from Sheriff Mack on the full-time and part-time deputy, as a committee they were waiting on that to prepare a budget. Charlotte Plumb from Animal Control will be at the workshop to discuss the options the town may have. Councilmember Holk invited Johnny Sundie from Med Star to speak to the Council. He asked that Mr. Sundie be able to address the Council. Mr. Sundie reported: they have nine (9) ambulances in the south end of the county, advanced life support and medics on board. They have a good working relationship with Joby at the Fire Department, the Fire Dept. has a volunteer response, they will respond to automobile accidents until Med Star can get on sight. They have a Systems Status Management, where they position trucks around depending on how busy they are in a certain area. They move from place to place to keep their response time down. Councilmember Holk asked if other towns have a contract with Med Star. Mr. Sundie stated that it is not necessary to have a contract, there are a couple of towns (Foley and Fairhope) that do, but MedStar is mandated by the state to answer the calls. Mayor Houser asked how many calls the nine ambulances answer. Mr. Sundie stated on any given day between 40-50 calls and transport about 30 of those calls. He also stated in the last fifteen months they are averaging 7-8 calls a month in Magnolia Springs. Councilmember Holk asked if there was anything that the town could do to enhance the coverage here. Mr. Sundie couldn’t think of anything. Mayor Houser stated he had to see their services first hand with his mother and commented on their professionalism and the excellent job they did. They have 78 full-time and part-time employees.

a. EMA Sub-Committee: Councilmember Sankey reported that he distributed some information to the Councilmember’s Holk and Underwood on responsibilities of the EMA Committee and a list of name for the committee.

Parks, Recreation and Beautification: Councilmember Hinson reported the committee met on October 2nd and need to go over some of the items discussed. Rick Odess, Brett Gaar and Carey Bentley talked about OAW and recommended that this committee be kept close to home. Town signs – Garden Club is ready to order the signs, just waiting on Councilmember Underwood to secure the authorization letters. Garden Club’s Landscaping Plan – there were 20 different landscaping companies interested in submitting a bid for the county portion of the springs. The Garden Club submitted a proposal for the town’s portion of the project and Councilmember Hinson asked the Council to approve this proposal.
Motion by Councilmember Hinson, 2nd by Councilmember Underwood to approve the Garden Clubs landscaping plan for the town’s portion of the Springs. All in favor. Motion carried.

The Garden Club has set up a meeting with Kevin Tyler from Volkert about the landscaping at Town Hall, he will take a look at the area. He will submit a price to the Garden Club and they will see if they can come up with the money. Mayor Houser gave Councilmember Hinson a plan that was completed about three years ago, she will show the plan to Sheila. Bird Sanctuary: Harry Dwyer read our proposed resolution on the Town becoming a bird sanctuary at the Audubon Society meeting last week and they voted and sanctioned the Town as a Bird Sanctuary. The town will receive a certificate in the mail and she would like to ask Mr. Borom to come to a meeting and take some pictures. Budget: the committee will meet
again to finalize the budget. **Town Historian:** they have submitted an article for the newsletter and they are also working on a budget that they will submit by the end of this week.

**Public Works:** Councilmember Sankey reported the committee met on October 17th. Tom Sauer is updating the inventory of the streets, drainage and conditions of the roads. Steve Fuller is working on information on the cost to maintain, cost to improve and repair the roads. He has talked to two vendors about that, they will use this information to come up with a budget. An issue came up about a dead tree in the right of way and Councilmember Sankey confirmed to his satisfaction that the tree is in the right of way. The property owners are willing to work with the town on this issue. Councilmember Sankey stated that at the last meeting he told them we received the sewer spec’s and asked the Council to get a copy and if there are any questions to please let him know, he would like to set a meeting with Chad to go over them. Mayor Houser asked if the committee has an inventory of the missing street signs. There were pictures taken of every intersection a couple of months ago but the information has not been compiled yet. Mayor Houser also asked if Councilmember Sankey knew of any drainage problems that came up during the last rain we had. Councilmember Sankey said nobody pointed out any to him and he didn’t see any first hand. Steve Fuller is working on Stormwater Management and where the municipality fits into it. Councilmember Underwood has a write-up that was done in March-April of 2005 after 7-8 inches of rain where there were several places around town that had flooding problems. He will get that report to Councilmember Sankey.

**Mayor Houser:** wanted to go on record thanking the County and Commissioner Gruber for the paving of Gates Ave. and two handicap parking spaces. They did a great job and in a short amount of time.

**Planning Commission:** Mayor Houser reported – on the annexation of Magnolia Oaks Land Holding, LLC, the Planning Commission had no recommendation. Councilmember Holk stated the Planning Commission tabled the annexation and according to the Zoning Ordinance the Planning Commission must hold a public hearing, his suggestion is to send it back to the Planning Commission for them to set a public hearing. There was a question on the annexation with condition requesting PRD. Councilmember Holk stated he think there was a problem on the Council voting on the annexation and making it conditional. Steve Pumphrey will send the clerk a copy of a conditional annexation. Motion by Councilmember Sankey, 2nd by Councilmember Underwood to send the annexation of Magnolia Oaks Land Holding, LLC back to the Planning Commission for them to set a public hearing and then make a recommendation back to the Town Council. All in favor. Motion carried.

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

5. **Approval of Treasurer’s Report**
Clerk reported: For September, General Fund income was $49,622.80, expenses were $7,871.77. Expenses by Vendor were $29,037.44. Income for Special Revenue: $414.88. Clerk also gave the Council a report on fiscal year for both accounts. Councilmember Holk had a question on the financial statement pertaining to the income and expenses. Mayor explained that it is the statement for the month of income and expenses. Councilmember Laurendine asked about the reconciliation discrepancies of $85.00. Clerk explained that it was a business license check that was returned.

Motion by Councilmember Holk, 2nd by Councilmember Sankey to accept the treasurers report as submitted. All in favor. Motion carried.

6. **Public Comment**
No public comment.

7. **Rezoning – Mannich Lane Development, LLC**
Mayor Houser stated the letter from the Planning Commission Chairman stated the Commission voted unanimously to recommend the Town Council to deny Rezoning Request #Z1001. The Town Council must set a public hearing. Clerk will set a public hearing for the November Council Meeting. It was asked if the rezoning needed to be voted on at the council meeting after the public hearing, Councilmember Holk stated the ordinance says you have sixty (60) days to render a decision after the public hearing.

8. **Authorizing the Mayor to sign the franchise agreement with Baldwin EMC**
Motion by Councilmember Underwood, 2nd by Councilmember Hinson to authorize the Mayor to sign the Franchise Agreement with Baldwin EMC. Discussion: Councilmember Sankey discussed section 1.5 “Utility Services” stating that Cable, Gas and/or Water services (and) collection and treatment should be removed, since EMC is just Electric Power. Council was in agreement, clerk will remove before Mayor signs agreement if approved. Motion amended by Councilmember Underwood to include the change, 2nd by Councilmember Hinson. Vote: All in favor. Motion carried.
9. **Ordinance 2007-16 – An Ordinance Granting a Non-Exclusive Franchise to Baldwin EMC**

   Motion by Councilmember Sankey, 2nd by Councilmember Underwood to waive the reading of Ordinance 2007-16. All in favor. Motion carried.

   Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2007-16, Granting a Non-Exclusive Franchise To Baldwin EMC. 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.

10. **Resolution 2007-22 – Establishing the Town as a Bird Sanctuary**
    The Council had a copy of a letter from Mr. Borom who is with the Mobile Bay Audubon Society stating the Board of Directors unanimously voted to support the town’s resolution.
    Motion by Councilmember Hinson, 2nd by Councilmember Sankey to adopt Resolution 2007-22, Establishing the Town as a Bird Sanctuary. All in favor. Motion carried.

11. **Authorizing the Mayor to sign letter to E911-to continue addressing in corporate limits**
    The letter is asking and authorizing E911 to continue the service of 911 addressing within the corporate limits of Magnolia Springs.
    Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to authorize the Mayor to sign the letter to Baldwin County E911. All in favor. Motion carried.

12. **Motion to change Town Council Meeting in December**
    December Council Meeting is on Christmas Day, need to change meeting date.
    Motion by Councilmember Sankey, 2nd by Councilmember Underwood to change the Council Meeting date from December 25th to December 18, 2007. All in favor. Motion carried.

13. **Comprehensive Plan**
    Mayor Houser informed the Council that letters have been sent to the three (3) firms that were recommended by Auburn Studio and we have not received any information back yet. Mayor Houser also stated until we get an estimate back on the project, there is not much that can be done at this point. Councilmember Hinson asked how we would budget for it. Mayor Houser said that it would take approximately two (2) weeks to receive a response and that should be in time to include it in the budget.

14. **Council, Legal Counsel and Staff Comments**
    Councilmember Hinson asked if there was any response from the firms contacted about the Logo. Mayor said there was a response from one firm and Councilmember Sankey said he would get in touch with the other firms.
    Mayor Houser added that a work party was needed for that Saturday.

15. **Any other business that might come before the meeting**
    Mayor Houser suggested that a fee for Annexation needed to be discussed – according to our Zoning Ordinance a public hearing must be held two (2) times, one by the Planning Commission and one by the Town Council. The clerk stated that the cost of the publications is about $280.00.
    Motion by Councilmember Underwood, 2nd by Councilmember Hinson to set a fee of $300.00 for an Annexation Application. All in favor. Motion carried.

    Clerk – Foley High School asking for the Town’s support by taking an ad in the year book. Clerk checked with legal counsel and he didn’t see a problem in taking the ad.
    Motion by Councilmember Holk, 2nd by Councilmember Laurendine to approve ¼ page ad at the price of $75.00 for the Foley High School Year Book. All in favor. Motion carried.
    Clerk informed the Council there will be a training institute for clerks in Orange Beach, November 28th-30th and she is asking for approval to attend. The cost of the class is $275.00.
    Motion by Councilmember Hinson, 2nd by Councilmember Sankey to approve the $275.00 for the clerk to attend the training class. All in favor. Motion carried.
Mayor Houser - Annexation and Rezoning Procedure, the Council had a draft copy of the procedure which he asked the Council to look at. He did mention that nothing can be done at this point until we make the amendment to the Zoning Ordinance.

He would like to discuss at the next workshop about the utility companies increasing their fees and if there is anything the Town can do about it. He talked about the town having a Utility Board, he has asked legal counsel to research it.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adjourn the meeting. All in favor. Motion carried.

Meeting adjourned at 6:55 P.M.

Approved this the 27th day of November, 2007

ATTEST:

Karen S. Biehl - Town Clerk

Charles S. Houser - Mayor