July 24, 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 5:03 p.m.

Present – Mayor Houser, Councilmember’s: Bob Holk, Joe Sankey, Reva Hinson and Kenny Laurendine. Also present: Town Clerk, Karen S. Biel, Legal Counsel, Shawn Alves and Brad Hicks.

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

3. Approval of minutes from the Council Workshop on June 5, 2007
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to approve the minutes from the workshop on June 5, 2007. All in favor. Motion carried.

4. Approval of minutes from Regular Council Meeting on June 26, 2007
Motion by Councilmember Hinson, 2nd by Councilmember Sankey to approve the minutes from the Regular Council Meeting on June 26, 2007. All in favor. Motion carried.

5. Committee Reports
Finance Committee: Mayor stated the committee report was discussed at the workshop but did add that the town is in a trial period of “automatic off site back-up”. We are backing up with the tapes but this allows the system to be backed up in Mobile and also to Los Angeles at the cost of $19.95 per month.

Public Safety: Councilmember Holk informed the Council that the Sheriffs Department will have heavy patrol the week of August 13th – August 18th. There will be approximately 150 troopers on the highway that week. He will ask the Mayor to write a letter to the Sheriffs Dept. about having some heavy patrol in this area. Mayor did ask Councilmember Holk if a Public Safety Committee had a meeting yet? Councilmember Holk stated not at this time.

Parks, Recreation and Beautification: Councilmember Hinson stated the minutes were for information only and that the committee will meet on August 7th. The committee will bring some recommendations to the council for consideration. Sheilia is working on the signs with Gayle, and Gayle is looking into two (2) types of signs. One is wood and the other is a high density urethane form, the committee will make a recommendation to the council. Councilmember Underwood is working on the placement of signs and has four suggestions, and he also has the 1998 survey of the springs, so that will not have to be done again. The Garden Club has received one bid from Volkert on the landscaping of the springs but they are still seeking bids. The committee is talking about the Outstanding Alabama Water Way and they would like it brought under PR&B as a subcommittee. They do have some names of individuals that might be interested on serving on the subcommittee. She also stated the County recommended running a 1 inch water line for the watering at the springs, the county will pay for the water line but the town will be responsible for the monthly bill. She called Riviera and was told the minimum bill per month will be a little less than $20.00, but during the time that it needs to be watered the bill will be higher. She asked the council to approve the monthly water bill so Brett Gaar could proceed.

Motion by Councilmember Sankey, 2nd by Councilmember Underwood to approve the County installing the water line and the Town’s responsibility for the monthly charges. All in favor. Motion carried.

Roads and Rights-of-Way: Councilmember Sankey informed the council that the committee will have its organizational meeting on July 25th at 5:00 p.m. The members he has chosen to submit are Kenny Laurendine, Steve Fuller, Lauren Mote and Tom Sauer.

Motion by Councilmember Holk, 2nd by Councilmember Hinson to approve the committee members as named: Kenny Laurendine, Lauren Mote, Steve Fuller and Tom Sauer. During discussion it was recommended to include the terms. Councilmember Holk amended his motion to include the member’s terms as follows: Joe Sankey as chair for his term of office, Kenny Laurendine and Lauren Mote for a two (2) year term and Steve Fuller and Tom Sauer for a one (1) year term. All in favor. Motion carried.

Councilmember Sankey stated that he hopes to have more information on the R&ROW and EMA committees by the council workshop.
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to accept all committee reports. All in favor. Motion carried.

6. Approval of Treasurer’s Report
Clerks report: General Fund – Income $10,897.93, Expenses $9,652.93. AlaTax collected for the month of June to date is $8,286.02. Clerk gave the council a detailed copy of the expenditures for June. Also reported the Special Revenue income for June was $404.81.
Motion by Councilmember Sankey, 2nd by Councilmember Hinson to accept the treasurer’s report and the expenditures for June. All in favor. Motion carried.

7. Public Comment
No public comment.

8. Approval of Expenditure for Goodwyn, Mills and Cawood Proposal
Expenditure is to allow Goodwyn, Mills and Cawood to draft a set of sewer standards for future construction for the Council to review. Work will be performed on an hourly basis not to exceed $1500.00.
Motion by Councilmember Laurenidine, 2nd by Councilmember Sankey to approve expenditure up to $1500.00 for Goodwyn, Mills and Cawood to draft a set of sewer standards for future construction for the Council to review. All in favor. Motion carried.

9. Approval to Authorize the Mayor to Enter into an Agreement with the County on the Roads and Rights-of-Way and that the consideration is adequate
Legal Counsel – Shawn Alvez stated the town has been working with the county on assuming the roads and right-of-ways, the statute states that after two (2) years the roads and right-of-ways are automatically passed to the possession of the municipality. It is the desire of the Magnolia Springs to assume the possession at this time and not wait the two (2) years. In taking over the maintenance of the roads and right-of-ways the County has to provide some consideration for the municipality. The consideration is as follows: the County agrees to pave 2,500 linear feet inside the corporate limits, a one time grade and gravel of streets listed on the agreement. Shawn recommended the Council approve it based on adequate consideration and approve agreement with the County to transfer the roads and right-of-ways.
Motion by Councilmember Laurenidine, 2nd by Councilmember Sankey to do a resolution where the Town gave proof to the County for the consideration as specified by statute, for taking over the right-of-ways and the agreement as set before us. All in favor. Motion carried.

10. River Buffer Ordinance
Motion by Councilmember Sankey, 2nd by Councilmember Holk to remove item number eleven (11) the River Buffer Ordinance from the agenda. Discussion: Councilmember Sankey stated he had some questions about the ordinance and at this time believes he’s not ready to adopt it. Legal counsel suggested the council go over the buffer ordinance at a workshop and in writing the ordinance to consider current impact and future impact. After the Council drafts the ordinance, legal counsel will review it for legal issues. Vote to remove item #11: All in favor. Motion carried.

11. Council, Legal Counsel and Staff Comments
Legal Counsel – Shawn
a. Riviera Utilities Franchise Agreement – Shawn had a copy of the agreement and said that the Council could vote on it tonight or place it on the agenda for the next council meeting. He said they negotiated $750.00 fee to enter into a franchise and that would help defray the cost of the legal expenses. Riviera agreed to a 5% fee inside the municipality and 1 1/2% in the police jurisdiction. The Council stated they would like to review the agreement and it would be placed on the agenda at the next council meeting.
b. Board of Education Lease – still working on the lease agreement, when it’s completed he will get a draft copy to the Mayor. Councilmember Sankey suggested with these two items of importance maybe a special council meeting could be held before our next scheduled workshop.

Motion by Councilmember Laurenidine, 2nd by Councilmember Sankey to hold a Special Council Meeting on August 14, 2007 at 4:30 P.M. to approve the franchise agreements and the lease with the Baldwin County Board of Education on the school property. All in favor. Motion carried.

Councilmember Holk – reported the Planning Commission Subcommittee is working very hard on the Subdivision Regulations and hope to have a draft copy for the Planning Commission to review at the next meeting. He also suggested the Council, Planning commission and the Board of Adjustments have a meeting to discuss what they want in Magnolia Springs.
Councilmember Sankey – asked about the meeting dates for August. Ordinance 2006-01 set the workshop and council meetings for the 2nd & 3rd Tuesday of the month, with some discussion of not having enough time in between meetings to review agenda items, it was decided to have the meetings two (2) weeks apart. At the regular council meeting on May 15, 2007 the Council voted to change the meetings to the 2nd & 4th Tuesday for the months of June and July. It was suggested by the clerk to make this motion again for the months of August and September and when we move into the new town hall Ordinance 2006-01 will be amended to reflect this and any other changes that need to be made.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to change the workshop and council meeting dates to the 2nd and 4th Tuesday of August and September. All in favor. Motion carried.

Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to adjourn. All in favor. Motion carried.

Meeting adjourned at 6:25 p.m.

Approved this the 28th day of August, 2007

ATTEST:

Karen S. Bil - Town Clerk

Charles S. Houser - Mayor