January 26, 2010
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
Councilmember's present – Mayor Houser, Bob Holk, Joe Sankey, Ken Underwood, Brett Gaar and Kenny Laurendine. Also present: Town Clerk - Karen S. Biel

3. Invocation and Pledge of Allegiance
Mayor Houser led the invocation and pledge.

With no additions or corrections
Motion by Councilmember Sankey, 2nd by Councilmember Underwood to approve all minutes as presented. All in favor. Motion carried.

5. Financials and Expenditures for December, 2009
Clerk stated financial and expenditures were discussed at workshop and have entered them in the minutes as presented: General Fund – Balance 12-31-09 - $29,146.40 – Income: $11,997.59 – Expenses: $19,801.46. Vendor Expenses: $16,495.52. Money Market: $52,010.30. CD: $51,522.59
Motion by Councilmember Holk, 2nd by Councilmember Sankey to approve all financials and expenditures for December, 2009. All in favor. Motion carried.

6. Public Comment
Tom Webb: Mr. Webb lives on Bay Street and he is objecting to the signage at the intersection of Bay and Cedar. He and his wife are requesting the Town Council return the area to the way it was by taking down the signs and not making it a one way street. Councilmember Holk agreed that the signage is over kill but there is a real safety issue in that area. Councilmember Sankey stated that the Public Works committee will review the situation at their next meeting and invited the Webb's to attend.

7. Arbor Day Proclamation
The Garden Club has requested that the Town hold Arbor Day on February 20, 2010. Motion by Councilmember Underwood, 2nd by Councilmember Laurendine to authorize the Mayor to sign the Arbor Day Proclamation. All in favor. Motion carried.
The clerk took a picture of the signing with the council and a couple members of the Garden Club.

8. EMC – presentation of business license check
EMC representative Clyde Abrams was present to deliver the 2010 business license check in the amount of $24,654.57. Mr. Abrams stated that the fee was up about $6,800 from last year. The Council thanked Mr. Abrams.

9. Public Hearing – Amendment to Zoning Ordinance – Overlay District – Section 9 - Signage
Mayor Houser stated that the proposed amendment was to change the square footage required for signage from a total of 32 sq. ft. to 48 sq. ft., with no more than 32 sq. ft. for a single sign.
Mayor Houser opened the public hearing at 5:20 p.m. There was some discussion on the height being measured from the ground to the tallest point. Nancy Gaines suggested using a different term other than “ground”. Frances Cleverdon added that the town was concerned about the sign on Hwy 98 and that the signs down on Bay Street devalue the property. The Mayor did state that this ordinance is to address signage on Hwy 98 and that the Public Works will address the Bay Street issue. With no other comments, Mayor Houser closed the public hearing at 5:55 p.m.

10. Ordinance 2010-01 – Amending Ordinance 2008-12 – Section 9 - Signage
Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to suspend the rules for immediate consideration of Ordinance 2010-01. Roll Call vote: Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood – Aye, Councilmember Gaar – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.
Motion by Councilmember Underwood, 2nd by Councilmember Holk to waive the reading of Ordinance 2010-01. All in favor. Motion carried.

Motion by Councilmember Holk, 2nd by Councilmember Sankey to adopt Ordinance 2010-01. Roll Call vote: Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye, Councilmember Underwood - Aye, Councilmember Gaar – Aye, and Councilmember Laurendine – Aye. All in favor. Motion carried.

11. Establishment of the Magnolia Springs Tree Committee
Mayor Houser stated that the Tree Committee is to approve a permit when a citizen wants to remove or trim one of the three protected trees on their property. The committee will not approve any right-of-way trimming or removal that the town will do from time to time, but that doesn’t mean that we can’t ask for their advice. The town’s fee for a tree permit is $20.00. Mayor Houser is recommending Terry Underwood as the Horticulturalist and Chair, Brett Gaar and Kenny Laurendine and the compensation for the horticulturalist to $50.00 per hour with a minimum of $25.00 per permit. This does not restrict the committee from bringing in an arborist if needed.

Motion by Mayor Houser, 2nd by Councilmember Sankey to appoint to the Tree Committee, Terry Underwood as the chairman for a four (4) year term, with Council Members Brett Gaar and Kenny Laurendine to serve concurrently with their council term and the compensation for the horticulturalist will be $50.00 per hour with a minimum of $25.00 per permit.

Discussion: Councilmember Gaar suggested changing the minimum charge to $20.00 which is the amount set by the ordinance for the permit.

Mayor Houser amended his motion to change the minimum to $20.00 per permit. All in favor. Motion carried.

12. South Baldwin Chamber Contract
Contractual agreement fee is $600.00 the same amount paid in the previous year.

Motion by Councilmember Laurendine, 2nd by Councilmember Underwood to approve the South Baldwin Chamber Contract. All in favor. Motion carried.

13. Renewal of RDS/AlaTax agreement
RDS/AlaTax agreement is the collecting of Sales & Use tax for the town and they also provide us with a business license cross check. It is a three (3) year contract.

Motion by Councilmember Holk, 2nd by Councilmember Sankey to renew the AlaTax agreement. All in favor. Motion carried.

14. United Way agreement
Mayor Houser stated that the Finance Committee is recommending the Council enter into the agreement in the amount of $750.00, which is about $1.00 per citizen. The clerk provided the council with a list of United Way’s 43 partner agencies.

Motion by Councilmember Gaar, 2nd by Councilmember Sankey to approve the United Way agreement with the sum of $750.00. All in favor. Motion carried.

15. Committee recommendations
Finance: No recommendations
Public Safety: Councilmember Holk added that the Fire Chief said the ISO inspection went real good but we won’t know for awhile.
Parks & Recreation: No recommendations
Public Works: No recommendations
Historic Preservation: No recommendations
Environmental Protection: No recommendations

14. Council, legal counsel and staff comments
Mayor Houser:
Peacock – Brad and the Mayor are still working on this issue
Golf Cart – Mayor Houser gave each council member a copy of the act that is going before the legislator and asked each of them to review it.
Red Clay Bill – Dennis Hatfield is requesting a letter of support.

Motion by Councilmember Underwood, 2nd by Councilmember Laurendine to authorize the Mayor to draft a letter of support on the Red Clay Bill. All in favor. Motion carried.
Councilmember Sankey announced his resignation effective the end of March. He is hoping by the time of his resignation that the projects he has been working on will be completed or at least started. Joe stated that he has enjoyed getting the town started, it’s been gratifying, but feels it’s time to move on. He did offer to help during the transition if needed. He will submit his letter of resignation to the clerk. The council was disappointed but understands the time and effort that must be put forth. Councilmember Gaar did ask in a joking way if Joe was willing to stay on the public works committee. Joe did say that he didn’t want to leave the town in a lurch, and Charlie replied “I think you are”. The clerk asked what if we don’t want to accept the resignation and stated that she would not be at the town hall for the next month!!!! We all hate to see him go.

Workshop ended at 6:50 pm

Approved this the 23rd day of February, 2010

Charles S. Houser - Mayor

ATTEST:

Karen S. Biel – Town Clerk