

May 26, 2009
 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 and Legal Counsel – Brad Hicks

3. Invocation and Pledge of Allegiance

Councilmember Underwood led the invocation and pledge.

4. Approval of council minutes from 04/14/09 workshop and 04/28/09 regular meeting

No corrections or additions.

Motion by Councilmember Sankey, 2nd by Councilmember Underwood to approve the council minutes from 04/14/09 and 04/28/09 as submitted. All in favor. Motion carried.

5. Approval of financial reports and expenditures for January

Clerk reported: for the month of April – Bank balance – April 30th: \$33,244.57. General Fund - Income: \$30,075.08 – Expenditures: \$18,935.96. Vendor Expenses: \$15,630.04. Also submitted was the Vendor Expenses YTD - \$147,164.65. Money Market balance: \$106,907.42. CD Balance: \$50,803.51. Special Revenue – 4, 5 & 7¢ income - \$362.85 – Account balance \$10,401.80

Motion by Councilmember Gaar, 2nd by Councilmember Holk to approve the April financials and expenditures. All in favor. Motion carried.

6. Public Comment

Donna Esslinger – commented on how the clerk handled everything beautifully while the Mayor's and Officer Gandy's were on vacation.

Karen Biel – clerk, gave herself a pat on the back and told the council that on this day it was a year that she had quit smoking. The mayor went on to say that that was the only negative on her review, to many smoke brakes.

7. Ordinance 2009-02 – Regulating Land Disturbance

Mayor Houser introduced Ordinance 2009-02 as the first reading and went on to say that Ordinance 2009-02 is repealing Ordinance 2008-05. Gil Rodgers with Southern Environmental Law Center has worked with the council and our legal counsel to redraft the ordinance. Councilmember Gaar, who is also the Chairman of the Environmental Committee, felt the ordinance did not need a first reading and he was comfortable passing it that night.

Motion by Councilmember Sankey, 2nd by Councilmember Gaar to suspend the rules for immediate consideration of Ordinance 2009-02. 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 Laurendine, 2nd by Councilmember Underwood to waive the reading of Ordinance 2009-02. All in favor. Motion carried.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to adopt Ordinance 2009-02 Regulating Land Disturbances. 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.

8. Ad Hoc Committee - Library

Mayor Houser appointed an ad hoc committee consisting of Bob Zeanah, Bob Holk, Joe Sankey and Alida Given to research the prospects of a town library as it pertains to budgeting and if the town can secure a building as a lease or purchase. The committee will report back to the council.

9. Committee Recommendation

Finance – nothing new and no recommendations

Public Safety – Councilmember Holk reported the police report: 22 speeding tickets – 5 warnings – 8 calls and one arrest for domestic violence. Mayor Houser asked Deputy Gandy if that was average and he stated that a lot of them were in the school zone and with school getting out that will slow down. Councilmember Holk also report that he attended an all day hurricane readiness seminar, they set a mock hurricane, five days out and ended up being a category 5 hurricane coming up Mobile Bay.

Parks & Recreation – Councilmember Laurendine reported the next committee meeting will be down at the springs to come up with a plan for the property easement across the springs.

Public Works – Councilmember Sankey reported the proposal from Volkert was signed by the Mayor. Goodwyn, Mills and Cawood should be sending the proposal on the drainage study soon.

Historic Commission – Councilmember Underwood stated that we have a copy of the survey, the file was too large to email and he will make copies of the disk for the council. David Schneider is working on a proposal of the cost to review the Design Review Guidelines and should have it to him soon.

Environmental Protection – Councilmember Gaar stated nothing new on the OAW status, but the sediment studies are going well. He will not be at the next committee meeting and Councilmember Laurendine will head the meeting.

10. Council, Legal Counsel and Staff Comments

Legal Counsel – Brad Hicks – was asked to research the possibility of public funds being used to install a turn lane for private development. Brad stated that he researched it and in talking with one of the league attorneys, since the law is not clear-cut they suggested obtaining an AG Opinion. It was also talked about the property in question not being in the town limits and legal counsel suggested that it should be annexed first. Another question raised was if this is done for one private entity what happens when the next one comes to the town and we could have a line at our door. Mayor Houser did add that we would be collecting the ad valorem tax and the 2% sales tax. The council was in agreement that Brad should work on the AG opinion and that a resolution will have to be passed to ask for the opinion. Clerk will draft the resolution and legal counsel will draft the request.

12. Any other business that might come before the meeting


No other business

Motion by Councilmember Underwood, 2nd by Councilmember Holk to adjourn the council meeting and go into executive session to discuss the consideration that the governmental body is willing to except or offer for a parcel of property. The regular council meeting will not reconvene. 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 adjourn. All in favor.


Meeting adjourned at 6:40 P.M.

Approved this the 23rd day of June, 2009



Charles S. Houser – Mayor

ATTEST:



Karen S. Biel – Town Clerk