January 22, 2008  
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. He also wanted the minutes to reflect that there was a great sacrifice this evening, it is his 42nd Anniversary and he’s spending it with the Council.

2. Roll Call
Councilmember’s present – Mayor Houser, Bob Holk, Joe Sankey, Ken Underwood, Reva Hinson and Kenny Laurenidine. Also present: Town Clerk, Karen S. Biel.

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

4. Approval of Minutes from 12/11/07 Workshop and 12/18/07 Regular Council Meeting
Councilmember Hinson noted a grammatical change from “they’re to their”. Motion by Councilmember Hinson, 2nd by Councilmember Underwood to approve revised 12/11/07 workshop and 12/18/07 regular council meeting minutes. All in favor. Motion carried.

5. Discussion of Committee Reports

Finance: Mayor stated the Council had received and reviewed the minutes at the workshop. He did state that the finance committee recommended depositing excess funds of about $20,000.00 in a Money Market, which is an agenda item.

Public Safety: Councilmember Holk had a couple of updates: he did set a meeting with Hoss Mack, he will be at the February workshop. He asked the Council to get any questions they might have to the clerk and then the questions can be forwarded to Sheriff Mack so he can gather specific information for the Council. He is going to ask Charlotte Plumb from Animal Control to attend the next Public Safety meeting, to answer any question pertaining to the picking up of animals in the town limits. He has talked with the League of Municipalities about whether we need to adopt state codes and about a Nuisance Ordinance.

EMA Subcommittee: Councilmember Sankey had no report the committee hadn’t met but he is trying to get in touch with LeAnne Ryals.

PR&B Committee: Councilmember Hinson stated the committee discussed the OAW and are working on the Historical and Cultural Sketch. The package to file with ADEM should be ready by the 1st of February. The town signs are just about done, still working on the placement of the signs. Councilmember Hinson presented the drawing for the Springs area to the council. She has also been in touch with a fence company, and she gave an estimate to the council. Councilmember Hinson did say that the clerk let her know that since it was over $7,500.00 it would have to be put up for bid. This is just one estimate and she will get further information to the council.

Public Works: Councilmember Sankey has been in correspondence with Brad Hicks in reference to the Quitclaim Deed for the R&ROW’s. The Commission has agreed to place it back on their consent agenda. It has been recommended by the Commission to go ahead with annexing the remaining part of the roads and he has emailed Brad to let him know that. He has a meeting set with Brad and Chad Jordan on the sewer specs.

Planning Commission: Councilmember Holk reported that the Planning Commission will have three requests for subdivision variance.

Historic Preservation Commission: Councilmember Underwood reported the archives in Bay Minette has the original historic survey and they will make copies for him.

Logo: Councilmember Sankey reported they met with Jason Thomas and the committee is meeting with a few more.

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

6. Discussion of financial reports and expenditures for December
Clerk went over the financial statements and expenditures for November.
General Fund: Bank Balance as of 12-31-07 was $75,575.22. Income - $20,710.61, Expenditures - $9,728.46. Special Revenue: Income - $414.88, with a balance of $4,324.98.

Motion by Councilmember Laurenidine, 2nd by Councilmember Hinson to accept financial report and expenditures for the month of December. All in favor. Motion carried.
7. Public Comment
No public comment.

8. Resolution 2008-01 – Agreement with AlaTax on Business License Cross-Check
Mayor explained this resolution is an agreement with AlaTax to perform business license cross-check with sales tax being collected. AlaTax retains 50% of what they recover the first time only.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Resolution 2008-01. All in favor. Motion carried.

9. Resolution 2008-02 – Supporting the Baldwin County Commission on Constructing a Larger Animal Control Facility
Mayor explained this resolution will support the efforts and has no financial obligation.

Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to adopt Resolution 2008-02. All in favor. Motion carried.

10. Resolution 2008-03 – Requesting Magnolia River be designated as an Outstanding Alabama Waterway
Mayor explained the resolution is allowing the town to go forward with application for Magnolia River to be designated an Outstanding Alabama Waterway.

Motion by Councilmember Hinson, 2nd by Councilmember Underwood to adopt Resolution 2008-03, the Town requesting Magnolia River be designated an Outstanding Alabama Waterway. All in favor. Motion carried.

Cover letter to accompany the request package. Councilmember Laurendine noted some changes on the letter, clerk will correct before Mayor signs letter. Mayor stated that Rick and Brett have done a great job putting this application together.

Motion by Councilmember Laurendine, 2nd by Councilmember Underwood to authorize the Mayor to sign cover letter to accompany the request package.

11. Ordinance 2008-01 – Numbering Council Places at Large
Mayor explained this ordinance is to number the council places at large for the municipal elections.

Motion by Councilmember Sankey, 2nd by Councilmember Underwood for immediate consideration of Ordinance 2008-01. 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.

Motion by Councilmember Underwood, 2nd by Councilmember Hinson to waive the reading of Ordinance 2008-01. All in favor. Motion carried.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2008-01. 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.

12. Ordinance 2008-02 – Procedure for Appointing Absentee Ballot Officials
Mayor explained the ordinance is for the procedure to appoint three (3) absentee ballot officials for the municipal elections.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey for immediate consideration of Ordinance 2008-02. 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.

Motion by Councilmember Hinson, 2nd by Councilmember Underwood to waive the reading of Ordinance 2008-02. All in favor. Motion carried.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2008-02. Roll Call vote: Councilmember Holk – Aye, Councilmember Sankey – Aye, Mayor Houser – Aye,

Mayor explained that this ordinance will set the salary for the incoming council. Each of the council had a copy of salaries from municipalities of the same size. They were presented with two different ordinances, one copy stating the monthly salary and other copy states that the salary is paid only when a regular council meeting is attended. **Mayor Houser** explained that it could be adopted that night with immediate consideration or it could be introduced this night and considered at the next meeting in February, but if it is to be passed it would have to be by February 26th, which is the next council meeting. The Mayor went on to say that this is an issue that people could get emotional about, but being on the council does cost you money, your using your personal computer, paper, ink, fax machine, high speed internet, attending the different meeting, personal car, telephone calls, personal cell phones and he opened it up for discussion. He reminded the council if there is not a salary passed then it can not be voted on again till 2012. **Councilmember Hinson** stated the town had some money to do what they needed to do, she felt they should not pay the council members for 5-6 years. She does believe the Mayor needs an expense account. **Councilmember Sankey** stated he felt the same way Councilmember Hinson does, but there is some out of pocket cost involved with being on the council. He would have no problem with a minimal amount as a reimbursement for out of pocket expenses. He believes it should be public service, but he doesn’t want someone not to run for council because they can’t afford to. He feels what ever they do it should be based on an attempt to keep it from being costly. **Councilmember Laurendine** agreed with Councilmember Sankey that it should base on a reimbursement of your expenses and not on your time involved, it is a community service. **Councilmember Holk** stated he didn’t have a problem with a salary for the Mayor and nothing for the council members. **Councilmember Underwood** agreed with some of what was said, it is community service and he doesn’t mind absorbing some of it. The Mayor reminded the council that this is not for them but for the next council coming in. He did state that he didn’t think it would be right to pay the Mayor and not the council members because they work just as hard as the Mayor. There was a question raised about declaring it as income, clerk was not sure of the amount but will have an answer by the next workshop.

**Motion by Councilmember Laurendine, 2nd by Councilmember Holk for the first reading of Ordinance 2008-03. All in favor. Motion carried.**

**Motion by Councilmember Underwood, 2nd by Councilmember Sankey to waive the reading of Ordinance 2008-03. All in favor. Motion carried.**

14. **Vila Enterprises, LLC on premise liquor/beer/wine license**

Mayor explained they missed the deadline for renewal on their license.

**Motion by Councilmember Laurendine, 2nd by Councilmember Hinson to approve the on premise retail liquor license for Vila Enterprises, LLC. All in favor. Motion carried.**

15. **Deposit into Money Market**

Clerk explained the money market account, minimum deposit of $25,000.00, we’re allowed six (6) checks per month with no penalty, we can deposit into the account at any time and there is a $50.00 penalty if the balance falls below the $25,000.00. The rate that morning was 4.10%. The clerk made the recommendation of an initial deposit of $50-60,000.00 with the general fund balance being plus $86,000.00 at that time.

**Motion by Councilmember Holk, 2nd by Councilmember Sankey to open a Money Market Checking Account with a deposit of $50,000.00 and allow the clerk along with the Mayors approval to deposit excess funds each month into that account. All in favor. Motion carried.**

The clerk also discussed the renovation loan and trying to get it paid off earlier. Councilmember Holk suggested to keep paying the $1,000.00 per month and hold onto the extra and try to finish up what needs to be done.

16. **Council, Legal Counsel and Staff Comments**

No comment.

17. **Any other business that might come before this meeting.**

**Municipal Workers Compensation**

Mayor explained that the town had no workers compensation on the employee. The clerk obtained and estimate from Municipal Workers Compensation Fund, recommended by the league. The estimate is for $434,00 annually.

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Motion by Councilmember Underwood, 2nd by Councilmember Sankey to approve the Municipal Workers Compensation Fund in the amount of $434.00. All in favor. Motion carried.

It was also discussed who would be attending the annual convention. The council will let the clerk know as soon as possible. Councilmember Holk will not be attending, that is his son’s graduation.

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

Meeting adjourned at 7:00 p.m.

Approved this the 26th day of February, 2008

ATTEST:

Karen S. Bief – Clerk

Charles S. Houser – Mayor