April 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 5:05 p.m.

2. **Roll Call**
Councilmember's present – Mayor Houser, Bob Holk, Joe Sankey, Ken Underwood, Reva Hinson and Kenny Laurendine. Also present: Town Clerk, Karen S. Biel. – Legal Counsel, Brad Hicks joined the meeting at 5:30 p.m.

3. **Invocation and Pledge of Allegiance**
Councilmember Laurendine led the invocation and pledge.

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

5. **Committee Reports**
   - **Finance:** Mayor Houser stated the council had received and reviewed the minutes at the previous workshop. He did review the financial statement from the committee meeting; he did add that the security at Town Hall is going to be installed.
   - **Public Safety:** Councilmember Holk stated they have not met since the workshop. He did ask the Mayor about the contract for law enforcement services, the Mayor explained the County Commission legal counsel had made some additions and deletions and our legal counsel has reviewed it and there are no major changes. The council is hoping to have an officer in place by June 1st. Councilmember Holk said that he talked to Hoss Mack, they have a sheriff that does school patrol and they will have him here after school gets out for the year, until they find someone to fill the position.
   - **EMA Committee:** No report.
   - **PR&B:** Councilmember Hinson reported that two town signs have been installed and the Garden Club will be putting together a landscaping design for the signs. The committee is still working on the lighting for the Springs’ parking lot and Mathes Electric will be submitting an estimate for the project. The committee also discussed an automatic gate with a timer, Mayor Houser had some information on the gates and he will get it to Councilmember Hinson. Watering at the Springs’ is going well but they have lost seven holly bushes, the landscaping company is being contacted by the contractor to see about replacing the bushes. Councilmember Hinson is hoping by the end of the summer for the Springs’ to be open.
   - **Public Works:** Councilmember Sankey stated that Big John’s Tree Service will start their work in the next few days. The right-of-way mowing will be done by B&B Lawn Service, it will be done by the hour this first time and Councilmember Sankey will give the company a maximum amount of hours. He also reported that the county has done the repair on the culvert and looks like they have done a good job. Councilmember Sankey will authorize the inspection on the bridge that needs to be done. Steve is looking into the drainage issue on Short Ave. and he has received one proposal on the project.
   - **Planning Commission:** Mayor Houser reported that the Planning Commission held a public hearing to amend the subdivision regulations to include “Family Division of Land” and a definition of “All weather road”. The amendments were adopted. The working group on the Comprehensive Plan submitted a proposal to the Planning Commission to recommend GouldEvans. The Planning Commission voted unanimously to recommend that the Town Council approve the proposal from GouldEvans.
Motion by Councilmember Sankey, 2nd by Councilmember Hinson to accept the proposal from GouldEvans and the sit down with the Mayor to negotiate the exact terms of the proposal. All in favor. Motion carried.
   - **Historic Preservation Commission:** Councilmember Underwood reported since the commission meeting he has talked to John Sledge, he has the photographs and he hopes to get copies of them. He also talked to Mary Shell with the Alabama Historical Commission and she would like to talk to the commission sometime in June and go over the survey. There was discussion about the Town Historian falling under the purview of the Historic Preservation Commission.
Motion by Councilmember Underwood, 2nd by Councilmember Sankey to place the Town Historian under the purview of the Historic Preservation Commission. All in favor. Motion carried.
The Mayor then asked Legal Counsel, Brad Hicks to give an update on the agreement with Baldwin County Commission for Law Enforcement Services. Brad stated the Sheriff made a presentation to the County Commission on the contract, the Commission would like the town to review the changes they made and the Commission will consider it the first Tuesday in May. The only significant change they made was in the Indemnification Provisions, which will require the town to notify our insurer, because we are taking on some liability. Brad suggested the clerk notify the insurance company of the change. The clerk will send a copy of the agreement to the insurance agent to see what needs to be done on the Town’s part.

**Town Identity:** Councilmember Sankey stated the ad-hoc committee met with three firms and with the council’s approval they selected one firm. The firm submitted a number of proposals and the committee narrowed it down to two for the council to vote on. Exhibit #1 was “MAGNOLIA SPRINGS” in two different shades of blue with a split leaf in between Magnolia and Springs. Exhibit #2 was “MAGNOLIA and half the split leaf in green and SPRINGS and the other half of leaf in blue. The council voted on which exhibit they liked and exhibit #2 with the blue and green was selected.

**Motion by Councilmember Holk, 2nd by Councilmember Underwood to approve Exhibit B (MAGNOLIA in green and SPRINGS in blue) as the town identity. All in favor. Motion carried.**

The Mayor thanked Councilmember Sankey for helping the town through this process.

**Councilmember Hinson** asked the Council if the Garden Club could use the school property for parking during the Arts and Jazz Festival. She also added that the Garden Club is going to contact the fire department to see if they could help with traffic control.

**Motion by Councilmember Hinson, 2nd by Councilmember Sankey to allow the Garden Club to use the school property for parking during the Jazz Festival on May 18th. All in favor. Motion carried.**

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

6. **Approval of financial reports and expenditures for March**

Clerk stated the financial statements and expenditures for March are as follows:

- General Fund: Bank Balance as of 3-31-08 was $30,713.18. Income - $17,690.65, Expenditures - $9,015.95. Clerk stated she received $3,524.81 for ad valorem for a balance of $46,690.28 YTD.
- Vendor Expenditures were $8,328.29. Money Market balance - $105,507.78. Special Revenue: Income - $387.94, with a balance of $5,465.51.

**Motion by Councilmember Holk, 2nd by Councilmember Sankey to accept the financial reports and expenditures for the month of March. All in favor. Motion carried.**

7. **Public Comment**

No public comment.

8. **Resolution 2008-08 – Appointing the Historic Preservation Commission Members**

Mayor Houser explained Resolution 2008-08 must be adopted again since the ordinance establishing the Historic Preservation Commission was re-adopted.

**Motion by Councilmember Sankey, 2nd by Councilmember Hinson to accept Resolution 2008-08, appointing the Historic Preservation Commission members. All in favor. Motion carried.**

9. **Ordinance 2008-05 – Regulating Land Disturbance**

Brad Hicks, legal counsel stated he spoke to the League of Municipalities and this ordinance could apply to the police jurisdiction under Alabama Code §11-40-10, Sanitary Provision.

**Motion by Councilmember Sankey, 2nd by Councilmember Hinson for immediate consideration of Ordinance 2008-05. 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 Sankey to waive the reading of Ordinance 2008-05. All in favor. Motion carried.

Motion by Councilmember Hinson, 2nd by Councilmember Underwood to adopt Ordinance 2008-05.

Discussion: Councilmember Sankey voiced some concerns about enforcing and notifying the public in the police jurisdiction. Councilmember Holk stated that if the ordinance is adopted it will be posted in three places which would meet the requirements for public notice. As far as enforcing the ordinance, it
would be like the business license in the police jurisdiction and a town official would be the enforcer. It will make the individual come to the town, show a plan of what their proposing to do to obtain a permit. He also added that if the ordinance is adopted, it allows the town to enter the property to inspect, make sure they are following the guidelines and to issue stop work notice if needed. Amendments to the ordinance as follow:

1. Title: take out Future Additions and add Its Jurisdiction
2. Section 2 – Qualified Credentialed Professional - change Engineer, and Alabama to Engineer, an Alabama
3. Section 3 j. – change hundred (100) feet draining into a watercourse to hundred (100) feet of a watercourse.

Motion by Councilmember Hinson, 2nd by Councilmember Sankey to adopt Ordinance 2008-05 as amended:

4. Title: take out Future Additions and add Its Jurisdiction
5. Section 2 – Qualified Credentialed Professional - change Engineer, and Alabama to Engineer, an Alabama
6. Section 3 j. – change hundred (100) feet draining into a watercourse to hundred (100) feet of a watercourse.

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.

The clerk suggested in addition to the required posting in three areas in the town limits, that we publish the ordinance in the local newspaper so the citizens in the police jurisdiction would be notified. The council agreed, clerk will call the newspaper for the cost and with the Mayor’s approval the clerk will have it published.

10. Employee Manual
Legal counsel stated that he hasn’t had enough time to review and asked the council to consider setting it for the next agenda.

Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to table Employee Manual till the next meeting. All in favor. Motion carried.

11. Council, Legal Counsel and Staff Comments
Brad said he would review the employee manual before the next meeting.
Mayor Houser asked that legal work on the franchise agreements with Gulf Telephone and Baldwin Co. Sewer Service.
Councilmember Underwood said he would get the legal descriptions for the sign easement to Brad.
Councilmember Holk added that in the franchise agreement he would like it say “they must show a specific need to add any new lines” and the town can approve or disapprove.

12. Any other business that might come before the meeting
No other business

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

Meeting adjourned at 6:50 p.m.

Approved this the 27th day of May, 2008

Karen S. Bief – Clerk

Charles S. Houser – Mayor