December 11, 2012
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

1. **Call to Order**
   Mayor Underwood called the workshop to order at 5:00 p.m.

2. **Roll Call**
   Members present – Mayor Ken Underwood - Council Members: Dotty Johnson, Jim May, Bob Holk, Tom Webb and Ben Dykema. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks

3. **Invocation and Pledge** – led by Mayor Underwood

4. **Guest Speakers**
   Matt Taylor – Grant, Sanders and Taylor – Present 2011/2012 Audit
   Mr. Taylor went through the audit and discussed a few items. Mr. Taylor mentioned that Karen (clerk) is doing a good job keeping the town’s financial records. There was nothing that was not readily available. The Management Discussion report is Karen’s thoughts of the town’s finances and the future impacts/projects for the town. Matt added that the town ended up with revenues of about $426,000, with expenditures about $405,000 and an excess of $21,000. The town also paid off $22,000 dollars in debt. Budget analysis was: over revenues of about $42,000 and over expenditures of about $41,000, leaving the town about $1,100 to the good. Council had no questions at the time. Mayor Underwood thanked Matt Taylor for presenting the audit and the clerk for keeping good data for the audit.

5. **Discussion of minutes:**
   11/05/12 Swearing In Ceremony and Organizational Meeting
   11/13/12 Workshop
   11/27/12 Regular Council Meeting
   There were no corrections noted.

6. **Discussion of financials and expenditures for November**

7. **Public Comment**
   No public comment

8. **Discussion – Dr. West – Palm Street fence**
   Mayor Underwood stated that the council had a copy of the letter that was sent to Dr. West on July 27, 2012. Councilmember May asked if any response was received from him about the letter. The clerk stated that Dr. West, Judge Tim Russell and Todd Puckett appeared before the town council the following month and after a long discussion they were advised to make petition to vacate the road or the fence would have to be removed. Councilmember Holk suggested sending a letter to Dr. West to submit a petition to vacate or to remove the fence. Mayor Underwood said that it has been five months with no response and maybe put a time limit should be put on it. Legal counsel, Brad Hicks, will draft a new letter for the Mayor to review before sending it. Councilmember Holk suggested setting a date of the January workshop to have a response from Dr. West and Brad added that if there is no response by the January workshop then the town will consider moving forward with a lawsuit to abate the public nuisance.

9. **Discussion – How/when to expend monies for Community Association and Library**
   The town council had a copy of a letter submitted by Alida Given requesting payment of an expenditure of money that was budgeted for the library. Councilmember Johnson questioned the payment dates that are quarterly by our fiscal year, and the October, January and April dates were correct but September was incorrect it should have been July, unless the library wanted to wait till September 1st. The letter also stated that since no money was expended for October 1st, that two payments be made on January 1st. Councilmember Holk stated that there may be a little bit of misconception on the library’s part because the past council did budget $9,000 for the library but it is up to this council to approve the expenditure. There are monies budgeted for all departments but the expenditures, when and how will be approved by this council. Councilmember Holk added that he feels the town should expend the monies, but he suggested the first payment be January 1st and quarterly after that and the last payment to be made on
September 30th, because our income from ad valorem taxes and business licenses does not start coming in until January and February. Councilmember May was concerned about owing them October’s payment and them wanting both payments on January 1st. Councilmember Holk stated that we didn’t owe anything. All the council did was budget the money, and didn’t authorize the expenditure on when or how, just that the town will give $9,000 to support the library. Legal counsel added that the town didn’t sign a promissory note or any agreement. Councilmember Holk suggested at the next meeting the council should approve how the monies will be expended. Councilmember Dykema, who said he was asked to be a liaison between the library and the town council was told that in a conversation with the former mayor that the library board was led to believe that they were going to receive the budgeted money. Councilmember Johnson asked if the town receives any financial reports from the library, and if they are in need of the money now. Councilmember Dykema said that the previous council received a book of financial reports and the new council should get one soon. Councilmember Webb added that the library is confused on when they will be receiving the funds and just wants to know where the council is going with it. The clerk will prepare a resolution for the next council meeting to approve the expenditure.

Councilmember Dykema asked about the expenditure that was approved for the Community Association. Mayor Underwood stated that they have made no request and that request will be made on restoration projects. Councilmember Holk said that it is in the budget, and it was discussed that the money will be dispersed as their construction projects needs arise. The town will enter into an agreement with the community association for these funds.

10. **Discussion - Traffic control on Magnolia Springs Highway**

In attendance at the meeting was Commissioner Charles Gruber, County Engineer, Cal Markert, and Highway Department, Troy Smith. Mayor Underwood stated that with another motorcycle fatality the speeding on Magnolia Springs Highway is an even bigger concern to the town. Cal Markert stated that the county has had traffic counters out and they have not had the time to really review all the information and he suggested coming back to the next council workshop with the data and maybe making some recommendations to help slow the traffic down through town. Mayor Underwood gave Cal a copy of the data that was down loaded from the town’s radar speed limits signs. Cal did explain that there are guidelines that they must follow to add a three way stop and after plugging in the numbers it doesn’t warrant it at this time but there are some other things they want to look at before making any recommendations. Councilmember Dykema said that he didn’t think a three way stop is needed at Co. Rd. 26 and Co. Rd. 49, the speeding problem is between Village Green and town hall. Cal asked if the town wants to lower the speed limit and Councilmember Dykema said that doesn’t work either and maybe law enforcement would work if we could start writing speeding tickets. Mayor Underwood stated that he has been researching signage, and there are some other signs that the town could install but are people going to adhere to them, probably not. Councilmember Holk stated that the town had conversation with the county about 4-5 years ago and the suggestion was to do it with law enforcement. Cal stated that the town can change the speed limit within the town limits at anytime. Councilmember Dykema stated that he bikes and walks across the bridge and he is risking his life every time he does it. He stated that maybe a concrete divider so it would allow biking or walking on one side of the bridge. Cal did state that they will really try to focus on slowing the traffic down on Co. Rd. 49 just south of Co. Rd. 26 through the town. David Lawrence added that the town is getting ready to add a landing/viewing plat form where people will be entering and exiting just north of the bridge in that curve and what impact that will have on the traffic in the area. David Lawrence thanked the County for coming to the meeting and for trying to help the town with some recommendations. Steve Mobley, representing Village Green residents (43 homes), stated that with the speeding near their entrance it’s their lives they have to worry about. We just need to think about everyone’s safety and take the time to decide what we can do to keep our community safe. Steve thanked everyone for coming and the council for taking some action. Mayor Underwood stated that the town will consider narrowing lanes because in the near future the town will have to resurface Magnolia Springs Hwy. David Lawrence asked about adding pedestrian crossing to slow people down, and the county said the town could do it if they wanted to as long as it is in the town limits. Commissioner Gruber stated that the county will help as much as it can but they can not get involved within the town limits. Mayor Underwood thanked the Commissioner and county representatives for coming.

11. **Discussion - Communication**

Councilmember Johnson asked about communicating more with the citizens, a reminder letting them know when, where and what time the meetings are. Mayor Underwood stated that the town did do a few newsletters just letting the citizens know what had happened in the past. Councilmember Holk did say that there are state laws on how a municipality must post information and if we email something out and someone doesn’t have email we might be opening ourselves up for trouble. The town clerk suggested asking the website designers to add a block on the town’s website home page so that she can post informational updates like she has seen on other towns/cities websites. Legal counsel, Brad Hicks stated that he has generally discouraged it in the past just because he didn’t want the town to create an implicit
duty to go beyond the statutory requirements for notice and because the minutes are what the town has done and the town doesn’t need a separate document creating a different set of minutes. He also added that whatever the town posts or sends out is a legal document of notice.

12. Discussion – Committee Chairs
Mayor Underwood stated that he is going to consolidate some committees and asked that the council members let him know what committee they would like to be on. He will be sending out his list soon.

13. Discussion – Business License Processing Fee Increase
Mayor Underwood said that the town has the option to increase the business license processing fee from $10.00 to $12.00. The clerk stated that the Business License Reform Act that was passed by the State mandates that the State raise their fee $2.00 every five years and allows for the municipalities to follow. It is not mandatory for municipalities and it would increase our revenue by about $600.00 because we do between 275-350 licenses per year. The town council would have to approve an amendment to the existing ordinance at the next meeting because it becomes effective the first of each year. The town could elect not to do it this year and then pass it next year. Mayor Underwood suggested that the clerk draft the amendment and it will be on the agenda for the regular meeting if the council would like to pass it.

14. Discussion – Magnolia Liquor – Shell Station
Mayor Underwood stated that the Shell station has a license for beer and wine and are adding selling liquor. The ABC Board just needs an approval from the council, which the council really can not disapprove because we don’t have an ordinance against the sale of liquor.

15. Council, Legal Counsel and Staff Comments
Brad Hicks stated that he made the changes to the Bay Street pier ordinance that Rick Odess requested, he asked that the council look it over and let him know if there are any other changes they would like and it can be discussed at the next workshop.

16. Discussion – Clerks Cost of Living Raise
The clerk gave the council members a copy of a resume of the duties that she performs and then she left the room so the council members could discuss among themselves her cost of living raise. The Mayor will make a recommendation and the town council will vote on the recommendation at the next regular council meeting.

17. Any Other Business That Might Come Before the Meeting
Mayor Underwood stated that the piece of property across the street from the town hall is for sale and the asking price is around $150,000 and its 2+ acres. Just for information purposes we contacted the bank and they would loan us 75% of that and a 10 year amortization the payment would be $1,332 per month, 20 years $736.00, and 30 years $653.00. The previous town council at one time talked about acquiring this piece of property and the old school property. Councilmember Holk added that the council needs to think about acquiring both properties in their decision making. Councilmember Johnson asked how the negotiations were going with the school property and was told that they are at a stand still now. Mayor Underwood said he will start researching the process for acquiring the old school property.

Workshop ended at 7:00 pm
Approved this the 22nd day of January, 2013

Kenneth Underwood – Mayor

ATTEST:
Karen S. Biel – Town Clerk