September 23, 2008
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, Reva Hinson and Kenny Laurendine. 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 the council workshop on 8/12/08 and council meeting 8/26/08**
No corrections to the minutes. 
Motion by Councilmember Hinson, 2nd by Councilmember Sankey to accept all minutes as presented. All in favor. Motion carried.

5. **Discussion of Committee Reports**
**Finance:** Mayor Houser stated the committee reports were reviewed at the workshop and asked if there were any questions. He did state that the committee is working on the budget and the schedule is to have it ready for the council to adopt in November. It will be discussed at the October workshop. Councilmember Hinson inquired about removing the $1,200 budgeted for the Town Historian, since the council agreed that they would fall under the Historic Preservation Commission. Mayor Houser did advise the council that he has entered into an agreement with Grant, Sanders and Taylor to do the 2007/2008 audit, which will start in October.

**Public Safety:** Councilmember Holk stated there was nothing new since the workshop. Councilmember Laurendine did ask about the discussion that Deputy Gandy had with the committee on the peacock situation. Deputy Gandy reported that unless the peacocks fall under the nuisance law, there is nothing the town can do to get rid of them, but he is still researching the problem. He could do a report with the complainant and they would issue a summons to appear in court for both parties and the judge would decide what to do. Mayor Houser said there have been two complaints and Deputy Gandy stated that no one will come forward to make a formal complaint.

**EMA Committee:** No report.

**PR&B Committee:** Councilmember Hinson reported the Springs parking lot has been graded, graveled, landscape bed have been weeded and the irrigation system will be installed soon. Richard Stamile who is doing the irrigation system will also install a breaker box. It has been recommended to plant between November and December during the cool months. The committee is still working on lighting and signage for the Springs. Mayor Houser asked if anything is being started on the landscaping for the town hall. Councilmember Hinson stated the garden club is working on it. She also asked about a grand opening for the town hall so that she might be able to give the garden club a target date. Mayor Houser stated there is still some work to do on the building outside and that some weekend work parties need to be organized.

**Public Works:** Councilmember Sankey stated the right-of-ways are being cut, there are some road repairs that are needed and he is working on getting quotes. Reva and Big Johns Tree Service went around town and came up with a list of recommended tree trimming and tree removal and Big Johns will submit a proposal for that work.

**Planning Commission:** Mayor Houser reported that the Planning Commission adopted the proposed amendments to the Subdivision Regulations and also passed a motion to recommend to the Town Council an amendment to the zoning ordinance for an Over-ley district on Highway 98.

**Historic Preservation Commission:** Councilmember Underwood stated that one item they discussed was the proposal from Richard Synder to do the Historic Survey. The proposal is good for 60 days and he asked that the council approve the authorization of the Mayor signing the contract after October 1st.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to authorize the Mayor to sign the contract from Synder Historical Preservation, LLC in the amount of $6,500.00 after October 1st. All in favor. Motion carried.

The committee discussed the conference in Point Clear and when he has more concerning the event he will notify the council.

Motion by Councilmember Holk, 2nd by Councilmember Underwood to accept the committee reports. All in favor. Motion carried.
6. Approval of financial reports and expenditures for August
The clerk reported August income and expenditures as follows: General Fund - Income: $14,659.14, Expenditures: $27,871.59, Vendor Expenses: $26,146.21. Money Market - $116,493.71. Special Revenue Accounts - Income: $355.47, YTD: $4,220.28, Balance of $7,364.43. Clerk also reported that the Riviera franchise check is in the mail and it was in the amount of $59,713.33. Motion by Councilmember Sankey, 2nd by Councilmember Laurendine to approve financial reports and expenditures for August. All in favor. Motion carried.

7. Public Comment
No public comment.

8. Magnolia Springs Sewer Specifications
Councilmember Sankey reported that the specifications were reviewed at the last work session and legal counsel had some concerns that needed to be addressed. The changes have not been finalized by legal counsel and Councilmember Sankey would like to review a final draft copy at the October work session. Motion by Councilmember Sankey, 2nd by Councilmember Holk to table adoption of the sewer specifications for further discussion at the October workshop. All in favor. Motion carried.

9. Golf Carts
Mayor Houser did some research into NEV's (Neighborhood electric vehicle) and LSV's (Low speed vehicles) which are legal in some states, and he has asked legal counsel to find out if they are legal in Alabama. If they are not legal in this state then the Mayor would suggest to the council, that they approve asking our state representatives to sponsor a bill allowing the municipality to approve these NEV's.

10. Agreement with Alabama Gulf Coast Chapter American Red Cross
Mayor Houser explained that the Gulf Coast Chapter of the American Red Cross has asked the town to join with them in a contractual agreement in the sum of $500.00 toward the funding of Disaster Services through the Baldwin County Disaster Specialist for fiscal year 2008-2009. Motion by Mayor Houser, 2nd by Councilmember Sankey to approve the contractual agreement up to $500.00 with the American Red Cross. All in favor. Motion carried.

The amendment was changing the deadline for approval or rejection of applications for Certificate of Appropriateness and extending up to an additional forty-five (45) day by mutual agreement between applicant and the commission. Motion by Councilmember Hinson, 2nd by Councilmember Sankey to suspend the rules for immediate consideration on Ordinance 2008-09. 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 Sankey, 2nd by Councilmember Hinson to waive the reading of Ordinance 2008-09. All in favor. Motion carried.

Motion by Councilmember Underwood, 2nd by Councilmember Sankey to adopt Ordinance 2008-09. 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. Council, Legal Counsel and Staff Comments
No comments

13. Any other business that might come before the meeting
Mayor Houser stated the Planning Commission is recommending that the Town Council adopt Ordinance 2008-XX amending the Zoning Ordinance 2007-02, to establish an overlay district on Highway 98. The mayor explained that this is the first reading of this ordinance and that the adoption of this ordinance requires that the council hold a public hearing.
He also stated the public hearing can be held during the council meeting, at which it will be the second reading of the ordinance and be considered for adoption. During the discussion there were a few minor changes suggested by citizen, Carey Bentley. Council noted the changes and the clerk will make the corrections.

Motion by Councilmember Laurendine, 2nd by Councilmember Sankey to hold a public hearing on amending the Zoning Ordinance to establish an overlay district for Highway 98. All in favor. Motion carried.

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

Meeting adjourned at 6:58 P.M.

Approved this the 28th day of October, 2008

[Signature]

Charles S. Houser - Mayor

ATTEST:

[Signature]

Karen S. Briel – Town Clerk