November 13, 2018
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Alabama 36555
5:00 P.M.

1. Call to Order:
   Mayor, Bob Holk, called the meeting to order at 5:00 p.m.

2. Roll Call:
   Present: Mayor, Bob Holk; Councilmember, Dotty Johnson;
   Councilmember, Steve Mobley; Councilmember, Marley Gardner;
   Councilmember, Nick Shields, and Councilmember Ben Dykema
   Also present: Town Attorney, Brad Hicks, and Town Clerk, Jenny Opal White

3. Invocation and Pledge: Mayor, Bob Holk, gave invocation and led pledge.

4. Presentation:
   Andrew James, Volkert, Inc.
   Andrew James, presented final overview of plans and safety improvements for the Magnolia Springs Pavement and Drainage Project bid package. Improvements are estimated at $150,000.00. Advertisement for invitation to bid will run in local paper. Mandatory Pre-Bid Conference, mid-December. Receive bids, end of December. Project will begin around January-February 2019. Andrew, apologized, for being late, and thanked Council.

5. Discussion of November 2018 Minutes:
   Mayor, Bob Holk, asked, Council to review the Council Workshop Meeting minutes of October 9, 2018 and the Regular Council Meeting minutes of October 23, 2018.
   Councilmember, Ben Dykema, noted, correction, page, 683, Councilmember, Steve Mobley inquired on illegal dumping. Councilmember, Ben Dykema, noted, corrections on page 686, correction to title for Casey Fulford, Baldwin County Conservation District Watershed Coordinator, and Councilmember Ben Dykema and Councilmember Marley Gardner will approve future Land Use Certificates. Councilmember, Nick Shields, inquired on estimated time of arrival (ETA) on signage for school property. Town Clerk, Jenny Opal White, commented, November 30, 2018. There were no further comments.

6. Discussion of Financials and Expenditures: November 2018
   Mayor, Bob Holk, reported, balances as of November 30, 2018.
   • General Fund - $156,707.83
   • Income - $28,325.61
   • Expenses - $13,315.12
   • Tiered Money Market – $282,604.26
   • CD #326955 - $54,668.76
   • CD #355610 - $200,000.00
   • 4 and 5 Cents Gas Tax - $13,828.74
   • 7 Cent Gas Tax - $6,253.09
   • Capital Improvement Fund - $9,978.06
   • Special Revenue Accounts – Income $371.20
   • Special Revenue Accounts – Balance $30,398.15
   Mayor, Bob Holk, commented, Ad Valorem Tax, $7,968.82.
   Mayor, asked, Council to review and comment. Councilmember, Ben Dykema, inquired, on bank account the Town will use for purchase of school property. Mayor, Bob Holk, commented, the Tiered Money Market account. Mayor, Bob Holk, asked, Council to see Town Clerk, Jenny Opal White, for corrections.

   Mayor, Bob Holk, asked, Deputy, Greg Smith, to present report.
   Arrests Off Traffic Stops: 5
   On View Arrests: 1
   Calls: None
   Traffic Stops: 105
   Citations: 56
8. Public Comment:

Council, unanimously approved, Hadley Weaver, public comment, to be moved to discussion on Resolution 2018-16, authorizing the Mayor to enter an extraterritorial subdivision agreement with Baldwin County Commission.


9. Resolutions:

Mayor, Bob Holk, reviewed, Resolution 2018-15, Severe Weather Preparedness Tax Holiday, February 22-24, 2019. Councilmember, Dotty Johnson, commented, resolution is same as prior years on severe weather preparedness. Mayor Holk, noted, resolution will be on Regular Council Meeting Agenda, November 27, 2018.

Resolution 2018-16, Authorizing the Mayor to Enter into an Extraterritorial Subdivision Jurisdiction Agreement with Baldwin County Commission
Mayor, Bob Holk, reviewed Resolution 2018-16, authorizing the Mayor to enter an extraterritorial subdivision jurisdiction agreement with Baldwin County Commission. Hadley Weaver, Public Comment, moved to Resolution 2018-16. Hadley Weaver discussed ETJ and risks. Councilmember, Dotty Johnson, concluded, Council requests that resolution needs to go back to Planning Commission for dual jurisdiction with most stringent regulations between the Town and Baldwin County. Town Attorney, Brad Hicks, noted, possible conflict with firm and/or himself due to work with Baldwin County.

10. Discussion:

(a) Mosquito Control Services, LLC, November 2018, Additional Month of Service
Mayor, Bob Holk, discussed, with Council that Mosquito Control Services would extend an additional month of service at $592.00 for month of November 2018 if required. Council, unanimously, determined no need for additional month of service. Council will pay for half of month if service was provided.

(b) Baldwin County Commission Intergovernmental Service Agreement with Municipalities for the use of County voting machines and the services of the County Voting machines custodian and employees for Municipal Elections
Mayor, Bob Holk, reviewed agreement with Council. Councilmember, Dotty Johnson, in favor of agreement, and to move forward with resolution with agreement.

11. Committee-Commission Reports:

(a) Finance Committee: Mayor, Bob Holk, reported, no meeting.

(b) Public Works/Safety: Mayor, Bob Holk, reported, Frank Belzer, request for Baldwin County Sewer Service on Hwy 49/Magnolia Springs Highway. Councilmember, Nick Shields, asked, if application had been received. Town Clerk, Jenny Opal White, commented, awaiting application from Baldwin County Sewer Service. Town Attorney, Brad Hicks, suggested, Franchise Agreement with increased usage. Mayor, Bob Holk, to reach out to Baldwin County Sewer Service, Reference, Franchise Agreement.

(c) Public Lands/Beautification: Councilmember, Ben Dykema, no meeting.
(d) **Tree & Streetscape:** Councilmember, Nick Shields, reported, no meeting.
(e) **Public Relations:** Councilmember, Marley Gardner, presented, Christmas Holiday
   Banners for Town. Riviera Utilities to provide installation of brackets and banners.
   Banners will be displayed from School to Cotton Stocking, 2nd and 3rd poles.
   Councilmember, Dotty Johnson, commented, excellent idea, move forward.
   Councilmember, Ben Dykema, suggested Oak Street. Mayor, Bob Holk, commented,
   branch out in years. Councilmember, Nick Shields, in favor of Style #2, Red Bird.
   Council, in consensus of Red Bird example.

12. **Council, Legal Counsel, and Staff Comments**
   Town Attorney, Brad Hicks, discussed, Ethics Review, Land Use Certificate, 2019-03
   Lolly Holk, October 11, 2018. Brad Hicks, asked, can the Mayor, Bob Holk, review
   Land Use Application for wife’s property? Brad Hicks, responded, no. Brad Hicks,
   suggested, Lolly Holk, resubmit, for Town to review to remedy to situation.
   Town Clerk, Jenny Opal White. Magnolia Springs Library will be closed November
   19-23, 2018. Town Hall will be closed, November 22-23, 2018 for Thanksgiving holiday.

13. **Any Other Business That Might Come Before the Meeting**
   Councilmember, Ben Dykema, announced, Friends of the River Meeting, Wednesday,
   November 14, 2018, Town Hall, 4:00 p.m.
   Councilmember, Steve Mobley, inquired, on request for red light at Highway 98.
   Mayor, Bob Holk, commented, no current information.

14. **Public Comment**
   No public comment.

15. **Adjourn**
   Motion by Councilmember, Marley Gardner, to adjourn meeting. Second,
   Councilmember, Dotty Johnson. All in favor. Motion carried.
   Meeting adjourned at 6:50 p.m.

Approved this 18th day of December 2018

Bob Holk, Mayor

**ATTEST:**

Jenny Opal White, Town Clerk
Concerns of Magnolia Springs Citizens Regarding Soil Erosion and River Sedimentation

1. Site 1 – Tax Parcel no. 55-08-28-0-000-104.000

A. Observations: Recent developments within our town relative to work undertaken within or in proximity to wetlands has caused great concern. This concern is with the greatly increased potential for sediments discharged into our river. We already have a serious problem with sedimentation within the middle Magnolia River from the Rocks at Breed’s Hole down river to Bemis Bay. With continued development over the upper river basin area upstream of Breed’s Hole we will have increased erosion because of the increased storm water discharges. Our river’s health is in peril without the recent land disturbance activities within our community.

First there is the ongoing land disturbance activities over the property located west of Jesse’s Restaurant and south of Oak Street. I have lived at our home on the north side of Oak Street since 1969 and have observed many serious rainfall events and the flooding of our street and the erosion resulting from the street being overtopped. During one rainfall event a portion of the asphalt street surface was destroyed. Before the Gulf telephone Company constructed a rubble dam and flow diversion structure all storm water from north of Oak Street flowed along the natural water course and under our street. Since the Gulf Telephone project most of the storm water runoff from heavier rainfall events is diverted over my property and across Oak Street. Those events overtopping of our street have eroded soils from the south side street shoulder and exposed a concrete culvert next to the subject property. This flow diversion across Oak Street will continue and seriously erode the sand road recently constructed along the west side of the subject property. This west property line is only some 30 to 40 feet from the centerline of the natural drainage path from Oak Street to the river. Closer to the river a sand mound has been constructed and is dangerously close to the top bank of this drainage path.

This work is particularly disturbing as the process of sand erosion and transport toward the drainage path and wetlands has been observed. This total site is being monitored by photographing the site after every significant rainfall event.

B. Zoning Issues: This parcel of land is zoned B-2 based on the Magnolia Springs Zoning Map. From the Zoning Ordinance, Ordinance No. 2010-06, Article 4, Zoning Districts (Page 40), Paragraph A. Purpose and Intent, Item 8 we find the following; “B-2 – Local Business District: The purpose and intent of the B-2 Neighborhood Business District is to provide limited commercial convenience facilities servicing nearby residential neighborhoods.”

Continuing in the Ordinance, Article 4, Paragraph B. Permitted Use Table (Page 41) we find a table with various permitted uses within the various Zoning Districts. The table indicates that the following use categories are not permitted: Residential-Single family, Multi-Family, Mobile Home, Modular Home, Manufactured Home and Home Occupations. Accessory Uses is permitted and is addressed in Article 7, Definitions (Page 77), Paragraph B. Words and Terms Defined: Accessory Use. A use on the same lot with, and of a nature customarily incidental to, the principal use.
Also from Article 4 Permitted Use Table, Mixed Use is permitted in B-2 Zoned Districts. Paragraph H (Page 26). Mixed Use limits and conditions are set forth: Mixed Use:
Mixed residential and commercial uses may be permissible subject to the following conditions:
1. Is located in the (B-1) commercial professional and business and office district, (B-2) local business commercial district;
2. The commercial uses in the development may be limited in hours of operation, size of delivery trucks, and type of equipment;
3. The residential uses shall be designed so that they are compatible with the commercial uses;
4. Residential and commercial uses shall not occupy the same floor of the building;
5. Residential and commercial uses shall not share the same entrances;
6. The number of residential dwelling units is limited to 4 dwellings per acre;
7. Building height shall not exceed 2 stories;
8. If the project is in the HOD or Springs District the mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses by, but not limited to, minimizing noise associated with commercial uses, directing commercial lighting away from residential units; and separating pedestrian/vehicular access ways and parking areas from residential units, and;
9. The project shall comply with all dimensional standards of the zoning district;
10. All lighting, landscaping and parking requirements required shall be met.
11. If a proposed mixed use project is located in the HOD or the Springs District it shall follow the site plan requirements as required by these districts prior to issuance of any building permits,
12. If a proposed mixed use project is located outside of the HOD or Springs District the project is still required to follow the requirements and procedures including Planning Commission review required in the Springs District prior to issuance of a building permit.

And finally from Article 4, J. Dimensional Standards (page 27)
1. Waterfront lots: The front of a waterfront lot is the portion that has a physical connection to the water. All setbacks and lot width requirements shall be determined based on this standard. (See Graphic depiction on page 28)
   a. The front yard setback shall be the average setback that is established by neighboring properties within 200 feet of each side of the property lines
   b. The minimum lot width at the street shall be the same as the minimum lot width at the front (water) side for each zoning district.

From the B-2 Zoning District, Local Business (Page 32), the graphic representation of minimum lot dimensions and setback requirements for this district indicates that the minimum side yard setback distance is 15-feet.

C. Wetland Issues: Based on the U.S Fish and Wildlife Service National Wetlands Inventory, practically all of this proposed project area is within the designated "Freshwater Forested/Shrub Wetland" limits. A review of the "Site Plan" attached to the original "Land Disturbance and Erosion Control Permit" application indicated a wetland area hand drawn by someone. Several questions relative to the wetlands delineation are (1) who delineated the wetland boundaries indicated on the Site Plan and who mapped the delineation line established by the delineating person? It is obvious that this site plan was prepared by someone who is not a Professional Surveyor or Professional Engineer. Site plans I have used area always have the property
boundaries surveyed by a Professional Land Surveyor and the properly delineated wetland limits surveyed by the same surveyor with the final plan signed and sealed by the Professional Land Surveyor. The site plan has no indication of the drawing scale. There is no indication that this site plan was developed by a credentialed professional.

The site plan indicates that the proposed drive passes through areas indicated as wetland. The 28-foot by 42-foot cottage indicated on the site plan appears to be too wide to fit within the non wetland area. Before any additional permitting is considered, the site should have wetlands delineated by a credentialed professional and surveyed by a Professional Land Surveyor so that the accurate wetland limits and property lines can be accurately drawn.

D. Springs District Zoning and Magnolia Springs Historic District: All related regulations and requirements of these two designated districts must be met before any building permits can be considered.

E. Ordinance No. 2010-08, Flood Damage Prevention Ordinance of Magnolia Springs, Alabama and all pertinent provisions contained therein.


G. Permit Applications: All Permit applications should be completed as required and provide sufficient information and documentation so that the town council can make an informed decision regarding appropriateness of the proposed action. An investigation should be undertaken to determine what, if any, environmental permits were secured from ADEM, U.S. Fish and Wildlife Service, U.S. Army, Corps of Engineers, or EPA relative to this wetlands clearing and filling activity.
Site 2: Parcel No. 55-08-38-0-000-004.002 (Not with the Corporate Limits of the Town of Magnolia springs)

A. Observations: This parcel is located immediately north of the United Bank property, fronts on County Road 49 and extends easterly some 417.4 feet and is 101.4 feet wide. A portion of this parcel was recently cleared and site re-graded from the Spring Creek drainage path eastward toward the east property line. Recent aerial photography indicates that the portion of the property that included the flow path of Spring creek was heavily wooded and vegetated as those creek reaches both up stream and down stream of this parcel. Since the recent clearing, the creek bed and over bank areas are completely denuded of all vegetation. What is left is a sandy creek bed, banks and overbank areas composed of alluvial sands, some silts and clays and some reddish sandy materials obviously not naturally occurring. Prior to any significant rainfall event, the site was photographed. Following a recent rainfall event the site was again photographed and soil erosion clearly visible. This site will be monitored by photographing changing conditions following each significant rainfall event. Spring Creek flows southerly and through The Springs andon to the Magnolia Rover at Breed’s Hole where transported sediments will be deposited.

B. Wetland Issues: Based on the U.S Fish and Wildlife Service National Wetlands Inventory, the portion of this property along spring Creek is designated as “Freshwater Forested/Shrub Wetland. An investigation should be undertaken to determine what, if any, environmental permits were secured from ADEM, U.S. Fish and Wildlife Service, U.S. Army, Corps of Engineers, or EPA relative to this wetlands clearing and site re-grading activity.