March 6, 2019
Special Council Meeting
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, Marley Gardner; and Councilmember, Nick Shields;
   Absent: Councilmember, Steve Mobley and Councilmember, Ben Dykema
   Also, present: Town Clerk, Jenny Opal White

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

4. Confirm Permission for Magnolia Springs Garden Club to Plant Trees on Right-of-Ways:
   Mayor, Bob Holk, opened meeting to bring everyone together reference Magnolia Springs Garden Club planting trees on right-of-ways in Magnolia Springs. The former Town Council under former, Mayor, Charlie House administration had previously set aside money for the Tree Project 6-8 years ago. The Magnolia Springs Garden Club is responsible for contacting residents’ reference planting trees to adjoining property owners. If property owner doesn’t want a tree, a tree will not be planted. The trees are to make the town look better. Trees will be taken down, if requested by property owner.

Chairman, Nick Shields, Tree & Streetscape Committee, spoke on behalf of the committee. They discussed prior to this meeting at 4:00 p.m. consideration of recommendation for the Magnolia Springs Garden Club proposal to beautify streets. The Tree & Streetscape Committee submitted Memo for Record for consideration attached to minutes for record.

Councilmember, Dotty Johnson, discussed there wasn’t a Tree & Streetscape Committee 6 ½ years ago. Dotty discussed she had replaced her roof in the Historic district and was informed by the Historic District she needed to complete an application for approval. She acknowledged they were not aware of the process. Chairman, Kenny Underwood and an additional two members reviewed and approved roof. We didn’t have a Special Council Meeting to resolve. Dotty doesn’t want the Magnolia Springs Garden Club to be blamed.

Mayor, Bob Holk, discussed the Memo for Record recommendation. Mayor doesn’t agree with all on record. Let’s do what is right. Town Council should affirm we’re giving approval. Tree & Streetscape Committee verbal agreement understood. There are five items brought up on memorandum of agreement. Our approval is contingent. Mayor, commented, on five items.
   1. Not necessarily true. Mayor did participate in coordination. There was knowledge with Riviera Utilities.
   3. I don’t think maintaining right-of-ways is misunderstood. Locations are identified.
   4. Dedicated by town, town has no responsibility, no budgeted money for trees.
   5. Utility providers will not be precluded. Any necessary maintenance on new lines, the trees will be taken out.

Councilmember, Dotty Johnson, motion to affirm permission of the Magnolia Springs Garden Club to plant trees at locations discussed as an understanding, contingent upon Memorandum of Understanding by the Tree and Streetscape Committee and to include subject to items signed by The Town of Magnolia Springs and Magnolia Springs Garden Club.

Councilmember, Marley Gardner, commented on item four. We need to determine if Magnolia Springs Garden Club will maintain trees.

Mayor, Bob Holk, the trees are the responsibility of the Magnolia Springs Garden Club.
Ann Barber, Magnolia Springs Garden Club commented they have money set aside for trees.

Councilmember, Nick Shields, request, Town of Magnolia Springs and the Magnolia Springs Garden Club generate agreed Memorandum of Understanding.

Councilmember, Dotty Johnson, request to withdraw her motion.

Mayor, Bob Holk, motion, for the Town Council to affirm request for approval of the Magnolia Springs Garden Club to plant trees on the right-of-ways as discussed and marked subject to Magnolia Springs Garden Club coordinating with private property owners to get their approvals. Responsible for species, plants, and maintenance of trees. Any necessary main work by utility providers will take precedence. Tree removal if necessary. Second, Councilmember, Dotty Johnson. Mayor, Bob Holk, asked, Town Clerk, Jenny Opal White for roll call to make affirmative with quorum.

Roll Call:
Mayor Bob Holk, Yea
Councilmember, Dotty Johnson, Yea
Councilmember, Steve Johnson, Absent
Councilmember, Marley Gardner, Yea
Councilmember, Nick Shields, Abstain
Councilmember, Ben Dykema, Absent
Mayor, Bob Holk, motion passed.

Mayor, Bob Holk, asked for further comments or questions.

Town Clerk, confirmed Mr. Bob and Mrs. Lolly Turner do not want a tree, along with Mr. Bill and Mrs. Daniella Hagan.

Councilmember, Dotty Johnson, proposed question of Magnolia Springs Garden Club is planting trees? Was there a grant?

Chief, Kaylan Driskell, addressed public safety concern, reference two trees on Gates Avenue right-of-way. Chief commented bad spot with curve.

Mary Freeman, commented, there may be a problem going back further with trees on Gates Avenue.

Chief Kaylan Driskell will review trees on Gates Avenue right-of-way.

5. Adjourn:
Motion by Councilmember, Dotty Johnson, to adjourn meeting. Second, by Mayor, Bob Holk. All in favor. Meeting adjourned at 5:30 p.m.

Approved this 23rd day of April 2019

Bob Holk, Mayor

ATTEST:

Jenny Opal White, Town Clerk
MEMO FOR RECORD for the Trees and Streetscapes Committee of the Magnolia Springs Town Council

RE: Magnolia Springs Garden Club tree planting project.

BACKGROUND: For several years the Magnolia Springs Garden Club has been raising monies for, and planning, a tree planting activity dedicated to the town to improve the streetscapes and enhance the beauty of our roadsides.

PROGRESS: In 2019, the Garden Club finalized the planting plans including the locations and types of trees to be planted, coordination with 811 Utilities locations, permission from private landowners to plant, and coordination with the Town executive for plantings along and within the Town’s rights-of-way.

CONDITIONS: Due to apparent scheduling constraints, the Magnolia Springs Garden Club was not able to coordinate with the Trees and Streetscapes Committee of the Magnolia Springs Town Council. While two individual members of the Committee were contacted for “approval” and the Garden Club coordinated with the Mayor, the collective Trees and Streetscapes Committee was not involved in any formal planning or coordination of the plantings.

CONSEQUENCES: Since there was no opportunity for coordination or collaboration between the entire Trees and Streetscapes Committee and the Magnolia Springs Garden Club, the Committee advises of the following consequences:

1. Coordination of the physical planting with existing and any planned infrastructure, especially utilities, has been solely the responsibility and under control of the Garden Club.
2. Coordination with private property owners for types and locations of plantings has been solely the responsibility of the Garden Club.
3. Maintaining appropriate clearances, especially regarding water flow and management, along the Town’s rights-of-ways is the responsibility of the Garden Club.
4. Species selection, location, planting and maintenance of the plants are solely the responsibility of the Garden Club. No budget for these activities has been requested of, identified for, or dedicated by the Trees and Streetscapes Committee.
5. Any necessary maintenance work conducted by utility providers such as, but not exclusively limited to, Baldwin County EMC, Baldwin County Sewer Services, CenturyLink, Gulf Tel, Mediacom, or Riviera Utilities, will not be precluded by the plantings and current and future franchise agreements take precedence for required utility work. This means that any required trimming or removal of the plantings will be at the discretion of the aforementioned utilities and is not under control of the Town.