November 19, 2019
Regular Council Meeting
12191 Magnolia Springs Hwy.
Magnolia Springs, Alabama 36555
5:00 P.M.

1. **Call to Order:**
   Mayor, Kim Koniar, called meeting to order at 5:00 p.m.

2. **Roll Call:**
   **Present:** Mayor, Kim Koniar; Councilmember, Steve Mobley; Councilmember, Marley Gardner; Councilmember, Nick Shields; and Councilmember, Ben Dykema (Arrived, 5:04 p.m.)
   **Also present:** Town Attorney, Laura Coker and Town Clerk/Treasurer, Jenny Opal White

3. **Invocation and Pledge:**
   Councilmember, Nick Shields, lead invocation and pledge.

4. **Appointment of Councilmember Place #1:**
   Mayor, Kim Koniar, addressed applicants Andrew Monaghan, Wendy V. Hillis, and Mike Boan for their interest in the Councilmember Place #1 position. Mayor Koniar, explained, State process on filling position. Mayor, Kim Koniar, asked, Council for motion for nomination of Councilmember Place #1. Councilmember, Nick Shields, motion, for Andrew Monaghan to be appointed as Councilmember Place #1. Second, by Councilmember, Marley Gardner. All in favor. Motion passed. Mayor, Kim Koniar, thanked applicants.

5. **Swearing in of Councilmember Place #1 by Judge, Tim Russell:**
   Andrew Monaghan was sworn into Councilmember Place #1 position by Judge Tim Russell. Judge, Tim Russell, congratulated, Andrew Monaghan.

6. **Approval of Minutes, October 2019:**
   - Special Council Meeting, October 3, 2019
   - Council Workshop, October 8, 2019
   - Regular Council Meeting, October 22, 2019
   Mayor, Kim Koniar, asked, Town Council to review minutes for approval, additions or corrections. Councilmember, Marley Gardner, motion to approve the October 2019 minutes as submitted. Second, by Councilmember, Steve Mobley. All in favor. Motion carried.

7. **Approval of Financials and Expenditures, October 2019:**
   Mayor, Kim Koniar, reported on Income Statement and Balance Sheet balances as of October 31, 2019.
   - General Fund - $266,419.06
   - Tiered Money Market – $133,717.87
   - CD #344255 - $54,873.24
   - CD #355610 - $204,843.37
   - 4 and 5 Cents Gas Tax - $15,141.12
   - 7 Cents Gas Tax - $8,451.81
   - Capital Improvement Fund - $15,258.32
   - Total Checking/Savings - $698,704.79
   - General Fund Income - $30,568.17
   - Special Revenue Income - $375.25
   Motion by Councilmember, Steve Mobley, to approve financials and expenditures for October 2019 as submitted. Second, by Councilmember, Nick Shields. All in favor. Motion carried.

8. **Public Comment:**
   Mayor, Kim Koniar, called, Helen Soule, President, Magnolia Springs Community Association, forward for Public Comment. Helen, requested, crosswalk between Jesse’s and Community
Hall with sidewalk to the Episcopal Church. Councilmember, Ben Dykema, noted, Town can grant permission on Town Right of Way. We will require an estimate of costs. Councilmember, Dykema, asked, if Magnolia Springs Community Association are sharing costs in request. Councilmember, Nick Shields, requested, a proposal. Mayor, Kim Koniar, thanked, Helen Soule.

Wendy V. Hillis, inquired, on dog attack in community. Mayor, Kim Koniar, reported, Town is aware of dog attack reported. This is a civil claim. Deputy, Greg Smith, informed, there is a State Leash Law overriding jurisdiction. Deputy Smith, reported, plaintiff, to summons for damages. Deputy Smith, commented, to call the Sheriff’s Department if you see a dog loose. Councilmember, Andrew Monaghan, commented, there are different rules for dogs that bite people, second time they are put down.

9. Resolutions:
   2019-18 – Severe Weather Preparedness Tax Holiday

10. Discussion:
    Future Municipal Town Complex
    Mayor, Kim Koniar, discussed, Modest Mansions property was declined.
    Do we want to continue to lease or build?
    Build on School Property or property across street (1 ½) acres on Gates Avenue and tie in with Springs.
    Comprehensive Plan shows park in center of property.
    Councilmember, Nick Shields, considered, property across street that adjoins Arboretum and Janet Paarlberg property with listed price at $125,000.00. Keep School Property green.
    Mayor, Kim Koniar, commented, we do not have to rezone as municipality.
    Councilmember, Ben Dykema, envision as Town Center.
    Councilmember, Steve Mobley, noted, slope on property.
    Councilmember, Andrew Monaghan, inquired on covenants.
    Councilmember, Ben Dykema, noted, property tax appraised at $75,000.00 on property.
    Town Attorney, Laura Coker, suggested, negotiating price and due diligence of property.
    Mayor, Kim Koniar, tasked, Town Attorney, Laura Coker on property.
    Councilmember, Steve Mobley, motion to authorize Town Attorney, Laura Coker to move ahead with negotiating price and due diligence on property. Second, Councilmember, Nick Shields. All in favor. Motion passed.

Land Use Certificate Application – 2019-50
Mayor, Kim Koniar, discussed, Land Use Certificate Application 2019-50 on thinning trees and Riviera Utilities running underground electrical to property.
Councilmember, Nick Shields, addressed, numerous inquiries on six (6) Land Use Certificate Applications. Additional work not listed on applications. Owners need to be legally notified and a remedy on work, building or construction. Neighbors notified of violation.
Councilmember, Ben Dykema, commented, Town Attorney, to write letter.
Mayor, Kim Koniar, asked, Councilmember, Nick Shields, to email details to Town Attorney, Laura Coker on violation. Laura Coker will submit letter on violation to remove or remedy.

11. Council, Legal Counsel and Staff Comments:
    Councilmember, Steve Mobley, asked, Deputy, Greg Smith, to report on suspect captured that broke into cars on Yupon. Deputy Smith, reported, suspect has been captured and incarcerated.
    Mayor, Kim Koniar, asked, residents to keep their cars locked. Mayor Koniar, reported, on the Housing First, Inc. - The Homeless Coalition, Annual Homeless Count for January 28, 2020 discussed at the Mayors Luncheon. If you know of homeless in our area, notify, Town Clerk/Treasurer, Jenny Opal White. Mayor Koniar, discussed, proposal to lower Riviera Utilities proposal from $30,000.00 to $20,000.00 for segment on Oak Street underground
utilities. Town Attorney, Laura Coker, to research resolution. Mayor Koniar, to discuss at Council Workshop and notify residents by mail. Councilmember, Andrew Monaghan, inquired on total costs. Mayor Koniar, reported, Town paying $20,000.00 and Riviera Utilities $80,000.00.
Councilmember, Steve Mobley, glad to have Councilmember, Andrew Monaghan on board. Town Clerk/Treasurer, Jenny Opal White, reported, Congressman Bradley Byrne representative will be at Town Hall on November 20, 2019. Jenny will attend the AAMCA Conference in Gulf Shores on December 4-6, 2019 covering the 2020 Municipal Elections. Town Clerk/Treasurer Assistant Interviews scheduled on November 21, 2019.

12. Any Other Business That Might Come Before the Meeting:
   No further business.

13. Adjourn:
   Councilmember, Steve Mobley, motion to adjourn meeting. Second, by Councilmember, Marley Gardner. All in favor. Motion passed. Meeting adjourned at 5:54 p.m.

Approved this 17th day of December 2019

[Kim Koniar, Mayor]

ATTEST:

[Jenny Opal White, Town Clerk/Treasurer]