

February 26, 2020
 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; Council Member Andrew Monaghan;
 Council Member Steve Mobley; Council Member Marley Gardner;
 Council Member Nick Shields; and Mayor Pro Tempore Ben Dykema
Also, present: Town Attorney Brad Hicks and Town Clerk/Treasurer Jenny Opal White

3. Invocation and Pledge:

Council Member Nick Shields lead invocation and pledge.

4. Approval of Council Minutes, January 2020:

- Council Workshop, January 14, 2020
- Regular Council Meeting, January 28, 2020

Mayor Kim Koniar asked Town Council to review minutes for approval. Council Member Marley Gardner motion to approve the January 2020 minutes as submitted. Second, by Council Member Nick Shields. All in favor. Motion carried.

5. Approval of Financials and Expenditures, January 2020:

Mayor Kim Koniar discussed the Income Statement and Balance Sheet. Council Member Ben Dykema asked for clarification to \$85,801.59 under Miscellaneous Expenses. Mayor Kim Koniar noted that it was an "unauthorized transaction" and the funds have been reconciled and will credit on the February 2020 financial report.

6. Public Comment:

No public comment.

7. Resolutions:

Resolution 2020-02 – Establish the Use of Electronic Vote Counting Machines

Jenny Opal White, Town Clerk/Treasurer, asked to pull Resolution 2020-02 from agenda. Jenny Opal White, Town Clerk/Treasurer, explained that Resolution 2020-02 – Establish the Use of Electronic Vote Counting Machines would need to be an Ordinance.

Resolution 2020-03 – Establish New Checking Account

Mayor Kim Koniar discussed Resolution 2020-03 Establish New Checking Account due to unauthorized transactions. Council Member Andrew Monaghan, motion to adopt Resolution 2020-03 Establish New Checking Account. Second, by Council Member Marley Gardner. All in favor. Motion carried.

Resolution 2020-03 – Donating Funds to the Magnolia Springs Volunteer Fire Department

Mayor Kim Koniar discussed Resolution 2020-03 Donating Funds to the Magnolia Springs Volunteer Fire Department. Mayor Kim Koniar discussed prior donations and the allocated \$10,000 donation included in the budget for this year. Mayor Kim Koniar discussed a letter from Fire Chief Kaylan Driskell the activities of the Magnolia Springs Volunteer Fire Department during the previous year. Council Member Steve Mobley, motion to adopt Resolution 2020-03 Donating Funds to the Magnolia Springs Volunteer Fire Department. Second, by Council Member Nick Shields. All in favor. Motion carried.

8. Right-of-Way Disturbance Permit:

- Right-of-Way Disturbance Permit No. 26 – Baldwin County Sewer Service, LLC & Cotton Stocking Lane

Council Member Ben Dykema discussed Baldwin County Sewer Service putting sewer lines down Cotton Stocking Lane. Citizens along Cotton Stocking Lane were not notified of the potential sewer lines. Council Member Ben Dykema reminded residents of the pledge of not putting sewer

lines parallel to the Magnolia River. Cotton Stocking Lane is the last road parallel to Magnolia River on the South side, like Oak Street on the North side; if the Town won't put sewer on Oak Street, it shouldn't put sewer on Cotton Stocking Lane either. Baldwin County Sewer Service is a private company and the Town would not receive funds from them using the Town's Right-Of-Way unless there is a franchise agreement. There would not be a Town engineer to oversee construction. What appeared to be inadequate clean up after a recent sewage spill on Pecan Grove Street, BCSS left a dirty pipe exposed in the right-of-way. Council Member Nick Shields addressed the placement of sewer lines on private property along Pecan Grove Street. Town Attorney, Brad Hicks, stated that according to Section 220 of the Alabama Constitution, the use of the public right-of-way to conduct business, businesses must have consent from the Town of Magnolia Springs. Council Member, Nick Shields, recommended rejecting the application unless and until the Town enters into a franchise agreement with Baldwin County Sewer. Council Member, Nick Shields, motion to deny Right-of-Way Disturbance Permit No. 26. Second, by Council Member Andrew Monaghan. All in favor. Motion carried.

9. Discussion:

- Potential Property for Municipal Town Complex - Mayor, Kim Koniar, discussed the potential property purchase of vacant land at the corner of Gates Avenue and Magnolia Springs Highway. Town Attorney, Brad Hicks, noted that a purchase agreement would be needed. Town Attorney, Brad Hicks, has looked over the standard Baldwin County purchase agreement that was sent to him from the seller's realtor and will add the most contingencies which would allow the Town of Magnolia Springs to cancel the agreement. Discussion amongst Council Members on the purchase of the property. Mayor, Kim Koniar, asked for a motion to be made to authorize continued negotiations. Council Member, Andrew Monaghan, motion to authorize continued negotiations. Council Member, Nick Shields, second. Council Member, Nick Shields, asked for a roll call vote.
Mayor Kim Koniar, Yea
Council Member Ben Dykema, Nay
Council Member Andrew Monaghan, Yea
Council Member Steve Mobley, Yea
Council Member Marley Gardner, Yea
Council Member Nick Shields, Yea
5 Yea, 1 Nay. Passed.
- Independent Arborist – Mayor Kim Koniar asked Council Member Nick Shields, to discuss the potential need for an independent arborist regarding the trees on Oak Street. Discussion among Council and citizens living along Oak Street. Citizens expressed the need for an independent arborist to determine which is healthier for the trees, trimming or boring for underground utilities. Council Member Nick Shields agreed to find an arborist agreeable to the citizen's concerns. Mayor Kim Koniar asked for Chris Francis to be called to evaluate trees with Council Member Nick Shields and the citizens of Oak Street.
- Magnolia Run – Mayor Kim Koniar stated that the Magnolia Run be moved to November 7, 2020. Council Member Steve Mobley, motion to move Magnolia Run to November 7, 2020. Second, by Council Member Marley Gardner. All in favor. Motion carried.

10. Council, Legal Counsel and Staff Comments:

- Friends of the River – Council Member Ben Dykema noted that a longtime citizen, Carey Bentley, who had recently passed away, has a memorial fund in his name for the Weeks Bay Reserve, if anyone wanted to donate funds to protect the Magnolia River. Council Member Ben Dykema noted that Mike Shelton, with Weeks Bay Reserve, asked for volunteer water testers and volunteers to add gauges to docks along the Magnolia River. Council Member Ben Dykema mentioned the Town entering a contract again this year to complete a study of bacteria in the Magnolia River. Council Member Ben Dykema stated that the consensus is to hire deputies to patrol the Town of Magnolia Springs' river access points during the summer from 12-6 on Saturdays and Sundays.
- Municipal Clerk's Spring Institute – Town Clerk/Treasurer Jenny Opal White discussed attending Municipal Clerk's Spring Institute last week.
- Arbor Day 2020 – Town Clerk/Treasurer Jenny Opal White reminded residents of Arbor Day at the Magnolia Springs Fire Station on February 29, 2020 from 8-11 a.m.

- Town of Magnolia Springs Clerk's Office – Town Clerk/Treasurer Jenny Opal White reported since January 1, 2020, the Clerk's Office has processed 400 business licenses, 4 Historical COAs and 5 land use certificates.
- Magnolia Springs Volunteer Fire Department – Council Member Steve Mobley mentioned that the Magnolia Springs Volunteer Fire Department received a new water tanker truck almost entirely funded with grants.

11. Any Other Business That Might Come Before the Meeting:

- SB142 – Mayor Kim Koniar reported that there is Senate Bill 142 which will abolish ETJ. Mayor Kim Koniar stated that a member of the Planning Commission, Hadley Weaver, attended the Senate Committee meeting. Mayor Kim Koniar asked that citizens write senators, house of representatives, and Governor opposing SB142.
- Historic Preservation Commission & Board of Adjustments – Mayor Kim Koniar reported that there are expired terms within the Historic Preservation Commission & Board of Adjustments. Mayor Kim Koniar would like the expired positions open to the public. Current members can serve until reappointment or appointment of new member. Interested parties can report to Town Hall once it is posted.
- Safety Committee – Mayor Kim Koniar noted that Council Members, Nick Shields, Steve Mobley and Andrew Monaghan will review safety issues. Deadline extended to next Public Works Committee Meeting.

12. Adjourn

Council Member Steve Mobley, motion to adjourn meeting. Second, by Council Member Marley Gardner. All in favor. Motion passed. Meeting Adjourned at 6:09 p.m.

Approved this 24th day of March 2020



Submitted by:
Hannah Driskell
Town Clerk Assistant



Kim Koniar, Mayor

ATTEST:



Jenny Opal White, Town Clerk/Treasurer

