

August 11, 2020
 Council Workshop
 12191 Magnolia Springs Hwy.
 Magnolia Springs, Alabama 36555

1. Call to Order:

Mayor Kim Koniar called the meeting to order at 5:00 pm.

2. Roll Call:

Present: Mayor Kim Koniar; Mayor Pro Tempore Ben Dykema,
 Councilmember Andrew Monaghan; Councilmember Steve Mobley;
 Councilmember Nick Shields.
 Absent, Councilmember Marley Gardner.
 Also, Present: Town Clerk/Treasurer Jenny Opal White.

3. Invocation and Pledge:

Councilmember Nick Shields led invocation and pledge.

4. Approval of Council Minutes – July 2020:

Mayor Kim Koniar asked for Council to review minutes from Council Workshop, July 14, 2020, Special Council Meeting, July 14, 2020 and Regular Council Meeting, July 28, 2020. Mayor Koniar asked Council to contact Town Clerk/Treasurer Jenny Opal White or Assistant Town Clerk Hannah Driskell for additional comments or corrections.

5. Approval of Financials and Expenditures, July 2020:

Mayor Kim Koniar stated that she has yet to review the July 2020 Financials and Expenditures and they are forthcoming.

6. Deputy Derek Boone – Monthly Report:

Arrests – 2 for Domestic Violence.

Report 20-3061 taken for criminal mischief 2nd on County Road 49.

Report 20-3072 taken for theft of property 2nd on Oak Street.

Report 20-3073 taken for theft of property 4th on Oak Street.

Report 20-3133 taken for domestic violence 3rd on Hwy 98.

Report 20-3289 taken for abandoned auto (towed) on County Road 26 near County Road 49.

Report 20-3357 taken for domestic violence incident at Family Dollar.

Report 20-3061 taken to supplement with additional information and added charges.

Report 20-3395 for vehicle damage to patrol vehicle on Cedar Avenue.

Traffic Stops – 66

UTC – 20

Written Warnings – 31

Verbal Warnings – 17

Deputy Boone reported that he attended training at BCSO Training Center for evidence collection, he attended training in Intelligence Collection at the the Gulf Coast Technology Center and completed his Airplane-Single Engine Land Commercial Rating.

Councilmember Andrew Monaghan asked Deputy Derek Boone about the recent theft off Jessamine Street and Oak Street. Deputy Boone stated that there were two utility trailers that had the locks cut and approximately \$2,000 worth of tools were stolen. Deputy Boone stated he has not had success in finding a suspect.

Mayor Koniar stated that she witnessed a child jumping off the railing at Magnolia Landing. Deputy Boone stated he will monitor Magnolia Landing and speak with the individual when caught.

7. Public Comment:

Anne Barber – Anne Barber, resident of Oak Street, is concerned about a tree permit that was issued to Lolly Holk to remove a 200-year-old oak tree on a lot on Island Avenue. Ms. Barber states that the tree is on the property line between her property and the lot Lolly Holk owns. Ms. Barber is concerned that if the tree is removed, the root system will rot, causing holes in her yard. Ms. Barber

stated that she is totally against the removal of the oak tree. She is also against the building of two “shotgun” style homes on small lots in the historic district.

Mike Costigan – Mike Costigan, resident of Oak Street, requesting a hold be placed on the removal of the tree on property owned by Lolly Holk on Island Avenue. Mr. Costigan stated that the issuance of a tree permit was done in error. Mr. Costigan quoted the Magnolia Springs Tree Preservation Ordinance “The tree is located in an area where an approved structure or improvement is to be placed according to a site plan, building permit, plat or land disturbance permit approved by the Town.” Mayor Kim Koniar stated that the Town of Magnolia Springs is structured so that variances will go to the Board of Adjustments and not the Town Council. Mayor Pro Tempore Ben Dykema stated that the Town did not receive a land use application or a land disturbance application prior to an application going to the Board of Adjustments. Mr. Costigan stated that he submitted a letter from neighboring property owners to Councilmember Nick Shields.

Tadd McVay – Tadd McVay, resident of Jessamine Street, is concerned about a blind curve just past the parking lot of the Bed & Breakfast on Jessamine Street. Mr. McVay stated that he has nearly been hit by vehicles numerous times on that section of Jessamine Street. Mr. McVay inquired if the Town could install speed humps or make that section of Jessamine Street a one-way street. Mayor Kim Koniar stated the Town of Magnolia Springs may need an engineer to suggest the best way to control traffic. Deputy Derek Boone agrees that the curve on Jessamine Street needs to be addressed.

Thomas Rachel – Thomas Rachel, resident of Cotton Stocking Lane, asked the Council about the status of the Baldwin County Sewer Service franchise agreement with the Town of Magnolia Springs. Mayor Koniar stated that the committee that was established to review the has not gotten a chance to review the document in its entirety. Mayor Koniar stated that the Town Attorney has not been able to review the documents, compare to previous franchise agreements that had been proposed previously and then compare to the Town’s ordinances. Thomas Rachel stated he is wanting to build a home within the Town of Magnolia Springs soon and needs to know if sewer with Baldwin County Sewer Service is an option for his new home. Mr. Rachel asked to make the franchise agreement a priority. Mayor Koniar promised Mr. Rachel that the Town will make progress within thirty (30) days on the franchise agreement with Baldwin County Sewer Service.

8. Discussion:

- Short Term Rentals and AirBnB – Mayor Kim Koniar stated that there are some concerns from residents about short term rentals within the Town. Councilmember Andrew Monaghan stated he liked some of the ordinances from other municipalities. Councilmember Monaghan suggested implementing a more restrictive ordinance to include safety concerns and inspections of residence and consider amending the zoning ordinance to allow short term rentals in certain areas but not in others. Councilmember Monaghan suggested holding a public hearing when a zoning variance is applied for so neighbors can object to a short-term rental being operated next door. Mayor Kim Koniar stated that the current owners of a short-term rental count on the rental of their property as income. Councilmember Shields stated that neighbors of proposed short-term rentals should have the ability to voice their concerns. Councilmember Shields stated that the owner of the short-term rentals needs to be given opportunities to fix nuisances before their business license is revoked. Councilmember Steve Mobley stated that parking at short term rental houses could become an issue with not enough places to park off the street. Mayor Koniar asked Council to review the research from other municipalities to discuss at next Council Workshop in September.
- Lodging Tax – Mayor Kim Koniar stated that the Council can review implementing a lodging tax after reviewing short-term rentals. Councilmember Andrew Monaghan stated that there are short term rentals in the Magnolia Springs ETJ that could be charged a lodging tax. Councilmember Nick Shields stated that the owners of short-term rentals do need a business license and the Town needs to develop an ordinance to tax those businesses.
- Safety Policy – Town Clerk/Treasurer Jenny Opal White stated that the Town of Magnolia Springs needs to adopt a safety policy. Councilmember Andrew Monaghan stated he received a copy of the City of Foley’s Safety Policy and the Town of Magnolia Springs can use Foley’s Safety Policy as a template for the Town of Magnolia Springs. Mayor Kim Koniar suggested having a fire department representative, safety coordinator, councilmembers, and residents. Mayor Kim Koniar stated that there will be three (3) Safety Committee members at a minimum. Mayor Koniar asked Councilmember Monaghan to work on making changes to the Safety Policy to be adopted at Regular Council Meeting on August 25.

- Street Closure Application – October 10, 2020 – Town Clerk/Treasurer Jenny Opal White stated that Tracy Hanburg has submitted a street closure application for Oak Street between Jessamine Street and Bay Street. Ms. Hanburg has paid a \$300 deposit which will be returned if all requirements are met after the street closure according to Resolution No. 2015-07. Councilmember Nick Shields stated the Council can conditionally approve with the requirement that the road be blocked with traffic control provided by the Baldwin County Sheriff's Department or the Magnolia Springs Volunteer Fire Department. Mayor Kim Koniar stated the Council will vote on the street closure application at Regular Council Meeting on August 25.
- Planning Commission – Christopher Bella Subdivision Application Refund – Mayor Kim Koniar stated that Christopher Bella had applied for a subdivision application but had nonconforming RV's on his property. Mr. Bella withdrew his subdivision application prior to the public hearing and is requesting the \$500 subdivision application fee returned to him. Mayor Koniar stated that the Town of Magnolia Springs has spent over \$1,000 in legal fees and other fees. Mayor Koniar stated that the Planning Commission suggests not refunding the subdivision application fee. Town Clerk/Treasurer Jenny Opal White stated the Council will vote at Regular Council Meeting on August 25. Town Clerk/Treasurer Jenny Opal White stated she has contacted SARPC representative Diane Burnett with updating Planning Commission forms.

9. Committee/Commission Reports:

- Ad Hoc Committee, Kim Koniar, Chairman – Mayor Kim Koniar reported the Ad Hoc Committee is meeting with several architects to get different opinions. The Committee will meet within the next few weeks. Mayor Koniar stated that Terraform Land Company will begin clearing the lot on Gates Avenue this week.
- Finance & Audit, Kim Koniar, Chairman – Mayor Kim Koniar stated that the Finance & Audit Committee will meet on August 17th at 11 a.m. at Town Hall. Town Clerk/Treasurer Jenny Opal White stated she has received all budget requests from the committees to review at the Finance & Audit Committee meeting.
- Public Works & Safety, Steve Mobley, Chairman – Councilmember Steve Mobley stated the Public Works & Safety Committee met yesterday and discussed paving streets within the Town during the next fiscal year. Councilmember Mobley discussed the flooding at the Henris residence on Oak Street and Pecan Grove Street. Councilmember Steve Mobley stated he received a complaint from Joseph Sankey, a resident of Bay Street, regarding drainage through his property that originates north from Cougill Avenue. Councilmember Mobley stated he received a complaint that there has been a pile of wood chips dumped on a wetland property near to Joe Sankey's residence. The wetland property in question located on Island Avenue, is up for sale. Mayor Pro Tempore Ben Dykema is concerned that someone will attempt to build on that lot causing a bigger drainage issue. Town Clerk/Treasurer Jenny Opal White stated that there was a public record request for an environmental study on the lot, but no records were found. Councilmember Steve Mobley stated that the placement of the wood chips on the property is a violation of the Town's land disturbance ordinance because no permits had been issued for the property. Councilmember Steve Mobley stated that research needs to be done on the Town's right of easement for drainage. Councilmember Mobley suggested asking Brett Gaar who may have further information. Councilmember Steve Mobley stated that there was a wreck on the corner of Gates Avenue and Old Marlow Road. The wreck destroyed the signs that indicated that there is a turn. Town Clerk/Treasurer Jenny Opal White stated that Assistant Town Clerk Hannah Driskell ordered the signs today. Councilmember Steve Mobley stated that he will gather the paperwork to charge the insurance company of the driver. for the damaged signs.
- Public Lands & Beautification, Ben Dykema, Chairman – Mayor Pro Tempore Ben Dykema suggested the Town of Magnolia Springs purchase the lot on Island Avenue to protect the lot as a wetland. Councilmember Andrew Monaghan suggested making it a wetland park if the Town considered purchasing property.
- Tree & Streetscape, Nick Shields, Chairman – Councilmember Nick Shields reported he received a tree permit application that was approved for Lolly Holk at 14497 Island Avenue. Councilmember Shields stated he approved the application due to the property owner is planning on building on lot. Mayor Kim Koniar stated the tree permit was granted prior to the variance being approved or denied at the Board of Adjustment hearing. Mayor Koniar asked for

the tree permit be amended so that removal of the tree be conditional upon the approval of the variance application at the Board of Adjustments meeting. Councilmember Andrew Monaghan stated he would contact Town Attorney to discuss options to keep the tree from being removed.

10. Council, Legal Counsel and Staff Comments:

Councilmember Steve Mobley was notified that the Shell Station has sewage issues and the landlord has taken over the operation of the store. The Shell Station is closed; however, the gas pumps are operational. Councilmember Mobley stated the grass has been cut and the new owner had bought the inventory. Mayor Kim Koniar stated the dump trailers need to be moved and another letter can be sent if needed.

Town Clerk/Treasurer Jenny Opal White stated that Gerry Lester with the Magnolia Springs Garden Club will have Arbor Day on February 27, 2021. The Garden Club will not order as many trees this year due to COVID-19.

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

Mayor Kim Koniar stated that citizens of Magnolia Springs are directly emailing the Town Attorney. The Town Attorney will then bill the Town of Magnolia Springs. Mayor Koniar asked for citizens to refrain from emailing the Town Attorney with their concerns. Mayor Koniar stated that the Town Attorney is there to support the Town Council and Mayor.

Mayor Kim Koniar asked the Clerk's Office to complete meeting minutes within ten (10) days so the Mayor and Council has ample time to review and make changes to minutes before the Council Meeting to approve.

12. Adjourn:

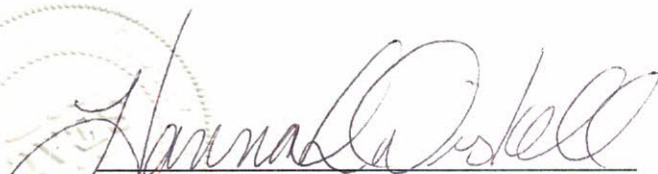
Mayor Pro Tempore Ben Dykema made motion to adjourn. Second, by Councilmember Andrew Monaghan. All in favor. Motion passed. Meeting adjourned at 6:48 p.m.

Approved this 29th day of September 2020.



Kim Koniar, Mayor

ATTEST:



Hannah Driskell, Acting Town Clerk