

March 14, 2023
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Alabama 36555

1. Call to Order:
Mayor Kim Koniar called the meeting to order at 5:01 pm following publication and posting pursuant to Alabama law.
2. Roll Call:
Mayor Kim Koniar; Mayor Pro Tempore Nick Shields;
Councilmember Andrew Monaghan; Councilmember Steve Mobley;
Councilmember Ross Houser; Councilmember Bob Turner.
Also, present: Town Clerk Hannah Driskell; Assistant Town Clerk Margy Ruhe-Spencer; Town Attorney Brad Hicks.
3. Invocation and Pledge:
Mayor Pro Tempore Nick Shields led invocation and pledge.
4. Executive Session:
Town Attorney Brad Hicks recommended the Council adopt a motion to convene an Executive Session for the purpose of discussing with the Town Attorney the legal ramifications of pending litigation. Town Attorney Brad Hicks is an attorney licensed to practice law in the State of Alabama. This exception is applicable to the planned discussion. Council so moved. Second, by Bob Turner. Mayor Kim Koniar stated that the meeting would reconvene. Executive Session began at 5:03 p.m. Council reconvened the meeting at 5:24 pm.
5. Council Minutes – February 2023:
Mayor Kim Koniar asked the Council to review the minutes from the Council Workshop February 14, 2023, and Regular Council Meeting, February 28, 2023. Mayor Kim Koniar asked for changes to be submitted to the Clerk's Office.
6. Treya Tindal, Avizo Group, Fiscal Year 2021/2022 Audit:
Treya Tindal, auditor with the Avizo Group, discussed the audit report with the Council. Treya noted that the Town has a clean, unmodified opinion, which is the best opinion to get.
7. Shari Woody, Hurricane Sally/FEMA Update:
Shari Woody stated that the Town is almost done with Hurricane Sally reimbursement. The Town has received approximately \$427,000.00 in the past few weeks with \$30,000 still pending. The total reimbursement would be 1.2 million dollars. Ms. Woody noted that two grants have been applied for at two different locations on Oak Street based on the drainage study with more grants available.
8. Andrew James, Volkert Engineering Services, Drainage Study Update:
Andrew James gave a summary overview of what Volkert did regarding the drainage study and a projected 5-year budget plan. Mr. James explained that they based the study on a 25-year statistical storm. The study found that the water would gain speed and volume the closer it gets to the Magnolia River and pipes would get smaller closer to the river which caused flooding issues. The older pipes closer to the river were undersized and would need to be upsized in order to alleviate the flooding issues. Mr. James discussed a proposed 5-year plan to address high priority issues with an annual budget of \$75,000. Mr. James noted that the study identified 63 locations with a recommendation for improvement, which would cost at least 5 million dollars to address. Mr. James noted that Bay Street was the highest concern and recommended that the downstream improvements be made first to avoid sending water from upstream larger pipes to insufficient pipes downstream.

9. Mark Mattox, Chairman, Planning Commission, Discussion:

Mark Mattox discussed that the Planning Commission desires to revamp the 2009 Comprehensive Plan. Mr. Mattox noted that the Town has changed since the Comprehensive Plan was implemented and it needs to be updated with the current desires and needs of the community. Mr. Mattox noted that the Planning Commission has held off on working on the Comprehensive Plan due to the Planning Jurisdiction agreement with the Baldwin County Commission expiring in July 2023. The Planning Commission would like to apply for a grant to rewrite the Comprehensive Plan. The grant would be a 1:1 match. NOAA and ACDNR would be the grant funders allocating \$45,000 to SARPC for their administration of the new Comprehensive Plan and the Town matching \$45,000. The Town's match could be in-kind by volunteers working on the plan, rental of buildings to hold meetings, and employing professionals to complete certain tasks. The Planning Commission is asking the Town to support the application for the funding of the Comprehensive Plan rewrite and pass a resolution at the next meeting, so the application can be submitted by the March 31 deadline. Mr. Mattox discussed the Planning Jurisdiction agreement between the Baldwin County Commission and the Town. Mr. Mattox noted that Matthew Brown, Baldwin County Planning and Zoning Director and Matthew McKenzie, Baldwin County Commission has requested a meeting with the Town to discuss the agreement. Mr. Mattox discussed reaching out to the community to gather support for the Town to keep the Planning Jurisdiction.

10. Public Comment:

- Ken & Helen Underwood – Mr. & Mrs. Ken & Helen Underwood, residents on Oak Street, discussed the vacation petition on Holly Avenue. Mr. & Mrs. Underwood discussed that the community has signed a petition asking the Town Council to not vacate the water access points. Mrs. Underwood stated that she can get more signatures on her petition to get the Council's attention, if needed. Mr. Underwood suggested that the Town could build a pier or bridge over the slew to reach the peninsula for access to the 20' of Magnolia River waterfront. Mr. Underwood noted that 82.6% of public access to the Magnolia River has been lost due to vacations of the original subdivision plats of Magnolia Springs.
- Buster Slay – Buster Slay, resident of Rock Street, noted that the public access points are used mostly by non-residents. Mr. Slay discussed that access to the 20' right of way between Mr. Wright's properties off Holly Avenue is underwater and could only be accessed through Mr. Wright's property by land. Mr. Slay asked Council when the pothole on Oak Street near Jesse's would be repaired. Councilmember Steve Mobley noted that he has spoken with Riviera and it is on the list to be repaired.
- Mike Boan – Mike Boan, resident of Jessamine Street and Secretary of Miracle League of Alabama, thanked Council for the donation toward the installation of a park for handicapped children and showed them a picture of the completed park.

11. Resolution:

- Resolution No. 2023-04 – A Resolution Assenting to the Vacation of a Portion of Holly Avenue and an Unnamed Street Depicted on the Plat of Magnolia Plaza as Recorded at Slide 36-A in the Office of the Judge of Probate of Baldwin County, Alabama – Councilmember Ross Houser stated that the appraisal would cost \$1,500. The appraiser would be able to begin evaluating after Mr. Wrights submits a new detailed survey. Councilmember Andrew Monaghan discussed that the Town should not vacate the right-of-way that is underwater. Anything underwater falls under the jurisdiction of the State of Alabama, however it could be possible for an individual to challenge the State and get permission to perform construction on that location. Mayor Kim Koniar discussed concerns over Mr. Wright's boathouse that was constructed off the 20' right-of-way and if the Town was responsible for that. Councilmember Andrew Monaghan noted that the boathouse was over Alabama waters and it would be subject to riparian rights.
- Resolution No. 2023-06 – Naming Members of the Planning Commission – Town Clerk Hannah Driskell stated that Mike Boan and Joe Babington have agreed to serve on the Planning Commission. Rodney Hubble and Lauren Mote have agreed to continue to serve and would re-evaluate after the Planning Jurisdiction agreement has been decided in July.

12. Reservation Application for Public Parks, Magnolia River Access Points and Street Closure:

- Magnolia Springs Old School Park, Magnolia Springs Community Association, March 26, 2023, Tour of Homes Parking – Town Clerk Hannah Driskell stated that the Magnolia Springs Community Association requested to use the Magnolia Springs Old School Park for parking during the Tour of Homes. Ms. Driskell noted that the event would take place before the Regular Council Meeting for the Council to vote. Council agreed to allow the Magnolia Springs Community Association to use the Magnolia Springs Old School Park as there was no other event taking place on that day.

13. Discussion:

- Hurricane Sally Injury Reimbursement – Mayor Kim Koniar discussed Councilmember Nick Shield's injury from when a dog bit his hand while doing Hurricane Sally damage assessments right after the hurricane. Mayor Koniar noted that the medical bills were not included in Hurricane Sally reimbursement due to not having the documents to the Town before the deadline. Councilmember Nick Shields attempted to seek reimbursement from the owners of the dog but was unsuccessful. Councilmember Nick Shields is requesting the Town reimburse him for the medical expenses. The council agreed to reimburse Councilmember Shields pending advice from the Town Attorney.

14. Committee/Commission Reports:

- Ad Hoc Committee, Kim Koniar, Chairman – Mayor Kim Koniar noted that the Ad Hoc Committee has not met.
- Finance & Audit Committee, Kim Koniar, Chairman – Mayor Kim Koniar noted that the Finance & Audit Committee has not met.
- Public Works, Lands & Safety Committee, Steve Mobley, Chairman – Councilmember Steve Mobley noted that the Public Works, Lands & Safety Committee has met. Councilmember Mobley reported that the committee discussed drainage issues and road paving. Councilmember Mobley noted that Asphalt Services completed the paving work on McCoy Lane and Village Green Drive, and it looks good. Mayor Kim Koniar noted that Magnolia Street near Holly Avenue will need to be repaved due to the tree roots causing cracking. Andy James with Volkert Engineering explained processes available to keep the tree roots from causing issues after repaving. Mayor Koniar discussed the possibility of lowering the speed hump height south of Village Green Drive. Councilmember Mobley stated that the older humps have lowered in height over the years. Councilmember Mobley was not in favor of lowering the speed hump south of Village Green Drive.
- Tree & Streetscape Committee, Nick Shields, Chairman – Mayor Pro Tempore Nick Shields noted that the Tree & Streetscape Committee has not met. Mayor Pro Tempore Shields stated that Riviera Utilities looked at the Magnolia tree near Jesse's Restaurant and it did not interfere with their lines. Mayor Pro Tempore Shields noted that he can contact Gary's Tree Service to remove. Mayor Kim Koniar noted that the Magnolia tree near Jesse's is lower priority than some other trees that need to be removed.
- Magnolia Springs Public Library, Ann Grandin, Board Member – Ann Grandin noted the library is running smoothly and the Board is continuing to seek a permanent library director.

15. Council, Legal Counsel and Staff Comments:


Town Clerk Hannah Driskell reminded Council to submit their Statement of Economic Interests by April 30. Ms. Driskell will be attending a Certified Alabama Planning and Zoning Official class on Thursday, March 16 in Bay Minette. Margy Ruhe-Spencer, Assistant Town Clerk, will be in the office.

Councilmember Bob Turner spoke on the process of residents requesting sewer service through Baldwin County Sewer Service. Two councilmembers would approve the Sewer Release, citizens would then apply to Baldwin County Sewer Service, and then Baldwin County Sewer Service would provide engineered plans to the Town. Councilmember Bob Turner discussed the first engineered plan that was submitted to the Town by BCSS for a sewer connection on Dykes Drive. Councilmember Turner discussed issues with a property owner claiming that the proposed sewer line would be placed on their property. Councilmember Bob Turner will be following up with Baldwin County Sewer Service and the affected property owner to reach a solution before approving the sewer installation.

16. Adjourn:

Mayor Kim Koniar asked for motion to adjourn. Councilmember Ross Houser made motion to adjourn. Second, by Councilmember Andrew Monaghan. Meeting adjourned at 6:39 pm.

Approved this 25th day of April 2023.



Kim Koniar, Mayor

ATTEST:



Hannah Driskell, Town Clerk

