

October 24, 2023
 Regular Council Meeting
 12191 Magnolia Springs Hwy.
 Magnolia Springs, Alabama 36555

1. Call to Order:

Mayor Kim Koniar called the meeting to order at 5:00 pm following publication and posting pursuant to Alabama law.

2. Roll Call:

Mayor Kim Koniar; Mayor Pro Tempore Nick Shields;
 Councilmember Steve Mobley; Councilmember Ross Houser;
 Absent: Councilmember Andrew Monaghan; Councilmember Bob Turner.
 Also, present: Town Clerk Hannah Driskell.

3. Invocation and Pledge:

Mayor Pro Tempore Nick Shields led the invocation and pledge.

4. Approval of Council Minutes, September 2023:

Mayor Kim Koniar asked for approval of minutes for Council Workshop, September 12, 2023, and Regular Council Meeting, September 26, 2023. Councilmember Ross Houser made a motion to approve the Regular Council Meeting minutes. Second, by Mayor Pro Tempore Nick Shields. All in favor. Motion carried.

5. Approval of Financials and Expenditures, September 2023:

Mayor Koniar noted that the September Financials and Expenditures are the year-end, and a few minor issues need to be addressed before finalizing the fiscal year 2022/2023 financials. Mayor Koniar asked for the Council to wait to approve until the October Regular Council Meeting after the Financials and Expenditures have been updated.

6. Vacation of a Portion of Holly Avenue and Unnamed Street Public Hearing:

- **Open Public Hearing – Mayor Kim Koniar opened the public hearing at 5:02 p.m.**
 - Lewis Wood – Lewis Wood, resident of Magnolia Street and adjacent to the Holly Avenue right-of-way, discussed concerns regarding safety. Mr. Wood noted that the area is wetlands and the depth of the slew ranges from two feet deep to zero. Mr. Wood noted that the slew has about three feet of mud at the bottom. Mr. Wood stated that opening the area to the public would cause trouble and he is in support of the vacation.**
 - John Bowers – John Bowers, resident of Magnolia Street, stated that the Town does not need to vacate.**
 - John Wright – John Wright, adjacent property owner, stated that he is in favor of the vacation. Mr. Wright noted that no one has accessed the Magnolia River from the Holly Avenue location in years. Mr. Wright noted that Mr. Mark Wright will clean up the property after it is vacated and increase everyone's property value.**
 - Ken Johnson – Ken Johnson, resident of Dickinson Lane, noted that the Holly Avenue access was rarely used, and it would not be missed.**
 - Mark Wright – Mark Wright, petitioner, noted that he owns six parcels that encompass the rights-of-way he is requesting to vacate. Mr. Wright noted that the rights-of-way have never been used by the public, they have always been overgrown and some are underwater. A boathouse was constructed at the end of one of the rights-of-way and the public would not have been able to access the Magnolia River anyway. Mr. Wright asked for Council to consider his request to vacate.**
 - Ross Houser – Councilmember Ross Houser noted that the Town would keep approximately forty feet by two hundred and twenty-five feet of the Holly Avenue right-of-way that accesses the slew.**
 - Helen Underwood – Helen Underwood, resident of Oak Street, noted that she has been award of the Holly Avenue right-of-way accessing the Magnolia River for the past 50 years. Mrs. Underwood noted that her husband utilized the right-of-way when he was young. Mrs. Underwood noted that the Town should clear the right-of-way for the public to be able to access the Magnolia River.**
 - Paula Strange – Paula Strange, resident of Holly Avenue, asked to purchase the remaining right-of-way. Mayor Kim Koniar stated that vacating of additional rights-of-way is not a part of the discussion at this meeting.**
 - Rodney Hubble – Rodney Hubble, resident of Jessamine Street, clarified that there will still be public access to the Magnolia River from the Holly Avenue right-of-way.**

Mark Wright – Mark Wright, petitioner, discussed the history of the “Boathouse Block” of the property. Mr. Wright noted that the original plat had 36 boathouse lots. Mr. Wright noted that he has no intention of adding the boathouse lots back.

Cale Kameron – Cale Kameron, resident of Gates Avenue, is concerned about having documentation that the boathouse block will not be developed. Mr. Wright noted that he could add language to the deed with the restrictions.

- Close Public Hearing – Mayor Kim Koniar closed the public hearing at 5:20 p.m.

7. Public Comment:

- Linda Ingram – Linda Ingram, resident of Oak Street, noted that she is in favor of the moratorium and states that there should not be any new business licenses approved until rules and regulations are implemented. Ms. Ingram noted that Magnolia Springs is the only municipality in Baldwin County without an ordinance regulating Short Term Rentals.
- Deborah Marriott – Deborah Marriott, president of the Magnolia Springs Garden Club, announced that the Garden Club is hosting Chad Watkins at the Magnolia Springs Community Hall at 6:00, after the Council Meeting, to discuss plans for the Arboretum. The Garden Club desires to make the arboretum a beautiful place and they would like to add a Blue Star Memorial marker.
- Janet Paarlberg – Janet Paarlberg, on behalf of the Friends of the Magnolia Springs Public Library, announced the Trunk or Treat event at the library on Saturday, October 28 from 10am-12pm. Ms. Paarlberg encouraged everyone to attend in hopes of getting more exposure to the library and the library director.

8. Resolutions:

- Resolution No. 2023-29 – A Resolution Authorizing Sponsorship of the St. Paul’s Episcopal Church Speckled Trout Invitational Fishing Tournament, November 4, 2023 – Mayor Kim Koniar noted that the Council agreed to the \$500 sponsorship at the Council Workshop. Councilmember Ross Houser made a motion to approve Resolution No. 2023-29. Second, by Mayor Pro Tempore Nick Shields. All in favor. Motion carried.
- Resolution No. 2023-30 – 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 (Parcel 1) – Mayor Kim Koniar discussed that the Town has limited staff to maintain the property and there would not be enough space for vehicles to turn around if the Town elected to not vacate the parcel and improve it. Mayor Koniar noted that the Town could make the right-of-way a pedestrian walkway to the Magnolia River. Mayor Kim Koniar noted the vacation fee is \$2,500 for Parcel 1. Councilmember Ross Houser made a motion to approve Resolution No. 2023-30. Second, by Councilmember Steve Mobley. All in favor. Motion carried.
- Resolution No. 2023-31 – 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 (Parcel 2) – Mayor Kim Koniar noted that Parcel 2 is partially underwater. Mayor Kim Koniar noted that the vacation fee is \$26,000. Councilmember Ross Houser made a motion to approve Resolution No. 2023-31. Second, by Mayor Pro Tempore Nick Shields. All in favor. Motion carried.
- Resolution No. 2023-32 – 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 (Parcel 3) – Mayor Kim Koniar noted that the vacation fee for Parcel 3 is \$9,500. Councilmember Ross Houser made a motion to approve Resolution No. 2023-32. Second, by Councilmember Steve Mobley. All in favor. Motion carried.

9. Business License for Short Term Rental:

- River Oak House, LLC – Mayor Kim Koniar noted that River Oak House, LLC attempted to apply for a business license on the same day that the short-term rental moratorium was issued. The computer at Town Hall was not operable that day, so business owner, Eve Whitman, was not able to fill out the application while in the office that day. Ms. Whitman dropped her application 3 days after the moratorium was issued. Town Clerk Hannah Driskell noted that she was unsure how to move forward with the application and consulted the Town Attorney, Brad Hicks. Mr. Hicks advised to follow the process in the Business License ordinance to deny a license which is a vote by the Council. Mayor Kim Koniar requested a roll call vote.

Mayor Kim Koniar, nay
Mayor Pro Tempore Nick Shields, yea
Councilmember Andrew Monaghan, not present
Councilmember Steve Mobley, yea
Councilmember Ross Houser, yea
Councilmember Bob Turner, not present
3 nays, 1 yea, 2 not present. Motion carried.

10. Council, Legal Counsel and Staff Comments:

Town Clerk Hannah Driskell noted that the Townwide Bulky Pickup is this Thursday, October 26. Arepa's Truck will be at Food Truck Friday is Friday, October 27 in the Magnolia Springs Old School Park from 5pm-8pm. Magnolia Springs Witches Ride on the Magnolia River is Saturday, October 28, at 11 am. The ride benefits Ecumenical Ministries. November 4 is the Magnolia Run. Oak Street, Pecan Grove Street, Woodland Avenue, and Live Oak Avenue will be closed to through traffic from around 7:30 am-10 am. November 4 is St. Paul's Episcopal Church's Speckled Trout Invitational Fishing Tournament beginning at 1 pm.

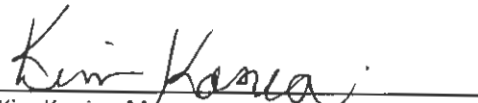
11. Any Other Business That Might Come Before the Meeting:

No other business that might come before the meeting.

12. Adjourn:

Mayor Kim Koniar asked for a motion to adjourn the meeting. Councilmember Ross Houser made a motion to adjourn. Second, by Mayor Pro Tempore Nick Shields. All in favor. Meeting adjourned at 5:38 pm.

Approved this 28th day of November 2023.



Kim Koniar, Mayor

ATTEST:



Hannah Driskell, Town Clerk

