

January 8, 2013
Council Workshop
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

1. Call to Order

Mayor Underwood called the workshop to order at 5:00 p.m.

2. Roll Call

Members present – Mayor Ken Underwood - Council Members: Dotty Johnson, Jim May, Bob Holk, Tom Webb and Ben Dykema. Also present: Town Clerk - Karen S. Biel and Legal Counsel – Brad Hicks

3. Invocation and Pledge – led by Councilmember Holk

4. Discussion of minutes:

12/11/12 Workshop – Councilmember Dykema had a change to the minutes - where he was talking about a three way stop and the minutes reflected that he said he “did” think it was needed, when he really stated that he “didn’t” think it was needed. The clerk will make the change in the minutes. Mayor Underwood added when he referred to the property across from town hall he stated that it was 2+ acres and it is only 1 acre.

12/18/12 Regular Council Meeting – no corrections

5. Discussion of financials and expenditures for December

The Mayor reported: General Fund Balance 12/31/12 - \$42,565.56. Income - \$17,157.42. Expenses - \$20,160.82. Money Market – \$102,552.42. CD - \$53,458.12. Deepwater Horizon - \$162,798.61. Special Revenue 4, 5, & 7¢ Gas Tax – Income \$301.18 – Balance \$8,208.12.

6. Public Comment

Scout Troup 96 – Sponsored by the Magnolia Springs Baptist Church. Each scout was in attendance at the meeting working on their Citizenship of the Community Merit Badge.

7. Discussion – Proclamation for Arbor Day

Mayor Underwood stated that the Magnolia Springs Garden Club has sponsored Arbor Day for the last four years with the town paying for the trees that are given away. Mayor Underwood then recognized Mary Ann Underwood. Mrs. Underwood stated that Arbor Day will be celebrated on February 23rd, starting at 9:00 a.m. at the fire station. She added that there will be nine different trees given away that day. The Garden Club is working with the art teacher at Magnolia School on a poster contest. She added that the library is thinking about an Arbor Day skit. Mrs. Underwood said that the Garden Club believes that Arbor Day is a good community involvement and encourages the town citizens to attend.

8. Sheriff’s Department

Lt. Tony Nolfe – Patrol Division Commander – explained that Deputy Bob Correa was injured during some night training, and will probably be out for about 3 ½ months. The Sheriff’s Department will be filling in so that the town will have its forty hour coverage per the contract. The Department is a 51 man division and they are down 10 men right now, because of extended leave, military leave and the incident with the injured and lost deputy before the New Year. Lt. Nolfe said he would be working 2 days a week, a deputy from Special Operations Unit will be working one day a week and two civil deputies will finish the week. He went on to say that he will be submitting a schedule to the town clerk and that they will be rotating in some days, nights and weekends for this duration. Lt. Nolfe stated that he would turn in a monthly report that will total the number of traffic contacts and the number of calls for assistance.

9. Discussion – Committees

Mayor Underwood stated that the town had 5-6 committees and he is going to consolidate some committees. Each council member will be on at least two committees or one committee and a commission.

The committees are: Finance and Audit Committee – Public Works and Safety Committee – Public Lands and Beautification Committee – Tree and Streetscape Committee.

Councilmember Johnson asked, other than the council members on the proposed committees have the other members listed been asked yet. Mayor Underwood stated that these members are the ones that have served on the committees in the past but the town will be checking with them to see if they would like to continue. Councilmember Johnson stated that in reading the handbook from the league about committees

it is their recommendation that there be an odd number of members on each committee for voting purposes. She added that on the Public Lands Committee there is an even number and suggested that Rick Odess be asked to be on the Public Lands Committee. The Mayor informed the council of the days and times of the regularly scheduled meeting for the month. Councilmember Johnson said the book also stated that the mayor will appoint the committees and their chairs and the committee members will appoint any other officers. The mayor also presented the council with a list of committee responsibilities and committee rules of procedure. The council members had some questions on the Rules of Procedure for committees and Mayor Underwood asked that they review them and send any questions/recommendations to the clerk and she would forward them to the rest of the council. Councilmember Johnson suggested that the council read the small hand book given by the league setting up council committees.

10. Discussion – Palm Street – J.D. West

Mr. West stated that he was notified by mail that there would be discussion of the fence across Palm Street at the workshop. He stated that he had to put the fence up to protect his children from the dogs in the community. Mr. West stated that he would like to see if he could get that area vacated, and added that Tim Russell was in agreement with the vacation of the area by his property. Legal counsel stated that he told Mr. West that it would be discussed at the meeting and he did not need an application before the meeting. Brad did tell Mr. West that he should have something to the council before the next regular meeting. Brad added that it is up to the council to decide whether to approve the vacation if Mr. West submits the application or to proceed through circuit court to have Mr. West remove the fence. Councilmember Holk stated that it has been up for discussion for a long time now and feels that time is of the essence and that within two weeks he should submit a formal application for vacation or he would be inclined to declare it a nuisance. Brad recommended to Mr. West that he submit an application/request to the town before the next meeting.

11. Council, Legal Counsel and Staff Comments

Legal counsel stated that Beasley Allen sent an update on the claim they are about to present to BP on behalf of the town for loss revenue from the oil spill, and the analysis revealed a loss of \$159,120.00. Brad stated that at the last meeting the council asked him to research if the town could change the weight limit on the bridge, and in his research he did find that the town can specify a weight limit for the bridge. The town will have to pass a resolution, and additional signage will have to be installed notifying the public before they enter the area. Brad stated that if the town wanted to move forward with the weight limit on the bridge he recommended a committee start reviewing the process and getting in touch with him about it.

Mayor Underwood stated that he wanted to go into executive session.

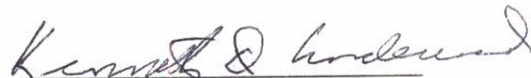
Motion by Councilmember May, 2nd by Councilmember Holk to go into executive session under Section 36-25A-7(a): To discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

Roll call vote: Councilmember Johnson – Yea, Councilmember May – Yea, Mayor Underwood – Yea, Councilmember Holk – Yea, Councilmember Webb – Yea, and Councilmember Dykema – Yea. Motion carried. Mayor Underwood stated that the meeting will not reconvene.

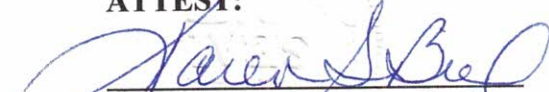
Motion by Councilmember Holk, 2nd by Councilmember Johnson to adjourn the meeting. All in favor.

Workshop ended at 6:20 pm

Approved this the 26th day of February, 2013


Kenneth D. Underwood – Mayor

ATTEST:


Karen S. Biel – Town Clerk