

Regular Meeting of the Town of Highland Lake, Alabama

The Highland Lake Town Council held its regular meeting on Monday, November 2, 2015 at the Anchor. Mayor Bailey called the meeting to order at 7:00 p.m. Marlin Vest gave the invocation. The Mayor led the pledge of allegiance.

ROLL CALL:

Present: Mayor Gail Bailey
Council members Donna Hanby, Tim Peek, Connie Vice and Shani Ort
(Council member Ort arrived at 7:05 PM)

Absent: Council member Skip Davis

Town Attorney Alex Smith was also present.

October 5, 2015 Regular Meeting Minutes – Vice made a motion to approve the minutes, as written. Hanby seconded. Roll call. All voted yes. Motion carried.

Financial Report –Vice gave the monthly financial report. Hanby made a motion to accept the report, as presented. Peek seconded. Roll call. All voted yes. Motion carried.

Vice made a motion to renew a CD at Hometown Bank that is maturing on 11/9/15 at 1% APY for a twelve month term. Hanby seconded. Roll call. All voted yes. Motion carried.

Vice stated the town received the annual municipal license check from Alabama Power. The check was in the amount of \$33,068.53, which is approximately \$2,000.00 more than was projected.

The Town Clerk stated the financial audit for fiscal year 2015, was completed by Lori Criswell in October. The final report will be available soon for review.

STANDING COMMITTEE REPORTS

Ordinances – Chairman Shani Ort reported the committee met October 27 to continue review and updates to the zoning ordinance. The zoning ordinance draft will be provided to Attorney Alex Smith, for review and feedback.

Buildings & Grounds – Chairman Donna Hanby reported the committee will meet November 12 @ 5:30 PM.

Roads – Chairman Tim Peek stated he had no report.

Lake – Chairman Skip Davis was absent – no report.

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SPECIAL COMMITTEE REPORTS

Dredging – The Mayor stated a town meeting on lake dredging is scheduled for Monday, November 9 @ 6:30 PM. The council is asking for input from the community on the necessity for dredging. Representatives from Tetra Tech, the firm which was hired to do the feasibility studies, will be present to answer questions. The Mayor added we have been working on this project for approximately two years, and are now ready to present the findings to the community for thoughts and questions. Dredging will be expensive. Everyone needs to be informed on how this project will impact the town financially. The Mayor stated no decision will be made at this meeting.

OFFICER REPORT

Chief Kon reported the new camera has been installed in the police truck and is working well. The second phase of the camera project is procuring a personal computer. Kon estimates it will cost under \$500.00. Kon plans to replace the existing laptop that is in the office with a desktop.

PVC pipe will be purchased to complete the buoy project, which will be completed before winter.

Vice questioned the wording of the sign that will be placed by the dam. Kon responded it will state something like “danger” or “keep back”.

UNFINISHED BUSINESS

545 West Lakeshore Drive Property – the Mayor provided a brief summary of the issue. The lot was sold at .37 acres. Fill dirt was added to the property, increasing the size by .34 acres. The fill dirt was added on town property (the lake), which almost doubled the size of the lot. Approximately 90% of the house is built on this new area, which is Town property.. At the last meeting the council voted to have an appraisal done on the property that was added, not to include the house. The appraisal was done by Price Tarpley, an appraiser agreed on by both parties. The appraisal was \$46,000.00.

Town Attorney Alex Smith explained the appraisal included six comparables. Two methods of valuation were used: 1) lot square footage method and (2) lot water front footage method. The front foot method is mainly presented in comparables 1, 2 and 3.

The initial lot was purchased for \$60,000.00 for .37 acres. The Seller is offering \$15,000.00, which includes the Town paying for the cost of the appraisal, and Attorney Smith’s legal fees. Attorney Smith stated the law states that municipal property must be sold at adequate consideration.

A Special Council Meeting was scheduled for Thursday, November 5 @ 7:00 PM to further address this issue.

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Attorney Smith stated the seller/property owner will need to update the subdivision plat to reflect that it is private property. A surveyor will need to do an amended plot plan.

Council member Vice expressed concern that the selling price of \$15,000.00 would be setting a precedent. Vice asked, what would keep other residents from doing the same thing? Vice also questioned the surplus property guidelines. Attorney Smith responded that in this case the council would declare the land no longer needed. This is different than surplus property.

Council member Ort questioned how this would affect property values. Attorney Smith said this was a good question. The selling price would be used as a comp for future sales. It may have an asterisk by it due to the circumstances. Ort also commented that \$15,000.00 sounds low.

Council member Peek stated he doesn't think the town can accept \$31,000.00 less than what the property was appraised for and feel good about it.

Attorney Smith stated the sellers are not in agreement to the appraisal approach that Price Tarpley took to evaluate the property. They may want to obtain a second appraisal. The Mayor stated it was our understanding that both parties were ok with Tarpley as the appraiser. The Town does not know him and has never used him before this. At the last council meeting, both parties agreed to use Tarpley.

Council member Hanby stated she does not think the added property will affect values because the house is on all of the lot. She also doesn't think this will come up again, and we shouldn't have to worry about setting a precedent.

NEW BUSINESS

Authorized signatures on Certificates of Deposits (CD) – Hanby made a motion that the authorized signatures on town Certificates of Deposits should be: Finance Chairman Connie Vice, Mayor Gail Bailey and Mayor Pro Tem Leland “Skip” Davis. Peek seconded. Roll call. All voted yes. Motion carried.

Connie Vice – 60 x 4 Boardwalk – Previously approved seawall on the left side of existing boathouse will change to a boardwalk due to the bank elevation. If looking at boathouse from the water, the boardwalk will extend from edge of boathouse along the water's edge towards the property line. The boardwalk will be open along the front. Phase one, approximately 60 feet in length and 4 feet width hugging the shore. The permit fee for the boardwalk will be 50 cents a square foot. The boardwalk must meet the 10 foot side property setback. Hanby made a motion to approve the plans for phase one, subject to the Building Inspector's approval. Peek seconded. Roll call. All voted yes. Motion carried.

The Mayor opened the meeting to the public.

Carl Randall questioned if the town had a load limit on roads. The Mayor responded yes – it is 60,000 pounds gross weight. Kirkpatrick Concrete is aware of our load limit. Chief Kon commented he had stopped two empty 18-wheelers that were on town roads due to bad GPS directions.

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Randall also commented that the Gargus land sale should be around appraised value.

Attorney Eddie Lowe (representing Dalton NeSmith) commented that Appraiser Price Tarpley is a good appraiser, but believe he missed the appraisal for 545 West Lakeshore Drive. Lowe stated that Tarpley compared the added property as (1) if the road was on one side and water on the other, (2) price per square foot and (3) the comparables are not close to others. The appraisal comes out to be \$3.10 per square foot. If you average all the comparables, it comes out to be \$1.03 a square foot. Lowe stated \$15,000.00 is a reasonable amount.


Cecil Dorsett explained how they determined the \$15,000.00 offer. They removed the high and low comparables, and multiplied the square footage. Mr. Dorsett asked the council to consider that when Becky Gargus purchased the property it was water front and that she did pay premium for waterfront property.


The comment was made that the shoreline was changed and square footage increased.

Mayor Bailey expressed the council's objective is to be fair to everyone.

With no other business to come before the council, Vice made a motion to adjourn. Ort seconded. All said I. Meeting adjourned at 8:00 pm.

Respectfully submitted:


Cheryl Storey, Town Clerk


Gail S. Bailey, Mayor