

Town of Perdido Beach
Emergency Council Meeting – September 16, 2011

The meeting was called to order by Mayor Patsy Parker at 6:30 PM.

COUNCIL MEMBERS PRESENT: Mayor Parker, Council Members Dennis Kaiser, William Kelley, Ronald Resmondo and Patti Larsen.

COUNCIL MEMBER ABSENT: Council Member Rhoe (Al) Thompson

OTHERS PRESENT: Town Attorney Sheila Stone-Schoen, Perdido Beach Volunteer Fire Department (PBVFD) Chief Ken Wright, PBVFD Captain Bill McGrath, and Members of the Community

The invocation and pledge of allegiance were led by Council Member Kaiser.

PUBLIC COMMENTS: Citizen's concerns related to the removal of the concrete boat ramp at Magnolia Street: Health and safety – the ramp was used during the oil spill crisis – if such a thing should happen tomorrow, there would be no access for deployment of response equipment. The launch also served as public access for first responders in case of water related incidents. Presently there is no public boat launch in the community for first responders to use. Citizen is also concerned by reports that community residents using the Magnolia Street boat launch have been harassed by adjacent property owners.

DISCUSSION: Safety Issues Related to the Removal of the Public Concrete Boat Ramp at Magnolia Street within the Police Jurisdiction of the Town and adjacent to Town Limits.

- VFD first responders are left with no functional deep water public access in the community.
- Folks living on the water, swimming, fishing and recreating in or near the waters of Palmetto Creek, Spring Branch and the west Perdido Bay waters are especially vulnerable since the Magnolia Boat Launch was the only point of access near to the western waterways of the community.
- No water access available for use in case of other water related incidents, an oil spill for example (local or regional).
- The Town and the VFD - encourage the County Commission to move swiftly to repair the Yupon Street Boat Launch.

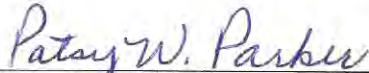
ACTION: Motion by Council Member Kaiser to spread on the minutes correspondence related to the removal of the concrete boat ramp at Magnolia Street. Second by Council Member Patti Larsen. Discussion. Motion carried unanimously.

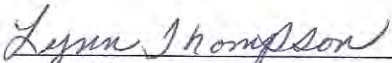
(Correspondence attached)

Letter to Hon. Commission Chairman Frank Burt, Jr. from Hon. Mayor Patsy W. Parker-	09-01-11
Letter to Hon. Frank Burt, Jr. from Mr. Ken Wright, Fire Chief-Perdido Beach VFD-	09-03-11
Email to Mr. David Brewer, County Administrator from Mayor Patsy Parker-	09-05-11
Email from Mr. David Brewer to Mayor Patsy Parker-	09-06-11
Account of events morning of September 13, 2011-Magnolia Street boat launch -	09-13-11

Motion to adjourn by Council Member Dennis Kaiser, second by Council Member Ronald Resmondo, all in favor – meeting adjourned at 7:28 pm.

ATTEST:


Patsy W. Parker, Mayor


Lynn Thompson, Town Clerk

Town of Perdido Beach
Emergency Council Meeting
9212 Co. Rd 97-Perdido Beach, AL. 36530
September 16, 2011-6:30 PM

Waiver of Notice

“We, the undersigned members of the Town Council of the Town of Perdido Beach, Alabama, hereby waive notice of the calling of an emergency meeting of the Town Council of the Town of Perdido Beach for the purpose of: **Discussing Safety Issues related to the removal of the Public Concrete Boat Ramp at Magnolia Street**, and other such business that may be brought before the Council and do consent that said meeting for above stated purposes be held at the Town Hall in the Town of Perdido Beach, Alabama at 6:30 pm on the 16th day of September, 2011.”

William Kelley
Ronald L. Remondos
Patsy W. Parker

Deanna A. Harris
Patricia Larsen

ATTEST:

Patsy W. Parker, Mayor

Lynn, Thompson, Town Clerk



Town of Perdido Beach
9212 County Road 97
Perdido Beach, Alabama 36530
251.962.2200

September 1, 2011

Honorable Commission Chairman Mr. Frank Burt, Jr.
312 Court House Square, Suite 12
Bay Minette, Alabama 36507

Honorable Chairman:

This letter is written in reference to a public water access at Magnolia Street outside of and adjacent to the Town Limits but within the Police Jurisdiction of the Town of Perdido Beach.

On August 25, 2011 a group of property owners appeared before the Baldwin County Road and Bridge Meeting and requested that the Commission order the removal of an existing boat launch facility at a Magnolia Street public water access in the vicinity of their properties. There also was discussion related to vacation of the portion of Magnolia Street outside the Town Limits and/or the possible formation of a Property Owners Association by property owners owning property within the described area. Also discussed was the possibility of the Commission deeding the portion of Magnolia Street outside the Town Limits to the Property Owners Association or giving the POA, if founded, exclusive rights to that portion of Magnolia Street with the understanding that the property owners would be responsible for maintaining the street.

Mr. David Brewer, Baldwin County Administrator reminded the Commissioners that vacation of water accesses has been discussed in the past and that it has been determined that the law prevents vacation of water accesses. It was further recommended by Baldwin County Lands Management Director, Mr. John Taylor that the Commission not abandon ownership of the described portion of Magnolia Street. Mr. Taylor also recommended that the Commission give deed of that portion of Magnolia Street to the Town of Perdido Beach.

That is my recollection and understanding of the discussion.

It is my impression that the Commissioners may be in favor of removing the existing launch facility, either by actual removal by the County or by vesting that responsibility with the property owners. I had no clear impression, one way or the other, as to the opinions of the Commissioners concerning the other requests. Because the discussed area is within the Police Jurisdiction of the Town of Perdido Beach, as Mayor of the Town I respectfully share my thoughts with you.

In regard to Mr. Taylor's recommendation that the Town be deeded the portion of Magnolia Street outside of and west of the Town Limits the following thoughts are offered. During the time when discussions were going on between the Town and the County concerning rights-of-way ownership, that idea was discussed between the Town's Public Works Committee and Baldwin County Highway Staff, as a possible option. In that discussion, the Town's Public Works Committee was in favor of the County retaining jurisdiction and responsibility for that portion of Magnolia Street. At this time and under present circumstances I support the Committee's

position. However, if the Commission should follow Mr. Taylor's recommendation and make offer to the Town to deed that right-of-way to the Town the matter will be placed on a Town Council Work Session Agenda for discussion.

It is understandable that the property owners have concerns for safety but I respectfully disagree with the statement made by one of the property owners that there is a "perfectly good boat launch" available to residents of the community at another location. It is, however, encouraging that the Commission is working toward repair of the existing, non-functional boat launch facility at Yupon Street. It may be reasonable for the Commission to consider removal of the boat launch facility at Magnolia Street but I urge the Commission to consider the consequences of such action at the present time.

The Perdido Beach Volunteer Fire Department has conducted two water rescues this summer. The first was in response to a severely injured boat operator who was somehow ejected from his motor boat into the water and hit by the propeller. The second was in response to an imminent drowning in Perdido Bay. On each occasion the efforts of the VFD were rewarded by the survival of the individuals at risk of losing their lives. The First Responders have permission to use my launch facility at Soldier Creek at any time, which they did on both occasions. Even so, my facility is inadequate for speedy response and ease of use, even when the emergency occurs in Soldier Creek, but much more so if the emergency occurs in Palmetto Creek.

The launch facility at Yupon Street is degraded and filled in by sand to the point where launching a boat is near impossible - difficult, to say the least, even for the most experienced boaters. At the present time the boat launch facility at Magnolia Street (Palmetto Creek) is the only deep water public launch facility in the community. Because public safety is at question it is my request that the boat launch facility at Magnolia Street remain intact and available to First Responders until and unless there is another fully functioning public boat launch available in the community of Perdido Beach.

Consideration of my request is greatly appreciated.

Respectfully Submitted,



Patsy W. Parker, Mayor

CC: Honorable Baldwin County Commissioner Mr. Tucker Dorsey
Honorable Baldwin County Commissioner Mr. Charles Gruber
Honorable Baldwin County Commissioner Mr. Bob James
Honorable Town of Perdido Beach Public Works Chairman Mr. Ronald Resmondo
Baldwin County Lands Management Director Mr. John Taylor
Baldwin County Engineer Mr. Cal Markert
Town of Perdido Beach Attorney Mrs. Sheila Stone-Schoen
Baldwin County Attorney Mr. David Conner
Baldwin County Administrator Mr. David Brewer
Town of Perdido Beach Town Clerk Mrs. Lynn Thompson

Attachment: Map – Town of Perdido Beach Police Jurisdiction



8450 Escambia Ave
Perdido Beach, AL 36530
251-961-7116
Fax 251-961-1002
kwpbfire@gulftel.com

September 3, 2011

Honorable Frank Burt, Jr.
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

Dear Commissioner Burt,

It has recently been brought to my attention that several residents on Magnolia Street in the Perdido Beach Community have requested that the boat ramp located on public waterfront property located there either be closed or ownership transferred to the residents.

Currently this is the only public boat ramp located on Palmetto Creek that is suitable to launch the Perdido Beach VFD rescue boat. The only other option we have is to launch the boat in Soldier Creek and come around the south end of Perdido Beach in Perdido Bay. As there are no public launches on Soldier Creek, the Fire Department has made arrangements with private owners to use their ramps however we do not have any private boat ramps to use on Palmetto Creek.

So far this year Perdido Beach VFD has responded to 2 emergencies on the water in the area. In both cases our boat and personnel were instrumental in saving the victims lives. However we had to use a private boat ramp to launch our boat both times. It is important that the Perdido Beach VFD has access to both creeks that we protect not only for medical emergencies and water recreation accidents, but also for fires that may only be reached by the water.

I would like to urge the Baldwin County Commission to hold off on any action with the Magnolia Street Property until the Yupon Street water access and boat ramp is improved enough so that it may be used by the Perdido Beach VFD to launch our boat. I hope that you would not let the wishes of a few residents in the area dictate the safety that can be provided to the rest of the community.

Respectfully,

Ken Wright
Fire Chief
Perdido Beach VFD

mayor

From: mayor <mayor@townofperdidobeach.org>
Sent: Friday, September 16, 2011 5:03 AM
To: 'mayor'
Subject: FW: Magnolia St. Boat Launch

From: David Brewer [<mailto:DBREWER@baldwincountyal.gov>]
Sent: Tuesday, September 06, 2011 6:03 AM
To: mayor
Cc: thompson@townofperdidobeach.org; 'Ken Wright'; Cal Markert; Commissioner Frank Burt; Bob James; Tucker Dorsey; Charles F. Gruber
Subject: RE: Magnolia St. Boat Launch

Mayor:

I know of no agenda item (either on the published agenda or coming as an addendum thereto) regarding the boat launch/pier in Perdido Beach which was discussed at the Aug 25 Road and Bridge Meeting. I spoke to Cal about this prior to the Sept 6 BCC agenda being released and I believe he is waiting for the property owners to possibly remove the boat launch/pier themselves. I am copying Cal with this email in case he has other information and the Commissioners for their attention.

Thank you,

DAVID A. Z. BREWER
County Administrator
Baldwin County, Alabama
Email: dbrewer@baldwincountyal.gov
Office: 251.580.2550
Cell: 251.752.3766
Facsimile: 251.580.2500

From: mayor [<mailto:mayor@townofperdidobeach.org>]
Sent: Monday, September 05, 2011 9:13 PM
To: David Brewer
Cc: thompson@townofperdidobeach.org; 'Ken Wright'
Subject: Magnolia St. Boat Launch

David,

I read the Commission Agenda for tomorrow and didn't see anything related to the Magnolia St. Boat Launch in the Perdido Beach Community (Town of Perdido Beach Police Jurisdiction) but wanted to know if it may have been included as an addendum item. I've written a letter to Chairman Burt with copy to you and the other commissioners and will mail them tomorrow. It's essential for public safety that the Commissioners not take action to close or remove the boat launch at Magnolia Street at this time because it is the only public boat launch available to First Responders in the larger community of Perdido Beach.

Patsy W. Parker, Mayor
9212 County Road 97
Perdido Beach, Al. 36530
251-962-2201
mayor@townofperdidobeach.org

If there will be action on the citizens' request to close and/or remove the Magnolia Street Boat Launch please let me know so I'll be able to attend the Meeting and make my appeal to the Commissioners. Fire Chief Wright and I have talked and I believe he has or will be making the same appeal. The VFD used their boat in response to two life or death situations in the water this summer and contributed to the saving of the lives of both individuals.

This is not just a matter of convenience or inconvenience at this time but a matter of public safety.

With appreciation,

Patsy

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1410 / Virus Database: 1520/3900 - Release Date: 09/16/11

September 13, 2011
Approximately 9:00 am

Councilman Resmondo called to tell me that there was a backhoe at the Baldwin County Public Boat Launch on Magnolia Street removing the concrete boat ramp.

I and Councilmember Larsen went to the site where there were two men observing the activities.

We greeted both gentlemen, we identified ourselves and I asked what was going on, to which one of them replied that they were removing the boat ramp. I asked if they were permitted to remove it and he said he had talked to Commission Chairman Frank Burt the night before and again the same morning of the removal of the boat ramp. I then asked if he had anything in writing, to which he replied that he did not.

We arrived back at Town Hall at 9:25 am by my watch.

*Patsy W. Parker, Mayor
Town of Perdido Beach*