
Town of Perdido Beach
Special Council Meeting Minutes
January 30, 2012

The Town Council of the Town of Perdido Beach held a "special called" meeting on January 30, 2012 at Town Hall for the purpose of considering a request to the Alabama Legislature to alter boundary lines of the corporate limits of the Town.

Mayor Parker called the meeting to order at 7:03 PM, immediately following the special workshop.

Council Members Present: Mayor Patsy Parker, Council Members-Ronnie Resmondo, Dennis Kaiser, Patti Larsen and Al Thompson.

Others Present: Lynn Thompson-Town Clerk and Andrew Stewart Chairman-Zoning Board of Adjustment.

Invocation and Pledge of Allegiance: Recited previously at the Special Workshop by Council Member Kaiser.

ITEM: Letter to Representative Steve McMillan opposing altering corporate limits of the Town. **Motion** by Council Member Kaiser, second-Council Member Larsen approving a letter written by Mayor Parker to Representative Steve McMillan opposing -A BILL TO BE ENTITLED AN ACT to alter and rearrange the boundary lines and corporate limits of the municipality of Perdido Beach in Baldwin County to remove certain property from the corporate limits of the municipality.

Roll Call Vote

"YES"

"ABSTAIN"

"NO"

Mayor Patsy Parker

Council Member Denny Kaiser

Council Member Ronnie Resmondo

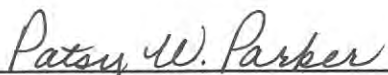
Council Member Patti Larsen

Council Member Al Thompson

Motion carried unanimously to approve the letter written by Mayor Parker to Representative McMillan. Copy of the letter attached.

ITEM: Motion to adjourn Council Member Kaiser, second Council Member Larsen.
All in favor –meeting adjourned at 7:05 PM

ATTEST:



Patsy W. Parker, Mayor



Lynn Thompson, Town Clerk

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A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundary lines and corporate limits of the municipality of Perdido Beach in Baldwin County to remove certain property from the corporate limits of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the municipality of Perdido Beach in Baldwin County are altered and rearranged to remove from the corporate limits of the municipality all of the following territory:

All property in the corporate limits of the municipality of Perdido Beach on the effective date of this act lying west of the eastern boundary of Palmetto Creek in Baldwin County.

Section 2. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the municipality of Perdido Beach is on file

1 and open to public inspection in the office of the Judge of
2 Probate in Baldwin County, Alabama.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.



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

January 30, 2012

Honorable Steve McMillan
Alabama House of Representatives
P.O. Box 776
Bay Minette, Alabama 36507

Honorable Representative McMillan:

This letter is written to address the matter of a proposed BILL TO BE ENTITLED AN ACT to alter and rearrange the boundary lines and corporate limits of the municipality of Perdido Beach in Baldwin County to remove certain property from the corporate limits of the municipality, property commonly known as Neumann Drive.

During the time prior to the incorporation of the Town when incorporation was being discussed and efforts to incorporate were being organized, there was significant support from property owners and residents on Neumann Drive. Many of the property owners and residents donated funds to help pay for expenses related to incorporation. In addition, many of the residents donated goods that were sold at a yard sale with proceeds going to the incorporation fund.

After incorporation was declared on June 10, 2009, residents in all parts of the town, including Neumann Drive were encouraged by the Incorporation Committee to seek candidacy for office. A meeting was publicized and held that explained the process for application. Several Neumann Drive residents attended the meeting but only six residents from the town sought candidacy, none of whom resided on Neumann Drive. Therefore, with no opposition for any town position, no election was held and the six (mayor and five councilmembers) were declared elected by the Probate Judge and were installed as the town officials on August 20, 2009.

In December, 2009, when the Planning Commission was established, two of the nine commissioners appointed to serve on the Planning Commission were residents of Neumann Drive, even though the number of residents living on Neumann Drive represents less than ten percent of the Town's population. It was the desire of the Mayor and Council that there be representation from Neumann Drive on a Legislative Body of the Town.

As soon as the Planning Commission was established, it began the work of drafting a Land Use and Zoning Ordinance. Attorney William Moore, resident on Neumann Drive, helped with the draft under the direction of the Commission. The process was difficult, as would be expected and culminated with public hearings in which there were positive discussions and sometimes contentious discussions where angry words were spoken and hurt feelings occurred on both sides of several issues. According to consulted planners, contentious discussions are often part of the process of developing a Land Use and Zoning Ordinance and are to be expected, more or less.


Ultimately, after eighteen months of work and three public hearings, in May 2010 the Town Council adopted the Town of Perdido Beach Land Use and Zoning Ordinance.

Shortly thereafter, in July, 2010, a petition was presented to the Mayor and Town Council by Attorney William Moore, requesting de-annexation of the portion of town located on Neumann Drive. The petition was signed by 30 residents/property owners, representing 16 households out of a total of 29 households – roughly one-half of the property owners. No reason for seeking de-annexation was stated in the petition.


After receipt of the petition, a Town Council Ad Hoc Committee was appointed to study the feasibility and the possible consequences of granting the request. After talking with the town attorney and researching the matter, the Committee recommended to the Council that the request be denied pursuant to Section 11-42-200, Code of Alabama, 1975. It was determined that de-annexation of Neumann Drive would not be of benefit to the Town's public health or good; contrarily, that granting the request would set precedence, putting the Council in the obligatory position of having to grant similar requests in the future. The Council believes the same reasoning applies to the Legislature and we strongly oppose Legislative de-annexation of any property described in the Bill, property "lying west of the eastern boundary of Palmetto Creek in Baldwin County".


Therefore, the council stands by its decision, made in regular session assembled on August 26, 2010, based on the Ad Hoc Committee's findings and recommendation, "that the request for removal...would not benefit the Town's public health or good, which is the requirement"...pursuant to Section 11-42-200 Code of Alabama, 1975.

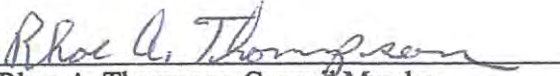
Very Sincerely,


Patsy W. Parker, Mayor


Dennis Kaiser, Council Member


Patti Larsen, Council Member


Ronald Resmondo, Council Member


Rhoe A. Thompson, Council Member

Enclosures: A BILL TO BE ENTITLED AN ACT
Petition
Ad Hoc Committee Recommendation
Section 11-42-200 Code of Alabama, 1975

CC: Honorable Robert Bentley, Governor of the State of Alabama
Honorable "Trip" Pittman, Alabama State Senator
Esquire Sheila Stone-Schoen, Town of Perdido Beach Attorney