

Town of Perdido Beach, Alabama
Regular Council Meeting – March 19, 2013

The Town Council held its Regular Scheduled Council Meeting at Town Hall on March 19, 2013. Mayor Patsy Parker called the meeting to order at 6:04 pm.

MEMBERS PRESENT: Council Members: Council Member Fishbein, Council Member Condon, Council Member McDonald-Leslie and Mayor Patsy Parker.

MEMBERS ABSENT: Council Member Hickey and Council Member Holk

ALSO PRESENT: Marcus Mc Dowell, Town Attorney; Lynn Thompson, Town Clerk and Members of the Town.

PLEDGE OF ALLEGIANCE: Mayor Parker

ITEM: NOVEMBER 20, 2012 WORKSHOP MINUTES. DECEMBER 18, 2012 WORKSHOP MINUTES, JANUARY 15, 2013 WORKSHOP MINUTES, FEBRUARY 12, 2013 WORKSHOP MINUTES AND MARCH 12, 2013 WORKSHOP MINUTES.

Motion by Council Member Condon, seconded by Council Member Leslie to approve the November 20, 2012 Workshop Minutes. December 18, 2012 Workshop Minutes, January 15, 2013 Workshop Minutes, February 12, 2013 Workshop Minutes and March 12, 2013 Workshop Minutes

No discussion

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon

Council Member McDonald-Leslie

Mayor Patsy Parker

Workshop minutes approved unanimously

ITEM: FEBRUARY 19, 2013 REGULAR COUNCIL MINUTES:

Motion by Council Member Condon, seconded by Council Member McDonald Leslie to approve the February 19, 2013 Regular Council Meeting Minutes.

Discussion: In reference to a request by Councilmember Fishbein to add to the minutes a section of "Policies and Procedures for the Administration of the Town of Perdido Beach Land Use and Zoning Ordinance", Mayor Parker asked for clarification from Town Attorney, Mr. Marcus McDowell, as to requirements regarding laws to which the Town is obligated to comply. Mayor Parker thanked Councilman Fishbein for bringing to the Council's attention that the "Policies and Procedures" document, Chapter 2, Section 1.2.1 likely does not agree with State Law and, therefore, is in need of review. Mayor Parker offered to start the review process. On another matter, the request by Councilman Fishbein to include a document entitled "Objections to Comprehensive Plan" Mayor Parker asked Councilman Fishbein if he wished to read the document, to which he answered in the affirmative. Councilman Fishbein read the document, making addition to item #2. The addition in Councilman Fishbein's words are

inserted after item #2 as follows: "According to Mr. Phillip Hinesley with the Alabama Department of Conservation, the plan does not violate the Grant Agreement. Mr. Hinesley stated that the grant they wrote used the word 'alternative plans' and they were wrong to use that word. I stated my objections were based on the grant as written as no 'alternative plans' were provided, only drafts." After reading the document Councilman Fishbein asked Attorney McDowell to research and report back to the Council concerning which body of the Town, the Planning Commission or the Town Council, has authority to approve a Comprehensive Plan and/or a Master Plan, and what is the difference between the two terms.

Mayor Parker asked Councilman Fishbein if he understood his comments would become a permanent record for the Town, to which he answered in the affirmative.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon

Council Member McDonald-Leslie

Mayor Patsy Parker

Motion carried to approve the minutes as corrected.

ITEM: FEBRUARY FINANCIAL REPORT:

Motion by Council Member Condon, seconded by Council Member Leslie to approve the February financial report.

No discussion

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon

Council Member McDonald-Leslie

Mayor Patsy Parker

Motion carried unanimously to approve the financial report as presented.

ITEM: PUBLIC COMMENTS

Mr. Mark Templeman praised the Town Council for the time and effort they spend taking care of Town business. He also stated that he was in favor of a program such as a Community Watch.

He suggested the possibility of the Town implementing an electronic speed indicator camera as a possible solution to deter speeding.

Mr. Al Thompson, former Council Member commented on the Town's Comprehensive Plan and the Master Plan regarding the various components that comprise the Comprehensive Plan.

He asked a question about how the Council votes on Ordinances.

ITEM: GUEST SPEAKERS: None

ITEM: ORDINANCE 2013-03 AMENDING THE TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE 2011-02, REPLACING TOWN OF PERDIDO BEACH ZONING MAP 2011 – FIRST EDITION WITH TOWN OF PERDIDO BEACH ZONING MAP 2013

Motion by Council Member Condon, seconded by Council Member Fishbein for immediate consideration.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

Motion by Council Member Condon, seconded by Council Member Leslie to wave the reading.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

Motion by Council Member Condon, seconded by Council Member Leslie to adopt Ordinance 2013-03

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker

Motion carried unanimously to adopt ORDINANCE 2013-03 AMENDING THE TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE 2011-02, REPLACING TOWN OF PERDIDO BEACH ZONING MAP 2011 – FIRST EDITION WITH TOWN OF PERDIDO BEACH ZONING MAP 2013

ITEM: RESOLUTION 2013-05 ENTERING INTO AGREEMENT WITH THE STATE OF ALABAMA REVENUE DEPARTMENT TO COLLECT SALES AND USE TAX FOR THE TOWN AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Motion by Council Member Condon, seconded by Council Member Leslie for immediate consideration.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

Motion by Council Member Condon, seconded by Council Member Leslie to wave the reading.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

Motion by Council Member Condon, seconded by Council Member Leslie to adopt
RESOLUTION 2013-05 ENTERING INTO AGREEMENT WITH THE STATE OF ALABAMA REVENUE
DEPARTMENT TO COLLECT SALES AND USE TAX FOR THE TOWN AND AUTHORIZING THE
MAYOR TO EXECUTE THE AGREEMENT
Motion carried unanimously.

**ITEM: RESOLUTION 2013-06 RATIFYING TOWN COUNCIL VOTE TO CONFIRM ATTORNEY
MARCUS MCDOWELL AS TOWN ATTORNEY**

Motion by Council Member Condon, seconded by Council Member Leslie to adopt Resolution
2013-06

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

ITEM: RESOLUTION 2013-07 OPPOSING THE PASSAGE BY THE ALABAMA LEGISLATURE OF COMPANION BILLS HB257 AND SB217AND ANY OTHER SIMILAR LEGISLATION

Motion by Council Member Condon, seconded by Council Member Leslie to adopt RESOLUTION 2013-07 Opposing the Passage by the Alabama Legislature of Companion Bills Hb257 and Sb217and Any Other Similar Legislation (Bills Attached)

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried

ITEM: MOTION/REQUEST FROM COUNCIL: Consider approval of funds of up to \$300.00 for the Mayor or a Town representative to attend the Alabama League of Municipalities' Annual Conference.

Motion by Council Member Condon, seconded by Council Member Leslie for immediate consideration.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

Motion by Council Member Condon, seconded by Council Member Leslie to approve the request to approve funds for the Mayor or a Town representative to attend the Alabama League of Municipalities' Annual Conference.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried unanimously

COMMITTEE REPORT

BEAUTIFICATION COMMITTEE

Chairman Leslie made a recommendation to the Town Council to help mitigate erosion on the Town Hall property. The recommendation included planting ornamental trees on the sloping ground in front of the storage building and also planting a screen along the east side of the parking lot.

There would be no costs to the Town as the Beautification Committee has already purchased the trees and wishes to donate to the trees and their work to plant them.

The trees they are proposing to plant are Torulosa Junipers and Little Gem Magnolias.

Discussion:

Council Member Condon thanked the Beautification Committee for their research and donation of the trees and their labor to plant them.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon

Council Member McDonald-Leslie

Mayor Patsy Parker

Motion carried unanimously

Beautification Committee will meet on March 25, 2013 at Town Hall at 10:00 AM.

BUDGET AND FINANCE COMMITTEE

Budget and Finance Committee will meet on April 10, 2013 at 2:00 pm at Town Hall.

BUILDING AND GROUNDS COMMITTEE

In reference to the Mayor's request to purchase adjustable chairs for the meeting room console Council Member Condon suggested that the purchase of chairs be turned over to the Building and Grounds Committee for study.

Building and Grounds Committee will meet on Friday March 22, 2013 at 9:00 am at Town Hall.

PUBLIC WORKS

Committee Member Barry Froling reported the following on behalf of the Public Works Committee:

- He and Mayor Parker will be meeting with Frank Lundy, Engineer- at the Baldwin County Road & Bridge Meeting March 21, 2013 to discuss an agreement between Baldwin County and the Town to trade mowing services for grading services.
- Baldwin County will be willing to help with a speed survey for the Town.
- Permits for Utility work-Baldwin County Sewer Service

- Baldwin County has offered to the Town free of charge, the use of signs and barriers and to provide road studies required prior to installation of speed limit signs.
- Recommend the Council revise the Right of Way Disturbance Application
- Require that there be engineering specifications for laterals when installing sewer lines.
- Discussion on Town liability if volunteers perform work in the rights of way.
- New decorative street signs have been installed.
- That the work on Perdido Vista Drive has been completed.
- He also suggested a strong need to create a "Comprehensive Flood Control Plan

PUBLIC SAFETY COMMITTEE

Mayor Parker reported that she and Councilman Holk met with Baldwin County Emergency Management Director, Mr. Mitchell Sims, at the Baldwin County Emergency Operating Center on March 13th. Mr. Sims reviewed procedures for communications between the County and the Town and conducted a tour of the facility for Mayor Parker and Councilman Holk. Mayor Parker added her signature to the newly approved Baldwin County Emergency Operating Procedures. The Town will be receiving a hard bound paper copy of the plan. Public Safety Committee will meet on March 26, 2013 at 9:00 am at Town Hall.

FIRE CHIEF'S REPORT

NO REPORT

AD HOC COMMITTEE-PROPERTY SEARCH

Ad hoc Committee will meet on April 4, 2013 at 6:00 pm at Town Hall.

ITEM: COUNCIL, STAFF AND LEGAL COMMENTS:

Mayor Parker briefed the Council on the Gulf Coast Community Resilience Conference to be held in New Orleans in April.

OTHER BUSINESS:

ITEM: PROCLAIMING APRIL AS "CHILD ABUSE PREVENTION MONTH"

Motion by Council Member Condon, seconded by Council Member Leslie to adopt Proclamation 2013-01 Proclaiming April as Child Abuse Prevention Month.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein

Council Member Condon

Council Member McDonald-Leslie

Mayor Patsy Parker

Motion carried unanimously

The Council will discuss entering into a contract with Care House-Baldwin County Advocacy Center at its next Workshop Meeting.

ITEM: PROCLAIMING SUPPORT OF EARTH DAY MOBILE BAY 2013

Motion by Council Member Condon, seconded by Council Member Fishbein to adopt proclamation 2013-02 Proclaiming Support for Earth Day Mobile 2013.

Roll call vote:

"YES"

"ABSTAIN"

"NO"

Council Member Fishbein
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
Motion carried

ITEM: NEXT COUNCIL MEETING DATES: Workshop Meeting- Tuesday April 9, 2013-6:00 PM
Council Meeting Tuesday April 16, 2013-6:00 PM

MOTION TO ADJOURN: Motion by Council Member Condon, seconded by Council Member Leslie to adjourn. All in favor

Meeting adjourned at 8:22 pm

ATTEST:


Andy Hoik, Chairman Pro-tempore


Lynn Thompson, Town Clerk