

TOWN OF PERDIDO BEACH
Special Council Meeting Minutes
November 24, 2014-6:00 pm

The Town Council of the Town of Perdido Beach met in Special Session on Monday, November 24, 2014 at 6:00 pm at the Town Hall with Mayor Patsy Parker presiding. Mayor Parker called the Meeting to order at 6:00 pm.

Members Present: Council Members: Andy Holk, Gary Fishbein, Sean Hickey, Priscilla Condon, Ellen Leslie and Mayor Patsy Parker.

Members Absent: None

Others Present: Mr. Steve Love and Mr. Robert Gross

Pledge of Allegiance: Mr. Steve Love

ITEM: Previous Meetings Minutes: Approve October 14, 2014 Workshop Minutes and October 14, 2014 Council Minutes
Motion by Council Member Condon, seconded by Council member Leslie to approve the previous meeting's minutes.

No discussion:

Minutes approved as presented.

ITEM: October Financial Report:

Motion by Council Member Condon, seconded by Council Member Hickey to approve the October Financial Report

No discussion:

Roll Call Vote:
"ABSTAIN"

"YES"

"NO"

Council Member Holk
Council Member Fishbein
Council Member Hickey
Council Member Condon
Council Member McDonald-Leslie
Mayor Patsy Parker
All in favor – Financial Report approved as presented.

Public Comments: No public comments.

ITEM: Consider Ordinance 2014-05 DETERMINATION OF THE TOWN COUNCIL REGARDING An Agreement for the Administration of the Perdido Beach Land Use and Zoning Ordinance 2011-02 and the Town of Perdido Beach Subdivision Regulations. SUCH DETERMINATION AS

AUTHORIZED PURSUANT TO TITLE 11-102-1 THROUGH TITLE 11-102-8 OF THE CODE OF ALABAMA, 1975

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

Roll Call Vote:

“YES”

“ABSTAIN”

“NO”

Council Member Holk
Council Member Fishbein
Council Member Hickey
Council Member Leslie
Council Member Condon
Mayor Parker

Motion for Immediate Consideration passed unanimously.

Motion by Councilmember Condon to waive the reading, seconded by Councilmember Holk. Voice vote to waive the reading passed unanimously.

Motion by Councilman Hickey to adopt Ordinance 2014-05, seconded by Councilmember Condon

Discussion: Mayor Parker pointed out conditions and options spelled out in the agreement.

Roll Call Vote:

“YES”

“ABSTAIN”

“NO”

Council Member Holk
Council Member Fishbein
Council Member Hickey
Council Member Leslie
Council Member Condon
Mayor Parker

Voice vote to adopt Ordinance 2014-05 passed unanimously.

ITEM: Consider Resolution 2014-16 Rescinding Resolution 2014-10 Entering Into and Executing a Contract with Gene’s Dozer Service to Perform Necessary Repairs to Riggs Street, as a Result of Damage Caused by the Severe Flood Event of April 28th and 29th, 2014.

Motion by Council Member Condon, seconded by Council Member Hickey to adopt Resolution 2014-16.

No discussion:

"YES"

Roll Call Vote:
"ABSTAIN"

"NO"

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

All in favor - motion carried to adopt Resolution 2014-16.

ITEM: Consider Resolution 2014-17 Entering Into and Executing a Contract with Gene's Dozer Service to Perform Necessary Repairs to Riggs Street as a Result of Damage Caused by the Severe Flood Event of April 28th and 29th, 2014.

Motion by Council Member Hickey, seconded by Council Member Condon to adopt Resolution 2014-17.

No discussion:

"YES"

Roll Call Vote:
"ABSTAIN"

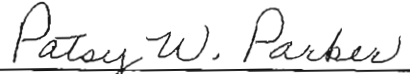
"NO"

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

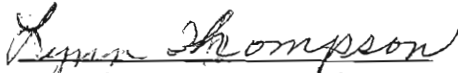
All in favor motion carried to adopt Resolution 2014-16.

ITEM: Motion to adjourn by Councilmember Condon, seconded by Councilmember Holk. All in favor. The meeting adjourned at 6:12 pm.

ATTEST:



Patsy W. Parker, Mayor



Lynn Thompson, Town Clerk

Town of Perdido Beach

Checking and Deposit Detail

As of October 31, 2014

3:11 PM
12/10/14
Accrual Basis

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
ASSETS								
Current Assets								
Checking/Savings								
1000 · Capital Improvement Fund								
Total 1000 · Capital Improvement Fund								
1200 · General Fund - Centennial								
Check	10/2/2014	2121	Riviera Utilities	Storage Bldg	X	5045 · Electric...	-27.05	224,633.76
Check	10/2/2014	2122	Riviera Utilities	Town Hall Bldg	X	5045 · Electric...	-182.00	224,633.76
Check	10/2/2014	2123	SARPC	Temp Help 4...	X	5425 · Carry ...	-118.00	224,633.76
Check	10/2/2014	2124	Centurylink		X	5060 · Teleph...	-264.39	0.00
Paycheck	10/3/2014	2125	Lynn Thompson		X	-SPLIT-	-368.09	
Check	10/7/2014	2126	Enveloc, Inc.	September B...	X	5040 · Compu...	-15.00	223,659.23
Deposit	10/8/2014			Deposit	X	-SPLIT-	86.97	223,746.20
Deposit	10/8/2014			Deposit	X	-SPLIT-	38.66	223,784.86
Check	10/10/2014	2127	Volkert, Inc	Riggs St Engi...	X	5425 · Carry ...	-3,500.00	220,284.86
Paycheck	10/10/2014	2128	Lynn Thompson		X	-SPLIT-	-368.09	219,916.77
Check	10/14/2014	2129	Marcus McDowell-T...	October retail...	X	5005 · Attorne...	-750.00	219,166.77
Paycheck	10/17/2014	2130	Lynn Thompson		X	-SPLIT-	-394.07	218,772.70
Check	10/17/2014	2131	All Season's Lawn ...	September L...	X	5340 · BUILDI...	-150.00	218,622.70
Check	10/17/2014	2132	Office Depot		X	5020 · Offices ...	-89.81	218,532.89
Check	10/17/2014	2133	O'Neal Agency		X	5070 · Insuran...	-426.00	218,106.89
Deposit	10/17/2014			Public Officia...	X	4510 · Vehicle...	919.45	219,026.34
Deposit	10/17/2014			Deposit	X	4900 · FRANC...	1,057.63	220,083.97
Liability Check	10/20/2014	draft	Alabama Dept. of R...	Deposit	X	2400 · Payroll ...	-236.47	219,847.50
Liability Check	10/20/2014	draft	United States Treas...	80-0472714	X	-SPLIT-	-1,695.72	218,151.78
Deposit	10/22/2014			Deposit	X	4520 · Sales T...	74.00	218,225.78
Paycheck	10/24/2014	2136	Lynn Thompson	7th mowing	X	-SPLIT-	-379.18	217,846.60
Check	10/24/2014	2134	Amie's General Co...		X	5360 · PUBLI...	-1,800.00	216,046.60
Deposit	10/27/2014			Deposit	X	4520 · Sales T...	315.69	216,362.29
Deposit	10/27/2014			Deposit refun...	X	-SPLIT-	70.49	216,432.78
Check	10/27/2014	2135	O'Neal Agency	insurance ren...	X	5070 · Insuran...	-3,635.00	212,797.78
Check	10/27/2014	2137	Office Depot	printing Wate...	X	5020 · Offices ...	-10.03	212,787.75
Check	10/27/2014	2138	Office Depot	Binders	X	5020 · Offices ...	-26.00	212,761.75
Paycheck	10/31/2014	2139	Lynn Thompson		X	-SPLIT-	-379.18	212,382.57
General Journal	10/31/2014	26RR...		Balance Adju...	X	66900 · Recon...	0.01	212,382.58
Deposit	10/31/2014			Interest	X	4200 · Interest...	18.76	212,401.34
Total 1200 · General Fund - Centennial								
Total Checking/Savings								
Accounts Receivable								
11000 · Accounts Receivable								
Total 11000 · Accounts Receivable								
Total Accounts Receivable								

**Special Revenue
Reconciliation Detail
1200 - 4 & 5 Cent Gas Tax, Period Ending 10/31/2014**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						7,325.77
Cleared Transactions						
Deposits and Credits - 2 items						
Deposit	10/8/2014			X	124.93	124.93
Deposit	10/31/2014			X	0.63	125.56
Total Deposits and Credits					125.56	125.56
Total Cleared Transactions					125.56	125.56
Cleared Balance					125.56	7,451.33
Register Balance as of 10/31/2014					125.56	7,451.33
Ending Balance					125.56	7,451.33

9:54 AM

11/07/14

**Special Revenue
Reconciliation Detail
1300 - 7 Cent Gas Tax, Period Ending 10/31/2014**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						7,732.68
Cleared Transactions						
Deposits and Credits - 2 items						
Deposit	10/8/2014			X	144.17	144.17
Deposit	10/31/2014			X	0.67	144.84
Total Deposits and Credits					144.84	144.84
Total Cleared Transactions					144.84	144.84
Cleared Balance					144.84	7,877.52
Register Balance as of 10/31/2014					144.84	7,877.52
Ending Balance					144.84	7,877.52

Town of Perdido Beach-Capital Improvement Fund
Reconciliation Detail
Capital Improvement -Centennial, Period Ending 10/31/2014

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						30,357.53
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	10/31/2014			X	2.58	2.58
Total Deposits and Credits					2.58	2.58
Total Cleared Transactions					2.58	2.58
Cleared Balance					2.58	30,360.11
Register Balance as of 10/31/2014					2.58	30,360.11
Ending Balance					2.58	30,360.11

10:10 AM

11/07/14

Town of Perdido Beach Oil Acct
Reconciliation Detail
Centennial Bank-SPECIAL ACCOUNT, Period Ending 10/31/2014

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						104,762.59
Cleared Transactions						
Checks and Payments - 1 item						
Check	10/22/2014	1125	O'Neal Agency	X	-583.00	-583.00
Total Checks and Payments					-583.00	-583.00
Deposits and Credits - 1 item						
Deposit	10/31/2014		Insurance on Storage Building	X	13.34	13.34
Total Deposits and Credits					13.34	13.34
Total Cleared Transactions					-569.66	-569.66
Cleared Balance					-569.66	104,192.93
Register Balance as of 10/31/2014					-569.66	104,192.93
Ending Balance					<u>-569.66</u>	<u>104,192.93</u>

10:13 AM

11/07/14

**Town of Perdido Beach Money Market
Reconciliation Detail
Centennial Bank, Period Ending 10/31/2014**

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Clr</u>	<u>Amount</u>	<u>Balance</u>
Beginning Balance						812,198.21
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	10/31/2014			X	103.47	103.47
Total Deposits and Credits					103.47	103.47
Total Cleared Transactions					103.47	103.47
Cleared Balance					103.47	812,301.68
Register Balance as of 10/31/2014					103.47	812,301.68
Ending Balance					<u>103.47</u>	<u>812,301.68</u>



COUNTY COMMISSION

BALDWIN COUNTY
312 Courthouse Square, Suite 12
BAY MINETTE, ALABAMA 36507
(251) 937-0264
Fax (251) 580-2500
www.baldwincountyal.gov

MEMBERS
DISTRICT 1. FRANK BURT JR.
2. CHRIS ELLIOTT
3. J. TUCKER DORSEY
4. CHARLES F. GRUBER

November 4, 2014

The Honorable Patsy W. Parker
Mayor
Town of Perdido Beach
9212 County Road 97
Perdido Beach, Alabama 36530

RE: Planning and Zoning Agreement with the Town of Perdido Beach

Dear Mayor Parker:

The Baldwin County Commission, during its regularly scheduled meeting held on November 4, 2014, took the following actions:

1) Pursuant to the request of the Town of Perdido Beach, Alabama, authorized, with respect to Section 11-102-1 through 11-102-8 of the Code of Alabama, 1975, the adoption of Resolution #2015-033, by which the Baldwin County Commission consents for the Baldwin County Planning and Zoning Department to administer the Town of Perdido Beach's Land Use and Zoning Ordinance and Subdivision Regulations, and any amendments thereto, within the corporate limits of the Town of Perdido Beach with the understanding that:

a) All fees collected under this authorization and by the Baldwin County Planning and Zoning Department shall be retained by the Baldwin County Commission; and

b) The Baldwin County Planning and Zoning Department shall process and issue Land Use Certificates for construction within the corporate limits of said town, present rezoning applications to the Perdido Beach Planning Commission, perform GIS mapping duties and review subdivision plats. Final decisions and enforcement will be the responsibility of the Town of Perdido Beach.

The Honorable Patsy W. Parker
November 4, 2014
Page 2

2) Authorized the execution of an *Agreement* between the Baldwin County Commission and the Town of Perdido Beach to accomplish the aforementioned. The term of this *Agreement* shall be for a term of thirty-six (36) months from the date of full execution of this *Agreement*, and either party shall be entitled to terminate this *Agreement* by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.

Please find enclosed two (2) **original** *Agreements* (including **fully executed original Resolutions #2015-033**). Please execute and return the *Agreements* to this office to the attention of Anu Gary, Records Manager. A **fully executed original** *Agreement* (and *Resolution*) will be returned to you for your files.

If you have any questions or need further assistance, please do not hesitate to contact me at (251) 972-6833 or Vince Jackson, Planning Director, at (251) 580-1655, Extension 7238.

Sincerely,



CHARLES F. GRUBER, Chairman
Baldwin County Commission

CFG/met Item BH2

cc: Vince Jackson
Cal Markert

ENCLOSURE(S)

STATE OF ALABAMA
COUNTY OF BALDWIN

RESOLUTION # 2015-033

DETERMINATION OF THE BALDWIN COUNTY COMMISSION, REGARDING An Agreement for the Administration of the Land Use and Zoning Ordinance and Subdivision Regulations for the Town of Perdido Beach, Alabama, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO SECTION 11-102-1 THROUGH SECTION 11-102-8 OF THE CODE OF ALABAMA 1975.

WHEREAS, the Town of Perdido Beach, Alabama has requested the services of the Baldwin County Planning and Zoning Department to assist with the administration of the Town Land Use and Zoning Ordinance and Subdivision Regulations; and

WHEREAS, Title 11, Chapter 102 of the Code of Alabama 1975 provides requirements for Common Service Contracts by Counties and Municipalities; and

WHEREAS, the Baldwin County Commission held a regular meeting on November 4, 2014, and considered the proposed Agreement (Attachment "A"); and,

WHEREAS, the requirements of Title 11, Chapter 102 of the Code of Alabama 1975 as it relates to Common Service Contracts by Counties and Municipalities, have been met; now therefore

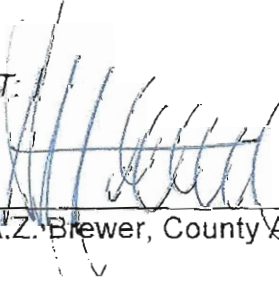
BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That the Agreement between the Baldwin County Commission and the Town of Perdido Beach (Attachment "A") which authorizes the administration of the Town Land Use and Zoning Ordinance and Subdivision regulations by the Baldwin County Planning and Zoning Department, is hereby **APPROVED**.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 4th day of November, 2014.



Honorable Charles F. Gruber, Chairman

ATTEST:



David A.Z. Brewer, County Administrator



Attachment "A"

**AGREEMENT
BETWEEN
THE BALDWIN COUNTY COMMISSION
AND THE
TOWN OF PERDIDO BEACH, ALABAMA
(Land Use and Zoning Ordinance and Subdivision Regulations)**

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as "the COMMISSION," and the TOWN OF PERDIDO BEACH, ALABAMA, hereinafter referred to as "the MUNICIPALITY," desire to enter into an agreement concerning the administration of the MUNICIPALITY's Land Use and Zoning Ordinance # 2011-02 and Subdivision Regulations, and as the same may be amended from time to time, within the corporate limits and/or planning jurisdiction of the MUNICIPALITY, as applicable, consistent with Section 11-102-1 through Section 11-102-8 of the Code of Alabama 1975; and

WHEREAS, the MUNICIPALITY wishes the COMMISSION to administer the MUNICIPALITY's Land Use and Zoning Ordinance # 2011-02 and Subdivision Regulations, and as the same may be amended from time to time, within the corporate limits and/or planning jurisdiction of the MUNICIPALITY, as applicable, and any successor thereto, and hereby assents to said administration by the COMMISSION.

NOW, THEREFORE, the COMMISSION and the MUNICIPALITY do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

claims, demands, notices, violations, findings, actions or orders of whatsoever kind or character which may arise from, or which are in any way related to, the work done and duties or obligations performed by the COMMISSION pursuant to this Agreement, including, without limitation, attorney fees and legal expenses and costs incurred as a result of the County enforcing, defending or complying with this Agreement, or otherwise addressing or defending any actions or claims related in any way to this Agreement. This provision shall survive the expiration or termination of this Agreement.

6. This Agreement may be amended or modified only by the written consent and agreement of the parties to this Agreement at the time of such amendment.
7. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce every provision of this Agreement.
8. This Agreement and the documents referred to in this Agreement constitute the entire agreement between the parties, and there are no other responsibilities, conditions, covenants or agreements which shall be binding upon the parties.
9. The parties hereto acknowledge that each party and its counsel have reviewed and revised this Agreement and that normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments hereto.

TOWN OF PERDIDO BEACH, ALABAMA

Patsy W. Parker Date
Mayor

ATTEST:

Lynn Thompson, Town Clerk

NOTARY PAGE TO FOLLOW

Town of Perdido Beach

ORDINANCE 2014-05 DETERMINATION OF THE TOWN COUNCIL, REGARDING An Agreement for the Administration of the Perdido Beach Land Use and Zoning Ordinance 2011-02 and the Town of Perdido Beach Subdivision Regulations, SUCH DETERMINATION AS AUTHORIZED PURSUANT TO TITLE 11-102-1 THROUGH TITLE 11-102-8 OF THE CODE OF ALABAMA, 1975.

WHEREAS, the Town Council of the Town of Perdido Beach, Alabama has requested the services of the Baldwin County Planning and Zoning Department to assist with the administration of the Town's Land Use and Zoning Ordinance and Subdivision Regulations; and

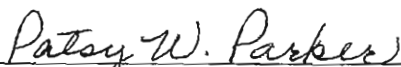
WHEREAS, Title 11, Chapter 102 of the Code of Alabama, 1975, provides requirements for Common Service Contracts by Counties and Municipalities; and

WHEREAS, the Town Council of the Town of Perdido Beach, Alabama, believes it is in the best interest of the Town and its citizens to enter into an agreement with Baldwin County, Alabama, to assist the Town with the administration of its Land Use and Zoning Ordinance and Subdivision Regulations; and

WHEREAS, the requirements of Title 11, Chapter 102 of the Code of Alabama, 1975, as it relates to Common Service Contracts by Counties and Municipalities, have been met.


NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Perdido Beach, Alabama, that the agreement between the Baldwin County Commission and the Town of Perdido Beach ("*Attachment A*") which authorizes the administration of the Town's Land Use and Zoning Ordinance 2011-02 and Subdivision Regulations by the Baldwin County Planning and Zoning Department, is hereby approved.

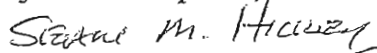
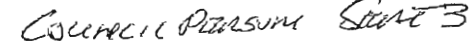
DONE, under the Seal of the Town of Perdido Beach, Alabama, on this the **24th** day of **November, 2014**.



Patsy W. Parker, Mayor

ATTEST:



Lynn Thompson, Town Clerk


Colleen Peterson, Clerk



Town of Perdido Beach

RESOLUTION 2014-16 RESCINDING RESOLUTION 2014-10 ENTERING INTO AND EXECUTING A CONTRACT WITH GENE'S DOZER SERVICE TO PERFORM NECESSARY REPAIRS TO RIGGS STREET, AS A RESULT OF DAMAGE CAUSED BY THE SEVERE FLOOD EVENT OF APRIL 28TH AND 29TH, 2014

WHEREAS, Resolution 2014-10 was adopted on the 12th day of August, 2014 for the purpose of entering into and executing a contract with Gene's Dozer Service to perform necessary repairs to Riggs street, damaged as a result of the severe flood event of April 28th and 29th, 2014; and

WHEREAS, after entering into contract with Gene's Dozer the Town was advised by the Town Attorney to secure an engineering firm to evaluate the damage and to design repairs for Riggs Street; and

WHEREAS, after seeking and receiving proposals from Engineering firms, the Town Council awarded contract to VOLKERT, INC. for engineering services on Riggs Street and authorized the Mayor to execute the necessary documentation; and

WHEREAS, engineering is complete and the project is being re-bid in order to repair Riggs Street in a manner consistent with the engineered design.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 2014-10 and the contract awarded to GENE'S DOZER SERVICE for repairs to Riggs Street is hereby rescinded.

APPROVED this 24th day of November, 2014, by the Town Council in regular session assembled and under the Seal of the Town of Perdido Beach, Alabama.

Patsy W. Parker

Patsy W. Parker, Mayor

ATTEST:

L. H.

Lynn Thompson, Town Clerk
Sisani M. Hilvley
COUNCIL PERSON SEAT 3



Town of Perdido Beach

RESOLUTION 2014-17 ENTERING INTO AND EXECUTING A CONTRACT WITH GENE'S DOZER SERVICE, INC. TO PERFORM NECESSARY REPAIRS TO RIGGS STREET AS A RESULT OF DAMAGE CAUSED BY THE SEVERE FLOOD EVENT OF APRIL 28TH AND 29TH, 2014

WHEREAS, Section 11-43-56, Code of Alabama 1975, states: **Management and control of finances and property of municipality.** Except as otherwise provided in the title, the council shall have the management and control of the finances and all the property, real and personal, belonging to the city or town; and

WHEREAS, Section 11-47-5, Code of Alabama 1975, states: **Execution of contracts.** Contracts entered into by a municipality shall be in writing, signed and executed in the name of the city or town by the officers authorized to make the same and by the party contracting. In cases not otherwise directed by law or ordinance, such contracts shall be entered into and executed by the mayor in the name of the city or town and all obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk. This section shall not be construed to cover purchases for the ordinary needs of the municipality; and

WHEREAS, the Town has sought and received proposals from qualified contractors for the repair of Riggs Street; damage caused as a result of the severe flood event of April 28th and 29th, 2014.

THEREFORE, BE IT RESOLVED, after reviewing the proposals submitted, the Town Council does hereby award contract to **Gene's Dozer Service, Inc.** for repairs to Riggs Street and does hereby authorize the Mayor to execute necessary documentation.

APPROVED this 24th day of August, 2014, by the Town Council in regular session assembled and under the Seal of the Town of Perdido Beach, Alabama.

Patsy W. Parker

Patsy W. Parker, Mayor

ATTEST: *L*

~~Lynn Thompson, Town Clerk~~
SEANE M. Hickey
Council Person Seat 3