

Council Meeting
Al Thompson Community Center – 9212 County Road 97
January 14, 2021 6:30 pm

The Town Council of the Town of Perdido Beach met in Regular Council Meeting at the Al Thompson Community Center on January 14, 2021, while observing safety measures due to the Covid-19 Pandemic. Mayor Hamilton called the Meeting to order at 6:31 pm.

Members Present: Councilmember Pam Kitchens; Councilmember Christi Koehle; Councilmember Andrew Stewart; Councilmember Gary Kiefer; Councilmember Jimmy Page and Mayor Kae Hamilton.

Members Absent: None

Others Present: Mr. Rian M. Turner, CPA; Marcus McDowell-Town Attorney; Lynn Thompson-Town Clerk and members of the Town.

Invocation and Pledge of Allegiance: Councilman Stewart gave the invocation and the pledge of allegiance was recited by all.

Presentations: Mr. Rian M. Turner, CPA-Grant, Sanders, & Taylor presented the annual 2020 yearend audit. The overall analysis of the audit showed the assets of the Town exceeded its liabilities (net position) at the close of the fiscal year by \$3,037,369 for Governmental Activities (See Table 1 Condensed Statement of Net Position)

Public Comments:

Mrs. Karen Gross-Town Resident read an anonymous letter from a Perdido Beach Citizen, opposing placing picnic tables on streets that touch the water.
(Letter Attached)

Mr. Robert Gross-Town Resident thanked Councilmember Page for setting up the TV screen to be used to project documents being discussed in the meetings.

He also commented on the BP expenditures.

Steve Love-Town Resident and Former Councilmember thanked the Council for accepting the council positions. He also stated that the Town's finances were in a healthy state.

Catherine Cubbage-Town Resident handed out to the Town Council Members court rulings regarding usage of water access streets.

ITEM: Minutes December 10, 2020 Regular Council Meeting Minutes.

Motion by Councilmember Stewart, second by Councilmember Kitchens to approve the minutes as presented.

No Discussion

All in favor, motion carried.

ITEM: **Financials:** January 2021 Financial Report (Written Report Attached)

CHECKING ACCOUNT ENDING BALANCES AS OF December 31, 2020

General Operating Fund Account	\$413,889.29
4 & 5 Cent Gas Tax Account	\$4,797.37
7 Cent Gas Tax Account	\$5,521.07
Capital Improvement Fund Account	\$16,206.18
Special Account (BP Funds)	\$103,258.38
Gas & Diesel Acct.	\$7,646.61

Councilmember Kitchens-Budget & Finance Committee Chair presented the financial report.

Guest Speaker: None

Ordinances (s):

ITEM: Council discussed Ordinance 2017-02 LEVYING A PRIVILEGE OR LICENSE TAX UPON PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE BUSINESS OF RENTING OR FURNISHING ROOMS, LODGINGS, OR ACCOMMODATIONS TO TRANSIENTS IN THE TOWN OF PERDIDO BEACH, ALABAMA

Council discussed raising the lodgings tax rate. The Council did not come to a consensus as to raising the rate. The Ordinance was tabled until the next Council Meeting.

Resolution (s):

ITEM: Council discussed RESOLUTION 2020-21 APPROVAL TO RENEW A LINE OF CREDIT. The Council didn't come to a consensus as to whether or not the Town needed to renew the line of credit. The Resolution was tabled until the next Council Meeting.

Motions / Requests from Town Council:

Council/Legal/Staff Comments:

Lynn Thompson-Town Clerk asked the Council members if they would like to have their town e-mail accounts set up through the website. They all agreed that they would prefer that to keep town e-mails separate from their personal e-mail account. Lynn will ask the webmaster to contact each member and set up those accounts.

Town Attorney Marcus McDowell reported that the Town could hold zoom and face time council meeting due to the covid-19 virus.


Public Comments: (For discussion and or consideration on the next Council Agenda) - None

Other Business:

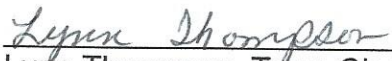
- Mayor Hamilton appointed Mr. Aaron Brown to the Zoning Board of Adjustment (ZBA).

Being no further business there was a motion by Councilman Stewart, second by Councilman Koehle to adjourn. All in favor.

The meeting ended at 7:20 pm


Kae Hamilton, Mayor

ATTEST:

: 
Lynn Thompson, Town Clerk

DECEMBER FINANCIAL REPORT

The Budget and Finance Committee met on Tuesday, January 12, 2021. All financial reports and information were reviewed by the Committee for accuracy and consistency. The results are presented here.

ACCOUNT BALANCES AS OF DECEMBER 31, 2020

General Operating Fund	\$ 413,889.29
4 & 5 Cent Gas Tax	\$ 4,797.37
7 Cent Gas Tax	\$ 5,521.07
Gas & Diesel	\$ 7,646.61
Capital Improvement Fund	\$ 16,206.18
Special Account (BP Funds)	\$103,258.38

The income and expenditures for December are consistent with what was expected and budgeted for. As noted previously, all the gas and diesel tax balances as well as the capital improvement fund balance can only be used for infrastructure projects.

For the Hurricane Sally recovery costs, an additional \$250,000 from our approved line of credit was transferred into the General Fund which brings the total to \$670,000. Additional invoices from GreenCo and Baldwin County Solid Waste were paid, so, the total cost of Hurricane Sally cleanup so far is \$686,846.35. There is some grinding that remains which we will be billed for when completed. It is hoped that this can be wrapped up by January 25.

Pending reimbursement by FEMA, the Committee discussed making monthly payments of \$20,000 to minimize the amount of interest charged. They estimate 5-6 months for FEMA to process the payment.

Submitted by Councilmember Pam Kitchens - Committee Chair

Email dated 1-12-21 to Karen Nall Gross
From citizen of Perdido Beach. Information for Town Council.

"I do not believe picnic tables would be allowed by the Judge's Order in Case NO: CV-2004-611, Stanford Faulkner vs. Baldwin County Commission. Circuit Judge Charles Partin issued an Order on June 29, 2007 in which he determined that "all riparian rights associated with the streets in Perdido Beach which touch the waters of either Perdido Bay or Palmetto Creek are owned by the private owners of the 'astringent lots' along those streets and not to the public except to the extent That those riparian rights have been acquired by the public by prescription as to Yukon Street."

The Court found that "with respect to other streets in the subdivision that touch the water... the public may walk on or across them and enter the water for the purpose of wading, swimming, fishing with rods and reels, throwing cast nets or launching any vessel that can be manually carried to the water." It did not say it could be a picnic area or park.

Also, the law of Alabama is well settled that there is a difference between a street right of way and a park. In Jesuit of Perdido vs. Samuel Jenkins and Baldwin County Commission, Case No. CV-99-685.00 the court determined that the Baldwin County Commission cannot use a street as a park.

Also, I imagine If picnic tables were added, there may be health department regulations that would require some sort of bathroom facilities.

I hope this sheds a little light on why the City cannot legally put picnic tables on street right of ways.

I think if these two cases are mentioned, Kae Hamilton, others and the City Attorney are probably well aware of them."