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## REGULAR COMMITTEE OF THE WHOLE MEETING AGENDA

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### I. Roll Call

### II. Consideration of Previous Minutes

1. Work Session 12/02/2025
2. Regular Council Meeting 12/02/2025
3. Committee of the Whole 12/02/2025
4. Work Session 12/10/2025

### III. Unfinished Business

#### Miscellaneous

1. Discuss School Board appointment. (TK)

#### Resolutions

#### Ordinances

### IV. New Business

#### Miscellaneous

1. Reschedule February 17, 2026, Council and Committee of the Whole Meetings to February 10, 2026, to allow for the observance of Fat Tuesday. (RE)

#### Resolutions

1. Resolution authorizing payment of up to \$3,000 to the Coastal Alabama Business Chamber for the Annual Electronic Recycling and Paper Shred Event. (NW)
2. Resolution authorizing execution of a third amendment to the grant award agreement with the National Audubon Society for the stewardship of Coastal Alabama beach nesting bird habitat. (NW)

3. Resolution appointing members to the Employees' Leave Bank Committee. (VP/MB)
4. Resolution declaring certain personal property owned by the City of Orange Beach as surplus and unneeded and authorizing the Mayor and City Clerk to dispose of such property. (RE/TR)
5. Resolution amending the Employees Pay Plan/Job Listing to accommodate the approved 2026 budget. (MB/FH)

**Public Hearings**

**Ordinances**

1. Ordinance amending Chapter 30, Article V of the City of Orange Beach Code of Ordinances to be retitled, "Wetland Preservation and Mitigation". (AR/JL)
2. Ordinance adopting an updated policy and schedule of fees for public records requests and repealing Ordinances Nos. 327 and 412. (JL)

**V. Public Comments**

**VI. Adjourn**

**MINUTES OF  
ORANGE BEACH CITY COUNCIL  
WORK SESSION  
DECEMBER 2, 2025 – 9:00 A.M.  
CITY HALL – SOUTH CONFERENCE ROOM**

The Orange Beach City Council met on December 2, 2025, at 9:11 A.M. There being a quorum present, the meeting was opened for the transaction of business.

The following members were present:

Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Robert Stuart  
Councilmember Jack Robertson  
Councilmember Ginger Harrelson  
Mayor Tony Kennon – Arrived at 9:29 A.M.

The following members were absent:

None

The following items were discussed:

1. Review of City Council and Committee of the Whole meeting agendas for December 2, 2025.

Mayor Kennon arrived at 9:29 A.M.

2. Legislative update by Thad Inge, Van Scoyoc Associates.
3. Rescheduling of February 17, 2026, council meetings to February 10, 2026.
4. Questions and answers with Adam Roberson, Community Development Department Director.
  - a. Wetlands Ordinance
  - b. AC Hotel Planned Unit Development (PUD)
5. Police Department update.
6. School Board applications.

There being no further business, the meeting adjourned.

Time: 1:32 P.M.

**APPROVED** this 6<sup>th</sup> day of January, 2025.

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Renee Eberly  
City Clerk

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
DECEMBER 2, 2025 – 3:00 P.M.  
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Kennon called the meeting to order at 3:02 P.M.
- II. INVOCATION** Reverend Jim Kinder, Orange Beach Methodist Church
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jeff Silvers  
Councilmember Jack Robertson  
Councilmember Ginger Harrelson  
Councilmember Robert Stuart  
Councilmember Jerry Johnson  
Mayor Tony Kennon

Absent: None

**V. CONSIDERATION OF AGENDA**

**Motion made (Silvers/Robertson) to approve the agenda as written.** Vote unanimous in favor.

**VI. CONSIDERATION OF PREVIOUS MINUTES**

Organizational Council Meeting	11/03/2025
Work Session	11/04/2025
Regular Council Meeting	11/04/2025
Committee of the Whole	11/04/2025
Work Session	11/05/2025

The reading was waived and minutes were approved as written.

**VII. REPORTS OF OFFICERS/COMMITTEES**

- 1. City Administrator – Ford Handley No report.
- 2. Director, Public Works – Tim Tucker No report.
- 3. Director, Community Development – Adam Roberson No report.
- 4. Chief, Police Department – Trent Johnson No report.
- 5. Chief, Fire Department – Jeff Smith No report.
- 6. City Clerk – Renee Eberly No report.
- 7. Director, Finance – Ford Handley No report.
- 8. Parks & Recreation – Nicole Ard No report.
- 9. Director, Utilities – Rob Stalcup No report.
- 10. Director, Coastal Resources – Phillip West No report.
- 11. Librarian, Public Library – Meagan Bing No report.
- 12. Director, Municipal Court – Pam Davis No report.
- 13. Director, Expect Excellence – Ford Handley No report.
- 14. Mayor/Council

Councilmember Silvers gave kudos to city employees for the installation of Christmas decorations and lights throughout the city.

Councilmember Harrelson invited the public to attend the Christmas Tree Lighting event beginning at 5:30 P.M. at The Wharf.

### VIII. AUDITING OF ACCOUNTS

**Motion made (Silvers/Harrelson) to certify that cash requirements with no related interests are within budget and appropriate for payment.** Vote revealed: Silvers, aye; Robertson, aye; Harrelson, aye; Stuart, aye; Johnson, aye; Kennone, aye. **Motion passed. (6-0).**

**Motion made (Johnson/Robertson) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment.** Vote revealed: Silvers, abstain; Robertson, aye; Harrelson, aye; Stuart, aye; Johnson, aye; Kennon, aye. **Motion passed. (5-0-1).**

### IX. PRESENTATIONS

### X. RECOGNITIONS

### XI. UNFINISHED BUSINESS

### XII. NEW BUSINESS

#### Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Beach Bar 93 LLC for Driftwood Oyster Bar at 23479 Perdido Beach Boulevard. **Motion made (Harrelson/Stuart) to approve the liquor license.** Vote unanimous in favor. **Motion passed.**
2. Approval of a Restaurant Retail Liquor License Application by 25241 PB Blvd LLC for Old Salt at 25241 Perdido Beach Boulevard, Unit 101. **Motion made (Stuart/Harrelson) to approve the liquor license.** Vote unanimous in favor. **Motion passed.**

#### Resolutions

1. Resolution authorizing the execution of a professional services agreement with Computer Backup, Inc., for technology support and managed services. **Motion made (Robertson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution authorizing the execution of an interlocal agreement with the Baldwin County Emergency Communication District for E-911 services. **Motion made (Harrelson/Robertson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution awarding the bid for construction of phase one of the Contorno Park Trails Project to Asphalt Services, Inc., in an amount not to exceed \$255,252. **Motion made (Silvers/Stuart) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing an additional one-time payment to city employees for future services. **Motion made (Stuart/Harrelson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
5. Resolution declaring Christmas Pole Decorations owned by the City of Orange Beach as surplus and unneeded and authorizing the Mayor and City Clerk to dispose of such property. **Motion made (Harrelson/Robertson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
6. Resolution authorizing execution of a task order with Seay, Seay & Litchfield, P.C., to provide professional design services for a new Civic Center in an amount not to exceed \$692,725.86. **Motion made (Stuart/Harrelson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

7. Resolution appointing Ryan Long and Paul McGhee to the Board of Adjustment. **Motion made (Silvers/Robertson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
8. Resolution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide geotechnical exploration and engineering services for a new Pool at the Aquatics Center in an amount not to exceed \$5,200. **Motion made (Silvers/Robertson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. Resolution authorizing execution of a medical services agreement with Foley Clinic Corp, dba Baldwin Health Medical Group Primary and Urgent Care at Orange Beach. **Motion made (Harrelson/Robertson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
10. Resolution authorizing execution of a medical services agreement with Coastal 3 Holdings, LLC, dba Southern Rapid Healthcare. **Motion made (Stuart/Harrelson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
11. Resolution approving the Fiscal Year 2026 Budget for the City of Orange Beach, including the transfer of special revenue funds to general fund for special revenue fund projects. **Motion made (Silvers/Robertson) to postpone consideration until the next council meeting on December 16, 2025.** Vote unanimous in favor. **Motion passed.**
12. Resolution authorizing execution of an amendment to the enrollment agreement with Blue Cross Blue Shield of Alabama to renew the employee health plan. **Motion made (Harrelson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
13. Resolution authorizing the purchase of stop loss insurance for the City of Orange Beach, FY2026. **Motion made (Robertson/Harrelson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
14. Resolution authorizing the City of Orange Beach to join as a signatory on an amicus brief to be filed in Singleton v. Montgomery. **Motion made (Johnson/Stuart) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

### **XIII. PUBLIC COMMENTS**

None

### **XIV. ADJOURN**

**There being no further business to come before the council, motion made (Silvers/Robertson) to adjourn.** Vote unanimous in favor.

Time: 3:10 P.M.

**APPROVED** this the 6<sup>th</sup> day of January, 2026.

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Renee Eberly  
City Clerk

**MINUTES OF  
COMMITTEE OF THE WHOLE MEETING  
ORANGE BEACH CITY COUNCIL  
DECEMBER 2, 2025 – 3:11 P.M.  
CITY HALL – COUNCIL CHAMBERS**

The Orange Beach City Council met to review potential items for the December 16, 2025, agenda.

The following members were present:

Councilmember Jeff Silvers  
Councilmember Jack Robertson  
Councilmember Ginger Harrelson  
Councilmember Robert Stuart  
Councilmember Jerry Johnson  
Mayor Tony Kennon

The following members were absent:

None

The following items were discussed:

1. Discuss School Board appointment.
2. Discuss request to waive Orange Beach Shooting Complex fees for a fundraiser benefiting the United States Police Canine Association (USPCA) K-9 Trials to be held in Orange Beach on February 8-12, 2025.
3. Resolution authorizing the city to host community events for the benefit of citizens and visitors of the City of Orange Beach during 2026.
4. Resolution authorizing the execution of a performance contract with Anne Gajda for golf instruction services.
5. Resolution authorizing the execution of a performance contract with Joan Hill for water aerobics instruction at the Aquatics Center.
6. Resolution to update the list of volunteer firefighters and reserve police officers covered under workers' compensation insurance.
7. Resolution authorizing the execution of retainer agreements for outside counsel for the City of Orange Beach for 2026.
8. Resolution appointing members and reappointing existing members to the Legislative Review Committee.
9. Resolution authorizing the City of Orange Beach, Alabama, to levy taxes within its police jurisdiction for the year 2026.
10. Resolution authorizing execution of a professional services agreement with Chris Litton for various special services.
11. Resolution extending the entertainment district at SanRoc Cay Marina / Perdido Beach Resort.
12. Resolution extending the entertainment district at The Wharf.
13. Resolution authorizing the execution of a professional services agreement with McCollough Architecture, Inc., for architectural services.
14. Resolution authorizing execution of a performance contract with Baldwin County Economic Development Alliance, Inc.

15. Resolution appropriating funds to the Gulf Shores Airport Authority in an amount not to exceed \$75,000 for FY2026.
16. Resolution authorizing execution of a professional services agreement with Socialize Your Bizness, Inc., for social media consulting and marketing services.
17. Resolution authorizing execution of a professional services agreement with Bob Riley and Associates, LLC, for lobbying services.
18. Resolution authorizing execution of a professional services agreement with Van Scoyoc Associates for consulting services.
19. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1104-PUDA-25, Phoenix West II PUD Modification, The Oasis at Orange Beach Signage. Renee Eberly, City Clerk, stated that legal review has found that the same request was denied July 15, 2025, and that resubmittal of the request is subject to a one-year waiting period following a denial.
20. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0903-PUD-25, AC Hotel Orange Beach PUD on December 16, 2025.
21. Ordinance adopting the Baldwin County Emergency Communications District GIS/Addressing Office street name standards within the City of Orange Beach, Alabama.
22. Ordinance amending and restating Chapter 42, Article II, Division 2, Section 42-41 of the Code of Ordinances for the City of Orange Beach, Alabama, to update technical codes for land development.
23. Ordinance amending Chapter 70, Article II, Section 70-22 of the Code of Ordinances for the City of Orange Beach, Alabama, to reduce the speed limit from 45 mph to 35 mph on the portion of State Highway 182 from Milepost 11.55 to Milepost 13.13. Mayor Kennon explained that this is to comply with Alabama Department of Transportation regulations to allow for palm trees to be added to the median.

Public Comments:

1. C.C. Moreno asked the Mayor and Council if any of them knew the definition of an “amicus brief”. After a brief exchange with Mayor Kennon, Ms. Moreno exited the room. Mayor and Council explained the purpose of the city joining as a signatory on an amicus brief to be filed with the U.S. Supreme Court in the case of *Singleton v. Montgomery* with concerns relating to municipal authority to prohibit panhandling and begging. This item was approved during the preceding council meeting.

There being no further business, the meeting adjourned.

Time: 3:20 P.M.

**APPROVED** this 6<sup>th</sup> day of January, 2026.

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Renee Eberly  
City Clerk

**MINUTES OF  
ORANGE BEACH CITY COUNCIL  
WORK SESSION  
DECEMBER 10, 2025 – 12:00 NOON  
CITY HALL – SOUTH CONFERENCE ROOM**

The Orange Beach City Council met on December 10, 2025, at 12:06 P.M. There being a quorum present, the meeting was opened for the transaction of business.

The following members were present:

Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Robert Stuart  
Councilmember Jack Robertson  
Councilmember Ginger Harrelson  
Mayor Tony Kennon

The following members were absent:

None

The following items were discussed:

1. Complaints from Burkart neighborhood about height of boat houses.
2. School Board appointment.
3. Records requests fee schedule update.
4. EMS ambulance transport fees for residents.
5. Legislative update by Minda Riley and Jeremiah Mosley, Bob Riley and Associates.
6. Wetlands ordinance.
7. AC Hotel Planned Unit Development (PUD) request.

[Councilmember Harrelson left the meeting at 4:02 P.M.]

8. Wireless tower lease extension request.
9. Economic development project update.
10. Infrastructure projects update.
  - a. Bypass project.
  - b. Additional bridge span.
  - c. Implementation schedule for opening the new ALDOT bridge and associated traffic flow.
11. Police Department take home vehicle policy.

There being no further business, the meeting adjourned.

Time: 4:29 P.M.

**APPROVED** this 6<sup>th</sup> day of January, 2025.

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Renee Eberly  
City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Discuss School Board appointment. (TK)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 2025.12.02 Orange Beach School Board Applicants

# Orange Beach City School Board Applicants

Application Deadline: November 21, 2025

17 applications received.

Bowling, Timothy

Brown, Taylor

Collins, Leanne

D'Aversa, Tina

Dale, Sue

Faulkner, Neeli

Hoffman, Kendall

Lewis, Stephen

Long, Ryan

Mitchell, Annette

Morris, Carrie

Mott, Angela

Neel, Jason

Proctor, Drew

Tindal, Clay

Wade, Ashley

Wilkins, Mallory

Per Resolution No. 22-053 establishing the Orange Beach City Board of Education, school board members shall be residents of the City of Orange Beach and shall not be members of the City Council.

Per Code of Alabama § 16-11-2 (1975), as amended, no person shall be eligible for election or appointment as a member of a city board of education unless he or she satisfies all of the following qualifications:

- (1) Is a person of good moral character.
- (2) Has obtained a high school diploma or its equivalent.
- (3) Is not employed by that city board of education.
- (4) Is not serving on the governing board of a private elementary or secondary educational institution.
- (5) Is not on the National Sex Offender Registry or the state sex offender registry.
- (6) Has not been convicted of a felony.



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Reschedule February 17, 2026, Council and Committee of the Whole Meetings to February 10, 2026, to allow for the observance of Fat Tuesday. (RE)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

None



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** Coastal Resources

**Description of Topic:** Resolution authorizing payment of up to \$3,000 to the Coastal Alabama Business Chamber for the Annual Electronic Recycling and Paper Shred Event. (NW)

**Background/Description:** The Annual Electronic Recycling and Paper Shred Event is scheduled for Saturday, January 10, 2026, at the Gulf State Park Pavilion from 8:00 a.m. to noon, rain or shine.

**Action Options/Recommendation:**

**Source of Funding (if applicable):** This is budgeted and once paid, the actual amount will be used toward matching funds for the ADEM319 grant.

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**ATTACHMENTS:**

1. 01-06-26 26-xxx Authorize Payment Coastal Alabama Business Chamber Recycling Shred Event

**RESOLUTION NO. 26-xxx**

**A RESOLUTION AUTHORIZING PAYMENT OF UP TO \$3,000 TO THE  
COASTAL ALABAMA BUSINESS CHAMBER FOR THE  
ANNUAL ELECTRONIC RECYCLING AND PAPER SHRED EVENT**

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FINDINGS:

1. The Annual Electronic Recycling and Paper Shred Event began in 2010.
2. The City of Orange Beach began making monetary contributions to the event in 2015 to allow residents to drop off TVs and computer monitors free of charge.
3. It is in the public's best interest for the City to support recycling efforts that help conserve resources and natural materials in a safe and correct manner.
4. The City of Orange Beach would like to continue to partner with the Coastal Alabama Business Chamber to support this event.
5. The next Annual Electronic Recycling and Paper Shred Event is scheduled for Saturday, January 10, 2026, at the Gulf State Park Pavilion from 8:00 a.m. to noon, rain or shine.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Council authorizes payment of up to \$3,000.00 to the Coastal Alabama Business Chamber to be used for the sole and exclusive purpose of the 2026 Annual Electronic Recycling and Paper Shred Event; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

\_\_\_\_\_  
Renee Eberly  
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 26-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 6, 2026.

\_\_\_\_\_  
City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** Coastal Resources

**Description of Topic:** Resolution authorizing execution of a third amendment to the grant award agreement with the National Audubon Society for the stewardship of Coastal Alabama beach nesting bird habitat. (NW)

**Background/Description:** This amendment is a no-cost extension of the agreement to April 1, 2026. The funds are in place to cover the salary of our bird nesting coordinator, along with all stewardship activities.

**Action Options/Recommendation:**

**Source of Funding (if applicable):** This is a no-cost extension.

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**ATTACHMENTS:**

1. 01-06-26 26-xxx Authorize Grant Award Amendment Audubon Society Nesting Bird Habitat
2. 2025.12.12 Grant Award Agreement Amendment National Audubon Society Bird Habitat

**RESOLUTION NO. 26-xxx**

**A RESOLUTION AUTHORIZING EXECUTION OF A  
THIRD AMENDMENT TO THE GRANT AWARD AGREEMENT WITH THE  
NATIONAL AUDUBON SOCIETY FOR THE  
STEWARDSHIP OF COASTAL ALABAMA BEACH NESTING BIRD HABITAT**

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FINDINGS:

1. The purpose of this agreement is for the National Audubon Society to provide funding under the Implementation Agreement of Deepwater Horizon Natural Resource Damage Funds to the City of Orange Beach to perform services related to the Stewardship of Coastal Alabama Beach Nesting Bird Habitat.
2. On July 6, 2021, City Council adopted Resolution No. 21-148 authorizing the execution of a grant award agreement with the National Audubon Society agreeing to the provisions of the grant.
3. The purpose of this Amendment is to change the end date from 01/15/2026 to 04/01/2026.
4. After having reviewed said agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute the Amendment in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the National Audubon Society as an act for and behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective upon its adoption.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

\_\_\_\_\_  
Renee Eberly  
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 26-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 6, 2026.

\_\_\_\_\_  
City Clerk

**THIRD AMENDMENT TO  
GRANT AGREEMENT**

This third Amendment (“Amendment”) to the Grant Agreement (the “Agreement”) by and between National Audubon Society, Inc. (“Audubon”) and City of Orange Beach (“Recipient”), dated as of April 16, 2021, as amended, is made as of December 10, 2025, by and between Audubon and Recipient.

**WHEREAS**, Recipient and Audubon each desire to amend the Agreement.

**NOW, THEREFORE**, in consideration of the mutual promises, conditions and covenants contained herein, the parties hereto agree to amend the Agreement as follows:

1. Article VII, Term of Agreement, is hereby amended as follows: This Agreement will terminate on April 1, 2026, or upon receipt and acceptance by Audubon of the final deliverables whichever is sooner.
2. All capitalized terms used herein and not otherwise defined shall have the respective meanings ascribed to such terms in the Agreement. This Amendment may be executed in one or more counterparts, all of which taken together shall constitute one and the same instrument. Except as expressly modified hereby, the Agreement and all of the terms, conditions, covenants, agreements and provisions thereof remain in full force and effect and are hereby ratified and affirmed.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment as of the day and year first above written.

NATIONAL AUDUBON SOCIETY, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Recipient

\_\_\_\_\_  
City of Orange Beach



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Resolution appointing members to the Employees' Leave Bank Committee. (VP/MB)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 01-06-26 26-xxx Appoint Leave Bank Committee Osborn Stacey

**RESOLUTION NO. 26-xxx**

**A RESOLUTION APPOINTING MEMBERS TO THE  
EMPLOYEES' LEAVE BANK COMMITTEE**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Michael Osborn is hereby appointed to serve on the Employees' Leave Bank Committee for a two (2) year term beginning on January 1, 2026, and ending December 31, 2027;
2. That Abbygayle Stacey is hereby appointed to serve on the Employees' Leave Bank Committee for a two (2) year term beginning on January 1, 2026, and ending December 31, 2027;
3. That it be reaffirmed that the following persons have been appointed to the Employee's Leave Bank Committee for the terms set out below:

Ford Handley, City Administrator / Finance Director, Permanent Member  
Vicki Pishna, Human Resources Director, Permanent Member  
Brianna Dichiara, term ending December 31, 2026  
Kristin Wong, term ending December 31, 2026  
Michael Osborn, term ending December 31, 2027  
Abbygale Stacey, term ending December 31, 2027

4. That this Resolution shall become effective upon its adoption.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

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Renee Eberly  
City Clerk

**C E R T I F I C A T E**

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 26-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 6, 2026.

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City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Resolution declaring certain personal property owned by the City of Orange Beach as surplus and unneeded and authorizing the Mayor and City Clerk to dispose of such property. (RE/TR)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 01-06-26 26-xxx Declare Surplus Miscellaneous

**RESOLUTION NO. 26-xxx**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY  
OWNED BY THE CITY OF ORANGE BEACH AS SURPLUS AND UNNEEDED  
AND AUTHORIZING THE MAYOR AND CITY CLERK TO  
DISPOSE OF SUCH PROPERTY**

FINDINGS:

1. That the following personal property owned by the City of Orange Beach, Alabama, is no longer needed for public or municipal purposes:

DEPARTMENT	ITEM DESCRIPTION	QTY	NOTES
ADMIN	CELL PHONES AND TABLETS	LOT	
ADMIN / HR	ID PRINTER	1	
ART CENTER	GLASTAR GRINDING WHEEL	1	
COASTAL RESOURCES	1994 FORD LNT-8000 DUMP TRUCK (#721)	1	VIN 1FDZW82EXRVA47139
COASTAL RESOURCES	2014 INTERNATIONAL DURASTAR FLATBED CREW CAB TRUCK (#372)	1	VIN 3HAJTSKM9EL775863
COASTAL RESOURCES	2018 JOHN DEERE 1575 TERRAINCUT WITH 72" FASTBACK REAR DISCHARGE MOWER (#311)	1	SERIAL #1TC1575VJHS040052
COMMUNITY DEVELOPMENT	2014 FORD EXPLORER SUV (#323)	1	VIN 1FM5K8AR9EGB11264
COMMUNITY DEVELOPMENT	2017 FORD EXPLORER SUV (#344)	1	VIN 1FM5K8B81HGC78096
FINANCE	2004 CHEVROLET IMPALA (#170)	1	VIN 2G1WF52E449244690
FINANCE	AIR CLEANER	1	
FIRE	2018 TRITON ELITE WCII TRAILER FOR JET SKIS (#477)	1	VIN 4TCSM1128JH245380
FIRE	KEYLESS RV LOCK	1	
P&R / GOLF CENTER	RANGE BALL MACHINES	2	
P&R / SENIOR CENTER	OFFICE DESKS	2	
P&R / SENIOR CENTER	PATIO FURNITURE - BENCHES, ROCKING CHAIRS	8	
P&R / SENIOR CENTER	XEROX WORKCENTER PRINTER	1	
P&R / SPORTSPLEX	2003 TORO TRIPLEX REEL MASTER MOWER (#817)	1	SERIAL #S230000424
P&R / SPORTSPLEX	2006 KUBOTA F3680 TRACTOR WITH 72" DECK MOWER (#810)	1	SERIAL #10010 / 10334
P&R / SPORTSPLEX	2006 TORO WORKMAN 07253 UTILITY VEHICLE (#833)	1	SERIAL #24000256
P&R / SPORTSPLEX	2012 CHEVROLET TAHOE C15 SUV (#508)	1	VIN 1GNLC2E01CR296193
P&R / SPORTSPLEX	SPORTS LIGHTS	LOT	

## Resolution No. 26-xxx (cont'd)

Page 2

P&R / TENNIS CENTER	BOOK CASE	1	
P&R / TENNIS CENTER	CUPS AND CUP HOLDERS	LOT	
P&R / TENNIS CENTER	DIGITAL VOICE RECORDING DEVICES	2	
P&R / TENNIS CENTER	HP COMPUTER MONITOR	1	
P&R / TENNIS CENTER	PRIVACY SCREENS	4	
P&R / TENNIS CENTER	TENNIS BALL MACHINES	3	
POLICE	2005 FORD F150 PICKUP TRUCK (#220)	1	VIN 1FTRX14W25NB39743
POLICE	2008 FORD CROWN VICTORIA (#254)	1	VIN 2FAHP71V68X141661
POLICE	2009 GMC C4500 AMBULANCE (#201)	1	VIN 1GDE4V1999F405414
POLICE	2013 CHEVROLET TAHOE 4WD SUV (#108)	1	VIN 1GNLC2E0XDR271293
POLICE	2014 CHEVROLET TAHOE SUV (#244)	1	VIN 1GNSK2E08ER126589
POLICE	2016 CHEVROLET IMPALA (#234)	1	VIN 2G1WA5E37G1165834
POLICE	2016 CHEVROLET TAHOE 2WD SUV (#288)	1	VIN 1GNLCDEC8GR349189
POLICE	2016 JEEP WRANGLER (#238)	1	VIN 1C4BJWDG4GL225918
POLICE	2017 CHEVROLET TAHOE SUV (#226)	1	VIN 1GNLCDEC3HR267906
POLICE	2017 CHEVROLET TAHOE SUV (#230)	1	VIN 1GNLCDECXHR268129
POLICE	2018 CHEVROLET TAHOE SUV (#277)	1	VIN 1GNSKFEC9JR278361
POLICE	2018 CHEVROLET TAHOE SUV (#279)	1	VIN 1GNLCDEC1JR292227
POLICE	BICYCLES	8	
POLICE	BLUETOOTH SPEAKERS	2	
POLICE	CHEVROLET TAHOE PARTS - DOOR PANELS, SEATS	22	
POLICE	DURALAST 3-TON JACK	1	
POLICE	EXERCISE EQUIPMENT	LOT	
POLICE	INVICTA WATCH	1	
POLICE	LILY PAD	1	
POLICE	RAY VOLT E-BIKE	1	
POLICE	SAMSUNG EARBUDS	1	
POLICE	YETI FISHING BUCKET WITH SUPPLIES	1	
PUBLIC WORKS	2003 FORD F150 PICKUP TRUCK (#752)	1	VIN 1FTRF17W23NB67277

PUBLIC WORKS	2006 CHEVROLET TRAILBLAZER SUV (#452)	1	VIN 1GNDT13S762241960
PUBLIC WORKS	2006 KUBOTA F3680 WITH 72" DECK MOWER (#7155)	1	SERIAL #16055
PUBLIC WORKS	2008 JEEP WRANGLER	1	VIN 1J4GA39108L563384
PUBLIC WORKS	2013 ALAMO MOWER 15' EAGLE (#740)	1	SERIAL #10588 SP
PUBLIC WORKS	2013 INTERNATIONAL DURASTAR 4300M7 FLAT DUMP CREW CAB DIESEL TRUCK (#703)	1	VIN 3HAJTSKM7DL200529
PUBLIC WORKS	4X4 LOOSE RIMS AND TIRES	LOT	
PUBLIC WORKS	BUFFALO BLOWER	1	
PUBLIC WORKS	GARBAGE CANS	LOT	
PUBLIC WORKS	PAINT LINE SPRAYERS	2	
SEWER	2001 FORD F350 DUAL CAB WITH UTILITY BODY (#605)	1	VIN 1FDWW36S11EC50625
SEWER	2014 CHEVROLET SILVERADO K1500 PICKUP TRUCK (#600)	1	VIN 1GCNKPEC8EZ285478
SEWER	TRENCHER/BACKHOE 99 CASE 460 (#638)	1	SERIAL #JAF0284693

2. Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the aforementioned personal property owned by the City of Orange Beach, Alabama, is not needed for public or municipal purposes;
2. That the Mayor and City Clerk are hereby authorized and directed to dispose of the surplus property, as described above, on behalf of the City of Orange Beach, Alabama, by appropriate legal methods;
3. That the proceeds derived from such disposal shall be deposited in the General Fund of the City of Orange Beach; and
4. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

\_\_\_\_\_  
 Renee Eberly  
 City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 26-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 6, 2026.

\_\_\_\_\_  
 City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Resolution amending the Employees Pay Plan/Job Listing to accommodate the approved 2026 budget. (MB/FH)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 01-06-26 26-xxx Amend Pay Plan Job Listing 2026 Budget
2. 2025.12.12 Pay Plan Job Listing
3. 2025.12.12 Pay Plan Job Listing - Schedule 84 Police
4. 2025.12.12 Pay Plan Job Listing - Schedule 104 Fire

**RESOLUTION NO. 26-xxx**

**A RESOLUTION AMENDING THE  
EMPLOYEES PAY PLAN/JOB LISTING  
TO ACCOMMODATE THE APPROVED 2026 BUDGET**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the entire Employees Pay Plan / Job Listing shall read as per the attached Exhibit A and the same is hereby adopted and approved by the Council; and
2. That this Resolution shall become effective upon its adoption.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

\_\_\_\_\_  
Renee Eberly  
City Clerk

**C E R T I F I C A T E**

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 26-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 6, 2026.

\_\_\_\_\_  
City Clerk

City of Orange Beach, AL								Schedule 84 - Police	
Job Table								Schedule 104 - Fire	
Grade	New Grade	Hourly Min	Hourly Mid	Hrly Max	Annl Min	Annl Mid	Annl Max	Department	Job Title
<b>NEW</b>	<b>A</b>	\$ 10.00	\$ 42.50	\$ 75.00	OPEN PT	OPEN PT	OPEN PT	All Departments Expect Excellence Expect Excellence	Summer Youth Program Worker = \$10 per hour Instructor I - Academic, Athletic, Art, Music (Expect Excellence/PAC PT) = \$30 per hour Instructor II - Academic, Athletic, Art, Music (Expect Excellence PT) = \$50 per hour
<b>E</b>	<b>B</b>	\$ 17.00	\$ 19.59	\$ 22.78	\$ 35,360	\$ 40,747	\$ 47,382	Art Center Art Center Community Development Event Center Coastal Resources Parks & Recreation-Golf Center Expect Excellence Parks & Recreation Expect Excellence-Performing Arts Center Parks & Recreation - Sportsplex Expect Excellence Event Center Parks & Recreation Police Public Works-Street Coastal Resources Parks & Recreation-Golf Center Public Works-Landscaping Public Works-Refuse Parks & Recreation-Sportsplex Public Works-Street All Departments Parks & Recreation-Aquatics Sewer Coastal Resources	<b>Apprentice</b> Assistant - Operations (Art Center) Assistant - Operations (Community Development) Assistant - Operations (Event Center) Attendant - Beach Attendant - Recreation Facility (Golf Center) Attendant - Recreation Facility (Expect Excellence) Attendant - Recreation Facility (Fitness Center) Attendant - Recreation Facility (Performing Arts) Attendant - Recreation Facility (Sportsplex) After School Aide - Expect Excellence Custodian - Event Facilities Custodian - Parks & Recreation Custodian - Police Custodian - Public Works Equipment Operator I - Coastal Resources Equipment Operator I - Golf Equipment Operator I - Landscaping Equipment Operator I - Refuse Equipment Operator I - Sportsplex Equipment Operator I - Streets <b>Intern</b> Lifeguard I - Aquatic Center Line Locator Trainee Specialist - Wildlife
<b>F</b>	<b>C</b>	\$ 18.04	\$ 21.64	\$ 25.25	\$ 37,523	\$ 45,011	\$ 52,520	Administration Art Center Police Public Works-Street Sewer Parks & Recreation-Golf Parks & Recreation-Sportsplex Parks & Recreation-Fitness Center Parks & Recreation-Aquatics Fire-Beach Safety Fire Sewer Parks & Recreation Art Center	Administrative Assistant I - Admin Administrative Assistant I - Art Center Administrative Assistant I - Police Administrative Assistant I - Public Works Administrative Assistant I - Sewer Assistant - Athletic Programs Golf Assistant - Athletic Programs Sportsplex Assistant - Recreation Facility Lifeguard II - Aquatic Center Lifeguard II - Beach - Fire Lifeguard II - Fire Line Locator - Sewer Museum Guide Resident Artist
<b>G</b>	<b>D</b>	\$ 19.94	\$ 24.02	\$ 28.11	\$ 41,475	\$ 49,962	\$ 58,469	Finance Administration Community Development Event Center Fire Police	Account Clerk Administrative Assistant II - Admin Administrative Assistant II - Community Development Administrative Assistant II - Event Center Administrative Assistant II - Fire Administrative Assistant II - Police

								Police	Animal Control Officer
								Coastal Resources	Code Enforcement Officer - Conservation
								Police-Corrections	Corrections Officer
								Police Communications	Dispatcher
								Coastal Resources	Equipment Operator II - Beach/Shoreline/Trail/Wildlife
								Public Works-Refuse	Equipment Operator II - Refuse
								Public Works-Street	Equipment Operator II - Street
								Expect Excellence	Instructor - Athletics (Expect Excellence)
								Expect Excellence	Instructor - Music (Expect Excellence)
								Expect Excellence	Instructor - Art (Expect Excellence)
								Expect Excellence - Performing Arts Center	Instructor - Art (PAC)
								Court	Magistrate I
								Coastal Resources	Technician I - Maintenance (Coastal Resources)
								Expect Excellence	Technician I - Maintenance (Expect Excellence)
								Park & Recreation - Sportsplex	Technician I - Maintenance (Sportsplex)
								Parks & Recreation-Golf Center	Technician I - Maintenance (Golf)
								Public Works-Landscaping	Technician I - Maintenance (Landscape Irrigation)
								Public Works-Landscaping	Technician I - Maintenance (Landscape Spray)
								Sewer	Technician I - Maintenance (Sewer)
								Public Works-Street	Technician I - Maintenance (Streets)
								Public Works-Street	Technician I - Maintenance (Streets Facilities)
								Public Works-Street	Technician I - Maintenance (Streets HVAC Lvl 1)
								Police	Technician - Police Support Services
								Coastal Resources	Team Leader - Beach/Shoreline/Trail/Wildlife
								Parks & Recreation-Sportsplex	Team Leader - Sportsplex
								Expect Excellence-Performing Arts Center	Technician - Audio Visual
								Sewer	Wastewater Treatment Operator - Sewer (Grade I)
								Sewer	Wastewater Treatment Operator - Sewer (Grade II)
H	E	\$ 22.14	\$ 26.79	\$ 31.44	\$ 46,051	\$ 55,723	\$ 65,395	Police-Corrections	Assistant Supervisor - Corrections
								Parks & Recreation-Sportsplex	Athletic Trainer
								Expect Excellence	Coordinator - Academics
								Administration	Coordinator - Administrative Support
								Parks & Recreation-Aquatics	Coordinator - Aquatics
								Art	Coordinator - Art Events
								Art	Coordinator - Art Programs
								Event Center	Coordinator - Event Facilities
								Police	Lead Support Services Technician
								Court	Magistrate II
								Public Works-Street	Mechanic I - Street (Small Engines)
								Administration	Purchasing Agent
								Sewer	Wastewater Treatment Operator - Sewer (Grade III)
I	F	\$ 24.69	\$ 30.00	\$ 35.31	\$ 51,355	\$ 62,400	\$ 73,445	Finance	Accountant I
								Expect Excellence - Performing Arts Center	Audio Visual Engineer
								Police - Communications	Chief Dispatcher
								Police	Crime Analyst
								Administration	Executive Assistant
								Fire	Firefighter EMT
								Public Works - Street	Foreman - Custodial
								Coastal Resources - Trail	Foreman - Facilities & Events
								Parks & Recreation - Golf Center	Foreman - Golf Center

								Public Works - Landscaping	Foreman - Landscaping
								Public Works - Refuse	Foreman - Refuse
								Sewer	Foreman - Sewer
								Parks & Recreation-Sportsplex	Foreman - Sportsplex
								Public Works - Street	Foreman - Street
								Administration - HR	Generalist - Human Resources
								Public Works - Street	Technician II - Maintenance (Streets Facilities)
								Public Works - Street	Technician II - Maintenance (Streets HVAC Lvl 2)
								Coastal Resources - Beach, Projects, Shoreline, Trail, W	Manager - Facility (Coastal Resources)
								Parks & Recreation - Fitness Center	Manager - Facility (Fitness Center)
								Parks & Recreation - Golf	Manager - Facility (Golf)
								Expect Excellence - PAC	Manager - Facility (Performing Arts Center)
								Parks & Recreation - Senior Center	Manager - Facility (Senior Center)
								Parks & Recreation - Tennis & Pickleball	Manager - Facility (Tennis & Pickleball)
								Expect Excellence	Manager - Program (Athletics - EE)
								Parks & Recreation - Sportsplex	Manager - Program (Athletics - Sportsplex)
								Coastal Resources - Beach, Projects, Shoreline, Trail, W	Manager - Program (Coastal Resources)
								Expect Excellence	Manager - Program (Expect Excellence)
								Expect Excellence	Manager - Program (Music)
								Parks & Recreation	Manager - Program (Parks and Recreation)
								Parks & Recreation - Senior Center	Manager - Program (Senior Center)
								Parks & Recreation - Sportsplex	Manager - Program (Vending/Concessions )
								Public Works - Street	Manager - Program (Vending/Concessions )
								Administration - Legal	Paralegal
								Finance	Revenue Clerk
								Finance	Specialist - Grants
								Fire	Supervisor - Beach Safety
								Sewer	Technician - Sewer Lift Station
								Sewer	Waste Water Treatment Operator - Sewer (Grade IV)
J	G	\$ 27.67	\$ 33.75	\$ 39.84	\$ 57,554	\$ 70,200	\$ 82,867	Administration	Coordinator - Emergency Management
								Administration - IT	Coordinator - Information Technology / Professional
								Public Works - Street	Electrician
								Sewer	Electrician - Industrial Maintenance
								Fire	Firefighter
								Administration - HR	Generalist Sr.- Human Resources
								Community Development	Assistant City Planner
								Community Development	Inspector - Building
								Community Development	Inspector - Code
								Fire	Inspector - Fire
								Coastal Resources - Administration	Office Manager - Coastal Resources
								Community Development	Office Manager - Community Development
								Expect Excellence	Office Manager - Expect Excellence
								Fire	Office Manager - Fire
								Parks & Recreation	Office Manager - Parks & Recreation
								Police	Office Manager - Police
								Public Works	Office Manager - Public Works
								Sewer	Office Manager - Sewer
								Police	Officer - Community Relations
								Police	Officer - Intelligence
								Police	Officer - K9
								Police	Officer - Police
								Police	Officer - Police (Investigation)

								Police	Officer - School Resource
								Community Development	Permit Administrator
								Community Development	Plans Examiner
								Community Development	Specialist - GIS
								Sewer	Manager - Wastewater Treatment (Field or Plant)
<b>K</b>	<b>H</b>	\$ 31.13	\$ 38.14	\$ 45.14	\$ 64,750	\$ 79,331	\$ 93,891	Finance	Accountant II
								Coastal Resources - Administration	Coastal Regulatory Official
								Police	Corporal - Police
								Community Development	Deputy Building Official
								Parks & Recreation - Aquatics	Director of Operations - Aquatic Center
								Art Center	Director of Operations - Art Center
								Coastal Resources - Administration	Director of Operations - Coastal Resources
								Court	Director of Operations - Court
								Event Center	Director of Operations - Event Center
								Expect Excellence	Director of Operations - Expect Excellence
								Parks & Recreation - Sportsplex	Director of Operations - Sportsplex
								Parks & Recreation	Director of Operations - Programs
								Parks & Recreation	Director of Operations - Special Events
								Fire	Engineer - Fire
								Community Development	Engineering Assistant
								Fire	Firefighter Medic
								Police	IT Administrator - Police
								Fire	Lieutenant - Fire
								Administration - HR	Manager - Benefits
								Community Development	Manager - Construction
								Administration	Procurement Officer
								Administration - Legal	Paralegal Sr.
								Fire	Public Information Officer
								Public Works - Landscaping	Superintendent - Landscape
								Parks & Recreation	Superintendent - Parks
								Sewer	Superintendent - Sewer Field Operations
								Sewer	Superintendent - Sewer Plant Operations
								Public Works - Street	Superintendent - Street
								Public Works - Street	Superintendent - Streets (Shop Foreman-Mechanics)
<b>L</b>	<b>I</b>	\$ 35.19	\$ 43.29	\$ 51.38	\$ 73,195	\$ 90,043	\$ 106,870	Fire	Fire
								Community Development	City Planner
								Fire	Deputy Fire Marshal
								Fire	Officer - Fire Logistics
								Administration	Manager - Public Relations
								Finance	Manager - Grants
								Finance	Revenue Official
								Finance	Accountant Senior
								Police	Sergeant - Police
								Community Development	Staff Engineer
								Fire	Officer - Training Fire
<b>M</b>	<b>J</b>	\$ 39.96	\$ 49.35	\$ 58.74	\$ 83,117	\$ 102,648	\$ 122,179	Fire	Battalion Chief - Fire
								Fire - Beach Safety	Chief - Beach Safety
								Community Development	Building Official
								Community Development	Chief - Building Inspector
								Fire	Division Chief - Fire

								Fire Police	Fire Marshall Lieutenant - Police
<b>N</b>	<b>K</b>	\$ 45.37	\$ 56.26	\$ 67.15	\$ 94,370	\$ 117,021	\$ 139,672	Coastal Resources-Administration Finance Parks & Recreation Public Works-Street Public Works - Street Fire Fire Police Police	Assistant Director - Coastal Resources Assistant Director - Finance Assistant Director - Parks & Recreation Assistant Director - Public Works Assistant Director - Public Works Sewer Deputy Chief - Fire Administration Deputy Chief - Fire Operations Deputy Chief - Police Administration Deputy Chief - Police Operations
<b>O</b>	<b>L</b>	\$ 55.13	\$ 68.78	\$ 82.44	\$ 114,669	\$ 143,069	\$ 171,469	Fire Police Administration Administration Coastal Resources-Administration Community Development Finance Administration (HR) Parks & Recreation Public Works-Street	Chief - Fire Chief - Police City Clerk Executive Director - Administration Executive Director - Coastal Resources Executive Director - Community Development Executive Director - Finance Executive Director - Human Resources Executive Director - Parks & Recreation Executive Director - Public Works
<b>P</b>	<b>M</b>	\$ 58.75	\$ 73.43	\$ 88.12	\$ 122,200	\$ 152,734	\$ 183,290	Community Development	City Engineer
<b>Q</b>	<b>N</b>	\$ 67.26	\$ 84.08	\$100.90	\$ 139,901	\$ 174,886	\$ 209,872	Administration	Assistant City Administrator
<b>R</b>	<b>O</b>	\$ 77.02	\$ 96.27	\$115.53	\$ 160,202	\$ 200,242	\$ 240,302	Administration-Legal	City Attorney
<b>S</b>	<b>P</b>	\$ 88.19	\$110.23	\$132.28	\$ 183,435	\$ 229,278	\$ 275,142	Administration	City Administrator

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Schedule 84 - Police								
Grade	Hourly Min	Hourly Mid	Hrly Max	Annl Min	Annl Mid	Annl Max	Department	OBA Job Title
B	\$ 17.00	\$ 19.59	\$ 22.78	\$ 35,360	\$ 40,741	\$ 47,389	Police	Police - Custodian
C	\$ 18.04	\$ 21.64	\$ 25.25	\$ 37,515	\$ 45,019	\$ 52,522	Police	Admin Assistant I
D	\$ 19.94	\$ 24.02	\$ 28.11	\$ 41,469	\$ 49,971	\$ 58,472	Police	Admin Assistant II
							Police	Suport Service Technician
							Police	Animal Control Officer
							Communications	Dispatcher
							Corrections	Corrections Officer
E	\$ 22.14	\$ 26.79	\$ 31.44	\$ 46,047	\$ 55,717	\$ 65,387	Corrections	Jail Assistant Supervisor
							Police	Support Service Lead
F	\$ 24.69	\$ 30.00	\$ 35.31	\$ 51,361	\$ 62,403	\$ 73,446	Communications	Chief Dispatcher
							Police	Crime Analyst
G	\$ 27.67	\$ 33.75	\$ 39.84	\$ 57,544	\$ 70,204	\$ 82,863	Police	Community Relations
							Police	Intelligence Officer
							Police	K-9 Officer
							Police	Investigations Officer
							Police	School Resource Officer
							Police	Police Officer
							Police	Office Manager
H	\$ 31.13	\$ 38.14	\$ 45.14	\$ 64,759	\$ 79,330	\$ 93,901	Police	Corporal
							Police	IT Administrator
I	\$ 35.19	\$ 43.29	\$ 51.38	\$ 73,203	\$ 90,040	\$ 106,876	Police	Sergeant

<b>J</b>	\$ 39.96	\$ 49.35	\$ 58.74	\$ 83,114	\$ 102,645	\$ 122,177	Police	Lieutenant
<b>K</b>	\$ 45.37	\$ 56.26	\$ 67.15	\$ 94,367	\$ 117,016	\$ 139,664	Police	Captain or Deputy Chief

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Schedule 104 - Fire									
Grade	Hrly Min	Hrly Mid	Hrly Max	Annl Min	Annl Mid	Annl Max	Department	OBA Job Title	
A	\$ 11.70	\$ 13.75	\$ 15.80	\$ 24,340	\$ 28,600	\$ 32,860			
B	\$ 12.64	\$ 14.92	\$ 17.19	\$ 26,297	\$ 31,031	\$ 35,765			
C	\$ 13.72	\$ 16.26	\$ 18.80	\$ 28,543	\$ 33,824	\$ 39,104			
D	\$ 14.96	\$ 17.81	\$ 20.65	\$ 31,124	\$ 37,037	\$ 42,951			
E	\$ 16.39	\$ 19.59	\$ 22.78	\$ 34,093	\$ 40,741	\$ 47,389			
F	\$ 18.04	\$ 21.64	\$ 25.25	\$ 37,515	\$ 45,019	\$ 52,522			
G	\$ 19.94	\$ 24.02	\$ 28.11	\$ 41,469	\$ 49,971	\$ 58,472			
	\$ 19.94	\$ 24.02	\$ 28.11				Administration	Administrative Assistant II-Admin	
	\$ 19.94	\$ 24.02	\$ 28.11				Fire	Administrative Assistant II-Fire	
	\$ 19.94	\$ 24.02	\$ 28.11				Fire-Beach Safety	Lifeguard II	
H	\$ 22.14	\$ 26.79	\$ 31.44	\$ 46,047	\$ 55,717	\$ 65,387			
							Fire	Office Manager-Fire	
I	\$ 24.69	\$ 30.00	\$ 35.31	\$ 51,361	\$ 62,403	\$ 73,446			
	\$ 18.99	\$ 23.08	\$ 27.16				Fire	Firefighter EMT	
J	\$ 27.67	\$ 33.75	\$ 39.84	\$ 57,544	\$ 70,204	\$ 82,863			
	\$ 27.67	\$ 33.75	\$ 39.84	\$ 57,544	\$ 70,204	\$ 82,863	Fire	Office Manager-Fire	
K	\$ 32.69	\$ 38.92	\$ 45.14	\$ 68,000	\$ 80,951	\$ 93,901			
	\$ 25.15	\$ 29.94	\$ 34.73				Fire	Firefighter Medic	
	\$ 32.69	\$ 38.92	\$ 45.14				Fire	Fire Inspector	
	\$ 32.69	\$ 38.92	\$ 45.14				Fire	Public Information Officer	
L	\$ 34.33	\$ 40.86	\$ 47.40	\$ 71,400	\$ 84,998	\$ 98,596			
	\$ 26.41	\$ 31.43	\$ 36.46				Fire	Engineer-Fire	
	\$ 34.33	\$ 40.86	\$ 47.40				Fire-Beach Safety	Beach Safety Supervisor	

<b>M</b>	\$ 36.06	\$ 42.91	\$ 49.77	\$ 75,000	\$ 89,263	\$ 103,526		
	\$ 27.74	\$ 33.01	\$ 38.29				Fire	Lieutenant-Fire
	\$ 36.06	\$ 42.91	\$ 49.77				Fire	Logistics Officer
	\$ 36.06	\$ 42.91	\$ 49.77				Fire	Training Officer
<b>N</b>	\$ 37.50	\$ 44.44	\$ 51.38	\$ 78,000	\$ 92,438	\$ 106,876		
	\$ 28.85	\$ 34.19	\$ 39.53				Fire	Captain-Fire
	\$ 37.50	\$ 44.44	\$ 51.38				Fire	Deputy Fire Marshall
<b>O</b>	\$ 39.96	\$ 49.35	\$ 58.74	\$ 83,114	\$ 102,645	\$ 122,177		
	\$ 30.74	\$ 37.96	\$ 45.18				Fire	Battalion Chief-Fire
	\$ 39.96	\$ 49.35	\$ 58.74				Fire-Beach Safety	Chief-Beach Safety
	\$ 39.96	\$ 49.35	\$ 58.74				Fire	Division Chief
	\$ 39.96	\$ 49.35	\$ 58.74				Fire	Fire Marshall
<b>P</b>	\$ 45.37	\$ 56.26	\$ 67.15	\$ 94,367	\$ 117,016	\$ 139,664		
	\$ 45.37	\$ 56.26	\$ 67.15				Fire	Deputy Chief-Fire

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**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Ordinance amending Chapter 30, Article V of the City of Orange Beach Code of Ordinances to be retitled, "Wetland Preservation and Mitigation".  
(AR/JL)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 2025.12.12 Wetland Mitigation Ordinance Draft

**ARTICLE V**

**WETLAND PRESERVATION AND MITIGATION<sup>1</sup>**

**DIVISION 1. GENERALLY**

**Sec. 30-111. Statutory authorization.**

The legislature of the State of Alabama authorized local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry consistent with its comprehensive plan, thereby, the City of Orange Beach does ordain this Wetland Preservation and Mitigation ordinance.

**Sec. 30-112. Findings of fact.**

- (1) The wetland resources of the City of Orange Beach provide significant socioeconomic, environmental and recreational values to the City and its residents and visitors in the form of flood and storm damage protection, erosion control, groundwater recharge, water quality improvement and fish and wildlife habitats, breeding and nursery grounds for reproduction and healthy productivity and connectivity of wildlife corridors through urbanized areas.
- (2) When local wetlands are seriously impacted or destroyed, these aforementioned values are lost to the city. wetland areas impacted by development or other uses are subject to increased flooding, erosion, and land subsidence (sinking) and increase negative impacts on both surrounding wetlands and other low-lying lands in the vicinity.
- (3) Additional wetland habitat loss will contribute to further degradation of existing wetlands and has the potential to impact public health, safety and welfare through adverse impacts to water quality in local waterbodies and waterways as evidenced by recent water quality tests.
- (4) When wetlands are permitted by the relevant regulatory agencies to be mitigated in areas other than the city, these aforementioned values remain lost to the city.
- (5) Many wetland areas within the City have been filled or lost to drainage. These activities have increased water pollution and water quality degradation in the downstream areas of the City's watershed. This has resulted in increased flooding, erosion and the loss of important habitat within the City limits.

**Sec. 30-113. Statement of purpose.**

The purpose of this chapter is to prevent harm to the human and natural environment from water pollution, increased flooding and loss of groundwater supply that may result when natural wetlands are drained, filled or otherwise subjected to uses incompatible with public health, safety and welfare and further to ensure long-term protection of jurisdictional and non-jurisdictional wetlands located within the City of

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Orange Beach by requiring that all wetlands not approved for development impacts be permanently preserved. This chapter is intended to achieve these purposes by:

- (1) Providing a method of identifying wetlands within the planning and zoning jurisdiction of the City of Orange Beach;
- (2) Establishing regulations that permit reasonable economic use of wetlands consistent with sound wetlands conservation practices;
- (3) Guiding development adjacent to wetlands to prevent harm to wetlands and protect property from potential flood damage; and
- (4) Establishing procedures to assure compliance with the Federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.) and with state regulations that may affect wetlands.

**Sec. 30-114. Objectives.**

The objectives of this article are to:

- (1) Protect the public health, safety and general welfare;
- (2) Minimize expenditure of public money for costly flood control projects due to adverse impacts to the natural flood waters storage capability of wetlands;
- (3) Minimize adverse impacts to the city's groundwater resources resulting from elimination of natural groundwater recharge areas (i.e., wetlands) in the city;
- (4) Minimize adverse impacts to wildlife habitat resulting from the removal of wetland acreage from the city;
- (5) Minimize the erosive effects of waves and wakes on the shorelines of the city that are protected naturally by estuarine wetland vegetation;
- (6) Maximize the water quality improving capabilities of the city's wetlands;
- (7) Ensure the valuable recreational qualities of wetlands remain viable for present and future enjoyment;
- (8) Work toward the goal of furthering the Orange Beach Wetland Preservation Program;
- (9) Provide for practicable alternatives to wetland mitigation through various mechanisms.

**Sec. 30-115 Applicability.**

This section applies to all development, redevelopment, subdivision, or land-disturbing activity on property containing wetlands of any type, whether or not a federal or state wetland permit is required.

**Sec. 30-116 Definitions.**

Words used in this article are intended to have their common-sense meanings unless defined otherwise. The definitions and rules of construction that apply to the Orange Beach Zoning Ordinance are intended to apply to this article unless a different definition or rule is provided for.

*Adverse impact.* Anything that would destroy, harm, impair, diminish or degrade the value or utility of a wetland for pollution control, flood prevention, groundwater recharge or habitat for fish and wildlife.

*Approved wetland mitigation* means any wetland mitigation plan or proposal approved and permitted by the United States Army Corps of Engineers and/or the Alabama Department of Environmental Management.

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**Buffer**-Land which is perpetually maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding sensitive environmental resources including but not limited to wetlands and waterbodies.

**Compensatory Mitigation**-The replacement of wetland acreage, function, and value to compensate for wetland losses.

*Development.* Any improvement or change to property brought about by human activity, including, but not limited to the construction of buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling.

**Enhancement**-Manipulating the physical, chemical or biological characteristics of a wetland to increase or improve specific functions or to change the growth stage of vegetation present.

*Fill material.* Any solid material that displaces water or reduces water-holding capacity.

**Floodplains**-Areas subject to periodic inundation when a river, stream, or other watercourse overflows its banks. They are relatively flat areas or lowlands adjoining the channel of a river, stream, watercourse or other body of water. They include but are not limited to those mapped by the Federal Emergency Management Agency shown as flood hazard areas on the City of Orange Beach Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program.

**Hardship**- An unusual situation which will not permit utilization of property. A hardship exists only when it is not self-created.

*Hydrophytic vegetation.* Plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content Plant species of this type are listed in: P. B. Reed, Jr., "National List of Plant Species that Occur in Wetlands (North Central Region 3), Biological Report 88(24), (Washington, DC: U.S. Fish and Wildlife Service, 1988).

**Jurisdictional Determination**- An official, written statement or map verified and signed by the U.S. Army Corps of Engineers.

**Jurisdictional Wetland**- A wetland area that is determined as such by the U.S. Army Corps of Engineers.

**Land disturbance**- Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover. A permit for land disturbance is also known as a City site permit.

*National Wetlands Inventory (NWI).* A series of maps produced by the U.S. Fish and Wildlife Service showing the location and classification of wetlands in standard topographical areas.

*Natural water storage capacity.* The maximum volume of water that a wetland can contain up to its ordinary high water mark without alterations to its natural grade or contour.

**Ordinary High Water Mark**- The point of the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion destruction or prevention of terrestrial vegetation predominance of aquatic vegetation or other easily recognized feature.

*Periodic maintenance.* Ordinary inspection and repair of facilities accessory to use of a wetland. This includes erosion control and removal of silt and non-hydrophytic vegetation in ways that do not substantially disturb hydrophytic plant and animal life. Periodic maintenance does not include any modification of a wetland's contour or natural water storage capacity.

*Practicable alternative.* An alternative in terms of the size or location of a proposed development that would accomplish the development's basic purpose and would avoid or reduce adverse impact on a wetland.

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**Regulated Activities-** All activities in regulated wetlands which involve filling, excavation, dredging, clear cutting, dumping, excavation, alteration of natural drainage, grading, or any other alteration that has the potential to damage or destroy a wetland or associated buffer area.

**Restoration-** Manipulating the physical chemical or biological characteristics of a site to achieve a former condition with improved wetland functions, values, and acreage.

**Riparian Area-** Areas adjacent to rivers, streams, creeks, washes, watercourses and other bodies of water or channels having defined banks and bed through which waters flow. These areas are subject to periodic inundation and are generally identified by a difference in plant species composition or an increase in the size or density of vegetation as compared to upland areas.

**Water Course-** Rivers, streams, intermittent streams, ditches, brooks, channels lakes, ponds, manmade ponds, estuarine waters, swamps, bogs, vernal pools, and all other bodies of water natural or manmade which have defined banks and hold water for at any given time annually.

**Wetland specialist -** Any professional trained to accurately determine the presence or absence of wetlands as directed by the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual (Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coast Plan Oct. 2008) and any amendments or additions thereto.

**Wetland -** An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands contain at least one (1) wetland indicator from each of the following criteria: 1) hydric soils, 2) hydrophytic vegetation, and 3) wetland hydrology. Wetlands generally include swamps, marshes, bogs and similar areas.

**Wetland delineation-** The establishment of wetland boundaries by a representative of the USACE, an authority designated by the USACE, or by a wetland specialist.

### **Sec. 30-117. Wetland Development Regulations.**

Any project or component of any project proposed to take place upon a parcel of land containing wetlands must be granted a wetland impact site Permit. In granted or denying a wetland impact site permit, the Community Development department shall adhere to requirements of this Article.

1. Wetland Restrictions: The following activities are prohibited on Wetlands or within a wetland buffer zone unless otherwise authorized by the City.
  - a. Development within wetlands or specified wetland buffer zone. All wetlands as determined by the Army Corps of Engineers shall remain in an undisturbed natural state and have a minimum buffer width of between three (3) feet and ten (10) feet made up of indigenous vegetation between the edge of the wetlands and any development.
    - i. The buffer distance for a given project shall be determined as the minimum distance required to adequately protect the integrity of the wetlands on the subject parcel in an effort to maintain a minimum fifty (50) percent of the vegetation species of the site classified as hydrophytic, maintain the hydrology of the site as wetland hydrology criteria contained in the U.S. Army Corps of Engineers Wetland

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Delineation Manual, Technical Report Y-87-1 (January 1987); and remain free of exotic species.

- ii The buffer distance on each property shall be determined based upon the soil composition, slope, topography and wetland quality of the subject parcel. Wetland delineations provided by the applicant shall contain all relevant information required for the buffer distance determination as well as the wetland specialist's recommended setback distance based upon the listed factors.
  - b. Excavation, fill, or contouring to modify wetland limits for the purposes of providing access to upland areas of a parcel.
  - c. Changing natural surface or groundwater conditions, including by filling, draining, excavating, grading, or constructing any feature that alters hydrology;
  - d. Installing or building structures, utilities, roadways, or similar improvements;
  - e. Applying fertilizers, herbicides, pesticides, or similar chemicals, unless necessary for permitted invasive-species control;
  - f. Depositing soil, debris, refuse, pollutants, or hazardous materials of any kind;
  - g. Performing any activity that could degrade or interfere with the ecological, biological, or hydrologic functions of the Protected Area.
  - h. The creation of a lot or parcel that is comprised of such a percentage of wetlands that it would reasonably be considered "unbuildable" or "impracticable to build upon" and would require a wetland fill permit, through subdivision or other means unless the use of the parcel is restricted by a conservation easement. The platting of wetlands on new single-family or duplex residential lots. Determinations of "unbuildable" or "impracticability" shall be made in the sole discretion of the community development director.
  - i. Exemption of wetlands from development tracts or subdivision plats.
  - j. Clearing, grubbing, cutting, mowing or disturbing wetland vegetation except when beneficial to the wetlands and approved by the City of Orange Beach.
  - k. Army Corps of Engineers, State of Alabama or United States Environmental Protection Agency permitted wetland mitigation without a City issued Wetland Impact Site Permit.
2. Exceptions. With applicable state and federal approval, the following activities may be permitted within wetlands and wetland buffer:
- i. Pile supported development that covers less than twenty-five (25) percent of the wetlands on any site.
  - ii. Fill necessary to maintain access and minimum parking as required by applicable City Ordinances.

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- iii. Eaves, overhangs, and decks at least eight (8) feet above grade, and similar structures may extend into a wetland buffer no more than three (3) feet.
  - iv. Elevated walkways, footbridges with observation decks, benches, single support informational displays and directional signs

### 3. Permitted Activities.

The following uses shall be allowed to the extent that they are not prohibited by any other article or law, including laws of trespass, and provided they do not require structures (excluding boardwalks, observation platforms, gazebos, lighting, piers, and similar improvements), grading, fill, draining or dredging except as provided herein.

- a. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Alabama or of the United States in such a way that would require an individual 404 Permit.
- b. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, biking, horseback riding and canoeing.
- c. Forestry practices applied in accordance with best management practices approved by the Alabama Forestry Commission and as specified in action 404 of the Clean Water Act.
- d. Education, scientific research, and nature trails.
- e. Grass mowing is permitted within a wetland buffer. The removal of trees within a wetland buffer is permitted only after issuance of a tree removal or land disturbance activity permit by the city.

#### **Sec. 30-118** Wetland Impact Site Permit Application requirements.

- a. The applicants shall submit a wetland disturbance plan developed by a wetland specialist including but not limited to the following:
  - i. Identification of the wetland and wetland buffer areas that are to be protected and those which will be impacted.
  - ii. Description of the quality of the wetlands and the proposed impacts to wetland functions, values, and acreage.
  - iii. A plan for compensating for wetland and wetland buffer impacts, including restoration of the land as closely as possible to its original grade, contour and vegetation.
- b. Projects which require permitting by United State Army Corps of Engineers (USACE) or Alabama Department of Environmental Management (ADEM) shall reflect any buffers approved by USACE and ADEM if required upon submittal of development plans for City Staff approval.
- c. Prior to issuance of any City permit for land disturbance on any property containing wetlands, as approved by the Army Corps of Engineers, the applicant shall comply with these regulations unless otherwise specifically exempted by this article or

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federal or state regulations. No action by the City of Orange Beach pursuant to this article relieves the landowner or applicant from federal or state permitting requirements.

d. Retention of expert assistance and reimbursement by applicant.

The city may hire any consultant and/or expert necessary to assist the city in reviewing and evaluating the application, reviewing and evaluating any requests for recertification, and monitoring/enforcing any conditions of the wetland permit, and creation/maintenance of wetlands. Applicant is responsible for reimbursing the City of Orange Beach for any fees, whether application is approved or denied, within thirty (30) days of notice.

e. Avoidance and minimization.

In areas where structures can be elevated to avoid direct impacts to wetlands, they shall be elevated and constructed in a manner that prevents all direct wetland disturbance and a deviation shall not be granted absent additional and extenuating circumstances.

3.1 DEVIATION REQUEST

A request for a deviation for the purposes of unavoidable wetland impacts may be administratively approved by the Community Development Director or his designee in conjunction with an application for Development review upon finding that all of the following criteria are met:

1. Granting a deviation will not be contrary to the public interest and will not work to the detriment of surrounding persons or properties
2. All required valid and unexpired permits from state and federal regulating agencies have been issued and are provided with the Development application or will be made a contingency for variance approval.
3. The deviation request is limited to:
  - a) A road crossing.
  - b) Public infrastructure and Utility crossings or rights-of-way that are related to transmission or conveyance of a service.
  - c) Necessity, where absent a deviation, there could be no reasonable use of the property.
- A. A deviation shall not be approved for self-created hardships such as, but not limited to:
  1. Placing a road crossing, Utility crossing, rights-of-way, driveways, or other features in wetlands instead of uplands for the sole purpose of providing additional upland area for Development.
  2. Existence of wetlands and increase in development/construction cost alone will not be considered a hardship.

Appeals.

Appeals from compliance with these regulations and the implementation by the Community Development Director shall be made to the city council. The appeal must be made in writing within thirty (30) days of the decision rendered by the approving authority.

A public hearing shall be held for appeals. At least fifteen (15) days prior to the hearing, public notice of the hearing shall be given **in the manner prescribed by State law** notice shall be sent to owners of record of property lying within one thousand (1,000) feet of the subject property. Any person may speak at the hearing. Decisions of the City Council may be appealed to the Baldwin County Circuit Court. The cost of the appeal shall be paid by the appellant.

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## Waivers.

The city council may grant waivers from the provisions of this article, when it establishes after review of the application, that the proposed activity will not, taking into account individual and cumulative effects, threaten the health, safety, or general welfare of the residents of the permitting jurisdiction, cause nuisances, impair public rights in public waters, threaten rare or endangered plant or animal species, violate pollution control standards, adversely impact land uses on other properties, and/or violate other regulations. Waivers shall only be granted when the City Council determines:

1. The applicant has, to all extent practical, avoided the wetland and wetland buffer areas for the proposed activity, by limiting the proposed dimensions of all proposed structures to the minimum necessary to achieve desired functions;
2. The grant of the proposed exemption shall not adversely affect the water quality, volume of ground water supply, flood storage capacity, or cause a net loss of wetland functions.
3. Waivers may be granted only after required federal and/or state regulatory permits have been obtained.
4. Waiver to be granted shall give the minimum relief necessary to alleviate the applicant's hardship
5. Whenever a waiver is granted for a use that may alter the grade or contour of land in a wetland, the City Council shall require that, upon completion of the proposed construction, the applicant will restore the land as closely as possible to its original grade and contour.
6. No waiver shall allow a net loss of wetland area. Where all or part of a wetland would be destroyed or substantially altered by a proposed development, the city council shall require mitigation by the applicant and his/her successors in interest according to the standards set forth in Division 3 of this Article.

## Rights and Obligations of Permit

### A. Rights of the City of Orange Beach

The City of Orange Beach retains the following rights within Protected Wetland Areas:

1. To enter the area at reasonable times for inspection and compliance verification;
2. To require corrective actions or restoration if unauthorized impacts occur;
3. To enforce all terms of any Easement through administrative, civil, or legal remedies;
4. To assign enforcement authority to another qualified governmental agency or conservation organization if deemed appropriate.

### B. Responsibilities of the owner

1. Manage and uphold the preserved area in accordance with this Ordinance;
2. Notify the City of Orange Beach prior to any sale, transfer, or conveyance of the property;
3. Ensure the protected area is referenced in all deeds, plats, surveys, or other recorded documents associated with the property;
4. Perform only those maintenance activities that are consistent approved by the City.

### C. Deed restriction.

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All development plans shall include a note stating the following "Delineated remaining wetlands on site shall be maintained in their natural vegetated condition unless otherwise noted on these plans". Native vegetation removed or destroyed within the wetland shall be replanted with similar native vegetation as were removed or destroyed. Noxious and non-native invasive plant materials can be removed. Dead vegetation can be removed. Limbing can occur within the wetlands and setback areas, provided that the limbs to be removed are less than three (3) inches in diameter

Sec. 30-119 Monitoring and enforcement.

The City of Orange Beach, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys or sampling as the City deems necessary.

(1)The City of Orange Beach shall have authority to enforce this article; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, stop work orders, and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

(2)Law enforcement officials or other officials having police powers shall have authority to assist the City of Orange Beach in enforcement.

(3) The City shall have authority to issue cease and desist orders and citations in the event of any violation of this article.

30-120 Penalties.

A. Fines.

Any person who commits, takes part in or assists in any violation of any provision of this article may be fined up to the maximum as may be prescribed by law for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

Any person, firm, partnership or corporation that violates any provision of this ordinance shall upon conviction be punished by a fine of not less than \$500.00 or imprisonment for a term not to exceed 30 days or both, at the discretion of the court for each day the violation continues.

B. Structure removal.

When a building or other structure has been constructed in violation of this article, the violator may be required to remove the structure at the direction of the City.

C. Restoration.

When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the direction of the City or its designee.

D. Further prosecution.

Violations of this article that may constitute a violation of any federal or state regulation may be referred to the appropriate agency for further prosecution.

E. Suspension, revocation.

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The City or its designee may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The City or its designee may cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.

### *DIVISION 3. WETLAND MITIGATION*

#### **Sec. 30-121 Reserved**

#### **Sec. 30-122. Mitigation Required**

Any approved project or development, or approved component of a project or development which contains proposed impacts to wetlands and is properly granted an approved Army Corps of Engineers (ACE) "Standard" or "Individual" permit, or ACE "Nationwide" permit AND granted a waiver from Division 2 of this Article, shall be required to mitigate wetland impacts either via compensatory mitigation (restoration, enhancement, perpetual preservation within the City of Orange Beach or via in lieu payments to the City of Orange Beach Mitigation Fund as set forth herein in order to replace the lost ecological or stormwater functions of the impacted wetland.

Any approved project, development, or approved component of a project or development which contains proposed impacts to wetlands and is properly granted an approved Army Corps of Engineers (ACE) "Nationwide" permit shall not be subject to additional mitigation requirements by the City of Orange Beach as set forth herein unless such project or component is granted a waiver from the requirements of Division 2 of this Article.

An approvable mitigation plan may consist of the following:

- (1) Compensatory Mitigation
  - a. Replacement of lost wetlands at a ratio of not less than 1:1, (acre for acre) providing the same or superior environmental benefits; The ratio of mitigation required by the City of Orange Beach may be higher than that required by other agencies;
  - b. All mitigation properties should be in as close proximity as possible to the impacted wetlands. If constructing replacement wetlands that will provide the same or superior environmental benefits is not feasible at a site adjacent to the wetlands in which the projected losses would be sustained, the city may permit replacement at a ratio of no less than 1:1 in as close proximity as possible to the impacted wetlands All replacement wetlands shall be located within the corporate limits of the City of Orange Beach
  - c. Fee-title dedication of wetlands or transitional area to the City of Orange Beach or other entity approved by the municipal council;
  - d. Periodic maintenance of replacement wetlands shall be carried out by the applicant or be his/her successors in interest for a minimum of three years to control erosion, remove nuisance vegetation and assure the establishment and survival of predominantly hydrophytic vegetation;
  - e. The city council may require the applicant to post a bond sufficient to assure the satisfactory completion of replacement wetlands. In the event of a breach of any condition of any such bond, the City or its designee may utilize the bond to ensure compliance.

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- f. Written/typed plans indicating an appropriate level of restoration work on another wetland tract owned by the city or some other council approved entity or restricted by deed, in perpetuity;
  - g. All wetlands resulting from mitigation, preserved by mitigation or otherwise deed restricted, or remaining on a development tract after mitigation will be designated by a deed restricting document approved by the City and recorded in the office of the Judge of Probate of Baldwin County, Alabama.
  - h. The authorization of replacement wetlands shall not be used as a means of permitting avoidable losses of natural wetlands.
  - i. The wetland created by mitigation must contain the same diversity of plants and animals as the wetland being destroyed as required by the corps of engineers and/or any state agency with regulatory authority.
  - j. Coordination: All requests to mitigate wetlands will be coordinated with and approval obtained from the corps of engineers, Alabama Department of Environmental Management (ADEM) and the U.S.

2. In-Lieu Mitigation: In the event compensatory mitigation within the City of Orange Beach is not feasible, the City may allow the applicant to mitigate wetland impacts by in-lieu payments to the City of Orange Beach Wetland Mitigation Fund.

- a. "In-lieu" fee payments for impacted areas shall be calculated at a rate equal to any mitigation payment imposed by Federal or State agencies for the subject impact.

#### Sec. 30-123 APPLICATION REQUIREMENTS

An application to mitigate wetlands shall be made to the community development department for approval. The application shall include, but not be limited to, the following information:

- (1) \$250.00 fee;
- (2) completed application;
- (3) Final permit documents from the relevant State and Federal regulatory agencies including any proof of purchase of credits from an approved wetland mitigation bank.
- (3) If on site mitigation is required by permits signed and sealed topographic boundary survey of the mitigation site (including a legal description of the property) prepared by a professional land surveyor licensed in the State of Alabama;
- (4) Recorded deed proving applicant ownership of the property and demonstrating that the on-site mitigation has been designated a conservation area or has been deeded to the City as a Conservation Easement;

The wetlands mitigation application form is available from the Orange Beach Community Development Department.

#### Sec. 30-124 Conservation Easement Requirements

In the event wetlands are not approved for impact and are required to be placed into a conservation easement, the following requirements shall apply:

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1. The conservation easement shall:
    - a. Be recorded prior to issuance of a land-disturbance permit or building permit;
    - b. Prohibit filling, clearing, grading, construction, or any activity inconsistent with the protection of wetland functions;
    - c. Include a metes-and-bounds or GIS-based legal description of the preserved wetland area;
    - d. Include an appropriate buffer if required by ordinance;
    - e. Run with the land and bind all future property owners.
  2. The conservation easement shall be granted to either The City of Orange Beach, or A qualified land trust or conservation organization approved by the City Council.  
The City shall retain third-party enforcement rights if the easement is granted to a third party entity.

3. Mapping and Documentation Requirements.

- a. A wetland delineation prepared in accordance with current U.S. Army Corps of Engineers methodology must be submitted to the City.
- b. A site plan must clearly distinguish impacted wetlands from preserved wetlands.
- c. The conservation easement boundaries must be shown on the final site plan, subdivision plat, and any recorded documents.

4. Minor Adjustments.

The City may authorize minor adjustments to easement boundaries to correct survey errors, resolve conflicts with utility easements, or accommodate public infrastructure, provided that such adjustments do not reduce the total area of preserved wetlands.

5. Prohibited Activities

No activities may occur within the Conservation Easement area unless the City of Orange Beach provides express written approval. The following actions are specifically prohibited:

- a. Removing, trimming, clearing, burning, or otherwise disturbing vegetation, except when removing invasive or nuisance species;
- b. Changing natural surface or groundwater conditions, including by filling, draining, excavating, grading, or constructing any feature that alters hydrology;
- c. Installing or building structures, utilities, roadways, or similar improvements;
- d. Applying fertilizers, herbicides, pesticides, or similar chemicals, unless necessary for permitted invasive-species control;
- e. Depositing soil, debris, refuse, pollutants, or hazardous materials of any kind;
- f. Performing any activity that could degrade or interfere with the ecological, biological, or hydrologic functions of the Protected Area.

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6. Permitted Activities

The following uses may be allowed so long as they do not compromise the conservation purpose of the Protected Area:

- a. Natural ecological processes, such as prescribed burning when authorized;
- b. Low-impact recreational uses including walking trails or wildlife viewing;
- c. Environmental monitoring, habitat restoration, and land-management activities approved by the City of Orange Beach;
- d. Maintenance of legally established access easements, provided such work does not adversely affect the Protected Area.

7. Rights of the City of Orange Beach

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The City of Orange Beach retains the following rights within the Easement Area:

- a. To enter the area at reasonable times for inspection and compliance verification;
- b. To require corrective actions or restoration if unauthorized impacts occur;
- c. To enforce all terms of this Easement through administrative, civil, or legal remedies;
- d. To assign enforcement authority to another qualified governmental agency or conservation organization if deemed appropriate.

#### 8. Responsibilities of the Grantor

The Grantor shall:

- a. Manage and uphold the Conservation Easement area in accordance with this Easement;
- b. Notify the City of Orange Beach prior to any sale, transfer, or conveyance of the property;
- c. Ensure the Easement is referenced in all deeds, plats, surveys, or other recorded documents associated with the property;
- d. Perform only those maintenance activities that are consistent with the terms of the Easement and approved by the City.

#### **Sec. 30-125. Penalties for violation.**

Any person, firm, partnership or corporation that violates any provision of this ordinance shall upon conviction be punished by a fine of not less than \$500.00 or imprisonment for a term not to exceed 30 days or both, at the discretion of the court for each day the violation continues.

#### **Sec. 30-127. Reserved**

#### **Sec. 30-128. Administration/enforcement.**

- (1) The Director of Community Development or the Coastal Regulatory Manager or equivalent personnel shall enforce the provisions of this article in the manner and form and with the powers/provided by the City of Orange Beach and this article.
- (2) In addition to the enforcement powers and penalties for violation described, the city may institute civil proceedings in a court of competent jurisdiction to compel restoration of wetlands damaged in violation of this ordinance and or injunctive relief and any other relief at law or equity. Such action may also be instituted by anyone who is especially damaged by the violation of any portion of this article.

#### **Sec. 30-129. Waiver**

- (1) Variances shall give the minimum relief necessary to alleviate the applicant's hardship.
- (2) No variance or special use permit shall allow construction or dredging to disturb waterfowl breeding areas during breeding season or fish spawning areas during spawning season.
- (3) Whenever a variance or special use permit is granted for a use that may alter the grade or contour of land in a wetland, the City Council shall require that, upon completion of the proposed construction, the applicant will restore the land as closely as possible to its original grade and contour.

#### **Secs. 30-130—30-150. Reserved.**



**REGULAR COMMITTEE OF THE WHOLE MEETING  
DECEMBER 16, 2025**

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**Departments:** City Clerk

**Description of Topic:** Ordinance adopting an updated policy and schedule of fees for public records requests and repealing Ordinances Nos. 327 and 412. (JL)

**Background/Description:**

**Action Options/Recommendation:**

**Source of Funding (if applicable):**

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**ATTACHMENTS:**

1. 2025-xxxx Amend Records Request Policy Fee Schedule

**ORDINANCE NO. 2025-xxxx**

**AN ORDINANCE ADOPTING AN UPDATED POLICY AND SCHEDULE OF FEES  
FOR PUBLIC RECORDS REQUESTS  
AND REPEALING ORDINANCES NOS. 327 AND 412**

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**FINDINGS:**

1. The City Council of the City of Orange Beach previously adopted Ordinance No. 327 establishing policies and fees for release of public records to the public from the custodian of the records of the City of Orange Beach, Alabama, on May 17, 1995, which was amended by Ordinance No. 412 on May 20, 1997.
2. Act 2024-278 (the 2024 Alabama Open Records Act), passed during the 2024 Alabama Legislative Session, substantially amended the Alabama Public Records Act found at Ala. Code 36-12-40 et seq. These amendments included changes in referential language, differentiated response timelines, and other clerical changes.
3. An updated policy and schedule of fees for processing public records requests which aligns with the most recent amendments to Ala. Code 36-12-40 et seq. is due to be adopted.
4. Having reviewed the recommended policy and schedule of costs and fees, the City Council believes that adopting an updated public records policy and schedule of fees for processing and providing public records from the City of Orange Beach, Alabama, is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:**

1. That the Public Records Policy and Schedule of Fees to Process and Provide Public Records of the City of Orange Beach, Alabama, be and is hereby established as follows:

Pursuant to the Alabama Open Records Act, codified as Ala. Code 36-12-40 et seq., every resident has a right to inspect and take a copy of any public record of this state, except as otherwise expressly provided by applicable law, and that every public officer having custody of a public record that a resident has a right to inspect shall provide him or her, on proper request to the Custodian of Records as provided in this article, with a copy of the public record, upon payment of a reasonable fee. The Schedule of Fees/Costs included herein shall apply and be charged for all public records requested from any City Department.

**CUSTODIAN OF RECORDS**

The Custodian of Records of the City of Orange Beach, Alabama, be and is hereby declared to be the office of the City Clerk. It is the policy of the City to promptly provide residents with the opportunity to inspect public records and to request a copy, subject to payment of reasonable fees and to appropriate protections for private, confidential, privileged, and other nonpublic information, and to the interest of the general public in having the business of government carried on efficiently and without undue interference.

For the purposes of this policy, the following terms shall have the following meanings:

- a. **BUSINESS DAY:** A day that the public officer's office is open to the public and conducting normal operations.
- b. **RESIDENT:** An individual who is permanently domiciled in Alabama with an expectation to remain in Alabama as demonstrated by reasonable proof of residency such as, but not limited to, an Alabama driver license or voter registration.

- c. **STANDARD REQUEST:** A public records request that seeks one or more specifically and discretely identified public records that the public officer determines would take less than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and any time needed to redact or take other measures to withhold protected information. A standard request should require no or minimal clarification by the requester.
- d. **TIME-INTENSIVE REQUEST:** A public records request that the public officer determines would take more than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records and any time needed to redact or take other measures to withhold protected information.

**PROPER REQUEST**

Requests for public records must be submitted using the online form located on the City’s website and must contain a valid ID. Records provided in response to properly submitted requests will be sent to the email address provided by the requestor on the Request form, unless otherwise specified by the requestor or City staff. Inspection and/or copying of records will not be denied solely on the basis of the information provided in the request form, but in accordance with the statutory and case law exceptions to the obligation of the City to disclose records.

Nothing in this policy shall be construed to permit any party to a pending or threatened action, suit, or proceeding to obtain information regarding a matter relevant to the pending or threatened action, suit, or proceeding in lieu of the proper discovery methods provided under applicable rules of procedure.

**SCHEDULE OF FEES/COSTS TO OBTAIN PUBLIC RECORDS**

<b>DESCRIPTION</b>	<b>COST</b>
1. Clerical time to locate, arrange, organize, etc. miscellaneous records requested not listed herein	\$10.00 flat fee + \$17.00 per hour
2. Physical Hardcopies (8½” x 11”)	\$3.00 per page + \$10.00 flat fee
3. Discs or flash drives	\$25.00 per disc/flash drive
4. Police, Court, or Fire reports/records – Accident, Incident, Arrest	\$10.00 per record/report
5. Requests estimated to require more than 2 hours of staff time to process and produce	\$17.00 per hour

In addition, requestors shall also be charged any actual costs incurred by the City in processing a public records request if the requestor is informed of the cost in advance of being charged. Costs and fees accrued through the processing of each request must be paid by Debit/Credit Card, Certified Check, Money Order, or Cash before the requested records shall be released.

PER ALA. CODE 36-12-44

Standard Request. The public officer must acknowledge a Standard Request within 10 business days of receipt of the request, and must provide a substantive response as defined in Ala. Code 36-12-43(b) fulfilling or denying a proper request within 15 business days of acknowledging receipt, unless otherwise extended in accordance with Ala. Code 36-12-44(a)

Time-Intensive Request. The public officer must acknowledge a Standard Request within 10 business days of receipt of the request, and must notify the requestor within 15 business days of acknowledging receipt that their request is considered a Time-Intensive Request and inform them of estimated fees. If the requestor chooses to proceed with their request, the public officer must provide a substantive response fulfilling or denying a proper request within 45 business days of

the requestor electing to proceed, unless otherwise extended in accordance with Ala. Code 36-12-44(b).

2. That Ordinance No. 327 and Ordinance No. 412 are hereby repealed in their entirety;
3. That all other ordinances or parts of ordinances in conflict are repealed to the extent of such conflict;
4. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this Ordinance shall not affect the validity of the remaining parts to this Ordinance; and
5. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 6<sup>th</sup> DAY OF JANUARY, 2026.

\_\_\_\_\_  
 Renee Eberly  
 City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2026-xxxx was posted on \_\_\_\_\_ in the following three (3) public places:  
 Orange Beach City Hall \_\_\_\_\_  
 Orange Beach Post Office \_\_\_\_\_  
 Orange Beach Public Library \_\_\_\_\_

\_\_\_\_\_  
 Renee Eberly, City Clerk

