



## **COMMITTEE OF THE WHOLE MEETING AGENDA**

City Hall Council Chambers  
Tuesday, January 3, 2023  
5:00 P.M.

### **I. Roll Call**

### **II. Consideration Of Previous Minutes**

#### **A. Work Session 12/13/2022**

Documents:

[2022.12.13 WORK SESSION MINUTES.PDF](#)

#### **B. Regular Council Meeting 12/13/2022**

Documents:

[2022.12.13 COUNCIL MINUTES.PDF](#)

#### **C. Committee Of The Whole 12/13/2022**

Documents:

[2022.12.13 COW MINUTES.PDF](#)

### **III. Unfinished Business**

### **IV. New Business**

#### **A. Miscellaneous**

1. Reschedule Council Meeting On February 28, 2023, To March 1, 2023, To Be Held At The Performing Arts Center.
2. Discuss Variance Request Submitted By Brett/Robinson For Phoenix Key Dewatering. (PW)

Documents:

[VARIANCE APPLICATION - PHOENIX KEY DEWATERING.PDF](#)

#### **B. Resolutions**

1. Resolution Authorizing The Execution Of A Task Order With McCollough Architecture, Inc., To Provide Professional Services For A New Softball And Baseball Field House At The Sportsplex In An Amount Not To Exceed \$46,800. (GS)

Documents:

[01-17-23 23-XXX AUTHORIZE TASK ORDER MCCOLLOUGH ARCHITECTURE SPORTSPLEX SOFTBALL BASEBALL FIELD HOUSE.PDF](#)  
[2022.12.20 TASK ORDER MCCOLLOUGH ARCHITECTURE BASEBALL SOFTBALL FIELD HOUSE.PDF](#)

2. Resolution Authorizing Execution Of A Task Order With McCollough Architecture, Inc., To Provide Professional Services For The Orange Beach City Schools Central Office Building In An Amount Not To Exceed \$89,600. (FH)

Documents:

[01-17-23 23-XXX AUTHORIZE TASK ORDER MCCOLLOUGH ARCHITECTURE OBBOE SCHOOL CENTRAL OFFICE BUILDING.PDF](#)  
[2022.12.27 TASK ORDER MCCOLLOUGH ARCHITECTURE OBBOE SCHOOL CENTRAL OFFICE.PDF](#)

3. Resolution Authorizing Execution Of A Professional Services Agreement With Chris Litton For Various Special Services. (RE)

Documents:

[01-17-23 23-XXX AUTHORIZE PROFESSIONAL SERVICES AGREEMENT CHRIS LITTON.PDF](#)  
[2022.12.22 PROFESSIONAL SERVICES AGREEMENT CHRIS LITTON.PDF](#)

4. Resolution Authorizing Execution Of A Task Order With Watermark Design Group, LLC, To Provide Design, Bid, And Construction Administration Services For Roof Replacement At The Recreation Center And Community Center Following The April 10, 2021, Hailstorm In An Amount Not To Exceed \$69,500. (GS)

Documents:

[01-17-23 23-XXX AUTHORIZE TASK ORDER WATERMARK DESIGN GROUP HAIL DAMAGE ROOF RECREATION CENTER COMMUNITY CENTER.PDF](#)  
[2022.12.28 TASK ORDER WATERMARK DESIGN GROUP RECREATION CENTER COMMUNITY CENTER ROOF REPLACEMENTS.PDF](#)

#### C. Ordinances

1. Ordinance Amending Chapter 42, Article II, Division 2, Section 42-41(D) Of The Code Of Ordinances For The City Of Orange Beach, Alabama, To Adopt The 2021 International Fire Code. (TB)

Documents:

[2023-XXXX AMD CH 42 ART II DIV 2 SEC 42-41 ADOPT 2021 INTERNATIONAL FIRE CODE.PDF](#)  
[MARKED AMENDMENTS SEC 42-41.PDF](#)

V. Public Comments

VI. Adjourn

**MINUTES OF  
ORANGE BEACH CITY COUNCIL  
WORK SESSION  
DECEMBER 13, 2022 – 10:00 A.M.  
COASTAL ARTS CENTER**

The Orange Beach City Council met on December 13, 2022, at 10:15 A.M. with Mayor Tony Kennon presiding.

The following members were present:

Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Annette Mitchell  
Councilmember Jeff Boyd  
Mayor Tony Kennon

The following members were absent:

Councilmember Joni Blalock

The following items were discussed:

1. Orange Beach Cemetery.
2. Court/Police communication.
3. Size of boats on trailers.
4. Review of city finances.
5. Pay plan / job listing.
6. School facility plan.
7. Performing Arts Center.
8. Port Washington Planned Unit Development.
9. Size regulations for signage on residential property.
10. Litigation update.
11. Beach renourishment schedule.
12. Abandoned vessel.
13. State fire code update.
14. County Road 95 warehouse repairs.
15. Medical Arts Building change order.
16. Wharf / Bama Bayou Development update.
17. Additional parking for resident beach.
18. Flag and service memorial installation on City Hall Complex.
19. Town hall planning.
20. Proposed crosswalk on Canal Road by Wilson Boulevard.

There being no further business, the meeting adjourned.

Time: 1:46 P.M.

**APPROVED** this 17<sup>th</sup> day of January, 2023.

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Renee Eberly  
City Clerk

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
DECEMBER 13, 2022 – 4:00 P.M.  
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 4:00 P.M.
- II. INVOCATION** Councilmember Annette Mitchell
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Annette Mitchell  
Councilmember Jeff Boyd  
Mayor Tony Kennon

Absent: Councilmember Joni Blalock

**V. CONSIDERATION OF AGENDA**

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

**VI. CONSIDERATION OF PREVIOUS MINUTES**

Regular Council Meeting 11/15/2022  
Committee of the Whole 11/15/2022

The reading was waived and minutes were approved as written.

**VII. REPORTS OF OFFICERS/COMMITTEES**

- A. City Administrator No report.
- B. Director, Public Works – Tim Tucker No report.
- C. Director, Community Development – Kit Alexander No report.
- D. Chief, Police Department – Steve Brown No report.
- E. Chief, Fire Department – Mike Kimmerling No report.
- F. City Clerk – Renee Eberly

Ms. Eberly informed the public of a new look for the city website launched last month, and recognized Marc Anderson, Special Projects Coordinator for overseeing the transition.

- G. Director, Finance – Ford Handley No report.
- H. Parks & Recreation No report.
- I. Director, Utilities – Jeff Hartley No report.
- J. Director, Coastal Resources – Phillip West No report.
- K. Librarian, Public Library – Meagan Bing No report.
- L. Director, Municipal Court – Renee Gardner No report.
- M. Director, Expect Excellence – Jonathan Langston No report.
- N. Mayor/Council

Councilmember Mitchell announced a music performance by the Orange Beach Elementary School at the Orange Beach Event Center following City Council meeting.

#### VIII. AUDITING OF ACCOUNTS

**Motion made (Mitchell/Silvers) to certify that cash requirements with no related interests are within budget and appropriate for payment.** Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

**Motion made (Mitchell/Johnson) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment.** Vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0-1).**

#### IX. PRESENTATIONS

#### X. RECOGNITIONS

#### XI. UNFINISHED BUSINESS

##### Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1006-PUD-22, Top Tier Water Sports PUD. **Motion made (Silvers/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

#### XII. NEW BUSINESS

##### Resolutions

1. Resolution awarding Officer John Simonson his duty weapons and badge as part of his retirement benefits. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the execution of a professional services agreement with Sawgrass Consulting, LLC, for civil engineering and land surveying services. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the execution of a professional services agreement with GeoCon Engineering & Materials Testing, Inc., for geotechnical analysis and construction materials testing services. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the execution of a task order with Wetland Sciences Inc to delineate wetlands in an amount not to exceed \$2,200. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution appropriating funds to support the Dauphin Island Sea Lab Foundation in the amount of \$1,000. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
6. Resolution amending the Fiscal Year 2023 Budget for the City of Orange Beach. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
7. Resolution amending the Employees Pay Plan/Job Listing to accommodate the approved 2023 budget. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
8. Resolution amending the Organizational Chart for the City of Orange Beach. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.

9. Resolution to update the list of volunteer firefighters and reserve police officers covered under workers' compensation insurance. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
10. Resolution extending the entertainment district at SanRoc Cay Marina / Perdido Beach Resort. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
11. Resolution extending the entertainment district at the Wharf. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing execution of a performance contract with Coastal Ballet Academy for ballet instruction services. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
13. Resolution appropriating funds to the Gulf Shores Airport Authority in an amount not to exceed \$75,000 for FY2023. **Motion made (Johnson/Silvers) to adopt the resolution.** Brief discussion followed. Vote unanimous in favor.
14. Resolution authorizing execution of a professional services agreement with Socialize Your Bizness, Inc., for social media consulting and marketing services. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
15. Resolution authorizing execution of a performance contract with Baldwin County Economic Development Alliance, Inc. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
16. Resolution appointing attorneys for 2023. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
17. Resolution authorizing execution of a professional services agreement with Bob Riley and Associates, LLC, for lobbying services. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
18. Resolution authorizing execution of a professional services agreement with Van Scoyoc Associates for consulting services. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
19. Resolution authorizing the City to host community events for the benefit of citizens and visitors of the City of Orange Beach during 2023. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
20. Resolution authorizing execution of a maintenance agreement with Gym-Worx LLC for fitness equipment at the Adult Fitness Center. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
21. Resolution authorizing execution of a change order with Finishing Solutions, L.L.C., for additional repairs at the Medical Arts Building in an amount not to exceed \$102,935.24. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.

#### **Public Hearings**

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1105-ZT-22, Zoning Text Amendments for Articles 4, 5, 8, 10, 12 & 15.

Griffin Powell, Planner II, presented the case overview.

Kit Alexander, Community Development Director, explained that this zoning text amendment is a collection of accrued housekeeping issues centered around the removal of subjective language.

John Harris, 23776A West Cypress Way, inquired about a reference to the length of vehicles. Ms. Alexander responded that a set standard parking space length is used for calculations.

There being no further comments, the public hearing was adjourned.

#### **Ordinances**

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Sections 4.02, 4.03, 5.0601, 8.0101, 10.0305, 10.0306, and 12.06. **Motion made (Silvers/Johnson) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, nay; Kennon, nay. **Failed. (3-2).** Ordinance will move on to a second reading.

#### **XIII. PUBLIC COMMENTS**

None

#### **XIV. ADJOURN**

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

Time: 4:20 P.M.

**APPROVED** this the 17<sup>th</sup> day of January, 2023.

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Renee Eberly  
City Clerk

**MINUTES OF  
COMMITTEE OF THE WHOLE MEETING  
ORANGE BEACH CITY COUNCIL  
DECEMBER 13, 2022 – 4:20 P.M.  
CITY HALL – COUNCIL CHAMBERS**

The Orange Beach City Council met to review potential items for the January 3, 2023, agenda.

The following members were present:

Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Annette Mitchell  
Councilmember Jeff Boyd  
Mayor Tony Kennon

The following members were absent:

Councilmember Joni Blalock

The following items were discussed:

1. Approval of 2021 Audited Financials.
2. Resolution declaring dumbbells owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the Orange Beach Board of Education.
3. Resolution authorizing the purchase of a Vehicle for the Coastal Resources Department through Sourcewell in the amount of \$53,392.72.
4. Resolution authorizing the purchase of Two Vehicles for the Coastal Resources Department from State Bid in the amount of \$80,954.
5. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0103-PUDA-23, Mariner Lakes Minor PUD Amendment, Arlington Orange Beach Residential Development. Public hearing set for January 3, 2023.

Public Comments:

1. Phillip West, Coastal Resources Director, invited the public to a Christmas movie event on the trail on Friday, December 16, 2022, at 6:00 P.M.
2. Councilmember Silvers thanked the Public Works Department for the Christmas lights and displays throughout the City.

There being no further business, the meeting adjourned.

Time: 4:23 P.M.

**APPROVED** this 17<sup>th</sup> day of January, 2023.

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Renee Eberly  
City Clerk



December 28, 2022

Coastal Resources  
P.O. Box 3950  
4697 Walker Avenue  
Orange Beach, AL 36561

Attn: Savannah Rollins

Re: Variance Application  
Phoenix Key Project

Dear Savannah,

Brett Real Estate Robinson Development Company, Inc. (Brett/Robinson) respectfully requests a variance to change the way we dewater our Phoenix Key deep foundation allowing us to pump our excess water to the Gulf of Mexico the way we have on previous projects.

Attached are three copies of the following:

1. Variance Application dated 12/28/2022.
2. Revised drawing showing Sales Trailer location & 20' Temporary Buffer Fence.
3. Architect's Narrative, 12/22/2022.
4. Burn's Dewatering Project Performance & Data Sheet, dated 12/22/2022.

We will issue our application fee in the amount of \$275.00 and deliver it to your office on Friday (12/30/2022).

Let me know if you have any questions or if there is anything else we need to provide along with this Variance Application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harris Newman", written in a cursive style.

Harris Newman  
Senior Project Manager

Attachments

**BRETT** REAL ESTATE **ROBINSON** DEVELOPMENT CO., INC.

25299 Canal Rd, Suite B-4  
Orange Beach, AL 36561

# City of Orange Beach

A L A B A M A  
Life is better here



## Application for a Permit for the Construction of a Motel, Hotel, or Other Multi-Unit Development on a Property Intersected by the Construction Control Line in the Alabama Coastal Area

I hereby make application for a permit for a construction project on a property/properties intersected by the Construction Control Line in the Alabama Coastal Area:

- |    |                                                                                                                                                                                                |                                                                                                                    |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 1. | Name of Applicant (Owner or Developer):<br><br><b>Phoenix Key, LLC</b>                                                                                                                         | Name of Contractor:<br><br><b>Brett Real Estate Robinson Dev. Co., Inc.</b>                                        |
| 2. | Name and Title of Responsible Official:<br><br><b>William T. Robinson, Jr.</b>                                                                                                                 | Name of Contact w/Contractor:<br><br><b>William T. Robinson, Jr.</b>                                               |
| 3. | Mailing Address:<br><br><b>25299 Canal Road, Suite B-4</b><br><br><b>Orange Beach, Alabama 36561</b>                                                                                           | Mailing Address of Contractor:<br><br><b>25299 Canal Road, Suite B-4</b><br><br><b>Orange Beach, Alabama 36561</b> |
| 4. | Phone Number:<br><br><b>(251) 981-4713</b>                                                                                                                                                     | Phone Number of Contractor:<br><br><b>(251) 981-4713</b>                                                           |
| 5. | Email Address:<br><br><b>TommyR@brettrobinson.com</b>                                                                                                                                          | Email Address of Contractor:<br><br><b>TommyR@brettrobinson.com</b>                                                |
| 6. | Project Location (Street Address, City and County):<br><br><b>Phoenix Key A Condominium</b><br><b>29040 Perdido Beach Blvd.</b><br><b>Orange Beach, Alabama 36561</b><br><b>Baldwin County</b> |                                                                                                                    |

7. Indicate the parts of this application which are attached:

|                                                                                                                                                                                                                                                                                                                     |                                                         |                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. Survey of the project site showing location of <u>all existing and proposed structures</u> , lot dimensions, the location of the Construction Control Line as determined by state plane coordinates, the distance to the nearest Construction Control Line monuments, mean high tide line and all wetland areas. | —<br>—<br><input checked="" type="checkbox"/><br>—<br>— | E. List of Required Local, State or Federal Permits:<br>Building (may be obtained concurrently)<br>Wetlands (if applicable)<br>Variance (if applicable)<br>Incidental Take Permit (USFWS, if applicable)<br>Other |
| B. Legal Description of Property                                                                                                                                                                                                                                                                                    |                                                         | F. Environmental Impact and Natural Hazards Study                                                                                                                                                                 |
| C. Location or Vicinity Map                                                                                                                                                                                                                                                                                         |                                                         | G. Beach and Dune Enhancement Plan                                                                                                                                                                                |
| D. Map of Wetlands                                                                                                                                                                                                                                                                                                  |                                                         | H. Certified Copy of Deed or Lease                                                                                                                                                                                |

7. Project Description:

Type of Project:

☐ Motel  
☐ Hotel  
☒ Condominium  
☐ Other (Specify):

Number of Stories:

25

Number of Units:

56

Number of Parking Spaces:

199

Lot Size in Acres:

1.71

Lot Dimension in Feet

225' x 331'

8. Size of Units:

No. of 4 & 5 Bedroom units: **18**

Square Feet/Unit: **3,003**

No. of 5 & 6 Bedroom units: **36**

Square Feet/Unit: **3,182**

No. of 7 Bedroom units: **2**

Square Feet/Unit: **4,253**

9. Water Supply:

☒ Water System  
☐ Well

Name of System: **Orange Beach Water Authority**

10. Waste Water System:

☒ Sewer System  
☐ Other (Specify):

Name of System: **City of Orange Beach Sewer  
Department**

Approximate gpd effluent: **12,000**

11. Tax I.D. & Parcel Number:

**See Attached**

12. 911 Property Address

**29040 Perdido Beach Blvd.**

**Orange Beach, Alabama 36561**

*Petrick A. Nelson Sr.*  
Signature of Responsible Official

\_\_\_\_\_  
Signature of Agent or Person Preparing  
Application if Different from Responsible Official

12/28/22  
Date

\_\_\_\_\_  
Date

A **30** day public comment period is required for all applications. Submit **3** copies of completed application form and all required information to:

Savannah Rollins  
Coastal Resources  
City of Orange Beach  
P.O. Box 3950  
4697 Walker Avenue  
Orange Beach, AL 36561  
Page 2 of 4

03/2022

## Additional Information Requirements

The following information or data must be submitted as part of an application for a permit for construction of Motels, Hotels, and other Multi-Unit Developments on a property intersected by the Construction Control Line in the Coastal Area of Alabama. A 30 day public comment period is required for all applications. Additional information may be required.

1. Completed Application Form.
2. Legal description of property, as well as the street address.
3. A survey of the property prepared by a duly licensed surveyor of the State of Alabama showing the location of all existing and proposed structures, approximate location of adjacent structures, lot dimensions, the location of the Construction Control Line as determined by state plane coordinates, and the distance to the nearest Construction Control Line monuments.
4. In the case of multi-family units, the proposed structures' location should be clearly indicated on proposed project site by placing surveyor stakes at the structures' corners (only surveyor stakes or similar materials, such as capped rebar, shall be utilized, no structures, batter boards, etc., shall be constructed). The stakes should be labeled (example: "~S.W. Corner, Building #1", etc.). This will serve to expedite the Departments' initial inspection and review of the project site.
5. A certified copy of the deed, lease or other instrument under which the applicant claims title, possession or permission from the owner of the property to carry out the project.
6. A wetlands delineation signed by the U.S. Army Corps of Engineers which identifies and maps all wetlands, especially those to be impacted by construction on the property (if applicable).
7. The method to be used for waste water disposal and the proposed drinking water supply for the proposed project.
8. Location of the project site and access roads using USGS 7-1/2 minute Quad as base map.
9. An Environmental Impact and Natural Hazards Study, which includes, at a minimum:
  1. a Wave Height Study addressing the flood hazard and erosion potential at the project site using eroded beach profiles for pre and post developed conditions,
  2. location and delineation of velocity zones, and;
  3. analysis of the projects potential to significantly increase the likelihood that damage will occur from floods, hurricanes or storms.
10. A Beach and Dune Enhancement Plan, which includes, at a minimum, the following:
  1. dune walkovers designed to accommodate the anticipated pedestrian traffic from the completed project,
  2. the placement of sand fences;
  3. the planting of suitable native vegetation in areas devoid of vegetation; and
  4. a maintenance and monitoring program for the sand fences and plantings.

**Additional Information Requirements, Cont.**

11. Application fee. Check made payable to the **City of Orange Beach**.

| <b>Project Description</b>                                                                |                |
|-------------------------------------------------------------------------------------------|----------------|
| Coastal Use Review Base Fee                                                               | <b>\$50</b>    |
| Construction on Beaches and Dunes:                                                        |                |
| Single Family Dwelling or Duplex                                                          | \$450          |
| 2 Single Family Dwellings or 2 Duplexes on a Single Property                              | \$600          |
| Commercial (non-residential) Structure or Residential Structures having more than 4 Units | <b>\$6,000</b> |
| Retaining Wall, Sea Wall, or other Hardened Erosion Control Structure                     | \$700          |
| All Other Projects, Their Modifications and Extension                                     | \$275          |
| Variance (variance fee is in addition to base project fee)                                | \$1,125        |

# BURNS

DEWATERING SERVICES, INC.

P O Box 473;  
Theodore, AL 36590  
Office: 251-653-1113  
Fax: 251-653-1187

## Performance and Data Sheet

Date: 12-22-22

Service/Project: Phoenix Key, Orange Beach AL  
Company: Brett Robinson Const. Contact: Josh Floyd

### Qty / Part Service Description

- 1 WELLPOINT PUMP - PRIMARY OPERATOR 50 H.P. 1500 GPM MAX.
- 1 WELLPOINT PUMP - BACK-UP 65 H.P. 1800 GPM MAX.
- 700 - 740' HEADER MANIFOLD TO ENCOMPASS FOUNDATION SITE.
- 65 - 90 WELLPOINTS WITH SWINGS 1 1/2".
- 300' - 400' 6" +/- 8" DISCHARGE HOSE + PVC PIPE.
- 80' - 100' 8" STEEL FLANGED PIPE INTO THE GULF.

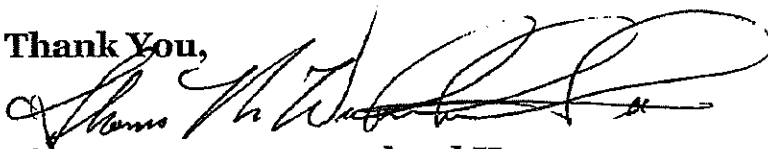
### Performance Estimates:

- THE SYSTEM AS PLANNED WILL PRODUCE AN ESTIMATED 400-600 GAL PER MINUTE FOR SEVERAL HOURS THEN TAPER DOWN AS THE WATER TABLE IS DRAWN DOWN ACROSS THE ENCOMPASSED SITE.
- THE SYSTEM WILL PROVIDE AN ESTIMATED 75-150 GAL PER MINUTE ON A CONSTANT BASIS UPON WATER TABLE DRAWDOWN. VARIATIONS WILL BE DUE TO RAINFALL AND TIDAL INFLUENCE.

### Comments:

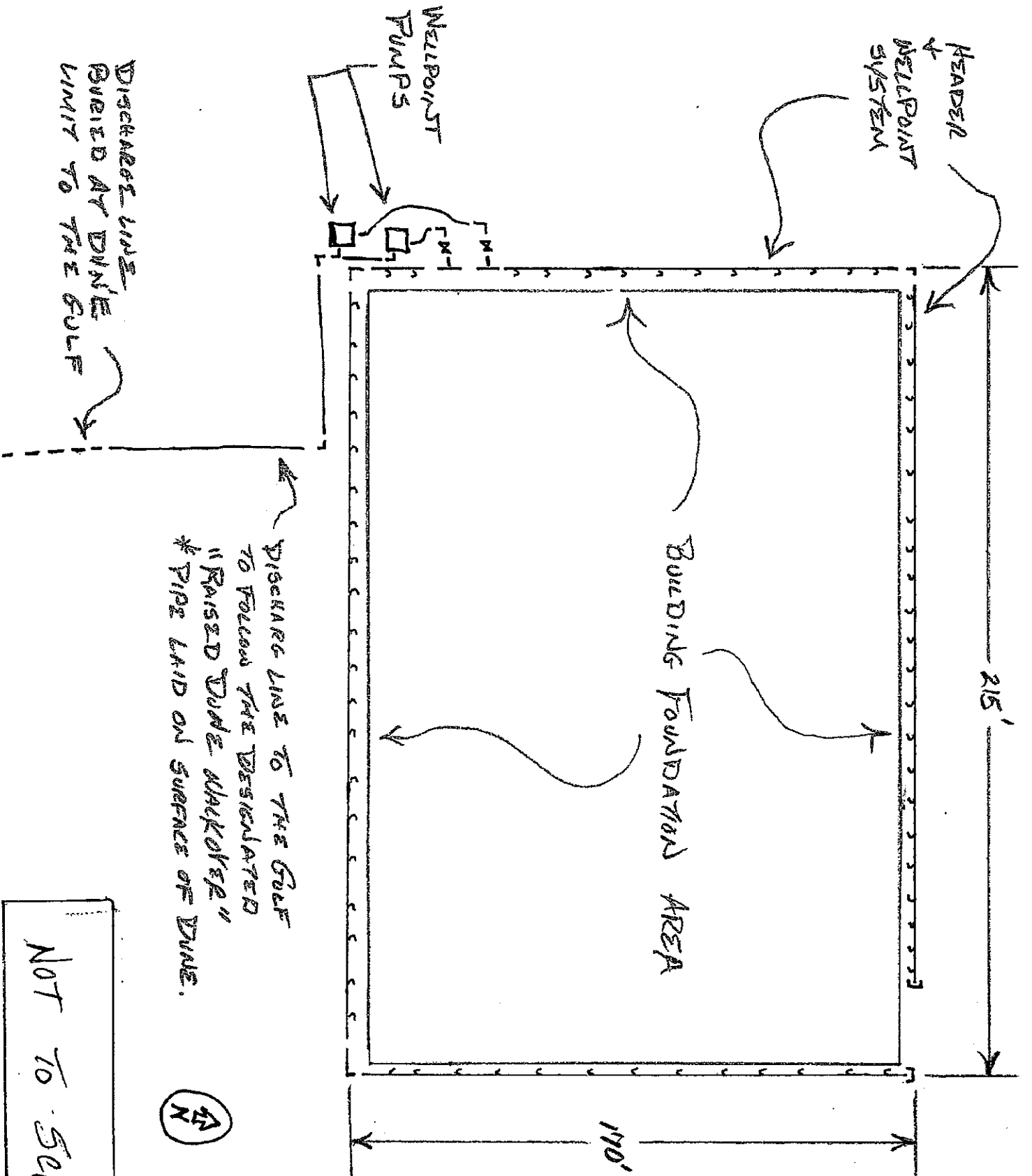
- BDSI WILL FOLLOW THE GUIDANCE AND INSTITUTED GUIDELINES FOR DISCHARGE PIPE ROUTING AND PLACEMENT.
- BDSI INTENDS TO PROVIDE QUALITY MATERIALS FOR PIPE AND HOSES AS NEEDED TO DISCHARGE THE CLEAN WATER DISCHARGE TO THE GULF.

Thank You,



Thomas M Westmoreland II  
Burns Dewatering Services, Inc.

Sales, Rental, Consulting, & Contracting



NOT TO SCALE

|                           |                                  |      |
|---------------------------|----------------------------------|------|
| WELLPOINT SYSTEM OVERVIEW | PHOENIX KEY<br>ORANGE BEACH, AL. | WP 1 |
|---------------------------|----------------------------------|------|

**RESOLUTION NO. 23-xxx**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A  
TASK ORDER WITH MCCOLLOUGH ARCHITECTURE, INC.  
TO PROVIDE PROFESSIONAL SERVICES FOR A  
NEW SOFTBALL AND BASEBALL FIELD HOUSE AT THE SPORTSPLEX  
IN AN AMOUNT NOT TO EXCEED \$46,800**

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**FINDINGS:**

1. The Orange Beach City Council, by Resolution No. 21-156 adopted July 20, 2021, approved a contract with McCollough Architecture, Inc., to perform certain architectural services (“the Contract”).
2. The Contract authorized work to be assigned by one or more task orders approved from time to time by the City Council.
3. The Construction and Facilities Manager has submitted a task order (attached Exhibit A) for Council approval.
4. The proposed Task Order requires McCollough Architecture, Inc., to provide architectural, bid, and construction administration services for a new Softball and Baseball Field House at the Orange Beach Sportsplex.
5. The scope of work described in the Task Order is authorized by the Contract and furthers public health, safety, and welfare.

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 Task Order as presented to Council between the City of Orange Beach and McCollough Architecture, Inc., on behalf of the City of Orange Beach subject to final approval by the City Attorney;
2. That the City Council authorizes payment in an amount not to exceed \$46,800.00 to McCollough Architecture, Inc., to complete the Task Order as presented; and
3. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 17<sup>th</sup> DAY OF JANUARY, 2023.

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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. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 17, 2023.

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City Clerk



**TASK ORDER AUTHORIZATION**

**TASK ORDER NO. 18**

**CITY OF ORANGE BEACH - PERFORMANCE CONTRACT**

**ARCHITECTURAL SERVICES**

This Task Order is for the Architectural Services for the new 4,460 square foot Softball and Baseball Field House for the City of Orange Beach, Alabama. The estimated cost of construction is \$892,000.00 for the new building.

The State Division of Construction Management Fee would typically be 7.4%, but we propose a lump-sum fee of **\$46,800.00 (approximately 5.2%)**, which includes a reduction for the Owner-provided floor plan drawing.

The following exhibits are made part of this Task Order and are attached here to:

Exhibit A - Scope of Work

Exhibit B - Man-Hour/Fee Estimate

---

**OFFERED BY CONSULTANT**

  
\_\_\_\_\_  
Representative's Signature  
Sted McCollough  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Title

McCollough Architecture

\_\_\_\_\_  
Firm Name

2022.12.13  
\_\_\_\_\_  
Date

---

**RECOMMENDED FOR APPROVAL**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

---

**APPROVED BY CITY OF ORANGE BEACH**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



## **EXHIBIT A**

### **TASK ORDER NO. 18**

#### **CITY OF ORANGE BEACH, ALABAMA**

##### **SCOPE OF WORK:**

This Task Order is for the Architectural Services for the new Softball and Baseball Field House for the City of Orange Beach Alabama.

##### **SPECIFIC TASKS TO BE COMPLETED INCLUDE:**

- Draw Elevations for Floor Plan.
- Draw Interior Elevations and Select Finishes for Interior Design.
- Develop Architectural Drawings sufficient for Permit.
- Prepare Project Manual.
- Bid and Negotiate Project.
- Perform Monthly Construction Administration during Construction Phase.

##### **PRELIMINARY SCHEDULE**

- Schematic Design shall be provided within 15 days.
- Upon approval of Schematic Design, Design Development Drawings shall be provided within 25 days.
- Upon approval of Design Development Drawings, Permit Drawings including Architectural Drawings shall be completed within 9 weeks (timeline driven and determined by structural).
- Project Manual and Bid Documents shall be completed within the Permit Drawing Phase.

**\*NOTE: Numerous items outside of the control of the architect and engineer can greatly affect the overall schedule. Schedule will be adjusted for time required for City reviews; input; and approvals.**

**END OF EXHIBIT A**



**EXHIBIT B**

**CITY OF ORANGE BEACH, ALABAMA**

**TASK ORDER NO. 18**

**MAN – HOUR RATES FOR ADDITIONAL SERVICES (IF NEEDED)**

| CLASSIFICATION:     | HOURLY RATE:    |
|---------------------|-----------------|
| Principal Architect | \$150.00        |
| CAD Operator        | \$85.00         |
| Project Manager     | \$100.00        |
| Clerical            | \$30.00         |
| Engineering         | (Cost plus 15%) |
| Landscape Architect | (Cost plus 15%) |

**PHASES AND PAYMENT:**

- Schematic Drawings (Lump-sum \$9,250.00)
- Design Development Drawings (Lump-sum \$9,250.00)
- Construction Drawings (Lump-sum \$18,500.00)
- Project Manual (Lump-sum \$4,000.00)
- Bid and Negotiate Project (Lump-sum \$1,000.00)
- Perform Construction Administration during Construction Phase (Monthly Fee during Construction Phase \$800.00 - anticipated 6 months = \$4,800.00)

**END OF EXHIBIT B**

**RESOLUTION NO. 23-xxx**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A  
TASK ORDER WITH MCCOLLOUGH ARCHITECTURE, INC.  
TO PROVIDE PROFESSIONAL SERVICES FOR A  
NEW ORANGE BEACH CITY SCHOOLS CENTRAL OFFICE BUILDING  
IN AN AMOUNT NOT TO EXCEED \$89,600**

---

**FINDINGS:**

1. The Orange Beach City Council, by Resolution No. 21-156 adopted July 20, 2021, approved a contract with McCollough Architecture, Inc., to perform certain architectural services (“the Contract”).
2. The Contract authorized work to be assigned by one or more task orders approved from time to time by the City Council.
3. The City Administrator has submitted a task order (attached Exhibit A) for Council approval.
4. The Orange Beach City Schools System is in need of a Central Office Building. A portion of city-owned property adjacent to 4544 Orange Beach Boulevard has been determined to be the ideal location.
5. The City of Orange Beach has agreed to construct the building with the intent to lease use of the building to the Orange Beach Board of Education.
6. The proposed Task Order requires McCollough Architecture, Inc., to provide architectural, bid, and construction administration services for a new Central Office Building for the Orange Beach City Schools System.
7. The scope of work described in the Task Order is authorized by the Contract and furthers public health, safety, and welfare.

**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 Task Order as presented to Council between the City of Orange Beach and McCollough Architecture, Inc., on behalf of the City of Orange Beach subject to final approval by the City Attorney;
2. That the City Council authorizes payment in an amount not to exceed \$89,600.00 to McCollough Architecture, Inc., to complete the Task Order as presented; and
3. That this Resolution shall become effective immediately upon its adoption.

**ADOPTED THIS 17<sup>th</sup> DAY OF JANUARY, 2023.**

---

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. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 17, 2023.

---

City Clerk



## TASK ORDER AUTHORIZATION

### TASK ORDER NO. 19

### CITY OF ORANGE BEACH - PERFORMANCE CONTRACT

#### ARCHITECTURAL SERVICES

This Task Order is for the Architectural Services for the new Orange Beach City Schools' Central Office Building for the City of Orange Beach, Alabama. The estimated cost of construction is \$1,600,000.00 for the new building.

The Architect's Fee is normally determined by the Alabama Division of Construction Management Schedule of Basic Fee Rates for Building Groups III based upon the Cost of the Work. For example, the Architect's Compensation for a project classified as Building Group III with a Cost of the Work of \$1,600,000.00 shall be \$112,000.00 (Approximately 7% of the estimated cost of construction for this project). However, we would like to propose a lump-sum fee of \$89,600.00 to be broken down in the following phases of work:

The following exhibits are made part of this Task Order and are attached here to:

Exhibit A - Scope of Work

Exhibit B - Man-Hour/Fee Estimate

\_\_\_\_\_  
Representative's Signature  
Sted McCollough  
Printed Name

\_\_\_\_\_  
Title

#### OFFERED BY CONSULTANT

\_\_\_\_\_  
McCollough Architecture  
Firm Name  
2022.12.23  
Date

#### RECOMMENDED FOR APPROVAL

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

#### APPROVED BY CITY OF ORANGE BEACH

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## **EXHIBIT A**

### **TASK ORDER NO. 19**

#### **CITY OF ORANGE BEACH, ALABAMA**

#### **SCOPE OF WORK:**

This Task Order is for the Architectural Services for the new Orange Beach City Schools' Central Office Building for the City of Orange Beach Alabama.

#### **SPECIFIC TASKS TO BE COMPLETED INCLUDE:**

- Draw Elevations for Floor Plan.
- Draw Interior Elevations and Select Finishes for Interior Design.
- Develop Architectural Drawings sufficient for Permit.
- Prepare Project Manual.
- Bid and Negotiate Project.
- Perform Monthly Construction Administration during Construction Phase.

#### **PRELIMINARY SCHEDULE**

- Schematic Design shall be provided within 30 days.
- Upon approval of Schematic Design, Design Development Drawings shall be provided within 30 days.
- Upon approval of Design Development Drawings, Permit Drawings including Architectural Drawings shall be completed within approximately 60 days (timeline driven and determined by structural).
- Project Manual and Bid Documents shall be completed within the Permit Drawing Phase.

**\*NOTE: Numerous items outside of the control of the architect and engineer can greatly affect the overall schedule. Schedule will be adjusted for time required for City reviews; input; and approvals.**

#### **END OF EXHIBIT A**



## **EXHIBIT B**

### **CITY OF ORANGE BEACH, ALABAMA**

#### **TASK ORDER NO. 19**

#### **MAN – HOUR RATES FOR ADDITIONAL SERVICES (IF NEEDED)**

| CLASSIFICATION:     | HOURLY RATE:    |
|---------------------|-----------------|
| Principal Architect | \$150.00        |
| CAD Operator        | \$85.00         |
| Project Manager     | \$100.00        |
| Clerical            | \$30.00         |
| Engineering         | (Cost plus 15%) |
| Landscape Architect | (Cost plus 15%) |

\*Civil Engineer, Geotechnical Engineer, and Surveying to be provided by Owner.

#### **PHASES AND PAYMENT:**

- Schematic Drawings – 30 Days (Lump-sum \$18,775.00)
- Design Development Drawings – 30 Days (Lump-sum \$18,775.00)
- Construction Drawings – 60 Days (Lump-sum \$37,550.00)
- Project Manual (Lump-sum \$4,500.00)
- Bid and Negotiate Project (Lump-sum \$1,000.00)
- Perform Construction Administration during Construction Phase (Monthly Fee during Construction Phase \$750.00 - anticipated 12 months = \$9,000.00)

#### **Reimbursable Expenses**

- Estimated DCM Plan Review Fee for Accessibility Only - Cost TDB
- Printing Wide Format Plans

**END OF EXHIBIT B**

**RESOLUTION NO. 23-xxx**

**A RESOLUTION AUTHORIZING EXECUTION OF A  
PROFESSIONAL SERVICES AGREEMENT WITH  
CHRIS LITTON FOR VARIOUS SPECIAL SERVICES**

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**FINDINGS:**

1. The City of Orange Beach has reached an agreement (attached Exhibit A) with Chris Litton, an individual, whereby Chris Litton will provide special services including but not limited to audio production, firearms training and youth shooting sports organization and management, disaster recovery management, and veterans programs management.
2. After having reviewed the 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 Council authorizes the Mayor and City Clerk to execute and attest, respectively, the agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach and Chris Litton as an act for and on 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 17<sup>th</sup> DAY OF JANUARY, 2023.

---

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. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 17, 2023.

---

City Clerk

## PROFESSIONAL SERVICES CONTRACT

This Agreement is made and entered into by and between the City of Orange Beach, a Class 8 Alabama municipal corporation (hereinafter the "City") and Chris Litton, an individual (hereinafter the "Contractor"), as follows:

### 1. Recitals.

WHEREAS, the City desires to engage Contractor to provide special services and specialized organizational services due to contractors experience and certifications including, but not limited to audio production, firearms training and youth shooting sports organization and management, disaster recovery management, veterans programs management;

WHEREAS, the Contractor is skilled in providing such services and is available and willing to perform such services on the terms and conditions set forth in this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth to be kept and performed by the other, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties to hereby covenant and agree as follows:

### 2. Consulting Services to be Performed.

- a) Contractor will perform such services with regard to the City's special events, performances, shooting and firearm classes, possibly emergency management skills and general support of city activities as needed, based on many years of experience and institutional knowledge.

### 3. Compensation.

- a) As full and total compensation for the services to be provided pursuant to this Agreement, Contractor shall be paid \$40 / hour, plus pre-approved expenses incurred as part of Contractor's performance of this contract, in accordance with City policies.
- b) Contractor agrees to abide by the City's established policies, and agrees that any travel and expenses must be approved in advance by the City.
- c) Contractor shall be paid per invoice following city activities and events, upon the City's receipt of a properly documented invoice for specialized services performed. All estimated hours and expenses shall be pre-approved in planning for city events and activities.

### 4. Term.

The term of this Agreement is twelve (12) months commencing January 1, 2023, and ending December 31, 2023.

### 5. Independent Contractor.

- a) Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Contractor and shall not be liable for any debts or obligations incurred by Contractor, nor shall City be deemed or construed to be a partner, joint venturer or otherwise interested in the assets of Contractor, or in the sums earned or derived by Contractor.
- b) Contractor, in the performance of its operations and obligations hereunder, shall not be deemed to be an agent of City but shall be deemed to be an independent Contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent Contractor. City does not, and will not, assume any responsibility for the means by which or the manner in which the services by Contractor provided for herein are performed but, on the contrary, Contractor shall be wholly responsible therefor.

6. Insurance.

- a) For the term of this Agreement, the Contractor shall acquire and maintain in full force and affect the policy of insurance evidenced by the certificate of insurance attached hereto, with the City being named as an additional insured.
- b) Said certificate shall require that said insurance coverage will not be altered or terminated unless City shall be given written notice of such alteration or termination delivered to City not less than thirty (30) days before the effective date of such alteration or termination.

7. Assignment.

Contractor acknowledges that its identity and peculiar capacity to provide the services described hereinabove constitute a material consideration for City's having entered into this Agreement. Therefore, Contractor shall not transfer or assign this Agreement or any of the rights or privileges granted herein without the prior written consent of City; which consent shall be granted or denied solely at City's discretion.

8. Compliance with Law.

Contractor hereby agrees to comply strictly with all the laws of the State of Alabama and of the United States, and the laws and ordinances of any other jurisdiction in which contractor may perform any work pursuant to this Agreement. Contractor further agrees to comply with all rules, regulations, policies, and City ordinances that apply to sporting or other activities at City properties and facilities.

9. Termination.

This Agreement may be terminated by either party for any reason upon thirty (30) days notice of the intent to terminate. Upon termination, Contractor shall be paid *pro rata* for all services actually rendered up to the effective date of termination. This Agreement may be terminated immediately by the City upon failure of the required background check or drug testing, as set out in paragraph 16, below.

10. Final Agreement.

This Agreement is the final expression of the Agreement between the parties, and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings or agreements. There are no representations, warranties, or stipulations, either oral or written, not contained herein.

11. Modifications.

Any alterations, variations, modifications or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, approved by the City Council, and signed by the duly authorized representatives of both parties.

12. Severability.

The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid or unenforceable, such rendering shall not affect the enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.

13. Law Governing.

This Agreement shall be governed by the laws of the State of Alabama, and the appropriate venue for any actions arising out of this Agreement would be Baldwin County, Alabama.

14. Permits, etc.

Contractor shall obtain, at its own expense, all necessary licenses, permits, insurance, authorizations and assurances necessary in order to abide by the terms of this Agreement.

15. Background Check and Drug Testing.

Contractor consents to the City of Orange Beach to conduct a background check and drug testing in order for Contractor to provide coaching services as set out herein. Contractor shall provide all required information to the City in order to conduct the background check and drug testing including, but not limited to, full name (maiden name), physical address, date of birth, social security number, driver's license state and number.

16. Notices.

All notices of cancellation, requests, demands or other communications shall be in writing and duly delivered to the addresses appearing below:

City of Orange Beach

City Clerk

Post Office Box 458

Orange Beach, AL 36561

And to Contractor:

Copy to:

City Attorney

P.O. Box 458

Orange Beach, AL 36561

Chris Litton

P.O. Box 441

Gulf Shores, AL 36542

IN WITNESS WHEREOF, we have hereunto set our hands and seal on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF ORANGE BEACH

By: \_\_\_\_\_

Tony Kennon

Mayor

ATTEST:

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

\_\_\_\_\_  
Chris Litton, an Individual

[ACKNOWLEDGEMENTS ON FOLLOWING PAGE]

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said County in said State, hereby certify that Tony Kennon and Renee Eberly, whose names as Mayor and City Clerk, respectively, of the City of Orange Beach, a municipal corporation, are signed to the foregoing agreement, and who are known to me, acknowledge before me on this day, that, being informed of the contents of the above and foregoing, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipal corporation on the day the same bears date.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Notary Public  
State of Alabama  
My Commission Expires: \_\_\_\_\_

---

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Chris Litton, an Individual, whose name is signed to the foregoing agreement, and who is known to me, acknowledged before me this day that, being informed of the contents of the above and foregoing agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Notary Public  
State of Alabama  
My Commission Expires: \_\_\_\_\_

**RESOLUTION NO. 23-xxx**

**A RESOLUTION AUTHORIZING EXECUTION OF A  
TASK ORDER WITH WATERMARK DESIGN GROUP, LLC  
TO PROVIDE DESIGN, BID, AND CONSTRUCTION ADMINISTRATION SERVICES FOR  
ROOF REPLACEMENT AT THE RECREATION CENTER AND COMMUNITY CENTER  
FOLLOWING THE APRIL 10, 2021, HAILSTORM  
IN AN AMOUNT NOT TO EXCEED \$69,500**

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**FINDINGS:**

1. The Orange Beach City Council, by Resolution No. 21-134, adopted June 15, 2021, approved a contract with Watermark Design Group, LLC, to perform certain professional architectural services (“the Contract”).
2. The Contract authorized work to be assigned by one or more task orders approved from time to time by the City Council.
3. The City’s Construction and Facilities Manager has submitted the Task Order attached as Exhibit A for Council approval.
4. The proposed Task Order requires Watermark Design Group, LLC, to provide services for design, preparation of documents for bidding, permitting and construction, and services for construction phase administration and observation for the purpose of replacing the Recreation Center and Community Center roofs damaged by the hailstorm on April 10, 2021.
5. The scope of work described in the Task Order is authorized by the Contract and furthers public health, safety, and welfare.

**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 Task Order as presented to Council between the City of Orange Beach and Watermark Design Group, LLC, on behalf of the City of Orange Beach subject to final approval by the City Attorney;
2. That the City Council authorizes payment in an amount not to exceed \$69,500.00 to Watermark Design Group, LLC, to complete the Task Order as presented; and
3. That this Resolution shall become effective immediately upon its adoption.

**ADOPTED THIS 17<sup>th</sup> DAY OF JANUARY, 2023.**

\_\_\_\_\_  
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. 23-xxx, which was duly and legally adopted at a regular meeting of the City Council on January 17, 2023.

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

**TASK ORDER AUTHORIZATION**  
**TASK ORDER NO. 2022-06**  
**CITY OF ORANGE BEACH ALABAMA**  
**PERFORMANCE CONTRACT**  
**ARCHITECTURAL SERVICES**

This Task Order shall be for Architectural services as required for roof replacement design, documentation, permitting, bidding and construction administration of the City's roughly 32,000 square foot Recreational Center and 12,200 square foot Community Center. Bid and construction phase administration and construction phase observation will be provided to assist the City in managing the project, reviewing the work for compliance with the contract and close-out of the construction contract (see Exhibit A for Scope of Work and Fee Proposal).

The cost for completing this Task Order shall be a Lump Sum, not to exceed the amount of **sixty-nine thousand, five hundred dollars and 00/100 (\$69,500.00)**.

Additional Services as directed by the City of Orange Beach will be as provided for in the Watermark Design Group, LLC currently approved Professional Services Agreement with the City.

The following exhibits are made part of this Task Order and are attached hereto:

Exhibit A – Task Order 2022-06 Scope of Work and Fee Estimate

Exhibit B – Community Development Observation Report

---

**OFFERED BY CONSULTANT**

\_\_\_\_\_  
John A. McArthur, III

Representative's Printed Name

\_\_\_\_\_  


Signature

\_\_\_\_\_  
12-28-2022

Date

\_\_\_\_\_  
Watermark Design Group, LLC

Firm Name

\_\_\_\_\_  
President, Principal Architect

Title

---

**RECOMMENDED FOR APPROVAL**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

---

**APPROVED BY CITY OF ORANGE BEACH**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT A**  
**CITY OF ORANGE BEACH ALABAMA**  
**TASK ORDER NUMBER 2022-06**  
**SCOPE OF WORK**

**SCOPE OF WORK:**

Based on conclusions regarding delivery of the roof replacement (including soffit) of the ±32,000SF Recreational Center and the ±12,200SF Community Center buildings as documented within the Observation Reports for the facilities that were developed under the Hail Damage Assessment Report, design and required documentation will be produced for permitting, bidding and construction of the roof replacements for both facilities. Bid and construction phase administration and construction phase observation will be provided to assist the City in managing the project, reviewing the work for compliance with the documents and close-out of the contract.

**Specific tasks to be completed include:**

1. Design/Document Preparation:

Drawings:

Drawings will be produced including demolition plans, renovation plans, and project specific details.

Project Manual:

A Project Manual will be produced including “Front End” Bidding and Contract requirements and technical specifications.

Alternate Design for Vertical Wall Panels:

Drawings will be produced based on Owner’s desired renovation directions for either coatings or replacement of vertical wall panels at the adjoining Gym wall only.

2. Submit design documents to the City of Orange Beach for review by staff and permit review. Coordinate as needed for approval of the Authority Having Jurisdiction.
3. Assist the City with distribution of documents to bidders, coordination of response to RFIs and clarifications, and receipt of bids.
4. Assist City with award and execution of the Construction Contract.
5. Construction Administration Services:
  - Coordination of regular Owner, Architect, Contractor (OAC) meetings and intermittent inspections as required to insure conformance with the Contract requirements.
  - Review submittals, shop drawings, pay applications.
  - Assist the City with project closeout.

**FEE PROPOSAL**

The cost for completing this Task Order shall be a Lump Sum, not to exceed the amount of **sixty-nine thousand, five hundred dollars and 00/100 (\$69,500.00).**

The Fee will be Lump-Sum based on a percentage of the estimated construction cost for the scope of work with reduction considerations given for redundancy of documentation and services that will be common for all projects. Percentage rates will be based on the latest edition of the Alabama Division of Construction Management “Determination of Basic Fee or Basic Fee Rate for Design Professional Services” and adjusted as noted above.

Printing of documents for permitting and bidding will be charged as a reimbursable expense based on the schedule of fees and services that are included within Watermark's approved Professional Services Agreement with the City.

All work shall be performed in accordance with Watermark Design Professional Services Agreement with the City of Orange Beach.

**End of Exhibit A**

## **EXHIBIT B**

### **RECREATIONAL CENTER OBSERVATION REPORT**

### **COMMUNITY CENTER OBSERVATION REPORT**



**September 7, 2021**

**Client:** City of Orange Beach  
**Attention:** Mr. Ken Grimes  
**Subject:** Orange Beach Recreation Center Damage Observation

## **INTRODUCTION**

Pursuant to your request, Thompson Engineering has performed a roof damage assessment of the Recreation Center located on 4849 Wilson Blvd, Orange Beach, AL. The observations were performed on September 2<sup>nd</sup> 2021 by Connor Harkey (Level IV Technician, RRO), Jonathan Fuqua (Senior Waterproofing Technician), Heath Horton (Level III Technician), and Branden Parker (Field Assistant) all representing Thompson Engineering, Inc. The purpose of the observations was to document roof damages caused by recent hail events.

## **BUILDING SUMMARY**

The Orange Beach Recreation Center was observed to be a two story structure with a foot print of approximately 32,000 sqft. The building's exterior façade was observed to be brick masonry and the roof system was observed to be a standing seam metal roof over a structural metal deck. The roof system pitch was approximately 4/12.

## **FIELD OBSERVATIONS**

### **Main Building**

#### North elevation

- Approximately ten-thousand (10,000) impact damages were observed to the metal standing seam roof.
- Approximately one-thousand two-hundred (1,200) impact damages were observed to the metal ridge cap.

#### South elevation

- Approximately ten-thousand (10,000) impact damages were observed to the metal standing seam roof.
- Approximately one-thousand two-hundred (1,200) impact damages were observed to the metal ridge vent.

#### East elevation

- Approximately ten-thousand (10,000) impact damages were observed to the metal standing seam roof.

2970 Cottage Hill Road, Ste. 190  
Mobile, AL 36606  
251.666.2443 ph. / 251.666.6422 fax  
[www.thompsonengineering.com](http://www.thompsonengineering.com)

A THOMPSON HOLDINGS, INC. COMPANY

- Approximately one-thousand (1,000) impact damages were observed to the metal ridge vent.

West elevation

- Approximately seven-thousand five-hundred (7,500) impact damages were observed to the metal standing seam roof.

Southeast elevation

- Approximately one-thousand five-hundred (1,500) impact damages were observed to the metal standing seam roof.
- Approximately one-thousand (1,000) impact damages were observed to the metal ridge cap.

Northwest elevation

- Approximately one-thousand five-hundred (1,500) impact damages were observed to the metal standing seam roof.
- Approximately one-thousand (1,000) impact damages were observed to the metal ridge cap.

**Gym**

East elevation

- Approximately ten-thousand (10,000) impact damages were observed to the metal standing seam roof.
- Approximately two-thousand five-hundred (2,500) impact damages were observed to the metal ridge vent.

West elevation

- Approximately ten-thousand (10,000) impact damages were observed to the metal standing seam roof.

**CONCLUSIONS**

Based on the field observations, it is Thompson Engineering's opinion that the existing roof systems should be removed and replaced due to extensive hail damages.

**CLOSING**

**Thompson Engineering** appreciates the opportunity to provide our professional services to the City of Orange Beach. If there are any questions regarding this report or if additional information is required, please advise.

Respectfully,

**THOMPSON ENGINEERING, INC.**

*Branden Parker*

Branden Parker

Building Envelope Field Assistant

Thompson Engineering Building Envelope Services

Please See Photos Attached



Overview photo of the Southeast elevation



Overview photo of the South elevation



Overview photo of the Gym's North elevation



Overview photo of the North elevation roof



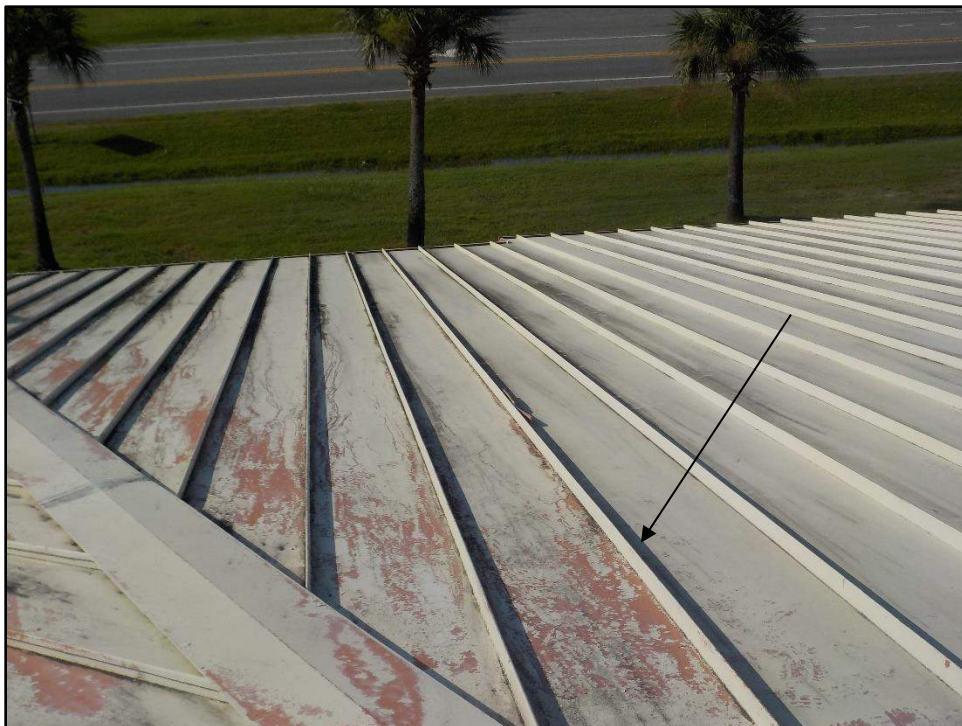
Overview photo of the East elevation roof



Overview photo of the Gym's East elevation roof



Overview photo of the North East Corner of the roof



Typical condition of the metal Standing-seam R-panels



**September 09, 2021**

**Client:** City of Orange Beach  
**Attention:** Mr. Ken Grimes  
**Subject:** Orange Beach Community Center Building Damage Assessment

## **INTRODUCTION**

Pursuant to your request, Thompson Engineering has performed a roof damage assessment of the Orange Beach Community Center building located at 27235 Canal St, Orange Beach, AL. The observations were performed on September 1<sup>st</sup> 2021 by Connor Harkey (Level IV Technician, RRO), Heath Horton (Level III Technician), Jonathan Fuqua (Senior Waterproofing Technician), and Branden Parker (Field Assistant) all representing Thompson Engineering, Inc. The purpose of the observations was to document roof damages caused by recent hail events.

## **BUILDING SUMMARY**

The Orange Beach Community Center was observed to be a single story structure with a foot print of approximately 12,200 sqft. The building's exterior façade was observed to be a synthetic cladding and the roof system was observed to be a coated metal r-panel roof. The roof system pitch was approximately 6/12. Impacts were observed at all elevations of the roof; however, the impacts observed appeared superficial and were not believed to have caused any significant damage to the integrity or functionality of the metal r-panel.

## **FIELD OBSERVATIONS**

### **North Elevation**

- Approximately ten-thousand (10,000) hail impacts were observed to the coated metal r-panels

### **South Elevation**

- Approximately ten-thousand (10,000) hail impacts were observed to the coated metal r-panels

### **East Elevation**

- Approximately seven-thousand five-hundred (7,500) hail impacts were observed to the coated metal r-panels

### **West Elevation**

- Approximately seven-thousand five-hundred (7,500) hail impacts were observed to the coated metal r-panels

2970 Cottage Hill Road, Ste. 190  
Mobile, AL 36606  
251.666.2443 ph. / 251.666.6422 fax  
[www.thompsonengineering.com](http://www.thompsonengineering.com)

A THOMPSON HOLDINGS, INC. COMPANY

## CONCLUSIONS

Based on the field observations, it is Thompson Engineering's opinion that the existing roof system did not receive significant enough hail impact damaged to warrant the removal and replacement of the roof system.

## CLOSING

**Thompson Engineering** appreciates the opportunity to provide our professional services to the City of Orange Beach. If there are any questions regarding this report or if additional information is required, please advise.

Respectfully,

**THOMPSON ENGINEERING, INC.**

*Jonathan Fuqua*

Jonathan Fuqua  
Senior Waterproofing Technician  
Thompson Engineering Building Envelope Services



Overview of the South (front) Face of the building



Overview of the South face East end of the building



Overview of the East face wall of the building



Overview of the North face East end of the building



Overview of the North face West end of the building



Overview of the South face East end of the building



Typical condition of the coated metal r-panels



Fastener and thickness of material indicates metal r-panel

**ORDINANCE NO. 2023-xxxx**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, DIVISION 2, SECTION 42-41(d)  
OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA  
TO ADOPT THE 2021 INTERNATIONAL FIRE CODE**

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

1. That Chapter 42, Article II, Division 2, Section 42-41(d) of the Code of Ordinances for the City of Orange Beach is hereby amended to read as follows:

CHAPTER 42. – LAND DEVELOPMENT CODE

ARTICLE II. – BUILDINGS AND BUILDING REGULATIONS

DIVISION 2. – TECHNICAL CODES

Sec. 42-41. - Technical codes.

- (d) The *2021 International Fire Code* including Appendix Chapters A, B, C, D E, F, H, I, and M as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Orange Beach, in the State of Alabama and the following sections are hereby revised:

*Section 101.1* City of Orange Beach, Alabama and its Police and Planning Jurisdiction.

*Section 110.4* (SPECIFY OFFENSE) Fire Code Violation

(AMOUNT) As outlined in §1-7 of the city code.

(NUMBER OF DAYS) As outlined in §1-7 of the city code.

*Section 112.4* Delete in its entirety and replace with: "Failure to comply. It shall be unlawful and a violation of the city code for any person to continue work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition. Penalties shall be provided in §1-7 of the city code."

*Section 307.1.1* Insert: "Prohibited Open Burning. Open burning is prohibited unless approved by the fire chief."

*Section 307.1.2* Insert: "Burning of dangerous or hazardous materials. No permit shall be issued for the burning of organic or other debris from lot clearing activities, or the burning of any materials which may produce dangerous, noxious, or toxic fumes, smoke, odors, or which may be considered dangerous to the health and general welfare of the people of the city."

*Section 307.4.3* Exception; Delete and Insert: "Portable outdoor fireplaces used at one –and-two family dwellings equipped with approved spark arrestors."

*Section 308.1.4* Delete "combustible balconies" and insert: "balconies"

*Section 308.1.4* Delete Item 3 under Exceptions.

*Section 505.1* Insert: "Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the

fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained. Address and building numbers for commercial properties shall be as follows:

1. 50' or less setback from addressed street curb - 4"
2. 51' to 100' or less setback from addressed street curb - 6"
3. 101' - 150' setback from addressed street curb - 8"
4. 151' - 200' setback from addressed street curb - 10"
5. 201' or greater setback from addressed street curb - Permanent sign that is not more than 50' from the street curb"

*Section 505.1.1* Insert: "Beach address Identification. New and existing buildings (excluding single family dwellings) located on the south side of State Highway 182 (Perdido Beach Boulevard) with frontage on the Gulf of Mexico shall comply with the following requirements for identification signs:

1. All new and existing buildings (excluding single family residential) with dune walkovers or boardwalks in excess of one hundred (100) feet in length, an *minimum of eighteen (18) inch by twenty-four (24) inch and a maximum of twenty-four (24) by thirty-six (36) inch* sign shall be installed at the south end of the boardwalk or walkover and shall face southward. Such sign shall comply with the specifications in paragraph 2, below.
2. All new and existing buildings (excluding single family residential) without dune walkovers or boardwalks, or with dune walkovers or boardwalks less than one hundred (100) feet in length, one (1) eighteen (18) inch by twenty-four (24) inch to twenty-four (24) inch by thirty-six (36) inch sign with (3) inch high letters and the background shall be white. Signs shall be properly mounted and shall be placed north of the Construction Control Line (CCL) established by the Alabama Department of Environmental Management. The sign shall be no less or greater than four (4) feet above grade.
3. Signs shall be attached to posts with two (2) inch minimum stainless steel screws or bolts as applicable.
4. Content of sign: Name of establishment and its street address.
5. The sign shall be maintained in good condition at all times."

*Section 507.5.7* Insert: "A private service fire hydrant shall be banded with a durable, high visibility (reflective) fire hydrant collar that is 1.75" in width and white in color.

*Section 901.2.1.1* Insert: "All sprinkler and fire alarm design drawings submitted to the fire department for review shall abide by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors' fire protection position statement. NICET certification does not replace the requirement for professional licensure. The designing of fire protection and detection systems is engineering and as such must be designed by or under the direct supervision of professional engineers qualified to design fire protection and detection systems. Only fire protection and detection designs that have been signed and sealed by a qualified Alabama licensed professional engineer shall be approved for construction."

*Section 901.2.1.2* Insert: "Contractor Qualification Requirements. Copies of applicable permits and Certifications as required shall be submitted to the Fire Marshall for review.

| Restaurant Fixed Extinguishing Systems:

- The qualifier must possess manufacturer certification (which restricts them to that manufacturer) and/or NAFED/ICC certification (which would allow them to be unrestricted and service, maintain, or install any system).

Sprinkler Systems:

- Must possess a current sprinkler permit through the Alabama State Fire Marshal's Office and applicable NICET certification.

Fire Alarm Systems:

- Must possess a fire alarm permit through the Alabama State Fire Marshal's Office and applicable NICET certification. Must possess a minimum of NICET II to perform technician work, or work under the direct supervision of a NICET II.

Portable Fire Extinguishers:

- Current certificate of training on portable fire extinguishers in compliance with NFPA 10."

*Section 903.4.4* Insert: "Multi-Tenant Buildings. In multi-tenant buildings requiring automatic fire sprinkler systems, and where no fire alarm is required by Section 907, each tenant shall have at least one notification device (horn/strobe) to provide audible and visual notification upon activation of the listed sprinkler monitoring system."

*Section 905.4.3* Insert: "Pressure Regulating Devices. Where hose valve pressure regulating devices are installed on 2 1/2 in. (65 mm) outlets, they shall be field adjustable, capable of being adjusted through the full adjustment range by a 3/8 in. (12 mm) rod with a maximum required torque of 30 foot-pounds (41 nm) while flowing water. Field adjustment shall not require any hose valve disassembly."

*Section 905.6.3* Insert: "Pressure Regulating Devices. Where hose valve pressure regulating devices are installed on 2 1/2 in. (65 mm) outlets, they shall be field adjustable, capable of being adjusted through the full adjustment range by a 3/8 in. (12 mm) rod with a maximum required torque of 30 foot-pounds (41 nm) while flowing water. Field adjustment shall not require any hose valve disassembly."

*Section 912.6.1* Insert: "All above-ground piping exposed to the weather shall be insulated to protect from freezing."

*Section 913.5* Delete in its entirety and replace with: "Testing and maintenance. Fire pumps shall be inspected, tested and maintained in accordance with this section and NFPA 25. More specifically, a weekly test of electric fire pump assemblies shall be conducted without flowing water due to the susceptibility to lightning in our area. Records of inspection, testing and maintenance shall be maintained."

*Section 1103.5.4* Insert: "Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler retrofit."

*Section 5704.2.9.6.1* Insert: [City of Orange Beach, AL]

*Section 5706.2.4.4* Insert: [City of Orange Beach, AL]

*Section 5806.2* Insert: [City of Orange Beach, AL]

*Section 6104.2* Insert: [City of Orange Beach, AL]

2. All ordinances, resolutions or parts in conflict with this ordinance, to the extent of such conflict, are repealed; and
3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 17<sup>th</sup> DAY OF JANUARY, 2023.

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Renee Eberly  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies  
that the foregoing **ORDINANCE 2023-xxx**  
was posted on \_\_\_\_\_ in the following three  
(3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

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Renee Eberly, City Clerk

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## Sec. 42-41. Technical codes.

Pursuant to Code of Ala. 1975, § 11-45-8(c), the following rules and regulations which have been printed as a code in book or pamphlet form, copies of which are on file in the offices of the building official, city clerk, and the City of Orange Beach Public Library, are hereby adopted as rules and regulations in, of and for the city with the additions, insertions, deletions and changes, if any, as prescribed.

- (d) The **2021** *International Fire Code* including Appendix Chapters A, B, C, D E, F, H, I, **and M** as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Orange Beach, in the State of Alabama and the following sections are hereby revised:

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*Section 110.4* (SPECIFY OFFENSE) Fire Code Violation

(AMOUNT) As outlined in §1-7 of the city code.

(NUMBER OF DAYS) As outlined in §1-7 of the city code.

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*Section 307.1.1* Insert: "Prohibited Open Burning. Open burning is prohibited unless approved by the fire chief.

### **Exceptions:**

1. ~~"Portable/permanent outdoor fire pits equipped with approved spark arrestors."~~

*Section 307.1.2* Insert: "Burning of dangerous or hazardous materials. No permit shall be issued for the burning of organic or other debris from lot clearing activities, or the burning of any materials which may produce dangerous, noxious, or toxic fumes, smoke, odors, or which may be considered dangerous to the health and general welfare of the people of the city.

*Section 307.4.3* Exception; Delete and Insert: "Portable outdoor fireplaces used at one –and-two family dwellings equipped with approved spark arrestors."

~~*Section 307.4.4* Insert: "Permanent Outdoor Fireplace—Public Areas. Permanent, public outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of structures or combustible materials."~~

*Section 308.1.4* Delete "combustible balconies" and insert: "balconies"

*Section 308.1.4* Delete Item 3 under Exceptions.

*Section 505.1* Insert: "Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained. Address and building numbers for commercial properties shall be as follows:

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3. Signs shall be attached to posts with two (2) inch minimum stainless steel screws or bolts as applicable.
4. Content of sign: Name of establishment and its street address.
5. The sign shall be maintained in good condition at all times."

*Section 507.5.7* Insert: "A private service fire hydrant shall be banded with a durable, high visibility (reflective) fire hydrant collar that is 1.75" in width and white in color.

~~*Section 607.2* Delete in its entirety and replace with: "Where required and including Mobile and Temporary Cooking Operations. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes producing grease laden vapors."~~

*Section 901.2.1.1* Insert: "All sprinkler and fire alarm design drawings submitted to the fire department for review shall abide by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors' fire protection position statement. NICET certification does not replace the requirement for professional licensure. The designing of fire protection and detection systems is engineering and as such must be designed by or under the direct supervision of professional engineers qualified to design fire protection and detection systems. Only fire protection and detection designs that have been signed and sealed by a qualified Alabama licensed professional engineer shall be approved for construction."

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- 
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~~*Section 1103.5.1 Insert: "Occupancies shall have 2 years from the date of the adoption of this code to comply with the fire sprinkler installation requirements."*~~

~~*Section 1103.5.3 Insert: "[DATE BY WHICH SPRINKLER SYSTEM MUST BE INSTALLED—January 1, 2021]"*~~

~~*Section 1103.5.4 Insert: Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler retrofit.*~~

~~*Section 5704.2.9.6.1 Insert: [City of Orange Beach, AL]*~~

~~*Section 5706.2.4.4 Insert: [City of Orange Beach, AL]*~~

~~*Section 5806.2 Insert: [City of Orange Beach, AL]*~~

~~*Section 6104.2 Insert: [City of Orange Beach, AL]*~~