



COMMITTEE OF THE WHOLE MEETING AGENDA

City Hall Council Chambers

I. Roll Call

II. Consideration Of Previous Minutes

A. Work Session 02/28/2023

Documents:

[2023.02.28 WORK SESSION MINUTES.PDF](#)

B. Regular Council Meeting 03/01/2023

Documents:

[2023.03.01 COUNCIL MINUTES.PDF](#)

C. Committee Of The Whole 03/01/2023

Documents:

[2023.03.01 COW MINUTES.PDF](#)

III. Unfinished Business

A. Miscellaneous

B. Resolutions

C. Ordinances

IV. New Business

A. Miscellaneous

B. Resolutions

1. Resolution Authorizing The Execution Of Amendment Three To The Subaward Grant Agreement With The Alabama Department Of Conservation And Natural Resources For The RESTORE Act-Funded Canal Road Improvements East Of State Highway 161. (KA/NW)

Documents:

03-21-23 23-XXX AUTHORIZE SUBAWARD GRANT AGREEMENT
AMENDMENT ADCNR RESTORE ACT CANAL ROAD
IMPROVEMENTS.PDF
2023.03.03 NOTICE OF AWARD ADCNR RESTORE ACT CANAL ROAD
IMPROVEMENTS.PDF
2023.03.03 SUBAWARD GRANT AGREEMENT AMENDMENT ADCNR
RESTORE ACT CANAL ROAD EAST IMPROVEMENTS.PDF

2. Resolution Authorizing The Execution Of A Task Order With Sawgrass Consulting, LLC, To Provide Professional Services For The City Hall Finance Addition In An Amount Not To Exceed \$10,000. (GS)

Documents:

03-21-23 23-XXX AUTHORIZE TASK ORDER SAWGRASS CONSULTING
CITY HALL FINANCE ADDITION.PDF
2023.03.03 TASK ORDER SAWGRASS CONSULTING CITY HALL
FINANCE ADDITION.PDF

3. Resolution Awarding The Annual Bid For Magnesium Hydroxide Slurry. (RE/JH)
4. Resolution Awarding The Annual Bid For On-Call Electrical Services. (RE)

C. Ordinances

1. Reminder: Public Hearing And First Reading For An Ordinance Amending Ordinance No. 172, The Zoning Ordinance, Case No. 1205-PUD-22, Jones Duplexes PUD On March 21, 2023.
2. Reminder: Public Hearing And First Reading For An Ordinance Amending Ordinance No. 172, The Zoning Ordinance, Case No. 0202-CU-23, JPEM Duplex On March 21, 2023.
3. Reminder: Public Hearing And First Reading For An Ordinance Amending Ordinance No. 172, The Zoning Ordinance, Case No. 0304-CU-23, Three T's Restaurant And Warehouse On March 21, 2023.

V. Public Comments

VI. Adjourn

**MINUTES OF
ORANGE BEACH CITY COUNCIL
WORK SESSION
FEBRUARY 28, 2023 – 10:00 A.M.
E&E CONFERENCE ROOM**

The Orange Beach City Council met on February 28, 2023, at 10:05 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. Extension of northbound left turn lane on Highway 161 (Orange Beach Boulevard).
2. Recap of Mardi Gras parades, Arbor Day, and Seafood Fest.
3. Orange Beach City Schools.
4. Zoo donation.
5. Council meeting invocations.
6. Request for ordinance restricting items thrown off of balconies.
7. Hope the Dolphin sculpture.
8. Sportsplex address change.
9. Pensacola and Perdido Bays Estuary Program.
10. Board of Adjustments.
11. Investment policy.
12. Residential trash pickup in relation to the Noise Ordinance.
13. Mediacom cables being placed underground.
14. Rental of the Performing Arts Center.
15. Litigation update.
16. Business license request.
17. Resident beach parking.
18. Softball grandstand seating.
19. Fire ambulance staffing request.
20. Mississippi Avenue bulkhead request.
21. League Advocacy Day.

22. Construction projects update.

There being no further business, the meeting adjourned.

Time: 2:01 P.M.

APPROVED this 4th day of April, 2023.

Renee Eberly
City Clerk

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
MARCH 1, 2023 – 5:00 P.M.
PERFORMING ARTS CENTER**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:02 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 (Johnson/Mitchell) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 01/17/2023
Committee of the Whole 01/17/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

- | | |
|---|------------|
| A. <u>City Administrator</u> | No report. |
| B. <u>Director, Public Works – Tim Tucker</u> | No report. |
| C. <u>Director, Community Development – Kit Alexander</u> | No report. |
| D. <u>Chief, Police Department – Steve Brown</u> | No report. |
| E. <u>Chief, Fire Department – Mike Kimmerling</u> | No report. |
| F. <u>City Clerk – Renee Eberly</u> | No report. |
| G. <u>Director, Finance – Ford Handley</u> | No report. |
| H. <u>Parks & Recreation – Ford Handley</u> | No report. |
| I. <u>Director, Utilities – Jeff Hartley</u> | No report. |
| J. <u>Director, Coastal Resources – Phillip West</u> | No report. |
| K. <u>Librarian, Public Library – Meagan Bing</u> | No report. |
| L. <u>Director, Municipal Court – Pam Davis</u> | No report. |
| M. <u>Director, Expect Excellence – Jonathan Langston</u> | No report. |
| N. <u>Mayor/Council</u> | No report. |

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/Boyd) 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

Miscellaneous

1. Approval of 2021 Audited Financials. **Motion made (Silvers/Johnson) to postpone consideration until the next council meeting on March 7, 2023.** Vote unanimous in favor.

Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1203-PUD-22, Romar Beach Hotel PUD. **Motion made (Mitchell/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
2. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1207-ZT-22, Article 15, Temporary Residential Real Estate Signs. **Motion made (Silvers/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Lounge Retail Liquor Class I License Application by SanBar, LLC, for SanBar, 4851 Wharf Parkway, Suite D132 **Motion made (Silvers/Blalock) to approve the liquor license.** Vote unanimous in favor.
2. Approval of a Restaurant Retail Liquor License Application by KOL Italian of Orange Beach, LLC, for Ristorante Carmelo, 25747 Perdido Beach Boulevard. **Motion made (Mitchell/Silvers) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution appropriating funds to The Zoo Foundation, Inc., to sponsor the Alabama Gulf Coast Zoo in the amount of \$50,000 for FY2023. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the purchase of Archive Storage Mobile Shelving for the Administration Department through Sourcewell in the amount of \$66,023.83. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
3. Resolution amending Resolution No. 22-024 appointing new members and reappointing existing members to the Legislative Review Committee. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

4. Resolution authorizing execution of license, usage, and lease agreements with the Orange Beach City Board of Education. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution awarding the bid for Dumpster Services to BFI Waste Services, LLC, doing business as Republic Services, per unit pricing. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
6. Resolution awarding the annual bid for Roll-Off Container Services to BCC Waste Solutions, LLC, dba Baldwin Container Company, per unit pricing. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
7. Resolution awarding the bid for Canoe Trail Post-Hurricane Sally Repairs to Southern Justice Marine & Sales LLC in an amount not to exceed \$257,385. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the City of Orange Beach to join the State of Alabama and other local governments as a participant in opioid settlements. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing execution of the South Alabama Mutual Assistance Agreement. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
10. Resolution approving a temporary permit for a Sales Trailer at Solis Condominium located 25802 Perdido Beach Boulevard. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

Ordinances

1. First Reading – Ordinance further amending Ordinance No. 172, City of Orange Beach Zoning Ordinance, Springhill Suites by Marriott Planned Unit Development, Preliminary and Final PUD Approval Extension. **Motion made (Silvers/Boyd) 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, aye; Kennon, aye. **Passed. (5-0).** **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).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:12 P.M.

APPROVED this the 21st day of March, 2023.

Renee Eberly
City Clerk

**MINUTES OF
COMMITTEE OF THE WHOLE MEETING
ORANGE BEACH CITY COUNCIL
MARCH 1, 2023 – 5:12 P.M.
PERFORMING ARTS CENTER**

The Orange Beach City Council met to review potential items for the March 7, 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. Appoint voting delegate for the Alabama League of Municipalities Annual Convention and the Alabama Municipal Insurance Corporation Annual Membership Meeting to be held in Birmingham, May 10-13, 2023.
2. Set a meeting for the Flood Damage Prevention Ordinance Board of Adjustment. Meeting set for March 7, 2023, at 4:45 P.M.
3. Resolution appropriating funds to support the Safe Harbor Animal Coalition in the amount of \$10,000 for FY2023.
4. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide a preliminary soil study for a Softball Field House and Batting Cages at the Sportsplex in an amount not to exceed \$4,705.
5. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide surveying and civil design services for a Softball Field House and Batting Cages at the Sportsplex in an amount not to exceed \$36,200.
6. Resolution authorizing the purchase of furniture for Fire Station No. 3 through the TIPS purchasing cooperative in the amount of \$15,233.21.
7. Resolution declaring fire rescue extrication equipment owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the City of Creola, Alabama.
8. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., for structural analysis and design of a new Fire Training Facility in an amount not to exceed \$9,500.
9. Resolution authorizing the execution of a professional services agreement with Thompson Engineering, Inc., for transportation, traffic, and other engineering services.
10. Resolution accepting the statement of work from CivicPlus for CivicClerk for website agenda management.
11. Resolution authorizing the execution of an indemnification agreement with the Alabama Department of Conservation and Natural Resources for the beach renourishment project.
12. Resolution accepting the donation of radios for the Fire Department from the Elberta Volunteer Fire Department.
13. Resolution accepting the transfer of a Humvee vehicle for the Police Department through the LESO Program.

14. Resolution authorizing the execution of a task order with Olsen Associates, Inc., to perform pre-construction beach/borrow area survey/analyses for the engineered beach restoration project in an amount not to exceed \$50,700.
15. Resolution authorizing the execution of a Letter of Agreement for the Baldwin County Emergency Operations Plan.
16. Resolution awarding the bid for a Medical Response Golf Cart for the Sportsplex.
17. Resolution awarding the bid for Magnesium Hydroxide Slurry.
18. Resolution awarding the bid for On-Call Electrical Services.
19. Resolution awarding the bid for Perdido Pass Seawall Park Post-Hurricane Sally Repairs and Phase III Expansion.
20. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1205-PUD-22, Jones Duplexes PUD. Public hearing set for March 21, 2023.
21. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0202-CU-23, JPEM Duplex. Public hearing set for March 21, 2023.
22. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0304-CU-23, Three T's Restaurant and Warehouse. Public hearing set for March 21, 2023.

Public Comments:

1. Councilmember Boyd introduced Brady, an annual visitor from Minnesota who was in the audience.
2. John Maye, 5393 Bay La Launch, asked about the status of repairs to the canoe trail. Nicole Woerner, City Grant Coordinator, responded that the construction contract was just awarded at tonight's council meeting and that construction will begin in the next month beginning with the trail site on Mississippi Avenue.

There being no further business, the meeting adjourned.

Time: 5:22 P.M.

APPROVED this 21st day of March, 2023.

Renee Eberly
City Clerk

RESOLUTION NO. 23-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT THREE
TO THE SUBAWARD GRANT AGREEMENT WITH THE
ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR
THE RESTORE ACT STATE EXPENDITURE PLAN FUNDED
CANAL ROAD IMPROVEMENTS EAST OF STATE HIGHWAY 161 PROJECT**

FINDINGS:

1. The purpose of this Amendment is for Alabama Department of Conservation and Natural Resources (ADCNR) to provide funding under the Resources and Ecosystem Sustainability, Tourism Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) State Expenditure Plan to the City of Orange Beach for the widening of Canal Road from State Highway 161 to Wilson Boulevard for the purpose of increasing traffic capacity, improving safety, and encouraging economic growth and development.
2. On May 19, 2020, City Council adopted Resolution No. 20-111 authorizing execution of a Subaward Grant Agreement with ADCNR agreeing to the provisions of the grant for the project.
3. ADCNR will disperse funds to the City to carry out the scope of the project in an amount not to exceed a total of \$5,947,275.
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 a grant agreement amendment in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the Alabama Department of Conservation and Natural Resources (ADCNR) 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 immediately upon its adoption.

ADOPTED THIS 21st DAY OF MARCH, 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 March 21, 2023.

City Clerk

1. DATE ISSUED MM/DD/YYYY 02/15/2023		1a. SUPERSEDES AWARD NOTICE dated 09/08/2022 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 87.052 - Spill Impact Component Project Grants			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. GNSSP20AL0006-01-03 Formerly		5. TYPE OF AWARD Other	
4a. FAIN GNSSP20AL0006		5a. ACTION TYPE Post Award Amendment	
6. PROJECT PERIOD MM/DD/YYYY From 10/01/2019		Through MM/DD/YYYY 09/30/2024	
7. BUDGET PERIOD MM/DD/YYYY From 10/01/2019		Through MM/DD/YYYY 09/30/2024	
8. TITLE OF PROJECT (OR PROGRAM) State Expenditure Plan #22: Canal Road Improvements E. of SR-161			

The Gulf Coast Ecosystem Restoration Council
RESTORE Council
Gulf Coast Ecosystem Restoration Council

500 Poydras Street
Suite 1117
New Orleans, LA 70130

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
RESTORE Act, 33 U.S.C. 1321(t)(3) and 40 CFR Part 1800 - Spill
Impact Component

9a. GRANTEE NAME AND ADDRESS ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES 64 N Union St RM 458 Montgomery, AL 36130-3020	9b. GRANTEE PROJECT DIRECTOR Amy Hunter 64 N Union St RM 458 Montgomery, AL 36130-3020 Phone: 251-621-1216
10a. GRANTEE AUTHORIZING OFFICIAL Mr. Chris Blankenship 118 N. Royal Street Suite 603 Mobile, AL 36602 An authorized representative electronically signed the award on 02/15/2023	10b. FEDERAL PROJECT OFFICER Barbara Shumar 500 Poydras St Gulf Coast Ecosystem Restoration Council New Orleans, LA 70130-3319 Phone: 504-235-4985

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance) I Financial Assistance from the Federal Awarding Agency Only II Total project costs including grant funds and all other financial participation		12. AWARD COMPUTATION a. Amount of Federal Financial Assistance (from item 11m) 6,067,878.00 b. Less Unobligated Balance From Prior Budget Periods 0.00 c. Less Cumulative Prior Award(s) This Budget Period 3,920,553.00 d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 2,147,325.00 13. Total Federal Funds Awarded to Date for Project Period 6,067,878.00																	
a. Salaries and Wages 23,164.00 b. Fringe Benefits 9,597.00 c. Total Personnel Costs 32,761.00 d. Equipment 0.00 e. Supplies 0.00 f. Travel 439.00 g. Construction 0.00 h. Other 0.00 i. Contractual 7,441,867.00 j. TOTAL DIRECT COSTS 7,475,067.00 k. INDIRECT COSTS 7,998.00 l. TOTAL APPROVED BUDGET 7,483,065.00 m. Federal Share 6,067,878.00 n. Non-Federal Share 1,415,187.00		14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project): <table><tr><th>YEAR</th><th>TOTAL DIRECT COSTS</th><th>YEAR</th><th>TOTAL DIRECT COSTS</th></tr><tr><td>a. 2</td><td></td><td>d. 5</td><td></td></tr><tr><td>b. 3</td><td></td><td>e. 6</td><td></td></tr><tr><td>c. 4</td><td></td><td>f. 7</td><td></td></tr></table> 15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES: a. DEDUCTION b. ADDITIONAL COSTS c. MATCHING d. OTHER RESEARCH (Add / Deduct Option) e. OTHER (See REMARKS) 16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING: a. The grant program legislation. b. The grant program regulations. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. Federal administrative requirements, cost principles and audit requirements applicable to this grant. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.		YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS	a. 2		d. 5		b. 3		e. 6		c. 4		f. 7	
YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS																
a. 2		d. 5																	
b. 3		e. 6																	
c. 4		f. 7																	

REMARKS (Other Terms and Conditions Attached -
See next page

☒ Yes ☐ No

AUTHORIZING OFFICIAL:

Frederick Sutter, Deputy Executive Director
500 Poydras St Ste 1117
New Orleans, LA 70130-7305
Phone: 504-444-3511

Electronically Signed 02/15/2023

17.OBJ CLASS 41.0006	18a. VENDOR CODE 929933406	18b. EIN 636000619	19a. UEI WLNMNKHKF5T1	19b. DUNS 929933406	20. CONG. DIST. 02
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. SEP	b. GNSSP20AL0006	c. 6013 INFRA	d. \$2,147,325.00	e.	
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 3	DATE ISSUED 02/15/2023
GRANT NO. GNSSP20AL0006-01-03	

REMARKS:

This amendment adds \$2,147,325.00 in Restore Funding increasing the total amount of Restore funding to \$6,067,878.00.

Co-funding was decreased by \$2,147,325.00 reducing the amount of co-funding provided by the City of Orange Beach to \$1,415,187.00.

Milestones revisions have been made in the Council's Program Information Platform for Ecosystem Restoration (PIPER) and are incorporated into this amendment by reference.

A revised Budget Narrative has been uploaded into GrantSolutions and is incorporated into this amendment by reference.

Special Award condition #3 was revised and attached to the award.

All other terms & conditions stated in the original award & any previous amendments remain in effect.

GCERC Internal Financial Codes: FY23 Cat B 6013 - Cost Pool GCCSTAL000

CAM1 GCCGECONOMYX

CAM2 GCCGMOBILEBAY

CAM3 GCCPCOMRESIL

NOTICE OF AWARD (Continuation Sheet)

PAGE 3 of 3	DATE ISSUED 02/15/2023
GRANT NO. GNSSP20AL0006-01-03	

Special Award Conditions

1. Non-Federal Share Requirement for Specific Activities

The budget under this Award includes project-related costs committed by the non-Federal recipient, referred to as the non-Federal share, which are described in the budget narrative. The non-Federal share is not a statutory requirement of the RESTORE Act (33 U.S.C. 1321(t) and note), but it is required to complete the project and has been voluntarily committed by the Recipient under this Award and therefore meets the definition of cost share or matching in 2 CFR §200.1. Under §200.1, non-Federal share funding must meet the criteria of §200.306(b). Non-federal share funding totaling \$1,415,187 will be used for construction. The Federal share must be paid out proportionally under the subrecipient agreement using a predetermined ratio of 81.09% Federal funds and 18.91% provided by the City of Orange Beach. Funds provided by the City of Orange each will be used to pay 100% of construction costs after the Federal funds have been expended. In addition, the Recipient will report on non-federal share expenditures throughout the period of performance. This special award condition (SAC) supersedes section C.04.b of the Council's Financial Assistance Standard Terms and Conditions dated August 2015, specifically the requirement that the non-federal share is to be paid out at the same general rate as the federal share.

STATE OF ALABAMA

ADCNR Grant #: S1P22-CRIE

MONTGOMERY COUNTY

SUBAWARD GRANT AGREEMENT – AMENDMENT NO. 3

THIS SUBAWARD GRANT AGREEMENT, (“Agreement”) is made and entered into by and between the State of Alabama Department of Conservation and Natural Resources (hereinafter “ADCNR”) and the City of Orange Beach (hereinafter “Subrecipient”). Pursuant to this Agreement, ADCNR and Subrecipient (collectively hereinafter “Parties”) agree as follows:

1. **PROJECT PURPOSE AND IDENTITY:** The purpose of this Agreement is to provide funding under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (hereinafter “RESTORE Act”) to Subrecipient for implementation of the RESTORE Act Direct Component project titled “State Expenditure Plan #22: Canal Road Improvements E. of SR-161” (hereinafter “Project”). The purpose of this project is to construct the planned traffic safety and capacity improvements on Canal Road between SR-161 and Wilson Boulevard, thereby encouraging economic growth and development benefitting the local economy, further described in the Federal Award GNSSP20AL0006-01-03. This Agreement between the Parties will be identified by the “ADCNR Grant Number” set forth above in the upper right corner of this Agreement. All invoices and other correspondence submitted to ADCNR in connection with this Agreement must be identified by said Grant Number.

This Amendment No. 3 is for an existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0006-01-03, Orange Beach Canal Road Improvements E. of SR-161 Amendment No. 3. This amendment executes the following suite of actions:

- This amendment adds \$2,147,325.00 in Restore Funding increasing the total amount of Restore funding to \$6,067,878.00;
 - Co-funding was decreased by \$2,147,325.00 reducing the amount of co-funding provided by the City of Orange Beach to \$1,415,187.00;
 - The application amended milestone dates and associated funding associated with subrecipient cost categories;
 - The SAC related to Non-Federal Share Requirement has been revised; and
 - All other terms & conditions stated in the original award & any previous amendments remain in effect.
2. **FEDERAL AWARD INFORMATION:** The Project’s Financial Assistance Award (hereinafter “Federal Award”) in its entirety is hereby incorporated into this Agreement by reference. Information as to the Federal Award associated with the Project includes the following:
 - a. Federal Award Identification Number (FAIN): GNSSP20AL0006
 - b. Federal Award Period of Performance: 10/01/2019 to 09/30/2024
 - c. Total Amount of Federal Funds Obligated To Subrecipient: \$5,947,275.00
 - d. Subrecipient UEI: JKREAZH2DMF6
 - e. Total Amount of Federal Award: \$6,067,878.00
 - f. Name of Federal Awarding Agency: Gulf Coast Ecosystem Restoration Council (hereinafter “RESTORE Council”)
 - g. Pass-Through Entity & Awarding Official Contact Information:
Alabama Department of Conservation and Natural Resources
Commissioner Christopher M. Blankenship
64 N. Union Street; Suite 468

Montgomery, AL 36130

h. CFDA Number & Name: CFDA# 87.052 "Spill Impact Component Project Grants"

i. Indirect Cost Rate of Subrecipient: 0%

3. AGREEMENT FUNDING AMOUNT: ADCNR's funding commitment under this Agreement shall be within the budgetary limits as described herein and pursuant to the Federal Award and shall not exceed a total of five million nine hundred forty-seven thousand two hundred seventy-five and xx/100 dollars (\$5,947,275.00).
4. PROJECT PERIOD: The period allowed for Project completion by the Subrecipient (hereinafter "Project Period") shall commence on October 1, 2019 and end on September 30, 2024.
5. AGREEMENT TERM: The term of this Agreement shall commence when the Agreement is executed by both Parties and end on September 30, 2024 (hereinafter "Agreement Term").
6. NOTICE: Contact information of Parties for purposes of providing notice pursuant to the terms of this Agreement are set forth below. In the event the designation of new contact information is necessary, such shall not require a formal amendment to this Agreement.

To ADCNR:

Alabama Department of Conservation and Natural Resources
Attn: Christopher M. Blankenship, Commissioner
64 N. Union St., Suite 468
Montgomery, AL 36130

With a copy to:

Dr. Amy Hunter
Deepwater Horizon Restoration Coordinator
Alabama Department of Conservation and Natural Resources
31115 Five Rivers Boulevard
Spanish Fort, AL 36527
Email: amy.hunter@dcnr.alabama.gov

To Subrecipient:

City of Orange Beach
Attn: Tony Kennon, Mayor
4099 Orange Beach Blvd.
Orange Beach, AL 36561

Kit Alexander, Director of Community Development
City of Orange Beach
P.O. Box 2432
4101 Orange Beach Blvd.
Orange Beach, AL 36561
kalexander@orangebeachal.gov

Nicole Woerner
Deputy Director | Coastal Resources
City of Orange Beach
P. O. Box 458
4697 Walker Avenue

Orange Beach, AL 36561
nwoerner@orangebeachal.gov

7. PARTIES REPRESENT THAT THIS AGREEMENT SUPERSEDES ALL PROPOSALS, ORAL AND WRITTEN, ALL PREVIOUS CONTRACTS, AGREEMENTS, NEGOTIATIONS AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF.
8. DOCUMENTS: The documents which comprise this Agreement between ADCNR and the Subrecipient are:
 1. This Subaward Agreement;
 2. The Amendment for the existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0006-01-03 and any RESTORE Council-specific Special Award Conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the date entered below.

**STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

Christopher M. Blankenship, Commissioner

Date: _____

CITY OF ORANGE BEACH

Tony Kennon, Mayor

Date: _____

AL-02/15/2023

Subrecipient Name: City of Orange Beach, UEI: JKREAZH2DMF6

Title of Grant Project: State Expenditure Plan #22: Canal Road Improvements E. of SR-161

Attachment

Federal Award Identification

The entity identified in this agreement is a subrecipient of a subaward, in accordance with 2 CFR 200.332. Be advised, the following information describes the Federal award and subaward:

(1) Federal Award Identification	
(i.) Subrecipient name	City of Orange Beach
(ii.) Subrecipient's unique entity identifier	UEI: JKREAZH2DMF6
(iii.) Federal Award Identification Number (FAIN);	GNSSP20AL0006
(iv.) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	02/15/2023
(v.) Subaward Period of Performance Start and End Date;	This agreement shall commence when it is executed by both Parties and end on September 30, 2024.
(vi.) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	\$5,947,275.00
(vii.) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	\$5,947,275.00
(viii.) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	\$5,947,275.00
(ix.) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	The purpose of this project is to construct the planned traffic safety and capacity improvements on Canal Road between SR-161 and Wilson Boulevard, thereby encouraging economic growth and development benefitting the local economy.
(x.) Name of Federal awarding agency, Name of pass-through entity, and contact information for awarding official of the pass-through entity.	Gulf Coast Ecosystem Restoration Council, Alabama Department of Conservation and Natural Resources, Christopher M. Blankenship Chris.blankenship@dcnr.alabama.gov
(xi.) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	<u>CFDA # 87.052 "Spill Impact Component Project Grants"</u> - total Federal Award issued to ADCNR, which is registered in SAM with the UEI: <u>WLNMNKHKF5T1</u> is <u>\$6,067,878.00</u> .
(xii.) Identification of whether the award is R&D; and	This is not a R&D award.
(xiii.) Indirect cost rate for the Federal award (including if the de minimis rate if charged per §200.414 Indirect (F&A) costs).	The indirect cost rate for the Federal award is 24.09%.

RESOLUTION NO. 23-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
TASK ORDER WITH SAWGRASS CONSULTING, LLC
TO PROVIDE PROFESSIONAL SERVICES FOR THE
CITY HALL FINANCE ADDITION
IN AN AMOUNT NOT TO EXCEED \$10,000**

FINDINGS:

1. The Orange Beach City Council, by Resolution No. 22-254 December 13, 2022, approved a contract with Sawgrass Consulting, LLC, to perform certain professional engineering and inspection 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 Sawgrass Consulting, LLC, to provide civil design and construction engineering and inspection services for the addition of a Finance wing to the City Hall building.
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 Sawgrass Consulting, 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 \$10,000.00 to Sawgrass Consulting, LLC, to complete the Task Order as presented; and
3. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 21st DAY OF MARCH, 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 March 21, 2023.

City Clerk



30673 Sgt. E. I. "Boots" Thomas Drive, Spanish Fort, AL 36527
202 Government Street, Suite 225, Mobile, AL 36602
P: 251-544-7900
sawgrassllc.com

March 3, 2023

Glen Smith
Construction and Facilities Manager
City of Orange Beach
P. O. Box 458
Orange Beach, AL 36561

RE: Orange Beach Finance Wing Addition, Orange Beach, Alabama - Professional Services

Dear Glen:

Sawgrass Consulting, LLC (Sawgrass) is honored to provide you with our proposal for Professional Civil Engineering Services for the Design of the Orange Beach Finance Wing Addition. It is our understanding that the city will handle geotechnical services (both preliminary testing/recommendations and materials testing) directly.

Our Scope of Services and Fees are as follows:

Orange Beach Finance Wing Addition

- | | |
|--|---|
| • Civil Design | LUMP SUM \$5,500.00 |
| Site Plan, Grading Plan, ECP, and Details | |
| • Bidding Assistance/Construction Engineering and Inspection | HOURLY ESTIMATED NOT TO EXCEED \$4,500.00 |
| • Meetings, Comments and Revisions | HOURLY |

All fees were derived from the rates defined in the existing City of Orange Beach/Sawgrass Consulting, LLC General Services Agreement. If you have any questions, please do not hesitate to contact me at 251.802.2321. Thanks again for the opportunity.

Sincerely,

A handwritten signature in blue ink that reads "Tim Lawley".

Tim Lawley, PE
Project Manager

Tony Kennon
Mayor, City of Orange Beach