

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JANUARY 4, 2022 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:03 P.M.
- II. INVOCATION** Councilmember Joni Blalock
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

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

Absent: Councilmember Jeff Boyd

V. CONSIDERATION OF AGENDA

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

VI. CONSIDERATION OF PREVIOUS MINUTES

Flood Damage Prevention Board	12/07/2021
Regular Council Meeting	12/07/2021
Committee of the Whole	12/07/2021

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

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|---|------------|
| A. <u>City Administrator – Ken Grimes</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 – Ken Grimes</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 – Renee Gardner</u> | No report. |
| M. <u>Director, Expect Excellence – Jonathan Langston</u> | No report. |
| N. <u>Mayor/Council</u> | |

Councilmember Johnson welcomed a group of seven students from South Korea attending Pensacola Christian College.

Councilmember Mitchell introduced Tim Harry, 4206 Lauder Lane, who spoke about the Children's Rescue Initiative.

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; Blalock, 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; Blalock, aye; Kennon, aye. **Passed. (4-0-1).**

IX. PRESENTATIONS

1. Proclamation declaring January 23-29, 2022, as Orange Beach School Choice Week. Ken Grimes, City Administrator, presented the proclamation.
2. Proclamation declaring January 2022 as Human Trafficking Awareness Month. Ken Grimes, City Administrator, read the proclamation out loud.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing a franchise for Mary Catsban, dba Mary's Taxi Service, to operate a taxi service within the city limits and police jurisdiction of the City of Orange Beach. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing payment of up to \$3,000 to the Coastal Alabama Business Chamber for the Annual Electronic Recycling and Paper Shred Event. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the purchase of Three Vehicles for the Public Works Department from the Alabama Department of Transportation in the amount of \$111,347. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the purchase of Two Mowers for the Street Department through Sourcewell in the amount of \$62,068.16. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the purchase of a Mini Excavator for the Coastal Resources Department through Sourcewell in the amount of \$62,688.60. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the purchase of a Mower for the Coastal Resources Department through Sourcewell in the amount of \$26,477.22. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the purchase of a Tractor for the Coastal Resources Department through Sourcewell in the amount of \$58,943.06. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the purchase of Two Pickup Trucks for the Coastal Resources Department through Sourcewell in the amount of \$69,216.40. **Motion made (Johnson/Blalock) 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. 1210-PUDA-21, The Wharf PUD Modification, Heliwave Helicopters.

Griffin Powell, Planner II, presented the case overview.

Councilmember Silvers asked about flight paths. The business manager and a pilot with Heliwave Helicopter stated that he estimates 25 to 50 flights a day. Mayor and Council expressed concern due to a number of emails received from residents. Discussion followed regarding possible modification of the flight plans.

Chris Callaghan, municipal judge and pilot, brought up potential conflicts with air traffic from the Gulf Shores Airport. The Heliwave Helicopter manager explained communication with air traffic control and stated that there should not be any conflicts.

Brett Whitehead, 23896 East Cypress Way, spoke in opposition.

Sandra Krouse, 4930 Cypress Park and Secretary of the Cypress Village HOA, spoke in opposition.

Mayor Kennon spoke to the applicant and stated that he and the Council are very supportive of The Wharf and the efforts of this new business, but that the elected officials of Orange Beach are obligated to represent the residents, and that too many residents are opposed to this particular proposal.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1206-PUDA-21, The Wharf PUD Modification, Food Truck Allowance.

Griffin Powell, Planner II, presented the case overview.

Councilmember Mitchell asked who the owners of the food trucks would be. Jim Bibby, General Manager of The Wharf, responded that local restaurant owners would be prioritized. Mr. Bibby explained that The Wharf only allows food trucks during special events, such as after concerts and during festivals, when on-site restaurants are unable to handle all the customers, and that the intent of this PUD Modification is to alleviate the need for The Wharf to obtain a permit every time there is a special event.

Ford Handley, Finance Director, requested the added staff condition that all food trucks have the appropriate business licenses and are licensed by the state health department.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1207-PUDA-21, The Wharf PUD Modification, The Wharf Management Office.

Griffin Powell, Planner II, presented the case overview.

Jim Bibby, General Manager of The Wharf, explained that there is some remediation work that will need to be done to the existing structure which was previously Fire Station No. 5.

4. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1209-PUDA-21, Beach Village PUD Master Plan, Stairs Encroachment and Landscaping.

Griffin Powell, Planner II, presented the case overview.

Councilmember Blalock asked why live oaks, an indigenous tree, were replaced with palm trees on the landscaping plan. Paul Stuart, developer, explained that the change was made due to space limitations and that the live oaks shown on the original landscaping plan are not currently existing. He stated that a mix of palm trees will provide more privacy and will be

hardier than transplanted live oaks. Woody Speed, City Environmentalist, confirmed that transplanted live oaks have a poor survival rate.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1210-PUDA-21, The Wharf PUD Modification, Heliwave Helicopters. **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; Blalock, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Silvers/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Blalock, nay; Kennon, nay. **Failed. (0-5).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1206-PUDA-21, The Wharf PUD Modification, Food Truck Allowance. **Motion made (Johnson/Silvers) 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; Blalock, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Blalock/Johnson) to adopt the ordinance with the condition that each food truck operator shall meet Alabama Department of Public Health and any applicable State, County, and City business license requirements.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Passed. (5-0).**
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1207-PUDA-21, The Wharf PUD Modification, The Wharf Management Office. **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; Blalock, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Silvers/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Passed. (5-0).**
4. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1209-PUDA-21, Beach Village PUD Master Plan, Stairs Encroachment and Landscaping. **Motion made (Blalock/Silvers) 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; Blalock, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Blalock/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Passed. (5-0).**

XIII. PUBLIC COMMENTS

None

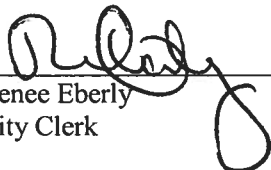
XIV. ADJOURN

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

Time: 6:14 P.M.

APPROVED this the 1st day of February, 2022.




Renee Eberly
City Clerk