

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

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:01 P.M.
- II. INVOCATION** Councilmember Jerry Johnson
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

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

Absent: None

V. CONSIDERATION OF AGENDA

Motion made (Silvers/Blalock) to approve the agenda with two additional items.

1. Resolution authorizing the execution of a First Amendment to Amended and Restated Transfer of Guaranteed Contribution and Use Agreement with the Baldwin County Board of Education for a Performing Arts Building.
2. Resolution authorizing execution of a construction contract with Pool Wizards Construction, LLC, for pool tile repairs at the Aquatics Center in an amount not to exceed \$15,156.

Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 03/08/2022
Committee of the Whole 03/08/2022

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. Director, Municipal Court – Renee Gardner No report.

M. Director, Expect Excellence – Jonathan Langston

Mr. Langston introduced Nick Cruz, the city's new Tennis Professional.

N. Mayor/Council

Councilmember Mitchell introduced the Nelson family, whose five year old son was born with a congenital heart defect and is the recipient of a trip to Disney from the Art for Heart organization.

Councilmember Silvers recognized the passing of Mickey Robinson, former Fire Chief. The memorial service will be held on April 23, 2022, at 1:00 P.M. at the Orange Beach United Methodist Church.

Mayor Kennon introduced the new school board members: Robert Stuart, Nelson Bauer, Shannon Robinson, Tracie Stark, and Randy McKinney.

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; Boyd, aye; Kennon, aye. **Passed. (6-0).**

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; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**

IX. PRESENTATIONS

1. Introduction of new police officers. Chief Brown introduced Officers Dustin Clark, Carlos Clere, Tyler Flowers, Angela Brown, and Tyler Peck.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution appointing the City Attorney. **Motion made (Mitchell/Blalock) to postpone consideration of the resolution until the next council meeting on April 19, 2022.** Vote unanimous in favor.

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Liquor License Application by Junior Food Stores of West Florida, Inc., for Cumberland Farms, 23679 Canal Road. **Motion made (Silvers/Blalock) to approve the liquor license.** Vote unanimous in favor.
2. Approval of a Restaurant Retail Liquor License Application by LBR Enterprises LLC for Live Bait at 24281 Perdido Beach Boulevard. **Motion made (Boyd/Blalock) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution appointing members to the Orange Beach City Board of Education. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the execution of a professional services agreement with Computer Backup, Inc., for technology support and managed services. **Motion made (Johnson/Silvers)**

to adopt the resolution. Vote unanimous in favor.

3. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide professional services for renovation of the Community Development Building in an amount not to exceed \$34,800. Motion made (Blalock/Mitchell) to adopt the resolution. Vote unanimous in favor.
4. Resolution authorizing the execution of a subscription agreement with Sansio, Inc., for Health EMS software and related services. Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor.
5. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide preliminary soil study for proposed museum site in an amount not to exceed \$3,160. Motion made (Blalock/Johnson) to adopt the resolution. Vote unanimous in favor.
6. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide preliminary soil study for proposed municipal court site in an amount not to exceed \$3,160. Motion made (Blalock/Mitchell) to adopt the resolution. Vote unanimous in favor.
7. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide preliminary soil study for the Medical Arts Building site in an amount not to exceed \$2,900. Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor.
8. Resolution appropriating funds to the Baldwin County Board of Education for coaching salaries in an amount not to exceed \$12,500. Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor.
9. Resolution appointing Adams and Reese, L.L.P., for legal services related to the creation of an independent city school system. Motion made (Johnson/Blalock) to adopt the resolution. Vote unanimous in favor.
10. Resolution authorizing the execution of a performance contract with McLean Motor Sports Productions, LLC, for the "Bama Coast Cruise" Event. Motion made (Mitchell/Boyd) to adopt the resolution. Vote unanimous in favor.
11. ADDITION: Resolution authorizing the execution of a First Amendment to Amended and Restated Transfer of Guaranteed Contribution and Use Agreement with the Baldwin County Board of Education for a Performing Arts Building. Motion made (Silvers/Mitchell) to adopt the resolution. Vote unanimous in favor.
12. ADDITION: Resolution authorizing execution of a construction contract with Pool Wizards Construction, LLC, for pool tile repairs at the Aquatics Center in an amount not to exceed \$15,156. Motion made (Silvers/Boyd) 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. 1205-PUDA-21, Orange Beach Marina PUD Modification, Parking Addition. The public hearing was canceled due to the request being withdrawn by the applicant.
2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0303-PUD-22, Top Tier Water Sports PUD. The public hearing was canceled due to the request being withdrawn by the applicant.
3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0306-PUDA-22, Buena Vista RV Resort PUD Minor Modification, ROW Width Reduction for Phases 3-5.

Griffin Powell, Planner II, presented the case overview.

Council questioned the reduction of the Right-of-Way (ROW) to 40-feet. Jim Brown, Developer, responded saying that bigger lots are desired. Kit Alexander, Community Development Director, explained that the city's regulations typically require 60-foot ROWs for the purpose of utilities, maintenance, and public safety, but since this is a private community, the City will not be responsible for street or utility maintenance. Mayor Kennon cautioned the Developer that other private subdivisions, such as Cypress Village, have returned to City Council requesting that the City accept their private streets for maintenance and have been turned down due to not meeting city requirements.

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

Ordinances

1. First Reading – Ordinance amending and restating Chapter 42, Article II, Divisions 2-5 of the Code of Ordinances for the City of Orange Beach, Alabama, to update technical codes for land development. **Motion made (Johnson/Blalock) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Silvers, nay; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Failed. (5-1).** Ordinance will move to a second reading.
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0306-PUDA-22, Buena Vista RV Resort PUD Minor Modification, ROW Width Reduction for Phases 3-5. **Motion made (Silvers/Mitchell) 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; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Silvers/Mitchell) to adopt the ordinance subject to staff conditions.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
3. First Reading – Ordinance amending Chapter 50, Article IV, Division 5, Section 50-252 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Lodging Tax - Levy of Tax" to provide for prospective increases in the rate of taxation. **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; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Silvers/Mitchell) to adopt the ordinance subject to staff conditions.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XIII. PUBLIC COMMENTS

None

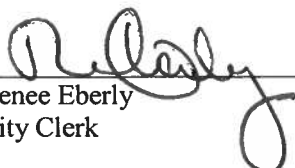
XIV. ADJOURN

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

Time: 5:38 P.M.

APPROVED this the 3rd day of May, 2022.




Renee Eberly
City Clerk