

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
MAY 3, 2022 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:00 P.M.
- II. INVOCATION** Councilmember Jeff Boyd
- 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 (Mitchell/Johnson) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 04/05/2022
Committee of the Whole 04/05/2022

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. <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 Boyd invited the public to attend a fundraiser for city employee Yancy Reynolds being held on Saturday, May 14, 2022.

Councilmember Johnson announced that a National Prayer Day event would be held at the Coastal Arts Center on Thursday, May 5, 2022, at noon.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Boyd) 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

1. Recognition of Evie Rosa Butler, Orange Beach High School junior, for her accomplishments in theatre. Mayor Kennon spoke about the city's commitment to the arts and introduced Darren Butler, Orange Beach Middle and High School's Fine Arts Director. Mr. Butler recognized his student and daughter, Evie Rosa Butler, for her many accomplishments at the state level. Evie spoke in gratitude and stated that she hopes to be a role model for others interested in pursuing a career in performing arts.

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution appointing the City Attorney. **Motion made (Silvers/Johnson) to postpone consideration of the resolution until the next council meeting on May 17, 2022.** Vote unanimous in favor.

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Lounge Retail Liquor Class II (Package) License Application by DMP The Market LLC for the Pantry at the Wharf, 4790 Wharf Parkway, Space F103. **Motion made (Silvers/Boyd) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution authorizing the execution of a Memorandum of Agreement with the State of Alabama regarding the removal and disposal of debris. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing execution of professional services agreements with DeRhonda Ponder, Jodi Williamson, and Stacie Brane for special needs aide services. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
3. Resolution approving the submission of the 2021 Municipal Water Pollution Prevention (MWPP) Annual Report. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of a service agreement with Nixon Power Service for citywide generator maintenance. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of a service agreement with TargetSolutions Learning, LLC, dba Vector Solutions, for Fire Rescue scheduling software. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

6. Resolution authorizing the purchase of an upgraded backup device and execution of an agreement with ThinkGard, LLC, for data backup and disaster recovery services. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution awarding the bid for Fire Administration Building and Post Office Roof Replacements to Steward Construction Company, Inc., in an amount not to exceed \$340,000 and per unit pricing for a term of one year. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing execution of an agreement with Baldwin County Board of Education for the expansion of the Orange Beach Elementary School. **Motion made (Silvers/Mitchell) to postpone consideration of the resolution until the next council meeting on May 17, 2022.** Vote unanimous in favor.
9. Resolution authorizing execution of a professional services agreement with Jamey Dubose for football coaching services. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
10. ADDITION: Resolution authorizing the purchase of real property from the Louis Ralph Harms, Jr., Revocable Trust and authorizing the Mayor to negotiate and execute a real estate purchase agreement and such other documents as may be required to close the transactions contemplated therein. **Motion made (Mitchell/Johnson) 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. 0406-PUDA-22, Parks Edge PUD Minor Modification, Setback Waiver at 49 Parks Edge.

Griffin Powell, Planner II, presented the case overview. He explained that this is a request for approval of a 7-foot encroachment into a 10-foot side setback for the purpose of constructing a storage addition to the house. Mr. Powell stated that the subdivision's architectural review committee has approved the request.

Council questioned the fairness of allowing this deviation from setback requirements when similar requests in other residential neighborhoods are required to prove hardship and have been denied. The applicant was not present to respond.

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

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0407-PUDA-22, Summer Salt PUD Minor Modification, Setback Waiver for Lot 60.

Griffin Powell, Planner II, presented the case overview. He summarized that this request by Truland Homes is for the purpose of encroaching 1.25 feet into a 5-foot side setback for the purpose of constructing a cottage. Mr. Powell explained that this request stems from the odd shape of the lot, which narrows toward the end.

Kit Alexander, Community Development Director, explained in response to a question by Council that a residence would have gone before the Board of Adjustment, but since this is a PUD (Planned Unit Development), it has to go before Council.

Councilmembers Silvers and Johnson recognized that the setback encroachment borders wetlands and does not adversely affect neighbors. Mayor Kennon questioned why Truland Homes would request a deviation in the setbacks when they designed the PUD in the first place. Ashley Drew, Truland representative, stated that the cottage design was meant to fit in all lots, but the odd shape of this particular lot causes an issue.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0406-PUDA-22, Parks Edge PUD Minor Modification, Setback Waiver at 49 Parks Edge. **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, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Silvers/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Boyd, nay; Kennon, nay. **Failed. (0-5).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0407-PUDA-22, Summer Salt PUD Minor Modification, Setback Waiver for Lot 60. **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/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, nay; Boyd, nay; Kennon, nay. **Failed. (2-3).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:33 P.M.

APPROVED this the 7th day of June, 2022.


Renee Eberly
City Clerk

