MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JUNE 7, 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 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 as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	05/03/2022
Regular Council Meeting	05/03/2022
Committee of the Whole	05/03/2022

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

A. City Administrator – Ken Grimes — 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 — No report.

G. Director, Finance – Ford Handley — No report.

H. Parks & Recreation – Ken Grimes — 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

Robert Stuart, City School Board President, introduced Randy Wilkes, the new City School Superintendent.

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

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

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Ordinances

1. Second Reading – Ordinance amending Chapter 50, Article III, Section 50-56 of the Code of Ordinances for the City of Orange Beach, Alabama, to clarify use of public property as a place of business in the Business License Code. **Motion made (Mitchell/Blalock) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Coastal Orange Beach, LLC, for CoastAL at 25722 Perdido Beach Boulevard. **Motion made (Johnson/Boyd) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution adopting rental policies and procedures and establishing fees for the Wind and Water Learning Center. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing execution of a task order with Watermark Design Group, LLC, to provide design, bid, and construction administration services for roof replacement at Fire Station No. 1 following the April 10, 2021, hailstorm in an amount not to exceed $27,600. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution awarding the bid for Fire Training Tower Refurbishment to J. Reed Constructors, Inc., in an amount not to exceed $135,230. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution awarding the bid for Canal Road Improvements from SR-161 to Wilson Boulevard to John G. Walton Construction Company, Inc., in an amount not to exceed $7,362,511.77 and committing $3,562,511.77 in city funds towards this RESTORE Act project. **Motion made (Blalock/Boyd) to postpone consideration of this item until the next council meeting on June 21, 2022.** Vote unanimous in favor.
5. Resolution authorizing execution of a professional services agreement with John Holladay for football coaching services. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing execution of a Temporary Staffing Agreement with Long's Personnel Services, Inc. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.

7. Resolution authorizing the execution of a subscription agreement with Active Network, LLC, for point-of-sale, activity registration, and facility reservation software. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.

8. Resolution declaring 600 chairs owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the City of Foley. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing the purchase of Bleachers for the Sportsplex through the TIPS purchasing cooperative in the amount of $99,600. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

10. Resolution authorizing the purchase of a Commercial Washer and Dryer for the Sportsplex through the BuyBoard purchasing cooperative in the amount of $20,262.52. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Reschedule public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0505-PUDA-22, Parks Edge PUD Modification, 31 Parks Edge to August 2, 2022. **Motion made (Blalock/Boyd) to reschedule to public hearing to August 2, 2022.** Vote unanimous in favor.

2. Appeal hearing of Planning Commission Case No. 0403-SP-22, Phoenix Key Site Plan Approval.

   Kit Alexander, Community Development Director, presented the project overview. She explained that this appeal hearing is for Council to determine if Planning Commission made any errors when deciding compliance with the zoning ordinance for site plan approval.

   Gil Allen, Dolphin Key Condo Owners Association President, and Mark Dickhute, Legacy Key Unit #101, 29235 Perdido Beach Boulevard, attorney, spoke in opposition citing believed defects in the site plan application not signed by the owner of the property. Wanda Cochran, City Attorney, and Ms. Alexander responded to the concerns explaining that a site plan review is different than a request for rezoning. Zoning, a legislative act, requires the applicant to be the owner of the property. Site plan review is a "need not be built scenario" where, oftentimes, a prospective buyer of a property will submit a development plan for preliminary approval before finalizing purchase of the property.

   Margaret Odom, Dolphin Harbor Condo Owners Association President, spoke in opposition stating concerns with safety on the beach and not receiving notification when the property was rezoned in 2006.

   Tammy Godbold, resident of Ole River Condominiums, spoke in opposition stating traffic concerns.

   Howard Herring, past president of Dolphin Key Condo Owners Association, spoke in opposition citing Section 10.305 of the Zoning Ordinance regarding appearance of site and structures. Mr. Herring contended that the proposed Phoenix Key development is not "in harmony" with the existing neighboring structures. Mayor and Council responded that interpretation of harmony is subjective and that the existing neighboring structures, such as Legacy Key, were also disruptive when they were built in relation to structures pre-existent to them.

   Forrest Daniell, project architect, spoke in favor stating that architectural height of buildings provides visual interest rather than all buildings along the waterfront being the same maximum height as they were in the past.

   There being no further comments, the public hearing adjourned.

Motion made (Silvers/Johnson) to affirm the Planning Commission's decision. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

3. Public hearing for a fiber optic development agreement with Point Broadband.

   Ford Handley, Assistant City Administrator / Finance Director, presented the proposal for a $1,000,000 grant to finish out 1,000 residential homes with a city contribution of $1,000 each on the western end of Canal Road.

   Mickey Franco, General Manager with Point Broadband, was present to answer questions.

   Mayor and Council questioned how much capital Point Broadband is contributing to the project and voiced concerns about service issues with Point Broadband after the acquisition of Island Fiber. Mayor Kennon directed Mr. Franco to research and resolve the quality issues prior to further consideration of this request.

4. Resolution authorizing the execution of a Fiber Optics Development Agreement with Point Broadband Fiber Holdings, LLC, relating to "Fiber to the Home" services. **Motion made (Blalock/Silvers) to postpone consideration of this item until Point Broadband has prepared a response.** Vote unanimous in favor.

5. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0405-PUDA-22, Turquoise Place PUD Modification, Turquoise Place Parking Garage.

   Griffin Powell, Planner II, presented the case overview.

   Mayor and Council questioned the fact that the parking spaces added by the parking garage still do not bring Turquoise Place up to current parking space requirements. Council members also expressed concern for the residential neighbor.

   Candace Burgin, Turquoise Place employee and Orange Beach resident, spoke in favor and explained that the structure cannot be built any wider and adding another floor would upset Turquoise Place owners since it would visually obstruct windows.

   Rodney Jones, residential neighbor of Turquoise Place, spoke in opposition citing concerns with the 40' wall of the garage and the reduced 15' buffer.

   Tony Marzullo, General Manager of Spectrum Resorts, spoke in favor stating that the temporary parking across the street has been blocked off and that ancillary parking is being provided at Island Church with shuttle transportation. He asked that Council consider the expense that has gone into planning and design of the project.

   Forrest Daniell, project architect, explained that the parking deck was completely enclosed to prevent noise and light pollution.

   Mr. Marzullo asked Council to clarify the problem, whether it be satisfying the neighbor or meeting the parking space requirement. Council responded that both are of equal concern.

   Mayor and Council explained the difficult position they are in. All are philosophically against upzoning. All feel that the lack of sufficient parking at Turquoise Place is a legitimate public safety concern due to the number of people parking offsite and crossing the street. They also feel that it would be unfair to upzone the two RS-1 lots being considered as the site of the parking garage without allowing Mr. Jones to develop his neighboring RS-1 property into a residential housing project similar to the Bluffs. Mayor Kennon asked Mr. Marzullo and Mr. Jones to discuss privately and come to an agreement. Mayor Kennon cautioned Mr. Jones that if the Turquoise Place Parking Garage project is voted down, Council will be strongly disinclined to upzone his property in the future.

   There being no further comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0405-PUDA-22, Turquoise Place PUD Modification, Turquoise Place Parking Garage. No action taken. Ordinance will move forward to a second reading.

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: 7:48 P.M.

APPROVED this the 5th day of July, 2022.

Renee Eberly
City Clerk

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CORPORATE
SEAL
ALABAMA