MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
AUGUST 16, 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 Annette Mitchell
III.	**PLEDGE OF ALLEGIANCE**	
IV.	**ROLL CALL**	

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

Absent: Councilmember Jeff Silvers
Councilmember Joni Blalock

V. CONSIDERATION OF AGENDA

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

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	07/26/2022
Regular Council Meeting	07/26/2022
Committee of the Whole	07/26/2022

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	No report.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Johnson) to certify that cash requirements with no related interests are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

Motion made (Mitchell/Boyd) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

IX. PRESENTATIONS

1. Niki Whitaker, Baldwin County Child Advocacy Center Director, to thank the City for money raised by the "Full Moon Paddle" events. Ms. Whitaker explained the history and mission of the Baldwin County Child Advocacy Center. She stated that the agency serves over 400 children a year, including a number from Orange Beach. She further stated that the agency also provides prevention and awareness education for all schools in Baldwin County. She shared that over $3,100 was raised this past summer by the "Full Moon Paddle" events.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution authorizing execution of a task order with Mark D. Pavey to provide professional design services for the Orange Beach Medical Plaza in an amount not to exceed $222,609. **Motion made (Boyd/Johnson) to postpone consideration until the next council meeting on September 6, 2022.** Vote unanimous in favor.

Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0505-PUDA-22, Parks Edge PUD Modification, 31 Parks Edge. **Motion made (Johnson/Boyd) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Special Events Retail Liquor License Application by Wharf Restaurant Group, L.L.C., for the "B2P5 Event" to be held August 19, 2022, at 4671 Wharf Parkway West. **Motion made (Mitchell/Boyd) to approve the liquor license.** Vote unanimous in favor

Resolutions

1. Resolution authorizing the purchase of Artificial Turf (Materials Only) for the Softball Field at the Sportsplex through Sourcewell in the amount of $177,565. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution awarding the bid for Two Golf Carts for the Expect Excellence Department to Cartiology LLC in the amount of $18,990. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution adopting a City of Orange Beach FY2023 Transportation Plan. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of a Work Squad Agreement with the Alabama Department of Corrections for the Public Works Department. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.

5. Resolution appropriating funds to the Pensacola and Perdido Bays Estuary Program in the amount of $10,000. **Motion made (Boyd/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. 0709-PUDA-22, Parks Edge PUD Master Plan, Lot 3, 49 Parks Edge, Setback Encroachment.

   Griffin Powell, Planner II, presented the case overview. He summarized the request to build an attached shed addition, and stated that letters of support from the Parks Edge HOA (Home Owners Association) President and impacted neighbor have been received.

   Joyce Sullivan, representative for the homeowners, stated that there is a hardship due to limited outdoor space to store outdoor furniture during inclement weather.

   Council responded that lack of storage space that was known when the homeowners purchased the residence does not constitute a hardship.

   Councilmember Boyd spoke in opposition due to a perceived lack of fairness for residents who do not reside in PUDs (Planned Unit Developments). Mayor Kennon explained that residents outside of PUDs seeking waivers on the zoning ordinance would be required to go through the Board of Adjustment whose criteria for consideration is purely based on hardship.

   Councilmember Johnson offered the counterpoint in questioning why Council would deny the request if the HOA and neighbor have given their support.

   Mayor Kennon suggested that it would be the most expedient if the HOA approached the City with a request to change the entire PUD, so that individual cases do not continue to come one at a time before City Council. Council agreed. Councilmember Mitchell gave her opinion that this request is one of convenience, not of hardship, and stated that an adjustment to the overall PUD would be more fair than issuing waivers one-by-one.

   Councilmember Boyd stated his concern that PUDs in development often justify reduced setbacks in exchange for more green space, but that property owners always push the limits after the fact.

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

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0703-PUDA-22, The Wharf PUD Modification, Cobblestone Hotel.

   Griffin Powell, Planner II, presented the case overview. He summarized the request to build a four story, 63-room hotel with a restaurant on the first floor located where the current miniature golf area is at the Wharf.

   There being no opposition or comments, the public hearing adjourned.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0806-PUDA-22, Zeke's Landing PUD Modification, Building Sign.

   Griffin Powell, Planner II, presented the case overview. He summarized the request to deviate from the zoning ordinance limitations to increase the size of the lettering on the side of the Zeke's Restaurant Building. Councilmember Johnson questioned the reason for increasing the size of the sign. Kit Alexander, Community Development Director, explained that the increased size of the sign is proportional in relation to the distance from the road and expanse of the side of the building.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0709-PUDA-22, Parks Edge PUD Master Plan, Lot 3, 49 Parks Edge, Setback Encroachment. No action taken. Ordinance will move forward to a second reading.

2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0703-PUDA-22, The Wharf PUD Modification, Cobblestone Hotel. **Motion made (Boyd/Johnson) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0). Motion made (Boyd/Mitchell) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0709-PUDA-22, Parks Edge PUD Master Plan, Lot 3, 49 Parks Edge, Setback Encroachment. 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/Boyd) to adjourn. Vote unanimous in favor.

Time: 5:35 P.M.

APPROVED this the 20th day of September, 2022.

CITY OF ORANGE BEACH
CORPORATE SEAL
ALABAMA

Renee Eberly
City Clerk