

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
FEBRUARY 9, 2021 – 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 Joni Blalock
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: None

- V. CONSIDERATION OF AGENDA:** Motion made (Blalock/Boyd) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	01/19/2021
Flood Damage Prevention Board	01/19/2021
Regular Council Meeting	01/19/2021
Committee of the Whole	01/19/2021

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

Ms. Alexander stated that ALDOT has begun resurfacing Perdido Beach Boulevard.

- 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 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

Jeanne Fitzgibbons, Parks and Recreation Office Manager, invited the public to attend the Orange Beach Seafood Festival and Car Show on Saturday, February 27, 2021 at the Wharf from 10:00 A.M. to 4:00 P.M.

Councilmember Blalock showed the ReTree OB logo and stated that the annual Arbor Day giveaway would be on February 27, 2021, from 8:00 A.M. to 11:00 A.M. at the Orange Beach Community Development Building for Orange Beach residents. The intent is to replace trees destroyed by Hurricane Sally.

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: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

Motion made (Mitchell/Boyd) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**

IX. **PRESENTATIONS**

X. **RECOGNITIONS**

XI. **UNFINISHED BUSINESS**

XII. **NEW BUSINESS**

Resolutions

1. Resolution amending Resolution No. 18-014 appointing new members and reappointing existing members to the Legislative Review Committee. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
2. Resolution amending the Employees Pay Plan/Job Listing to reclassify certain job positions and to expand certain job positions to additional departments. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the single source purchase associated with the Canal Road Widening Project for construction of a deceleration lane on SR-180 (Canal Road) at Cypress Village from John G. Walton Construction Company, Inc. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the submittal of a FY2021 Recreation Trails Program Grant Application. **Motion made (Blalock/ Boyd) to adopt the resolution.** Vote unanimous in favor.
5. Resolution awarding the bid for Logistics Shop Renovation to Sun Coast Builders, Inc., in an amount not to exceed \$148,388. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of an Amended and Restated Fiber Optics Development Agreement with Camp Fox, LLC, dba Island Fiber, for Phase II of "Fiber to the Home" services. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing execution of a Pari Passu Agreement with Live Oak Banking Company related to the Fiber Optics Development Agreement with Island Fiber. This document was incorporated into the previous resolution under Item #6.

8. Resolution authorizing execution of a Termination and Release of Easement Agreement with SHM Sportsman, LLC, for certain real property within an area commonly known as Sportsman Marina. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
9. Resolution appropriating funds to the Makos Academics, Arts & Athletics Club (MAAAC) in the amount of \$112,730.87. **Motion made (Johnson/Silvers) 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. 0205-PUDA-21, Mariner Lakes PUD, 25309 Windward Lakes Ave., Enclosure Setback.

Griffin Powell, City Planner, presented the case overview.

JC Nims, Vice President of Windward Lakes HOA (Homeowners' Association), stated that the subdivision's ARC (Architectural Review Committee) support the variance. He explained that the enclosure was built based on an assumed property line rather than the correct property line.

Kit Alexander, Community Development Director, stated that the HOA was unwilling to modify the PUD to change setback regulation, so the only option is to seek a variance through Council.

Mayor Kennon stated that he was uncomfortable with allowing the variance but would defer to the HOA.

There being no further comments, Mayor Kennon closed the public hearing.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0104-RZ-21, Bryant Rezoning.

Griffin Powell, City Planner, presented the case overview.

Councilmember Blalock asked if the applicant knows that the city owns the adjacent property which may become a public dog park. The applicant was present and stated that they were aware and have no issues with the possibility of a dog park.

Councilmember Mitchell stated that she likes the single family homes that this project will bring.

There being no further comments, Mayor Kennon closed the public hearing.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0206-PUDA-21, CoastAL Beach Development.

This public hearing is postponed to Council Meeting on March 16, 2021, by request of the applicant.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0205-PUDA-21, Mariner Lakes PUD, 25309 Windward Lakes Ave., Enclosure Setback. **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; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Johnson/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0104-RZ-21, Bryant Rezoning. **Motion made (Silvers/Blalock) 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 (Blalock/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0206-PUA-21, Coastal Beach Development. Consideration of this ordinance is automatically postponed along with the postponed public hearing to Council Meeting on March 16, 2021.
4. First Reading – Ordinance amending Chapter 30 of the Code of Ordinances for the City of Orange Beach, Alabama, to add a new article entitled, "Perdido Key Habitat Conservation." **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/Blalock) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XIII. PUBLIC COMMENTS

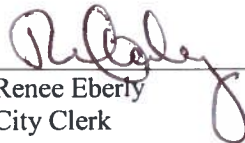
None

XIV. ADJOURN

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

Time: 5:31 P.M.

APPROVED this the 16th day of March, 2021.



Renee Eberly
City Clerk