

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
APRIL 20, 2021 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:02 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 (Johnson/Boyd) to approve the agenda as written.** Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 03/16/2021
Committee of the Whole 03/16/2021

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> | Report attached. |
| H. | <u>Parks & Recreation</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 reminded the audience that red snapper fishing season begins on May 28th. He thanked Susan Boggs, Alabama representative on the Gulf of Mexico Fishery Management Council, for fighting to keep Alabama's quota from being reduced.

Ken Grimes, City Administrator, recognized the passing of Mike O'Rourke, long time resident, active attendee of council meetings, and elections poll worker.

Mayor Kennon and Kit Alexander, Community Development Director, gave a construction update on the Canal Road widening project. The contractor has been delayed due to the recent bad weather, and will be catching up for the next few weeks. The contractor will switch to night construction after Memorial Day, if needed.

Mayor Kennon announced that Gulf State Park beach access parking fees will begin on April 23rd, and reminded the audience about the resident free parking policy.

Ford Handley, Finance Director, updated the Council on business licensing after the April 10th hailstorm. Councilmembers asked if a list of licensed contractors could be given out to residents. Mr. Handley responded that the city is not legally permitted to provide a list, however, residents can call the Finance Department to check if specific contractors are properly licensed.

Mr. Handley also gave an update FEMA reimbursement status for the city. About \$6.6 million is in process for reimbursement back to the city out of a total \$14 million in expenses. Mayor and Council expressed gratitude to our state representatives. Councilmember Mitchell also praised the Mayor's offer of aid to small municipalities in Baldwin County who are having trouble navigating the complex FEMA process.

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

1. Proclamation declaring May 2021 as Mental Health Awareness Month. Ken Grimes, City Administrator, read the proclamation aloud. Pat Siano, NAMI Baldwin County representative, accepted the proclamation.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing the execution of an interagency agreement with the Alabama Department of Conservation and Natural Resources for services for beach and beach access locations at Gulf State Park. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
2. Resolution establishing resident eligibility requirements for Gulf State Park Beach Access "No Charge" Parking Passes. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing a franchise for Armor Environmental LLC to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of professional services agreements for special needs aides

for the Expect Excellence program. Motion made (Johnson/Boyd) to adopt the resolution.
Vote unanimous in favor.

5. Resolution awarding the proposal for the Edward H. Carroll, Sr., Kids Park Playground to Playworld Preferred, Inc., in an amount not to exceed \$409,924. Motion made (Boyd/Mitchell) to adopt the resolution. Vote unanimous in favor.
6. Resolution authorizing the execution of a Covenant of Purpose, Use and Ownership with the Gulf Coast Ecosystem Restoration Council for the Orange Beach North Sewer Force Main Upgrade. Motion made (Silvers/Mitchell) to adopt the resolution. Vote unanimous in favor.
7. Resolution authorizing the purchase of a Tanker Truck for the Utilities Department through Sourcewell in the amount of \$293,385.36. Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor.
8. Resolution declaring Fire Rescue Extrication Tools owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the Town of Summerdale, Alabama, for the Summerdale Volunteer Fire Department. Motion made (Johnson/Silvers) to adopt the resolution. Vote unanimous in favor.
9. Resolution approving the submission of the 2020 Municipal Water Pollution Prevention (MWPP) Annual Report. Motion made (Silvers/Boyd) to adopt the resolution. Vote unanimous in favor.
10. Resolution appropriating \$25,000 to the Coastal Alabama Business Chamber for the purpose of funding the Gateway Initiative. 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. 0206-PUDA-21, CoastAL Beach Development.

Griffin Powell, City Planner, presented the modified PUD master plan and summarized the differences between the modified plan and the original plan.

Henry Norris, architect, spoke on behalf of the Bluffs, a neighboring development. Mr. Norris stated his concerns with the buffer and requested that the parking spaces closest to the property line be moved. Mayor and Council expressed their surprise at the request given that the Bluffs PUD was allowed to build their pool only two feet from the lot line. Mr. Norris stated that there should be increased consideration given to the development that was there first. Mayor and Council disagreed and stated that all PUD projects would be given equal and fair consideration.

John McInnis and Cam Price, owners and developers of the project, were present and described their plan to enhance the buffer between the CoastAL Beach Development and the Bluffs with heavy landscaping at the property line.

Discussion followed regarding fencing, retaining walls, and buffer height. Kit Alexander, Community Development Director, suggested referencing the zoning ordinance, which specifies a six feet tall privacy fence with eight feet tall solid vegetative buffer at the time of planting. Mr. Norris, Mr. McInnis, and Mr. Price agreed that they would agree to this solution and work out the splitting of expenses between the two parties privately. The parties further specified that the fence would be on the property line with the vegetative buffer planted on the CoastAL Beach Development side.

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

2. Public hearing to declare 22 vessels as abandoned after Hurricane Sally and authorizing disposal.

Councilmember Silvers summarized the situation. Phillip West, Coastal Resources Director, confirmed that these vessels are unclaimed or unwanted by their owners after Hurricane Sally. Most are in extremely poor condition. He confirmed that the city has followed the proper procedure in posting notifications and that the vessels have been stored for the minimum 60 days.

Renee Eberly, City Clerk, stated that the intended method of disposal is to demolish the vessels to minimize the cost of daily storage. Mayor Kennon stated that there is interest from a private marine contractor to purchase one of the vessels, a 21- or 22-foot catamaran. After discussion, Mayor and Council agreed to move forward with demolishing 21 vessels. Mr. West said that the one boat in question could be moved to city property. Ms. Eberly confirmed that the one boat would be publicly auctioned on GovDeals.com.

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

Resolution declaring 22 vessels as abandoned after Hurricane Sally and authorizing disposal.
Motion made (Mitchell/Boyd) to adopt the resolution. Vote unanimous in favor

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0206-PUDA-21, CoastAL Beach Development. **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; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Johnson/Silvers) to adopt the ordinance subject to staff conditions in addition to a six-foot tall privacy fence with eight-foot tall solid vegetative buffer at the time of planting.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
2. First Reading – Ordinance amending Chapter 66, Article II, Section 66-30(a) of the Code of Ordinances for the City of Orange Beach, Alabama, to update police fees for special events and parades. **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, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
3. First Reading – Ordinance to amend and restate Chapter 66, Article IV of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Rights of Way Construction and Administration." No action taken. Ordinance will move forward to a second reading.

XIII. PUBLIC COMMENTS

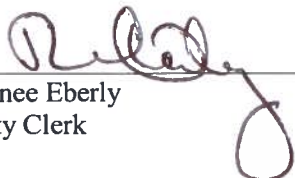
None

XIV. ADJOURN

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

Time: 6:14 P.M.

APPROVED this the 18th day of May, 2021.



Renee Eberly
City Clerk