MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
MAY 18, 2021 – 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 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/Boyd) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 04/20/2021
Committee of the Whole 04/20/2021

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 introduced Adam Roberson, the city's new Building Official.

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

Mr. Handley shared that FEMA has obligated approximately $5,010,000 which will be paid out around the end of June.

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

Councilmember Mitchell introduced Tim Harry, 4206 Lauder Lane, who gave an update on the Children's Rescue Initiative, a nonprofit organization whose mission is to rescue children and adults trapped in sex trafficking and slave labor through awareness, training, and action. He thanked the city for providing a facility to provide advanced tactical, medical, and intelligence training.

Mayor Kennon recognized Nicole Woerner, who will be serving as the city's new EMA Coordinator.

Kit Alexander, Community Development Director, gave an update on the ongoing Canal Road construction. She stated that the main part of the project to widen the roadway to five lines has been completed, but that there is still work to be done with drainage ditches, deceleration lanes, and driveways so there will still be intermittent lane closures. The Contractor will generally try to limit lane closures to Monday through Wednesday to accommodate youth sports and weekend traffic.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Blalock) 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

Miscellaneous

1. Approval of a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Liquor License Application by Blalock Specialty Seafood LLC for Blalock Specialty Seafood, 24822 Canal Road. **Motion made (Blalock/Boyd) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution authorizing the execution of a subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act state expenditure plan funded Alabama Point Seawall Repair. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing a franchise for ABM Waste Management, LLC, to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing execution of a license agreement with Baldwin County Board of Education for the city to use school property to temporarily locate Fire Station No. 5. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of a license agreement with Baldwin County Board of Education for the Orange Beach Elementary School to temporarily locate modular classrooms

on city property. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

5. Resolution declaring Playground Equipment as surplus and unneeded and authorizing the donation of said property to Bear Point Civic Association, Incorporated. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of a software service agreement with the Peak Software Systems, Inc., dba Sportsman Software, for recreation facility management software. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
7. Resolution requesting the Alabama Department of Transportation to establish a speed limit of 45 miles per hour on State Highway 180 east of the Foley Beach Express and west of State Highway 161. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing execution of an amendment to the enrollment agreement with Blue Cross Blue Shield of Alabama to modify the administration fee of the employee health plan. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing the Mayor to execute a term sheet for the CoastAL Beach Development project. **Motion made (Boyd/Johnson) to adopt the resolution.** Vote unanimous in favor. Mayor Kennon recognized the passing of John Ramsay, president of Crowder Gulf.
10. Resolution authorizing the extension of the closing date for the CoastAL Beach Development Planned Unit Development to June 30, 2021. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
11. Resolution amending the Employees Pay Plan/Job Listing to correct an error in starting pay for a police officer. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing execution of a professional services agreement with Scott Mansell for football coaching services. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
13. Resolution authorizing execution of a professional services agreement with Victor Koenning for football coaching services. **Motion made (Silvers/Boyd) to adopt the resolution.** Brief discussion followed. Vote unanimous in favor

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0405-ZT-21, Section 4.05, Land Use Buffering and Screening.

   Griffin Powell, City Planner, summarized the proposed changes to the zoning ordinance.

   Councilmember Blalock asked how the city should address residences wanting an 8' fence when only a 6' fence is allowed. Kit Alexander, Community Development Director, responded that Council may choose to instruct staff to adjust zoning to allow 8' fences for residential lots. Discussion followed on whether or no 8' fencing is too high for residential neighborhoods.

   Larry Wireman, Owner of GTs on the Bay, commented that fencing between a commercially-zoned property and residentially-zoned property is a difficult problem to solve.

   There being no additional comments, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0403-PUD-21, Caribe Seaside PUD.

   Griffin Powell, City Planner, presented the project overview.

   Councilmember Blalock clarified that the laydown yard would be contained to the site.

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

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0501-PUDA-21, Caribe PUD Modification, Hang Ten Helicopters.

   Griffin Powell, City Planner, presented the project overview.

   Kit Alexander, Community Development Director, clarified upon Council inquiry that the gravel site was approved temporarily until the Developer builds the Caribe East Tower as planned.

   Councilmember Boyd expressed concerns about the flight plan causing noise disturbance over residential homes. Ross Ansell, Owner/Operator of Hang Ten Helicopters, assured the Council that the business would only fly over the water and honor the no fly zones as shown on the flight plan attached to the application. After further discussion, Council requested that the flight plan be attached to the business license for Hang Ten Helicopters, and warned Mr. Ansell that the business license would be subject to revocation if the flight plan is not adhered to. Mr. Ansell agreed.

   Larry Wireman, Owner of the Caribe, gave an update upon request regarding the construction debris at the Caribe as well as the status of dock repairs at Caribe, Cobalt Restaurant, and GTs on the Bay. Mr. Wireman and Mayor Kennon discussed a potential partnership in building a boardwalk from GTs on the Bay to the Orange Beach Coastal Arts Center.

   Mr. Wireman, Owner of the ABC Store on Canal Road, asked about flooding on Canal Road. Ms. Alexander responded that there is no flooding on Canal Road.

   There being no additional comments, the public hearing adjourned.

4. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0503-PUDA-21, Sunset Park PUD Modification.

   Griffin Powell, City Planner, presented the project overview.

   Councilmember Blalock asked about the age of the two trees being requested for removal. Woody Speed, Environmental Specialist, responded that the trees are over 100 years old. He stated that the live oak is healthy but that there is damage to the water oak.

   Brent Head, Superintendent of Prominence Homes, explained that even if the home is moved, construction will compromise the root system of the trees.

   Council voiced a reluctance to remove the trees and stated that more consideration is needed.

   There being no additional comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0405-ZT-21, Section 4.05, Land Use Buffering and Screening. No action taken. Ordinance will move forward to a second reading.

2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0403-PUD-21, Caribe Seaside PUD. No action taken. Ordinance will move forward to a second reading.

3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0501-PUDA-21, Caribe PUD Modification, Hang Ten Helicopters. **Motion made (Boyd/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 (Boyd/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

4. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0503-PUDA-21, Sunset Park PUD Modification. 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 (Boyd/Johnson) to adjourn. Vote unanimous in favor.

Time: 6:28 P.M.

APPROVED this the 15th day of June, 2021.

Renee Eberly
City Clerk