MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JUNE 15, 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/Johnson) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 05/18/2021
Committee of the Whole 05/18/2021

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 — 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 — 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

Mayor recognized the passing of Baldwin County Deputy Bill Smith and noted the importance of law enforcement officers.

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; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

Motion made (Mitchell/Blalock) 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

Resolutions

1. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide civil design, land surveying, construction engineering and inspection for Fire Station No. 5 in an amount not to exceed $71,500. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing the execution of a deed of city property to Baldwin County for Russian Road right-of-way. **Motion made (Johnson/Blalock) to adopt the resolution.** Mayor Kennon explained that this paperwork is necessary to allow the County to pave Russian Road, which benefits the City. Vote unanimous in favor.
2. Resolution amending the Employees Pay Plan/Job Listing to add the position of Building and Fire Plans Examiner. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing a franchise renewal for Gulf Logistics, LLC, dba Gulf Limousine, to operate a taxi and limousine service within the city limits and police jurisdiction of the City of Orange Beach. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the execution of a professional services agreement with Watermark Design Group, LLC, for architectural services. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of a task order with Watermark Design Group, LLC, to provide design, bid, and construction administration services for roof repair and replacement for city facilities following the April 10, 2021, hailstorm in an amount not to exceed $55,434. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., to perform design, bid and construction administration services for repair/replacement of Waterfront Park Pier following Hurricane Sally in an amount not to exceed $44,800. **Motion made (Blalock/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the sole source purchase of Ambulance Equipment from Verathon, Inc., for the Fire Department in the amount of $17,440. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the execution of a software license agreement with Teklinks, Inc.,

doing business as C Spire Business, for Microsoft Office. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing the execution of a service agreement with MCC Telephony of the South, LLC, doing business as Mediacom, for cable television at the Adult Fitness Center. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote revealed: Silvers, nay; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-1).**

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0601-PUD-21, Port Washington PUD.

   Griffin Powell, City Planner, presented the case overview.

   Mayor Kennon explained the city's planning and zoning application process, obligations set by state law, the meaning of "by right," and the option for a PUD (Planned Unit Development).

   Kit Alexander, Community Development Director, discussed the proposed parking.

   Council clarified the by-right potential versus the proposed PUD. Council asked for clarification on short-term rental restrictions. Ms. Alexander explained that the PUD prohibits vacation rentals 14 days or less to remain consistent with the city ordinance prohibiting vacation rentals in residential neighborhoods, but any stricter restrictions on rentals 15 days or longer are optional and will be governed by the covenants set by the HOA (Homeowners Association).

   Councilmember Johnson shared that there were over 70 people in opposition of the development at the Planning Commission meeting.

   Councilmember Mitchell stated that she is personally in favor of the project because of the downzoning of the parcel zoned GB (General Business) and thought it would be attractive to young families, but also heard the overwhelming opposition.

   Mayor Kennon asked the Developer why they are not building 24 residential homes as allowed by right.

   Melissa Currie, Dewberry Engineers, spoke on behalf of the Developer, 68 Ventures. Ms. Currie explained that the current proposal is based on past requests by the City. Council clarified their views on parking stating that there should be room on the lots to park large vehicles and boats, rather than shared parking on right-of-ways. Ms. Currie stated that there is a need for compact homes with smaller lots for less yard maintenance and more environmentally-friendly common areas. Mayor and Council responded that this project would look great on the beach, but that the East Orange Beach residents clearly prefer more traditionally-sized lots.

   Sam Kearns, TerraCore Development Services, representing the Developer, 68 Ventures, requested that the Council suspend rules and vote on the project as presented.

   Mayor Kennon opened the floor for public comments.

   Dave Langford, 5089 Wilson Boulevard, spoke in opposition.

   John McCabe, Bay Drive, spoke in opposition.

   Mayor, Council, and Ms. Alexander discussed drainage on the property.

   There being no additional comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0601-PUD-21, Port Washington PUD. **Motion made (Silvers/Boyd) 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/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (0-6).**

2. First Reading – Ordinance amending Chapter 30 of the Code of Ordinances for the City of Orange Beach, Alabama, to amend and restate Article XI entitled, "Perdido Key Habitat Conservation" and repealing Ordinance No. 2021-1382. **Motion made (Silvers/Boyd) 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/Boyd) 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: 6:25 P.M.

APPROVED this the 20th day of July, 2021.

Renee Eberly
City Clerk