

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
NOVEMBER 16, 2021 – 5:00 P.M.
PERFORMING ARTS CENTER**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:00 P.M.
- II. INVOCATION** Councilmember Joni Blalock
- 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/Blalock) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Solid Waste Authority	10/19/2021
Regular Council Meeting	10/19/2021
Committee of the Whole	10/19/2021

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> | No report. |
| H. <u>Parks & Recreation – Ken Grimes</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 Silvers reported on a recent meeting of the Miracle League of Coastal Alabama, and relayed their gratitude for the City of Orange Beach's contribution and offer to match other agency contributions.

Councilmember Johnson recognized the opening of the new Kids Park Playground.

Mayor Kennon spoke about the city's commitment to public art. He mentioned sending "Hope," a bronze dolphin statue, for repairs, and also mentioned future plans for an art piece in the roundabout coming to East Canal Road.

Ken Grimes, City Administrator, invited the audience to attend the Orange Beach Tree Lighting event at the Wharf on Tuesday, November 30th beginning at 5:30 P.M.

VIII. AUDITING OF ACCOUNTS

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

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Ordinances

1. Second Reading – Ordinance amending Chapter 70 of the Code of Ordinances for the City of Orange Beach, Alabama, to regulate the operation of golf carts on certain streets within the city. **Motion made (Blalock/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, nay; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Blalock/Silvers) to adopt the ordinance.** Councilmember Boyd stated that this ordinance "gives [him] heartburn." He iterated his personal stance when it comes to (1) property rights, and (2) government overreach. He spoke of state restrictions that limit the city's ability to allow certain things. In particular, he stated a thwarted desire to set the minimum age for golf cart operation to 14 with a boater's license or motorcyclist endorsement. Councilmember Blalock stated that the main priority is safety, and encouraged parents to monitor their children. Mayor and Council discussed extending or removing limitations to operating time. They also discussed the reduction of permit fees.

An audience member asked whether operating time restrictions could be limited to those under the age of 18. Chris Callaghan, municipal judge, stated that driver's licenses already restrict operating times based on age per state law, and suggested that the ordinance remain mute on the topic so as to not confuse officers with any inconsistencies. Mayor and Council agreed.

Linda Bradley, resident, asked if golf carts are permitted on the beach road. Mayor Kennon responded that Perdido Beach Boulevard is a state road, not a city street, so this ordinance does not allow golf carts to operate on the beach road.

Angela Bateman, employee and resident, asked if the police will stop golf carts from driving on sidewalks. Mayor Kennon explained that the city is in the process of constructing a multimodal path alongside Canal Road to solve this issue.

An audience member had questions about how to display permit numbers when winter covers and accessories are attached to golf carts. Mayor Kennon stated that permit numbers have to be visible on both sides.

An audience member asked how much time a new golf cart owner is allowed to obtain a permit. Mayor and Council responded that this will be left to the discretion of the police.

Gene Brett, resident, asked for leniency on the timeline to retrofit golf carts because of the issues with the supply chain and certain items being backordered. Mayor Kennon responded that consideration would be given, but also that the ordinance does not go into effect until March 1, 2022, and has been discussed for well over a year, which should have given owners plenty of time to make the requisite updates to their golf carts.

Motion made (Blalock/Silvers) to amend the motion to adopt the ordinance with removal of restricted operating times and reduction of the non-transferable and non-refundable three-year permit fee to \$75. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, nay; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Blalock Silvers) to adopt the amended ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, nay; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XII. NEW BUSINESS

Resolutions

1. Resolution approving the Fiscal Year 2022 Budget for the City of Orange Beach, including the transfer or special revenue funds to general fund for special revenue fund projects. **Motion made (Silvers/Johnson) to adopt the resolution.** Ford Handley, Finance Director, gave a summary stating that the city is expecting a \$20-22 million surplus at year end. Vote unanimous in favor.
2. Resolution authorizing an additional one-time payment for future services. **Motion made (Silvers/Blalock) to adopt the resolution.** Mayor Kennon praised every department and all city employees for coming in under budget in operating costs during turbulent times. He stated that the city is in great fiscal shape and that surplus funds will be used for roadway infrastructure projects and maintenance of aging city facilities. He also stated that city leadership intends to continue to be fiscally responsible and is prepared to react appropriately in case of an economic downturn. Vote unanimous in favor.
3. Resolution awarding the bid for the Sewer Force Main Canal Road to CR-12 to R&B Contracting Company, Inc., in an amount not to exceed \$5,924,221.20. **Motion made (Silvers/Boyd) to postpone consideration until the next Council Meeting on December 7, 2021.** Vote unanimous in favor.
4. Resolution extending the entertainment district at SanRoc Cay Marina / Perdido Beach Resort. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
5. Resolution extending the entertainment district at the Wharf. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing a franchise for Island Time Limousine, LLC, to operate a limousine service within the city limits and police jurisdiction of the City of Orange Beach. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the purchase of Two UTVs for the Sportsplex through Sourcewell in the amount of \$23,624.98. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

Ordinances

1. ADDITION: First Reading – Ordinance amending Chapter 66 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Streets, Sidewalks and Other Places" to rescind designation of Sweetwater Drive as a one-way street. Motion made (Boyd/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; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** Motion made (Boyd/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

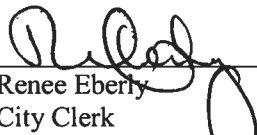
None

XIV. ADJOURN

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

Time: 6:08 P.M.

APPROVED this the 14th day of December, 2021.



Renee Eberly
City Clerk

