

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
DECEMBER 7, 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 Jerry Johnson

III. PLEDGE OF ALLEGIANCE Fred Steiner with the National Sojourners
Dave Alderfer recited the poem, "A Toast to the Flag," by John Daly.

IV. ROLL CALL

Present: Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Mayor Tony Kennon

Absent: Councilmember Jeff Boyd

V. CONSIDERATION OF AGENDA

Motion made (Silvers/Blalock) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	11/02/2021
Regular Council Meeting	11/02/2021
Committee of the Whole	11/02/2021

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

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 reminded the audience that the next regular council meeting has been rescheduled from December 21st to December 14th.

Mayor Kennon recognized Pearl Harbor Day.

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; Kennon, aye. **Passed. (5-0).**

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; Kennon, aye. **Passed. (4-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. 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 and committing \$729,221.20 in city funds towards this RESTORE Act project. **Motion made (Blalock/Silvers) to postpone consideration.** Vote unanimous in favor.

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing execution of a cooperative agreement with the Alabama Department of Environmental Management (ADEM) for the city to provide permitting, regulating, monitoring, and inspection services and be reimbursed in an amount not to exceed \$37,950. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the execution of a task order with Cowles, Murphy, Glover & Associates, Inc., to provide design, bid, and construction administration services for Alabama Point Seawall Repair in an amount not to exceed \$335,250. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing execution of a FY2021 Grant Award Agreement with the U.S. Department of Homeland Security for Two Response ATVs for the Police Department. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of a professional services agreement with Olsen Associates, Inc., for engineered beach restoration and monitoring. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of a task order for Sawgrass Consulting to perform engineering professional services for reconstruction of the Orange Beach High School driveway in an amount not to exceed \$6,140. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing execution of a task order with Watermark Design Group, LLC, to provide design, bid, and construction administration services for roof replacements at the Fire Administration Building and Post Office City Hall following the April 10, 2021, hailstorm in an amount not to exceed \$24,600. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

7. Resolution authorizing execution of an Intergovernmental Agreement with Baldwin County for the use of county voting machines and the services of the county voting machine custodian and employees for municipal elections. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing execution of a performance contract with Anne B. Gajda for golf instruction services. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing a contract extension with Crowder Gulf, LLC, for debris clearance and sand reclamation services. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
10. Resolution authorizing execution of a user agreement with Baldwin County and the Baldwin County Emergency Management Agency for use of the county notification system provided by Everbridge, Inc. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing the publication of an Amendment 750 Notice relating to a ground lease for the construction of a medical office building. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for a ground lease for the construction of a medical office building. No public hearing was held. Public hearing will be rescheduled.
2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1101-PUDA-21, Zekes Marina Minor PUD Modification (Piers & Fuel Tanks).

Griffin Powell, Planner II, presented the case overview.

Lynn Swafford, Owner, explained that the exclusion of the requested dock/pier in the original plan was due to an oversight due to an assumption since the dock had been pre-existing.

Kit Alexander, Community Development Director, clarified that the question to council is the interpretation of parking requirements associated with the proposed dock, which is governed by any increase in intensity. A case can be made that there is no increase because the proposed dock is a courtesy dock for existing dry dock storage customers only. Ms. Swafford confirmed that there would be no rental slips or increase in dry dock storage capacity. She further explained that dry dock capacity has been lowered since the original PUD along with other reductions in intensity, such as the removal of a boat club and four charter businesses from the premises. Ercil Godwin, Sawgrass Consulting, project engineer, stated that at the time of the previous PUD request, the docks were already existing or under construction after damage by Hurricane Sally.

Councilmembers Blalock and Mitchell expressed concern for the abutting residential neighborhood and asked how Zeke's Marina would ensure that unaffiliated recreational boaters would not utilize the additional dock, thereby increasing intensity. Ms. Swafford explained that all dry storage boats are stickered and identifiable as Zeke's Marina boats. She also stated that the courtesy dock has no electrical service, which deters usage outside of staging for dry dock storage.

Councilmember Johnson asked whether more parking is being added. Ms. Alexander explained that strict interpretation of the city code would require more parking for the additional slips, but if usage is restricted to dry storage customers, then the additional parking requirements could be considered a double counting since the dry dock storage berths are already calculated into the existing parking requirements, which have been met.

Councilmember Silvers asked about the size of the fuel tanks. Ms. Swafford explained that fuel tanks are being moved from their existing location to a more accessible location on the docks. There will be three tanks, one for diesel, one for gas, and one for reclaimed oil.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1101-PUDA-21, Zekes Marina Minor PUD Modification (Piers & Fuel Tanks). No action taken. Ordinance will move forward to a second reading.

XIII. PUBLIC COMMENTS

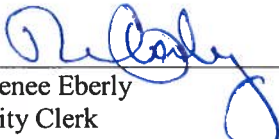
None

XIV. ADJOURN

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

Time: 5:55 P.M.

APPROVED this the 4th day of January, 2022.



Renee Eberly
City Clerk

