# MINUTES OF
# REGULAR COUNCIL MEETING
# ORANGE BEACH CITY COUNCIL
# DECEMBER 14, 2021 – 5:00 P.M.
# CITY HALL – COUNCIL CHAMBERS

**I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:01 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/Blalock) to approve the agenda as written.** Vote unanimous in favor.

**VI. CONSIDERATION OF PREVIOUS MINUTES**

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|---|---|
| Flood Damage Prevention Board | 11/16/2021 |
| Regular Council Meeting | 11/16/2021 |
| Committee of the Whole | 11/16/2021 |

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 – Ken Grimes — 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 Silvers asked for clarification on the charging of sewer tap fees due to some rumors of upcoming changes circulating the community. Ford Handley, Finance Director, explained that sewer taps have historically been activated upon the issuance of a Certificate of Occupancy (C.O.) and that there are no plans to change this process.

Councilmember Johnson reminded the audience that the Orange Beach Elementary School's Christmas program begins at 6:00 P.M. tonight at the Orange Beach Event Center at the Wharf.

## 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, 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 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 (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.

### Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1101-PUDA-21, Zekes Marina Minor PUD Modification (Piers & Fuel Tanks). **Motion made (Boyd/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, aye; Blalock, nay; Boyd, aye; Kennon, aye. **Failed. (3-3).** Lynn Swafford, owner, asked for an explanation of why the request was denied. The dissenting councilmembers explained the history of the property and a prior proposal by a previous owner that was voted down due to concerns by neighboring residents regarding intensity of usage. Ms. Swafford confirmed with council that the existing pier that allows 18 boats may remain. Dissenting councilmembers explained that they are in opposition of the addition of finger piers which would increase the capacity of the pier to 46 vessels. Ercil Godwin, project engineer, received additional confirmation from council that moving the fuel tanks as requested is also permitted.

## XII. NEW BUSINESS

### Resolutions

1. Resolution awarding the bid for Treated Lumber and Screws for the Shooting Range to Advanced Restoration Technologies, Inc., dba Dock and Deck Supply, in an amount not to exceed $34,282.50. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

2. Resolution awarding the bid for Two Personal Watercrafts with Two Single Trailers for the Fire Department to Jet Blast of Mississippi in the amount of $30,618. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.

3. Resolution authorizing execution of service agreements with Go Green Solutions, LLC, for medical waste disposal. **Motion made (Boyd/Johnson) to adopt the resolution.** Vote unanimous in favor.

4. Resolution authorizing execution of a license agreement with the International Code Council (ICC) for the purpose of making the 2018 International Property Maintenance Code available to the public on the city website. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

5. Resolution to update the list of volunteer firefighters and reserve police officers covered under workers' compensation insurance. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

6. Resolution appropriating funds to the Gulf Shores Airport Authority in an amount not to exceed $75,000 for FY2022. **Motion made (Johnson/Silvers) to adopt the resolution.** Mayor and Council briefly discussed "regionalism" in regards to the airport. Council stated that the rebranding process that resulted in renaming the airport to Gulf Shores International was flawed, but they agreed that the airport has the potential to be a major economic engine for the three neighboring cities of Gulf Shores, Orange Beach, and Foley, and that they want Orange Beach to continue to have a seat at the table. Vote unanimous in favor.

7. Resolution authorizing execution of a performance contract with Baldwin County Economic Development Alliance, Inc. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.

8. Resolution authorizing execution of a professional services agreement with Shazam Interactive, LLC, for website development and maintenance. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing execution of a professional services agreement with Socialize Your Bizness, Inc., for social media consulting and marketing services. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.

10. Resolution authorizing renewal of a software service agreement with SiteImprove, Inc., to monitor the city's website and improve performance. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.

11. Resolution authorizing execution of a professional services agreement with Bob Riley and Associates, LLC, for lobbying services. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

12. Resolution authorizing execution of a professional services agreement with Van Scoyoc Associates for consulting services. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.

13. Resolution authorizing execution of a professional services agreement with Pete Rancont for baseball coaching services. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

14. Resolution authorizing execution of a performance contract with Coastal Ballet Academy for ballet instruction services. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

15. Resolution authorizing the purchase of Two Mowers for the Street Department through Sourcewell in the amount of $69,278.22. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.

16. Resolution authorizing the purchase of a Pickup Truck for the Street Department through

Sourcewell in the amount of $33,793.38. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

17. Resolution authorizing the purchase of a Pickup Truck for the Landscape Department through Sourcewell in the amount of $33,793.38. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
18. Resolution authorizing the purchase of a Mower for the Landscape Department through Sourcewell in the amount of $40,523.48. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
19. Resolution authorizing the purchase of a Right-of-Way Mower for the Street Department through State Bid in the amount of $221,365.89. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
20. Resolution authorizing the purchase of a Compact Utility Tractor for the Landscape Department through Sourcewell in the amount of $31,053.76. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
21. Resolution authorizing the purchase of Radio Equipment for the Police Department through State Bid in the amount of $29,464.10. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
22. Resolution authorizing the submittal of a National Oceanic and Atmospheric Administration (NOAA) Marine Debris Removal Grant Application and authorizing the execution of a professional services agreement with Moffatt & Nichol, Inc., for grant writing in an amount not to exceed $7,500. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
23. Resolution appointing the City Attorney. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote revealed: Silvers, aye; Johnson, aye; Mitchell, abstain; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**
24. Resolution appointing attorneys for 2022. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
25. Resolution appointing the attorney for Planning Commission and Zoning Board of Adjustment. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.

**Motion made (Blalock/Boyd) to recess from Council Meeting until after the Committee of the Whole Meeting.** Vote unanimous in favor.

Recess began at 5:44 P.M.

Council Meeting reconvened at 6:02 P.M.

**Executive Session**

1. Executive session to discuss pending litigation. **Motion made (Boyd/Blalock) to enter executive session to discuss pending litigation.** The City Attorney advised the Council that a declaration was required by the Open Meetings Act for an Executive Session; therefore, she stated for the record that she was duly qualified and had the personal knowledge to provide the requisite declaration for the stated purposes of the Executive Session authorized by the Act. Vote unanimous in favor. Mayor Kennon stated that Council would reconvene after executive session, and that the executive session would last approximately 30 minutes.

   Time in: 6:02 P.M.

   Time out: 6:23 P.M.

**Motion made (Blalock/Boyd) authorizing the City of Orange Beach to join the State of Alabama and other local governments as participants in the Endo settlement.** Vote unanimous in favor.

**Motion made (Mitchell/Boyd) authorizing the Mayor to attend the mediation in the Boles case and agree to such settlement terms as he deems advisable and appropriate; provided, however, the agreement shall be ratified by the council at the following regularly scheduled council meeting.** Vote unanimous in favor.

## XIII. PUBLIC COMMENTS

None

## XIV. ADJOURN

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

Time: 6:25 P.M.

**APPROVED** this the 18th day of January, 2022.

Renee Eberly
City Clerk

CITY OF ORANGE BEACH
CORPORATE
SEAL
ALABAMA