MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
FEBRUARY 4, 2020 – 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 Costo
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: None

V. CONSIDERATION OF AGENDA: Motion made (Blalock Costo/Silvers) to approve the agenda with the following additions:

1. Approval of a Lounge Retail Liquor Class I License Application by Kentucky Mist Distillery Orange Beach LLC for Kentucky Mist Distillery, 4790 Main Street, Space F109.
2. Resolution authorizing the expansion of the Expect Excellence program to Elberta students in third through tenth grade.
3. Resolution authorizing execution of a professional services agreement with Moffatt & Nichol for natural resources consulting and engineering services.
4. Resolution authorizing the execution of a task order with Moffatt & Nichol to provide a net ecosystem benefit analysis in an amount not to exceed $4,380.
5. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide land surveying, civil engineering, and architectural design services for the Sea Turtle Triage Center in an amount not to exceed $33,000.
6. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide land surveying, civil engineering, and site plan services for the Orange Beach High School Baseball and Softball Complex in an amount not to exceed $25,000.
7. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide civil engineering and site plan services for a new Adult Gym facility in an amount not to exceed $15,000.
8. Resolution appropriating funds to the Gulf Frontal Watershed Plan Steering Committee to sponsor a community meeting in the amount of $638.85.

Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	01/07/2020
Regular Council Meeting	01/07/2020
Committee of the Whole	01/07/2020

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 – Jon Darby — No report.

L. Director, Municipal Court – Renee Gardner — No report.

M. Mayor/Council

Councilmember Silvers recognized the passing of Merle Carroll, widow of past Councilmember Ed Carroll.

Mayor and Council gave a rundown of upcoming events.

Ryan Charrier, Operation ReConnect, announced that the next event will be April 18-25, 2020. Operation ReConnect gifts Post-9/11 Combat Veterans and their families with a beach vacation after their return from deployment. He invited property managers and owners to participate.

Mickey Franco, Island Fiber, gave a progress update of the fiber installation in the Bear Point neighborhood.

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 Costo, 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 Costo, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

1. Recognition of Teri Daniels for receiving her U.S. citizenship. Mayor Kennon recognized Orange Beach Coastal Resources employee, Teri Daniels, and former Canadian, who recently received her U.S. citizenship.

2. Recognition of a citizen for exemplary community service. Mayor and Council spoke at length commending John Davis, Bear Point resident, for his community service over the years. Mr. Davis, a former hospital executive who found pleasure in a part-time job working in the Orange Beach Sportsplex Concession Stand during his retirement and has served on multiple committee and boards for the City of Orange Beach, was recognized, most notably, for his contributions while serving on the Finance Committee during the recession years to help restructure and move the City forward during that difficult time. Mayor and Council

presented Mr. Davis with a Key to the City, and announced that a plaque in honor of Mr. Davis would be placed with a new flagpole at the Orange Beach Sportsplex.

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Miscellaneous

1. ADDITION: Approval of a Lounge Retail Liquor Class I License Application by Kentucky Mist Distillery Orange Beach LLC for Kentucky Mist Distillery, 4790 Main Street, Space F109. **Motion made (Blalock Costo/Boyd) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution awarding the bid for Four UTVs for the Fire Department to Gulf Shores Power Sports, Inc., in the amount of $64,699.84. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution awarding the bid for Three Submersible Jet Aerators for the Utilities Department to Jim House & Associates, Inc., in the amount of $149,721. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the execution of a task order with The Appraisal & Consultant Group, Inc. to perform appraisal services for a potential land acquisition project in an amount not to exceed $5,000. **Motion made (Boyd/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the execution of a task order with TTL, Inc., to provide geotechnical engineering services at Orange Beach Middle/High School site in an amount not to exceed $31,000. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the purchase of a vehicle for the Community Development Department from State Bid in the amount of $27,948. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
6. Resolution appropriating funds to the Orange Beach Public Schools in the amount of $2,550. **Motion made (Mitchell/Blalock Costo) to adopt the resolution.** Mayor Kennon explained that this is a match of the funds raised by the Orange Beach Garden Club. Vote unanimous in favor.
7. ADDITION: Resolution authorizing the expansion of the Expect Excellence program to Elberta students in third through tenth grade. **Motion made (Boyd/Mitchell) to adopt the resolution.** Discussion followed. Jonathan and Jessica Langston spoke about the reasoning behind the program expansion to Elberta. The Langstons explained that the new Elberta High School facility includes a state-of-the-art culinary classroom and shop equipment. The additional space will provide new educational opportunities and will also reduce the size of the current waitlist. Use of the Elberta facility will be free of charge with the acceptance of Elberta students, nominated by the Elberta school principals, into the Orange Beach Expect Excellence program. The cost of transportation and additional teachers would be carried by the City of Orange Beach, though the intent is to charge all students for the Expect Excellence summer program. Currently, the Expect Excellence program is free of charge during the school year. Laura Thomas (resident), Norma Lynch (Baldwin County School District 5 Representative), and Mark Dixon (resident) spoke to caution the City against rushing into the expansion. Robert Stuart (resident) and Dr. Erika McCoy (Orange Beach High School Principal) spoke in favor of the expansion. Councilmembers asked the Langstons to prepare a more detailed plan of the program expansion for review. **Motion**

made (Mitchell/Johnson) to postpone consideration. Vote unanimous in favor.

8. ADDITION: Resolution authorizing execution of a professional services agreement with Moffatt & Nichol for natural resources consulting and engineering services. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

9. ADDITION: Resolution authorizing the execution of a task order with Moffatt & Nichol to provide a net ecosystem benefit analysis in an amount not to exceed $4,380. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

10. ADDITION: Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide land surveying, civil engineering, and architectural design services for the Sea Turtle Triage Center in an amount not to exceed $33,000. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

11. ADDITION: Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide land surveying, civil engineering, and site plan services for the Orange Beach High School Baseball and Softball Complex in an amount not to exceed $25,000. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

12. ADDITION: Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide civil engineering and site plan services for a new Adult Gym facility in an amount not to exceed $15,000. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.

13. ADDITION: Resolution appropriating funds to the Gulf Frontal Watershed Plan Steering Committee to sponsor a community meeting in the amount of $638.85. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No.1111-PUD-19, Ocean Edge PUD.

   Griffin Powell, Planner II, presented the case overview.

   Mayor Kennon reminded the audience that the project is a lower density than what could be built by right.

   John Hulen, 5087 Washington Boulevard, spoke in opposition to the project due to the five-feet setbacks.

   Robert Stuart, Planning Commission Chairman, spoke in favor of the project.

   David Lamar, Project Engineer, spoke in favor of the project.

   Wesley Spruill, Developer, spoke in favor of the project.

   Jose Rivera, resident, spoke in favor of the project.

   John Morris, home owner of a neighboring rental property, spoke in favor of the project but had some questions regarding the HOA covenants and construction schedule. Kit Alexander, Community Development Director, explained to Mr. Morris that his concerns are addressed during the construction permitting process, and that her department had a positive experience with the contractor during their last performance.

   There being no additional comments, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1208-ZT-19, Section 10.02, Metal Siding for Mini-Warehouse Buildings.

   Griffin Powell, Planner II, presented the case overview.

Councilmember Boyd questioned whether the City should be prohibiting high-end metal siding that meets the City's desired aesthetic.

Kit Alexander, Community Development Director, responded that the PUD review process allows the Council to approve above-standard metal siding. Ms. Alexander also stated that this proposed ordinance is in response to complaints from the community regarding unsightly metal buildings.

Councilmembers had concerns that this ordinance might be too far-reaching.

Leonard Kaiser, property owner, suggested that the city address the issue by limiting the location of mini warehouses to specific zoning, rather than by dictating how they should be built.

There being no additional comments, the public hearing adjourned.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1203-PUDA-19, JG Concepts LLC Vehicle Showroom.

   Griffin Powell, Planner II, presented the case overview.

   Councilmember Johnson addressed previous concerns by saying that this project would not be a used car lot, and that the project is better than what could be built by-right.

   James Harrell, owner, confirmed that this project is a showroom for his private collection of classic cars and hot rods.

   There being no additional comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No.1111-PUD-19, Ocean Edge PUD. **Motion made (Johnson/Blalock Costo) 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 Costo, aye; Boyd, aye; Kennon, aye. **Passed. (6-0). Motion made (Johnson/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock Costo, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1208-ZT-19, Section 10.02, Metal Siding for Mini-Warehouse Buildings. No action taken. Ordinance will move forward to a second reading.
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1203-PUDA-19, JG Concepts LLC Vehicle Showroom. **Motion made (Silvers/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 Costo, 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 Costo, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
4. First Reading – Ordinance establishing the use of electronic vote counting devices for use in all municipal elections. Renee Eberly, City Clerk, explained that this is a housekeeping item to allow the City to use recently upgraded Baldwin County electronic vote counting equipment. **Motion made (Mitchell/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 Costo, aye; Boyd, aye; Kennon, aye. **Passed. (6-0). Motion made (Boyd/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock Costo, 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 (Boyd/Blalock Costo) to adjourn. Vote unanimous in favor.

Time: 7:14 P.M.

APPROVED this the 3rd day of March, 2020.

Renee Eberly
City Clerk