MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
AUGUST 4, 2020 – 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 Jerry Johnson

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/Boyd) to approve the agenda with the following additions:

1. Approval of a Restaurant Retail Liquor License Application by Shrimp Basket Restaurants, LLC, for Shrimp Basket, 26651 Perdido Beach Boulevard, Suites E and F.
2. Approval of a Special Retail (More than 30 Days) Liquor License Application by Beverage Sportsman, LLC, for Pleasure Island Tiki Bar, 27844 Canal Road, Suite E.
3. Approval of a Retail Beer (Off Premises Only) Liquor License Application by Beverage Sportsman, LLC, for Safe Harbor Sportsman Ship Store, 27844 Canal Road.
4. Approval of a temporary portable building (recreation vehicle) to be located on Parcel PIN 360453 from August 7, 2020, to November 7, 2020.
5. Resolution authorizing execution of Change Order No. 1 with Ammons & Blackmon Construction, LLC, for Recreation Center Drainage and Tennis Court Improvements in an amount not to exceed $19,376.45.
6. Resolution authorizing execution of Change Order No. 1 with E-J Builders, Inc., to add shade structures for the Baseball and Softball Complex in an amount not to exceed $51,483.65.
7. Resolution authorizing the execution of an agreement with O.B. Commons, LLC, for the construction of a Canal Road deceleration lane and driveway improvements on the Commons shopping center site.
8. Resolution revoking the Outdoor Music Venue Permit for the Angry Crab Shack, 25751 Perdido Beach Boulevard.

Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

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

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 Johnson recognized the passing of three local World War II veterans.

Mayor Kennon announced that Council Meetings will be moved to the Community Center for the rest of the year, with the exception of the meeting on November 3, 2020, which will remain in Council Chambers at City Hall due to use of the Community Center for the Statewide General Election.

Mayor Kennon gave an update on the Performing Arts Center, summarizing the usage agreement with Baldwin County authorizing city control of the facility outside of school hours.

Mayor Kennon asked parents to please help keep golf cart usage under control. By state law, golf carts must be operated by a licensed driver who is at least 16-years-old.

VIII. AUDITING OF ACCOUNTS PRESENTATIONS

Motion made (Mitchell/Blalock) 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/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; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Miscellaneous

1. ADDITION: Approval of a Restaurant Retail Liquor License Application by Shrimp Basket Restaurants, LLC, for Shrimp Basket, 26651 Perdido Beach Boulevard, Suites E and F. **Motion made (Blalock/Silvers) to approve the liquor license.** Vote unanimous in favor.

2. ADDITION: Approval of a Special Retail (More than 30 Days) Liquor License Application by Beverage Sportsman, LLC, for Pleasure Island Tiki Bar, 27844 Canal Road, Suite E. **Motion made (Silvers/Mitchell) to approve the liquor license.** Vote unanimous in favor.

3. ADDITION: Approval of a Retail Beer (Off Premises Only) Liquor License Application by Beverage Sportsman, LLC, for Safe Harbor Sportsman Ship Store, 27844 Canal Road. **Motion made (Silvers/Boyd) to approve the liquor license.** Vote unanimous in favor.

4. ADDITION: Approval of a temporary portable building (recreation vehicle) to be located on Parcel PIN 360453 from August 7, 2020, to November 7, 2020. **Motion made (Mitchell/Johnson) to approve the permit.** Brief discussion followed. Vote unanimous in favor.

Resolutions

1. Resolution declaring Jeffrey M. Boyd duly elected to the office of City Council Place No. 2 and authorizing the Mayor to issue a Certificate of Election. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.

2. Resolution declaring Jerry Johnson duly elected to the office of City Council Place No. 3 and authorizing the Mayor to issue a Certificate of Election. **Motion made (Mitchell /Silvers) to adopt the resolution.** Vote unanimous in favor.

3. Resolution declaring Jeffrey H. Silvers duly elected to the office of City Council Place No. 4 and authorizing the Mayor to issue a Certificate of Election. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.

4. Resolution authorizing the execution of a professional services agreement with Computer Backup, Inc., for technology support and managed services. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

5. Resolution adopting a City of Orange Beach FY2021 Transportation Plan. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.

6. Resolution authorizing the execution of a license agreement with PowerSouth Energy Cooperative for use of an easement. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

7. Resolution authorizing the execution of a professional services agreement with William Beazley, D.O., for medical director services. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.

8. Resolution authorizing the purchase of EMS Medical Director liability insurance. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., to perform professional engineering and land surveying services for a Canal Road sidewalk east of State Highway 161 in an amount not to exceed $147,200. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

10. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., to perform professional engineering services for a Canal Road right turn/deceleration lane at Cypress Village Boulevard in an amount not to exceed $51,550. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.

11. Resolution declaring two ATVs owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the Magnolia Springs Volunteer Fire Department. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

12. ADDITION: Resolution authorizing execution of Change Order No. 1 with Ammons & Blackmon Construction, LLC, for Recreation Center Drainage and Tennis Court Improvements in an amount not to exceed $19,376.45. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

13. ADDITION: Resolution authorizing execution of Change Order No. 1 with E-J Builders, Inc., to add shade structures for the Baseball and Softball Complex in an amount not to exceed $51,483.65. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.

14. ADDITION: Resolution authorizing the execution of an agreement with O.B. Commons, LLC, for the construction of a Canal Road deceleration lane and driveway improvements on the Commons shopping center site. **Motion made (Silvers/Mitchell) to adopt the resolution.** Brief discussion followed. Kit Alexander, Community Development Director, stated that the agreement includes reimbursement not to exceed $25,000 by O.B. Commons, LLC, for the driveway improvements made by the City. Vote unanimous in favor.

15. ADDITION: Resolution revoking the Outdoor Music Venue Permit for the Angry Crab Shack, 25751 Perdido Beach Boulevard. **Motion made (Boyd/Mitchell) to adopt the resolution.** Discussion followed. Steve Brown, Chief of Police, stated that there have been 17 noise complaints since May 23, 2020. Council clarified that the revocation of the Outdoor Music Venue Permit does not change indoor operations. Vote unanimous in favor.

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

Recess began at 5:42 P.M.

Council Meeting reconvened at 5:51 P.M.

Executive Session

1. Executive session to discuss (1) the purchase of real property, and (2) threatened and pending litigation. **Motion made (Blalock/Johnson) to enter executive session to discuss (1) the purchase of real property, and (2) threatened and 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 executive session would last approximately 30 minutes.

   Time in: 5:51 P.M.

   Time out: 6:40 P.M.

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 6:41 P.M.

APPROVED this the 1st day of September, 2020.

Renee Eberly
City Clerk