

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
SEPTEMBER 1, 2020 – 5:00 P.M.
ORANGE BEACH COMMUNITY CENTER**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:05 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/Johnson) to approve the agenda with the following additions:**

1. Resolution awarding the bid for a new Boat Lift at Hudson Marina for the Fire Department to Apex Contracting Services LLC in an amount not to exceed \$34,530.
2. Resolution authorizing execution of revision number one to the cooperative service agreement with the U.S. Department of Agriculture to implement a coyote management plan.

Vote unanimous in favor.

- VI. CONSIDERATION OF PREVIOUS MINUTES**

Work Session	08/04/2020
Regular Council Meeting	08/04/2020
Committee of the Whole	08/04/2020

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</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 – Jon Darby</u>	No report.
L.	<u>Director, Municipal Court – Renee Gardner</u>	No report.

M. Director, Expect Excellence – Jonathan Langston No report.

N. Mayor/Council

Mayor and Council mentioned the “Back the Blue” boat parade honoring law enforcement officers beginning at 1:00 PM on Labor Day.

Councilmember Mitchell thanked everyone for the good election turnout. Renee Eberly, City Clerk, recognized the Orange Beach poll workers and thanked them for their service and dedication.

Chris Litton, Logistics Coordinator, commented on a well-attended Full Moon Paddle and praised Jeanne Fitzgibbons for coordinating the event.

Mayor and Council discussed various agencies collecting donations and providing support for the Louisiana communities impacted by Hurricane Laura.

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/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

1. Second Reading – Ordinance amending Chapter 30, Article III of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Noise." **Motion made (Blalock/Johnson) to adopt the ordinance.** Kit Alexander, Community Development Director, explained that the only change in the ordinance is to give the Chief of Police the ability to suspend outdoor music venue permits if there is a history of noise complaints. No changes were made to noise levels or time restrictions. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XII. NEW BUSINESS

Resolutions

1. 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.
2. Resolution reappointing Shawn Goe and Rusty Hart to the Fire Code Board of Appeals. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
3. ADDITION: Resolution awarding the bid for a new Boat Lift at Hudson Marina for the Fire Department to Apex Contracting Services LLC in an amount not to exceed \$34,530. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. ADDITION: Resolution authorizing execution of revision number one to the cooperative service agreement with the U.S. Department of Agriculture to implement a coyote management plan. **Motion made (Blalock/Boyd) to adopt the resolution.** Councilmember Blalock clarified that this agreement is a general wildlife services agreement with the USDA and that the revision is just to extend the expiration date of the agreement. Vote unanimous in favor.

Public Hearings

1. Public hearing to appeal the decision of the Planning Commission of Case No. 0201-SP-20, New Retail Store (Dollar General), The Broadway Group LLC.

Wanda Cochran, City Attorney, explained the purpose of the public hearing and stated that the Council would be considering two main questions: (1) Did the Planning Commission follow rules and regulations as dictated by City Ordinance, and (2) Was there sufficient evidence for the Planning Commission to make a determination?

Bob Broadway of The Broadway Group LLC, owner/applicant, and his legal representatives Tod Dodgen and Alvin Hope of Maynard Cooper Gale, spoke and showed a slideshow on behalf of the project. They stated that this is the fourth Dollar General development in Orange Beach.

Discussion followed. City Council expressed traffic concerns resulting from truck deliveries and tight parking lots based on multiple personal and reported experiences at the other Dollar General locations in Orange Beach.

Jeb Smith, 5504 East Perdido Avenue, suggested that this issue be postponed until after the Canal Road East widening project and a new traffic study is completed.

Robert Stuart, resident and Chairman of the Planning Commission, spoke in opposition.

Fuller Hannon, 4856 Caswell Lane, spoke in opposition.

Virginia Burkhalter, 27080 Lake Road, spoke in opposition.

There being no additional comments, the public hearing adjourned.

Motion made (Mitchell/Silvers) to approve the site plan. Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (0-6).**

Ordinances

1. First Reading – Ordinance amending Section 10-29 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled, "Inhumane Treatment of Animals: Confinements and Leashes Generally," to add restrictions regarding animal tethering. **Motion made (Blalock/Silvers) 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 (Silvers/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

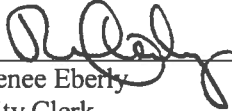
None

XIV. ADJOURN

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

Time: 6:17 P.M.

APPROVED this the 20th day of October, 2020.



Renee Eberly
City Clerk