MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
NOVEMBER 17, 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. Resolution authorizing execution of Change Order No. 4 with Asphalt Services, Inc., for the Coastal Resources Center Site Work in an amount not to exceed $185,966.
2. Resolution authorizing execution of a Task Order with Sawgrass Consulting, LLC, to provide additional civil engineering and site planning for the Coastal Resources Center in an amount not to exceed $8,200.
3. Resolution reappointing Joni Blalock and Sharon Ramirez to the Library Board.
4. Resolution appointing a member of the Council to the Planning Commission to serve a four year term ending November 2024.
5. Resolution appointing members to the Board of Adjustment.
6. Resolution authorizing execution of a task order with Crowder Gulf, LLC, for the removal three abandoned vessels related to Hurricane Sally response in an amount not to exceed $89,850.

Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	10/20/2020
Flood Damage Prevention Board	10/20/2020
Solid Waste Authority	10/20/2020
Regular Council Meeting	10/20/2020
Committee of the Whole	10/20/2020
Special-Called Council Meeting	10/27/2020

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 – 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 thanked the Finance Committee and City Department Heads for successfully budgeting a difficult year.

Councilmember Boyd gave an update on ongoing repairs at local marinas. He also raised a concern with the Styrofoam mess resulting from floating docks damaged by Hurricane Sally. He asked the rest of Council to consider banning this material from being used. Mayor Kennon tasked the Coastal Resources Department to look into the topic and asked for a quick resolution since many docks are currently in the process of being rebuilt.

VIII. AUDITING OF ACCOUNTS

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

1. Coastal Alabama Business Chamber update. Greg Alexander, President, showed slides of the new Chamber office in Orange Beach. He stated that a new event, Holly Days on Main, is replacing Merry Market. He also shared that the Chamber has maintained a 90% retention rate of members through the difficult COVID-19 year.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

1. Resolution authorizing the execution of a performance contract with the Alabama Gulf Coast Convention and Visitors Bureau for the purpose of hosting the SEC Soccer Championships at the Orange Beach Sportsplex. **Motion made (Johnson/Boyd) to postpone consideration until the next council meeting on December 1st.** Vote unanimous in favor.

XII. NEW BUSINESS

Miscellaneous

1. Approval of 2019 Audited Financials. **Motion made (Silvers/Mitchell) to approve the audited financials.** Vote unanimous in favor.

Resolutions

1. Resolution approving the Fiscal Year 2021 Budget for the City of Orange Beach. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
2. Resolution extending the entertainment district at the Wharf. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution extending the entertainment district at SanRoc Cay Marina / Perdido Beach Resort. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the purchase of a Portable Generator for the Utilities Department through Sourcewell in the amount of $79,864.77. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of a professional services agreement with Safe Span, L.L.C., to for post-Hurricane Sally engineering and bridge inspection services. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of a professional services agreement with Burk-Kleinpeter, Inc., for project engineering services. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the execution of a task order with Burk-Kleinpeter, Inc., to perform work associated with the environmental study and permitting of the Wolf Bay Bridge in an amount not to exceed $212,942. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the execution of a professional services agreement with Sawgrass Consulting, LLC, for civil engineering and land surveying services. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
9. Resolution awarding the bid for athletic uniforms to Ad-Wear & Specialty of Texas, Inc., per unit pricing for a maximum term of three years. **Motion made (Johnson/Mitchell) to postpone consideration until the next council meeting on December 1st.** Vote unanimous in favor.
10. Resolution awarding the bid for Hurricane Sally HVAC Repairs at the Orange Beach Event Center to Comfort Systems USA (Southeast), Inc., in an amount not to exceed $135,813. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing the emergency purchase of boots for the Fire Department through the Houston-Galveston Area Council in the amount of $20,580. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing the execution of Contract Amendment 6 with Crowder Gulf, LLC, for sonar services to locate submerged waterway debris related to Hurricane Sally response. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
13. Resolution authorizing the purchase of stop loss medical insurance for the City of Orange Beach (FY2021). **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
14. Resolution authorizing an additional one-time payment for future services. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
15. ADDITION: Resolution authorizing execution of Change Order No. 4 with Asphalt Services, Inc., for the Coastal Resources Center Site Work in an amount not to exceed $185,966. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
16. ADDITION: Resolution authorizing execution of a Task Order with Sawgrass Consulting,

LLC, to provide additional civil engineering and site planning for the Coastal Resources Center in an amount not to exceed $8,200. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.

17. ADDITION: Resolution reappointing Joni Blalock and Sharon Ramirez to the Library Board. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
18. ADDITION: Resolution appointing a member of the Council to the Planning Commission to serve a four year term ending November 2024. **Motion made (Silvers/Boyd) to adopt the resolution appointing Annette Mitchell.** Vote unanimous in favor.
19. ADDITION: Resolution appointing members to the Board of Adjustment. **Motion made (Mitchell/Boyd) to adopt the resolution appointing Tim Blackwell, Linda Bradley, Greg Kennedy, and Tim Harry (supernumerary).** Vote unanimous in favor.
20. ADDITION: Resolution authorizing execution of a task order with Crowder Gulf, LLC, for the removal three abandoned vessels related to Hurricane Sally response in an amount not to exceed $89,850. **Motion made (Mitchell/Johnson) to adopt the resolution.** Brief discussion followed. Phillip West, Coastal Resources Director, clarified that Crowder Gulf and Thompson Consulting, the City's debris contractors, are following all necessary guidelines to meet requirements for FEMA reimbursement. When questioned about ownership and where the responsibility for removal falls, Mr. West explained that some of these boats did not originate from the marinas where they are currently submerged. He reassured Council that the vessel owners would be pursued for reimbursement as much as possible. Vote unanimous in favor.

Public Hearings

1. Public hearing to appeal the conditions of approval set by Planning Commission for the site plan review for Case No. 0904-SP-20, Gulf Coast Rental Auxiliary Parking.

   John "Tater" Harris, 23776A West Cypress Way, presented his case. Mr. Harris summarized that he is trying to create an overflow parking lot for condos. He is appealing the condition of approval set by Planning Commission to improve the access road, which he does not own. He explained that the estimated cost to resurface the road is $150,000 to $200,000, which is not economically viable with his business model. Mr. Harris stated that he holds a five year lease on land intended for use as a parking lot. He is also requesting the use of gravel.

   Annette Mitchell, Councilmember and Planning Commission member, stated that the Planning Commission does not have the ability to force a tenant to do anything. She stated that the condition was meant for the land owner, Dewey Brazelton, who has a history of non-responsiveness with maintenance issues raised by the City regarding that particular private access road. She stated that there was some confusion generated by the fact that Dewey Brazelton (owner), Vince Lucido (applicant), and John Harris (business owner) were all named on the application, and only Vince Lucido had been present at the Planning Commission hearing.

   Sarah Janke, Mr. Harris' wife, justified the need for overflow parking in Orange Beach, saying that Gulf Coast Rental Company received 10 to 15 calls a day just for parking.

   Councilmembers discussed recent improvements made to the entrance of the road by the ALDOT (Alabama Department of Transportation) during the Canal Road widening project. Mr. Harris agreed to fix a large pothole in the cul-de-sac.

   Kit Alexander, Community Development Director, and Mayor Kennon debated potential changes to the zoning ordinance regarding limiting gravel as an alternative to asphalt. Kit stated that gravel can be as problematic as asphalt when it comes to drainage, because crushed layers of gravel become impervious over time.

Tracy Holiday, resident, asked City Staff and Council to consider alternative surfaces that might now exist as innovative solutions for drainage improvement.

Councilmember Boyd cautioned everyone not to make things too hard for small businesses.

Councilmember Johnson stated that the market will decide what needs to be done, and that people will choose not to park their vehicles in the lot if they are worried about damage caused by insufficient maintenance.

Bill Jeffries, resident and Planning Commission member, stated that what has been presented today by Mr. Harris was vastly different than what was presented to Planning Commssion.

There being no additional comments, the public hearing adjourned.

Motion made (Mitchell/Silvers) to approve the site plan with the conditions that repairs are made to the cul-de-sac, the addition of lighting, and construction of an 8' privacy fence with the finished side facing out. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1108-PUDA-20, Mariner Lakes PUD, 23185 Windward Place, Lot 22 Setback.

   Griffin Powell, City Planner, presented the project overview.

   Council asked if the neighbors had any issues with the project. Griffin responded that there are no issues with the neighbors.

   There being no opposition or additional comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1108-PUDA-20, Mariner Lakes PUD, 23185 Windward Place, Lot 22 Setback. **Motion made (Silvers/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, aye; Boyd, aye; Kennon, aye. **Passed. (6-0). Motion made (Silvers/Johnson) 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: 6:22 P.M.

APPROVED this the 15th day of December, 2020.

Renee Eberly
City Clerk