

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
DECEMBER 1, 2020 – 1:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 1:00 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
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: None

- V. CONSIDERATION OF AGENDA: Motion made (Boyd/Johnson) to approve the agenda with the following additions:**

1. Resolution authorizing the execution of Contract Amendment 7 with Crowder Gulf, LLC, for removal of large vessels related to Hurricane Sally response.

Vote unanimous in favor.

- VI. CONSIDERATION OF PREVIOUS MINUTES**

Organizational & Regular Council Meeting	11/02/2020
Committee of the Whole	11/02/2020
Work Session	11/05/2020

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 – Meagan Bing</u>	No report.
L. <u>Director, Municipal Court – Renee Gardner</u>	No report.
M. <u>Director, Expect Excellence – Jonathan Langston</u>	No report.

N. Mayor/Council

Mayor and Council reminded the audience of the Christmas tree lighting event at the Wharf beginning at 5:30 PM.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Johnson) to certify that cash requirements with no related interests are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

Motion made (Mitchell/Boyd) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

IX. PRESENTATIONS

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 (Boyd/Blalock) to postpone consideration until the next council meeting on December 15th.** Vote unanimous in favor.
2. 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 (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Stephi's Artisan, LLC, for Stephi Cocktails and Cuisine, 25241 Perdido Beach Boulevard, Unit 101. **Motion made (Boyd/Blalock) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution authorizing a franchise for CrozzzzCabz, Inc., to operate a taxi service within the city limits and police jurisdiction of the City of Orange Beach. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing execution of a professional services agreement with Goodwyn, Mills & Cawood, Inc., for engineering, design, and testing. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing execution of a cooperative agreement with the Alabama Department of Environmental Management (ADEM) for the city to provide permitting, regulating, monitoring, and inspection services and be reimbursed in an amount not to exceed \$34,500. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of a professional services agreement with Cobbs, Allen & Hall, Incorporated, for insurance and HR consulting services. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor.
5. Resolution appointing members to the Employee's Leave Bank Committee. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide design services for a Coastal Resources Trail Shop/Wildlife Center in an amount not to exceed \$56,260. **Motion made (Boyd/Blalock) to adopt the resolution.** Vote unanimous in

favor.

7. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide surveying, design, permitting, and construction inspection for Orange Beach High School driveway redesign in an amount not to exceed \$14,890. Motion made (Mitchell/Johnson) to adopt the resolution. Vote unanimous in favor.
8. Resolution authorizing execution of a temporary construction easement with the Baldwin County Board of Education for Orange Beach High School driveway redesign. Motion made (Blalock/Boyd) to adopt the resolution. Vote unanimous in favor.
9. Resolution authorizing preliminary action for the proposed issuance of the City's General Obligation Capital Improvements Warrants, Series 2021. Motion made (Johnson/Mitchell) to adopt the resolution. Ford Handley, Finance Director, explained that the city is working to secure a 20-year term \$50 million bond to finance a list of capital projects. Mayor Kennon asked for the list of projects to be published on the city's website. Vote unanimous in favor.
10. ADDITION: Resolution authorizing the execution of Contract Amendment 7 with Crowder Gulf, LLC, for removal of large vessels related to Hurricane Sally response. Motion made (Johnson/Boyd) to adopt the resolution. Mayor Kennon asked how many boats are still abandoned in public waterways. Phillip West, Coastal Resources Director, responded that he believes there are less than ten remaining. Vote unanimous in favor.

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1110-PUD-20, CoastAL Beach Development PUD.

Griffin Powell, City Planner, presented the project overview and stated that the project had received a favorable recommendation from the Planning Commission.

Mayor Kennon summarized the city's involvement, and stated that this is the right solution to the city's long search for suitable beachfront property for resident access. The Mayor explained that the city plans to partner with developers to purchase of the property with 400' of the total 800' beachfront to be deeded to the city as fee simple ownership. Councilmembers elaborated on additional benefits, including the reduction of density from the previously approved condos originally slated for that property and the preservation of the view corridor at the intersection of Perdido Beach Boulevard and Orange Beach Boulevard.

Cam Price, co-developer and resident, explained that this project is modeled after the developers' restaurant Shunk Gulley in 30A, as opposed to the same developers' Florabama establishment.

John McInnis, co-developer and resident, stated that the look would be very southern coastal and that it is important to him that citizens are united in support of this project. He envisions a community gathering place on the beach, and elaborated that he is applying lessons learned from the Florabama to ensure that this development will not disrupt traffic flow.

Mayor Kennon stated that the city was originally presented with three different options – one of which involved a condo. He explained that the city will not allow a condo to be part of this Public-Private Partnership. He cautioned that the need for additional parking may necessitate a parking deck in the future, which might be considered an unsightly structure to some.

Mike Holcombe submitted a question through Facebook Live asking, "What happens if the restaurant fails? Will it revert back to condos?" Mayor and Council responded that the city will own their half of the property outright. The remaining property would have already been rezoned to a PUD (Planned Unit Development), meaning that future projects would have to be approved by the City Council.

Millie Ross, resident, thanked the developers and the Council for this project. In further discussion, the developers responded that the restaurant had a targeted completion date of Spring 2022. Mayor Kennon stated that hopefully the resident beach access could be open before then.

Kit Alexander, Community Development Director, introduced representatives for the current property owners who have stipulated that the rezoning of the property to PUD be tied to the successful closing by the developers. Mayor and Council agreed.

Cheri Russell, resident, stated that she is excited for the project, but has concerns about noise pollution from live music. John McInnis, developer, responded that the width of the property allows music to be angled away from the neighboring residences.

John "Tater" Harris, resident, asked if this development would be an entertainment district to allow customers to carry alcoholic beverages around the entire venue outside of the restaurant. Mayor and Council responded that Orange Beach is only currently permitted two entertainment districts, and those are already established, so any additional entertainment districts would have to be approved at the state level.

Jeb Smith, resident, asked if the property across the street by Publix could be used for parking and connected with a pedestrian walkover. Mayor Kennon responded that the city has looked at that particular piece of property and the asking price is too high.

Councilmember Johnson spoke on the effectiveness of the u-turn medians on Perdido Beach Boulevard to reduce vehicular accidents in recent years, and stated that this project could never have happened without them.

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

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1102-RZ-20, Harbor Club, Portion of Lot 2 Rezoning.

Griffin Powell, City Planner, presented the project overview and stated that the project had received a favorable recommendation from the Planning Commission.

Councilmember Blalock clarified with staff that the reason for the rezoning was not for a project of increased density. Kit Alexander, Community Development Director, explained that the purpose of the rezoning is to create consistency for the property, which currently has one portion zoned GB (General Business) and the other portion zoned MR (Marine Resort). Kit explained that only a small portion of the property is dry enough to develop.

Ercil Godwin, Sawgrass Consulting engineer and representative for the developer, confirmed that the project will not be increasing in density from the 72 unit development that has previously been approved by Council. He explained that this is a preemptive action to avoid any future issues with the portion of the property zoned GB, which currently has a moratorium on residential developments.

There being no additional comments, the public hearing adjourned.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1106-PUD-20, The Ridge at Romar PUD.

Griffin Powell, City Planner, presented the project overview and stated that the project had received a favorable recommendation from the Planning Commission.

There being no additional comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1110-PUD-20, CoastAL Beach Development PUD. Motion made (Mitchell/Johnson) for

unanimous consent to suspend the rules to allow for immediate consideration of this ordinance. Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Boyd/Blalock) to adopt the ordinance with the condition that the developer and the neighboring residential development come to an amiable solution to construct a fence or noise buffer between the restaurant and residences.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1102-RZ-20, Harbor Club, Portion of Lot 2 Rezoning. **Motion made (Blalock/Boyd) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Boyd/Johnson) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1106-PUD-20, The Ridge at Romar PUD. **Motion made (Boyd/Johnson) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Boyd/Johnson) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
4. First Reading – Ordinance to exempt certain "covered items" from municipal sales and use tax during the last full weekend of February as authorized by Act 2012-256, generally referred to as the Severe Weather Preparedness Sales Tax Holiday. **Motion made (Johnson/Mitchell) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Johnson/Blalock) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**
5. First Reading – Ordinance to exempt certain "covered items" from municipal sales and use tax during the third full weekend of July as authorized by Acts 2006-574 and 2017-120, generally referred to as the Back-to-School Sales Tax Holiday. **Motion made (Blalock/Boyd) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).** **Motion made (Blalock/Boyd) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0).**

XIII. PUBLIC COMMENTS

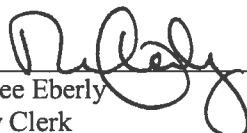
None

XIV. ADJOURN

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

Time: 2:24 P.M.

APPROVED this the 5th day of January, 2021.



Renee Eberly
City Clerk