MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JUNE 6, 2023 – 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 Pastor Brandon Moore, Orange Beach Community Church

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/Johnson) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 05/02/2023
Committee of the Whole 05/02/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

1. <u>City Administrator – Ford Handley</u> No report.
2. <u>Director, Public Works – Tim Tucker</u> No report.
3. <u>Director, Community Development – Kit Alexander</u> No report.
4. <u>Chief, Police Department – Steve Brown</u> No report.
5. <u>Chief, Fire Department – Mike Kimmerling</u> No report.
6. <u>City Clerk – Renee Eberly</u> No report.
7. <u>Director, Finance – Ford Handley</u> No report.
8. <u>Parks & Recreation – Ford Handley</u> No report.
9. <u>Director, Utilities – Jeff Hartley</u> No report.
10. <u>Director, Coastal Resources – Phillip West</u> No report.
11. <u>Librarian, Public Library – Meagan Bing</u> No report.
12. <u>Director, Municipal Court – Pam Davis</u> No report.
13. <u>Director, Expect Excellence – Jonathan Langston</u> No report.
14. <u>Mayor/Council</u>

    Councilmember Mitchell recognized Ron Kutter, Kutter's Grounds Maintenance, for his donation to the city of sabal palm trees left over from the Hangout Music Festival.

Councilmember Blalock reminded the audience of the upcoming "Chalk the Trail" event being held on June 21, 2023, from 9 to 11:30 A.M. with free lunch provided.

Councilmember Boyd instructed individuals interested in donating towards medical expenses for former city employee Chris Litton to contact Renee Smith, city employee.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Boyd) 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. (5-0).**

Motion made (Mitchell/Blalock) 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. EPIC student entrepreneur program. Yo Johnson and Tara McMeans spoke on the Entrepreneur Program Impacting Communities (EPIC) which is a program sponsored by the Coastal Alabama Business Chamber and South Baldwin Chamber Foundation to teach students how to start their own businesses with guidance from community business volunteers. Students are eligible to receive an elective credit from participating public schools, private schools, and homeschool systems in Orange Beach, Gulf Shores, and Foley.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide professional services for the conversion of a mini storage warehouse into a temporary weight room for the Orange Beach Middle/High School in an amount not to exceed $8,500. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

2. Resolution in support of an executive request to the U.S. Environmental Protection Agency Administrator to enroll the Pensacola and Perdido Bays Estuary Program into the National Estuary Program. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.

3. Resolution authorizing the execution of a professional services agreement with Pillar, LLC, for civil engineering and land surveying services. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.

4. Resolution authorizing the execution of a task order with Pillar, LLC, to provide professional services for Beaver Creek Subdivision Sidewalks in an amount not to exceed $8,500. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

5. Resolution reappointing Greg Kennedy and Jeff Silvers and appointing Vince McCoy to the Construction Board of Adjustment and Appeals. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor.

6. Resolution authorizing execution of a professional services agreement with Jackson & Smith CPA Group, PC, for auditing services. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.

7. Resolution authorizing submittal of an Alabama Department of Environmental Management Clean Water Act Section 319 Nonpoint Source Program Watershed Grant Application. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
8. Resolution appropriating $25,000 to the Coastal Alabama Business Chamber for the purpose of funding the Gateway Initiative. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing the purchase of SWAT Vest Kits for the Police Department from State Bid in the amount of $34,095.50. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
10. Resolution awarding the bid for Field House and Batting Cages Site Work at the Sportsplex to PL Russell LLC in an amount not to exceed $163,104.40. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing the execution of a performance contract with John Bass for golf instruction services. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing execution of a professional services agreement with Glow Yoga LLC for water-based fitness instruction at the Wind and Water Learning Center. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
13. Resolution authorizing execution of a marina slip license agreement with Wharf Entertainment Properties, L.L.C. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
14. Resolution authorizing execution of marina slip license agreement with Pelican's Perch Marina and Boat Yard. **Motion made (Boyd/Blalock) to adopt the resolution.** Vote unanimous in favor.
15. Resolution authorizing the execution of a master subscription agreement with Granicus, LLC, for address identification and rental activity monitoring. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for (1) the adoption of a Supplement and First Amendment to the Third Amended and Restated Development Agreement by and among the City, Wharf Retail Properties, LLC, Wharf Entertainment Properties, LLC, and Wharf Landing, LLC, and (2) the issuance to Wharf Retail of the City's Second Amended and Restated Limited Obligation Warrant Series 2010A. Ford Handley, City Administrator, explained the project which is an extension of the city's current agreement with The Wharf for the city to provide an additional tax rebate to the Wharf in exchange for land and the removal of the dilapidated structures at the site formerly known as "Bama Bayou." There being no comments or opposition, the public hearing adjourned.
2. Resolution authorizing transactions relating to the Wharf Development and the Wharf Landing. **Motion made (Blalock/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 (Blalock/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0503-PUDA-23, The Wharf PUD Minor Amendment, Villaggio's Canopy Addition.

   Griffin Powell, Planner II, presented the case overview.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0503-PUDA-23, The Wharf PUD Minor Amendment, Villaggio's Canopy Addition. **Motion made (Johnson/Mitchell) 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 (Johnson/Silvers) 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 (Blalock/Boyd) to adjourn. Vote unanimous in favor.

Time: 5:21 P.M.

APPROVED this the 11th day of July, 2023.

Renee Eberly
City Clerk