MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JUNE 20, 2023 – 5:00 P.M.
ORANGE BEACH COMMUNITY CENTER

I. CALL TO ORDER Mayor Tony Kennon called the meeting to order at 5:04 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/Silvers) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	05/16/2023
Solid Waste Authority	05/16/2023
Regular Council Meeting	05/16/2023
Committee of the Whole	05/16/2023
Work Session	05/30/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

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

14. Mayor/Council

    Councilmember Mitchell introduced Tim Harry, who also introduced Coaches Matt Parker and Drew Hendley, of the Orange Beach Trap and Skeet Shooting Team. Tim recognized state champions Connor Parker, Mac Scarborough, and Rivers Looney.

    Councilmember Johnson recognized Addison Jones, second cousin to his wife, Yo Johnson, in attendance.

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. (6-0).**

Motion made (Mitchell/Johnson) 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. Presentation of a proclamation for the Orange Beach High School Softball Team by Alabama State Representative Frances Holk-Jones. Postponed until August.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by DMacs OBA LLC for DMacs Bar and Grill at 24821 Canal Road. **Motion made (Silvers/Blalock) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution appropriating funds to the Orange Beach Board of Education to support City School System operations in an amount not to exceed $3,229,400. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
2. Resolution appropriating funds to the Miracle League of Coastal Alabama in the amount of $57,150 to match donations for the purpose of building a regional complex in Summerdale. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor.
3. Resolution amending the Fiscal Year 2023 Budget to increase the administration budget for city hall renovation by $150,000. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the execution of a professional services agreement with James Duncan and Associates, Inc., dba Duncan Associates, for impact fee consulting services in an amount not to exceed $87,250. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the purchase of a Medical Cot for the Sportsplex through the SAVVIK Buying Group in the amount of $15,306.06. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide surveying and civil design services for the conversion of the soccer and football field to

artificial turf at the Sportsplex in an amount not to exceed $92,700. **Motion made (Blalock/Silvers) to adopt the resolution.** Vote unanimous in favor.

7. Resolution authorizing execution of a performance contract with the Coastal Ballet Company. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
8. Resolution awarding the bid for a Batting Cages Building at the Sportsplex to Sun Coast Builders, Inc., in an amount not to exceed $435,552. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
9. Resolution declaring ballistic vests owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the Town of White Hall, Alabama. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor.
10. Resolution amending the fee schedule for emergency medical treatment and transport services. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing the purchase of real property from Mary Thornton Taylor and Bert P. Taylor and authorizing the Mayor to negotiate and execute a real estate purchase agreement and such other documents as may be required to close the transactions contemplated therein. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing the execution of a license agreement with the Orange Beach Water, Sewer and Fire Protection Authority, Inc. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for reimbursement to Orange Beach Land Company, LLC, for improvements made to the CoastAL Beach Development subdivision. There being no comments or opposition, the public hearing adjourned.
2. Resolution authorizing a reimbursement to Orange Beach Land Company, LLC. **Motion made (Johnson/Silvers) for unanimous consent to suspend the rules to allow for immediate consideration of this resolution.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0). Motion made (Mitchell/Blalock) to adopt the resolution.** Mayor and Councilmembers clarified that the amount of the reimbursement is just under $950,000 and is largely for the purpose of much needed drainage improvements to Perdido Beach Boulevard. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

Ordinances

1. First Reading – Ordinance amending Chapter 30, Article VI, Section 30-157 of the Code of Ordinances for the City of Orange Beach, Alabama, to correct a scrivener's error in the definition of mean high tide line. **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 (Mitchell/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
2. First Reading – Ordinance establishing a temporary moratorium on the issuance of business licenses for commercial vessels and other marine activities. **Motion made (Mitchell/Johnson) 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 (Mitchell/Johnson) to adopt the ordinance.** Discussion followed.

Councilmember Boyd explained the history and growth that have brought about the need for changes to city code addressing water-based businesses. He stated that this moratorium is a temporary pause in licensing activity to allow the council and industry members time to formulate the appropriate changes to the city code.

Mayor Kennon added that local natural resources can sustain only a finite amount of commercial activity. He stated that the goal is to moderate activity and protect natural resources.

Councilmember Silvers asked about transfers of licensing if a business is sold. Mayor and Council agreed that if a currently licensed business is sold, then it should be allowed for that license to be transferred to the new owner. Councilmember Mitchell clarified that any currently licensed business in good standing should be allowed to renew licensing. Mayor Kennon suggested shortening the proposed six month moratorium. City Attorney Jamie Logan discussed wording.

Mayor Kennon opened the floor for public comments.

Justin Lowe, 5325 Bay La Launch, newly licensed captain who is trying to get a business license. Justin mentioned his concern with delays caused by the Coast Guard for captain licensing and boat inspections. He submitted his business license application today. Mayor and Council agreed that license applications submitted prior to implementation of the moratorium will be processed.

Matthew Malone, City Finance employee, explained that currently the city has over 250 active water-based business licenses right now.

Randy Boggs, 27267 Perdido Beach Boulevard, San Roc Cay Marina, expressed his concerns with existing boats increasing in size and requested council also consider limiting passenger capacity.

Councilmember Boyd asked that staff members share with council any pushback they receive regarding specific circumstances so that council is aware of any exceptions that need to be considered.

Justin Lowe contended that the Coast Guard already regulates boat capacity through vessel licensing and captain licensing. Randy Boggs responded that boat capacity can be increased, and that captain licenses by tonnage do not necessarily limit the number of passengers. Mr. Boggs asked that business licenses be tied to vessels and maximum capacity of passengers.

Susan Boggs, 27267 Perdido Beach Boulevard, San Roc Cay Marina, explained the checklist required by San Roc Cay Marina. She also cautioned the Mayor and Council to consider limiting the ability for an existing business owner to sell their boat, transferring that business license, and then buying a new higher capacity boat.

Starlin Lanier, 4620 Starboard Lane, Cetacean Cruises, questioned whether the intent of Mayor and Council is to limit future growth. City Attorney Jamie Logan explained that the moratorium is to put a hold on new activity in order for the community and leadership to have the time to determine what they want the future to be.

Matthew Malone, City Finance Department Employee, clarified that the county boat launch is within the city limits and requires an Orange Beach business license. Mayor stated that only Orange Beach residents should be allowed to have a business license to operate out of the county boat launch.

Tater Harris, 23776 West Cypress Way, shared his concern about limiting the ability of young entrepreneurs by creating too high of a financial entry barrier.

Susan Boggs spoke about the Gulf of Mexico Fishery Management Council, of which she is a council member.

Ike Williams, 1025 West Lagoon in Gulf Shores, stated that his business license application was denied and is in the appeals process. Ike questioned if his application would be considered valid under the moratorium. City Attorney Jamie Logan responded that currently, the moratorium would stop all pending applications, but council can revise the wording to allow pending applications. Mayor and Council agreed to pass the moratorium as it is currently worded, but to revisit the moratorium and revise any wording as needed at the next council meeting.

Yo Johnson, Alabama Small Business Development Center, passed on positive feedback for Timeka Cunningham, City Finance Department Employee.

Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** Councilmember Boyd clarified that council will revisit the moratorium at the next council meeting and make amendments to the ordinance as needed.

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 6:38 P.M.

APPROVED this the 18th day of July, 2023.

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Renee Eberly
City Clerk