

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JULY 11, 2023 – 5:00 P.M.
ORANGE BEACH COMMUNITY CENTER**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:13 P.M.
- II. INVOCATION** Pastor Kim Vanbrimmer, Orange Beach Presbyterian Church
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Mayor Tony Kennon

Absent: Councilmember Jeff Silvers
Councilmember Jeff Boyd

V. CONSIDERATION OF AGENDA

Motion made (Blalock/Mitchell) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	06/06/2023
Regular Council Meeting	06/06/2023
Committee of the Whole	06/06/2023
Work Session	06/13/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

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| 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> | |

Kim Earl introduced herself and announced her campaign for Baldwin County Circuit Clerk in the March 5, 2024, election.

Cindy Ross, City Social Media Contractor, reminded the audience that a fundraiser for retired city employee Chris Litton will be held on Thursday, July 13, 2023, at the Orange Beach Art Center at 6:30 P.M. Tickets are \$20.

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; Kennon, aye. **Passed. (4-0).**

Motion made (Mitchell/Johnson) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Passed. (4-0).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Resolutions

1. Resolution awarding the bid for the City Hall Finance Wing Addition to Rolin Construction, Inc., in an amount not to exceed \$1,734,000 and per unit pricing. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution declaring two vehicles owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to the City of Creola, Alabama. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the sole source purchase of social media data collection and analysis services from Voyager Labs for the Police Department in the amount of \$35,000. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing execution of Change Order No. 2 with John G. Walton Construction Company, Inc., to extend the multi-use trail in front of the Justice Center as part of Canal Road Improvements from SR-161 to Wilson Boulevard in an amount not to exceed \$72,025.70. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide geotechnical testing and engineering services for the conversion of the soccer and football field to artificial turf at the Sportsplex in an amount not to exceed \$2,650. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the purchase of a Mass Notification System at the Recreation Center for the Expect Excellence Department through State Bid in the amount of \$31,295.09. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the execution of an easement agreement to grant permanent utility easements to the Orange Beach Water Authority for the installation of a water force main at the Sportsplex. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

8. Resolution authorizing the execution of cooperative maintenance agreements and a permit application with the Alabama Department of Transportation for drainage inlets and a pedestrian pad within the State Highway 182 right-of-way. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing the execution of a lease agreement with the Orange Beach City Board of Education for weight room and storage facilities. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
10. Resolution authorizing execution of a reciprocal agreement to exchange tax information with Baldwin County. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0608-PUDA-23, Summer Salt PUD Minor Modification, Summer Salt/Beachside Mini Golf Sign.

Griffin Powell, Planner II, presented the case overview requesting a minor modification the Summer Salt PUD (Planned Unit Development) Master Plan to add an LED sign to the multi-tenant sign located in the Slipper Boulevard private right-of-way along Perdido Beach Boulevard.

Council asked questions regarding the size of the sign and when the sign was made a part of the PUD. Griffin answered that multi-tenant sign was allowed in 2020, and the addition of the LED portion would make the overall sign structure larger than what the city allows by ordinance. He also stated that the ordinance requires that the permanent signage must be at least 50% of the structure. Mayor Kennon explained to the applicant that he is unwilling to grant a sign larger than what is allowed by ordinance, because everyone else on the beach would want the same thing. He asked that the request be modified to meet the maximum limits set by ordinance.

Jim Brown, representing the applicant, stated that he is willing to modify the request.

There being no further comments, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0610-PUDA-23, Phoenix West II PUD Minor Modification, Restaurant and Pavilion.

Griffin Powell, Planner II, presented the case overview requesting a minor modification to the Phoenix West II PUD (Planned Unit Development) Master Plan to add a restaurant and a grilling pavilion to the existing development, with all proposed improvements being solely for the use of tenants and guests..

Councilmember Mitchell asked how many units there are in Phoenix West II. Bill Brett, developer, answered that there are 358 units. Council commented that this amenity for tenants and guests hopefully has the added benefit of keeping some cars off of the road.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0608-PUDA-23, Summer Salt PUD Minor Modification, Summer Salt/Beachside Mini Golf Sign. No action taken. Applicant will modify the request and resubmit a revised application.
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0610-PUDA-23, Phoenix West II PUD Minor Modification, Restaurant and Pavilion. **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; Kennon, aye. **Passed. (4-0). Motion made (Mitchell/Blalock) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Passed. (4-0).**

3. First Reading – Ordinance amending Ordinance No. 2023-1452 establishing a temporary moratorium on the issuance of business licenses for commercial vessels and other marine activity. Ford Handley, City Administrator/Finance Director, gave a summary of the amendment and explained the intention to freeze the number of relevant business licenses. Mayor and Council stated that their goal is to cap the strain on natural resources, but that they do not want to hinder existing commercial activity. Mayor Kennon opened the floor for public comments.

John Maye, 5393 Bay La Launch Avenue, asked how the city will enforce compliance. Ford responded that the city works with city marine and state police.

Lynn Swafford, Zeke's Marina, asked if there is a backlog of business license applications that are awaiting approval. She explained that 15 captains are waiting for business license renewals. Ford explained that the captains can contact the city finance department to get a copy of their license, but confirmed that if payment has been received, the renewed license is already active.

There being no further comments, Mayor Kennon closed the floor.

No action taken. Ordinance will move forward to a second reading.

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:50 P.M.

APPROVED this the 1st day of August, 2023.

Renee Eberly
City Clerk