

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
SEPTEMBER 5, 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** Councilmember Jeff Boyd
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: Councilmember Joni Blalock

V. CONSIDERATION OF AGENDA

Motion made (Johnson/Boyd) to approve the agenda as written. Vote unanimous in favor.
Motion passed.

VI. CONSIDERATION OF PREVIOUS MINUTES

Flood Damage Prevention Board	08/01/2023
Regular Council Meeting	08/01/2023
Committee of the Whole	08/01/2023
Work Session	08/08/2023

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> | Report attached. |
| 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 announced that the Mako School Pep Rally will be held on September 14, 2023.

Jessica Langston, Performing Arts Coordinator, announced that the production of Junie B. Jones will begin on September 29, 2023.

Nicole Woerner, Coastal Resources, announced that Coastal Cleanup will be held on September 16, 2023, from 8:00 AM to 12 Noon.

Councilmember Mitchell shared that Mr. Stan Moss who runs the Christian Service Center is ill and needs prayers.

VIII. AUDITING OF ACCOUNTS

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

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; Boyd, aye; Kennon, aye. **Motion passed. (4-0-1).**

IX. PRESENTATIONS

1. Proclamation declaring September 17-23, 2023, as Constitution Week. Mayor Kennon read the proclamation aloud.
2. Proclamation declaring September 2023 as Gynecologic Cancer Awareness Month. Jim Crandall, father of Laura Crandall Brown and founder of the Laura Crandall Brown Foundation, accepted the proclamation.

X. RECOGNITIONS

1. Recognition of Mike Kimmerling, retiring Fire Chief. Mayor and Council gave Chief Kimmerling high praise for his service and leadership. Chief Kimmerling spoke in gratitude.

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution awarding the bid for the new Wildlife Center, Phase II Interior Buildout, to Rolin Construction, Inc., in an amount not to exceed \$720,000. **Motion made (Silvers/Boyd) to postpone consideration until the next council meeting on September 12th.** Vote unanimous in favor. **Motion passed.**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Lauria's 2 Inc. for Lauria's at 25637 Canal Road, Suites 11 and 12. **Motion made (Silvers/Mitchell) to approve the liquor license.** Vote unanimous in favor. **Motion passed.**

Resolutions

1. Resolution appointing Jeffrey F. Smith as Interim Fire Chief for the City of Orange Beach, Alabama. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution reappointing Susan Boggs to the Gulf Shores and Orange Beach Tourism Board of Directors. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

3. Resolution authorizing the 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 \$37,950. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution adopting an amended Procurement Policy for the City of Orange Beach. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of amendment three to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded North Sewer Force Main Upgrade. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
6. Resolution authorizing the execution of a subaward grant agreement with the National Fish and Wildlife Foundation for the removal and recycling of large-scale marine debris caused by Hurricane Sally in the amount of \$367,959.44. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
7. Resolution authorizing the execution of a professional services agreement with Watermark Design Group, LLC, for architectural services. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
8. Resolution authorizing execution of a task order with Watermark Design Group, LLC, to provide design, bid, and construction administration services for roof replacement at the Justice Center following the April 10, 2021, hailstorm in an amount not to exceed \$75,800. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide design services for an event pavilion at the Coastal Arts Center in an amount not to exceed \$13,500. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
10. Resolution appropriating funds to the Orange Beach Board of Education to support city school system operations in an amount not to exceed \$3,640,770. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
11. Resolution authorizing execution of a performance agreement with McLean Motor Sports Productions, LLC, for the "Bama Coast Cruisin'" event as part of the 2023 Freedom Fest. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
12. Resolution authorizing the purchase of a Video Surveillance System at Fire Station No. 3 for the Fire Department through State Bid in the amount of \$29,088.39. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
13. Resolution accepting a proposal from ThreatAdvice Technologies to improve the wireless internet network at the Sportsplex in the amount of \$52,002.73. **Motion made (Mitchell) to adopt the resolution. Motion failed for lack of a second. Motion made (Silvers/Johnson) to table the item.** Vote unanimous in favor. **Motion passed.**
14. Resolution authorizing settlement in the case of Wireman, et al., v. The City of Orange Beach. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

15. Resolution authorizing consent to judgment in the case of Brenizer Living Trust Dated January 28, 2003 v. City of Orange Beach. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
16. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, for preparation of a land survey and subdivision final plat of the property located north of the ICW and east of the Foley Beach Express, also known as Wharf Landing, in an amount not to exceed \$9,500. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
17. **Motion made (Boyd/Mitchell) to take from the table the resolution accepting a proposal from ThreatAdvice Technologies to improve the wireless internet network at the Sportsplex in the amount of \$52,002.73.** Vote unanimous in favor. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

Public Hearings

1. Public hearing to consider business license revocation of Super Salt Life LLC for charter boat "Southern Belle".

The public hearing has been cancelled due to the issue being resolved and withdrawn.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-23, Money Bayou Storage Buildings at 4400 and 4402 Money Bayou Drive Conditional Use Approval.

Griffin Powell, Planner II, presented the case overview requesting conditional use of undeveloped property zoned GB (General Business) to construct a storage facility covering 11,600 square feet along with an office area covering 1,700 square feet. Planning Commission gave this application a favorable recommendation (8-0).

Councilmember Mitchell noted that not all of the office space will be used to support the storage business, but there will be no customer traffic to that building.

There being no opposition, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-23, Money Bayou Storage Buildings at 4400 and 4402 Money Bayou Drive Conditional Use Approval. **Motion made (Johnson/Silvers) 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; Boyd, aye; Kennon, aye. **Motion passed. (5-0).** **Motion made (Johnson/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Motion passed. (5-0).**
2. First Reading – Ordinance amending Chapter 10, Article II, Section 10-28 of the Code of Ordinances of the City of Orange Beach, Alabama, to ban exotic animals and provide regulations for sheltering by agents of recognized wildlife associations and zoos. No action taken. Ordinance will move forward to a second reading.
3. First Reading – Ordinance amending Chapter 2, Article II, Division 2, Section 2-40(b) of the Code of Ordinances of the City of Orange Beach, Alabama, to establish an electronic meeting policy for City Council. **Motion made (Silvers) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** **Motion failed for lack of a second.** 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 (Johnson/Boyd) to adjourn. Vote unanimous in favor.

Time: 5:44 P.M.

APPROVED this the 3rd day of October, 2023.

Renee Eberly
City Clerk