MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
OCTOBER 17, 2023 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS

I. CALL TO ORDER Mayor Tony Kennon called the meeting to order at 4:58 P.M.

II. INVOCATION Pastor Barry Britt, Oasis Church at the Wharf

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 (Silvers/Blalock) to approve the agenda as written. Vote unanimous in favor. **Motion passed.**

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 09/12/2023
Committee of the Whole 09/12/2023

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 – Jeff Smith</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 Johnson welcomed the Coastal Alabama Leadership League (CALL). Yo Johnson praised the inaugural participants of this new Chamber of Commerce program.

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; Blalock, aye; Boyd, aye; Kennon, aye. **Motion passed. (6-0).**

Motion made (Mitchell/Boyd) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Motion passed. (5-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

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 November 7th.** Vote unanimous in favor. **Motion passed.**

XII. NEW BUSINESS

Resolutions

1. Resolution appropriating funds to the Orange Beach Board of Education to support an Athletic Complex capital construction project in an amount not to exceed $46,162,000. **Motion made (Johnson/Silvers) to adopt the resolution.** Discussion followed. Council Chambers was at maximum capacity with students, parents, and coaches. Mayor Kennon opened the floor for public comments.

   Robert Stuart, resident, grandfather, and School Board member, spoke in favor of the project.

   David McLain, coach, spoke in favor of the project.

   Matt Fetner, resident and parent, spoke in favor of the project.

   Kristie Wheeles, Gulf Shores resident, spoke in favor of the project.

   Wendy VanderWiele, resident, asked if the project can be built in phases and if any money is coming from the school budget. Mayor Kennon responded that costs become higher and less efficient with phased construction and that the school's operation budget will not be affected.

   Councilmember Boyd spoke about the history behind the split from county to city school system. He explained his difficult decision process in analyzing the cost of the project versus other ways the money could be spent. He stated his concerns with a possible downturn in the economy and rising insurance expenses. He also spoke about community pride, support for Orange Beach Middle and High School Principal Shaw, and focus on academics.

   Councilmember Silvers validated Councilmember Boyd's comments. He also shared that Council has discussed a payback or contribution arrangement from the School Board, but Council has decided to not reduce any funding that might go towards academics.

   Councilmember Mitchell stated that nothing Council does is a "slam dunk." She stated that the city has between 8,000 and 9,000 residents and that the city's money is for all citizens, not just the school. She stated that residents without students are worried about the financial impact, and that it is difficult to judge this amount of money.

Councilmember Johnson stated that he is a “big picture person.” He spoke about the separation from Baldwin County, and the vision of excellence in academics, athletics, and the arts. He stated that his goal is for Orange Beach to be in the top five schools in the State, and that the School Board is working to provide access for all things, so that students have options upon graduation, whether that be college, joining the military, or entrepreneurship. He feels that the time is right to move forward with this project.

Kathryn Lowery, resident and parent, spoke in favor of the project.

Mike Smith, resident, spoke in favor of the project.

Mayor Kennon stated that concern about spending $46 million is valid, but data shows a link between quality extracurricular programming and improved academics. He explained that the city has produced a surplus every year since his election in 2008, to the point where the city was debt free a few years ago. He stated that the city can afford this project. He further explained that the school currently has no track, weight training is located in a storage room, and leaving out any part of the proposed athletic complex to save a few million dollars does not achieve the ultimate goal of providing facilities for all programming. He stated that the money that the city has borrowed for the purpose of the school is relatively low compared to neighboring cities, and that the value will come back in property values as the school becomes a draw.

Councilmember Silvers asked the Finance Director to give a snapshot of the city’s current financial position. Ford Handley, City Administrator and Finance Director, stated that the city currently has over $80 million in reserves, which is enough to cover a year of expenses with no revenue. He stated that the cost of this project will not affect operations for the city or the school. Mayor Kennon added that there is enough money for a slate of capital projects that serve all citizens. He stated that no one will suffer.

Councilmember Blalock asked if the School Board has a reserve account. Ford responded that the School Board’s reserve account is low, but that the additional 2% in lodgings tax revenue will allow the school to build up a reserve over time. Mayor Kennon added that the 3% increase in lodgings tax was staggered in implementation so the extra revenue is only just now being received. He also stated that the school has room to grown, out-of-district student population will be limited, and no physical separation of the middle and high school will be required.

Councilmember Blalock also asked about potential change orders, which would increase the cost of the project. Mayor Kennon stated that no change orders are anticipated, but any change orders would be subject to Council approval.

Councilmember Blalock asked about the new facilities’ impact on the school’s operating budget with consideration for costs such as utilities, insurance, maintenance, and additional staffing. School Superintendent Randy Wilkes responded that all those expenses have been budgeted for 2025, including the cost of furniture.

Councilmember Boyd stated that Council was not given options, and questioned whether the football stadium is redundant. Mayor Kennon responded that planning has been ongoing for the past two years.

Wendy VanderWiele, resident, spoke again in favor of the project.

Mike Smith, resident, spoke again to ask if the new facilities will generate income. Mayor and Council responded that revenue would not be enough to offset capital construction costs.

Ford Handley, Finance Director, explained that any revenue will more likely be used to offset operating costs.

Angel Bennett, resident and business owner, stated that she has no children but is in favor of the project.

Kimberly Waterbury, visitor from Paradise, IN, spoke in favor of the project.

Courtney du Plessis, Fairhope resident, asked what the plan was for an athletic complex when the school split happened. Councilmember Blalock responded that the COVID-19 pandemic delayed the project and the cost came back double afterwards. A question was asked if waiting would increase costs even more.

Mallory Wilkins, resident and parent, spoke in favor of the project.

Tim George, coach, spoke in favor of the project.

Chastity Key, resident and parent, spoke in favor of the project.

Mayor Kennon called for the vote. Vote unanimous in favor. **Motion passed.**

2. Resolution appointing Michael A. Dasinger as Municipal Court Judge for the City of Orange Beach. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.** Pamela Davis, Court Director, administered the oath of office for Judge Dasinger.
3. Resolution authorizing a franchise renewal for "A" Ms. Mary Taxi Service LLC, dba A-1 Ms. Mary Taxi Service) to operate a taxi service within the city limits and police jurisdiction of the City of Orange Beach. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing the execution of a professional services agreement with Kimley-Horn and Associates, Inc., for engineering services. **Motion made (Johnson/Blalock) to adopt the resolution.** Brief discussion followed. Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing the execution of a performance contract with Anne Gajda for golf instruction services. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
6. Resolution authorizing the execution of two service agreements with the Safe Harbor Animal Coalition (SHAC) for the removal of feral cats from active beach mouse habitats. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
7. Resolution adopting rental agreements and establishing a schedule of fees for the Coastal Arts Center. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
8. Resolution appropriating funds to the Pensacola and Perdido Bays Estuary Program in the amount of $10,000. **Motion made (Boyd/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. Resolution authorizing the sole source purchase to rebuild existing pumps from Jim House & Associates, Inc., for the Utilities Department in the amount of $31,581. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
10. Resolution authorizing the purchase of Chairs for the Event Center through the BuyBoard purchasing cooperative from MityLite Inc. in the amount of $96,096. **Motion made (Blalock/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

11. Resolution awarding the bid for Trap and Skeet Machines for the Shooting Range to Howell Shooting Supplies, Inc., in the amount of $141,756.33. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
12. Resolution awarding the bid for Softball Field Light Installation at the Sportsplex to Harris Contracting Services, Inc., in an amount not to exceed $41,900. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
13. Resolution awarding the bid for Football and Soccer Field Turf Installation at the Sportsplex to Rolin Construction, Inc., in an amount not to exceed $1,252,021.60 with unit pricing for borrow excavation in the amount of $75 per cubic yard. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
14. Resolution awarding the bid for the Community Center Addition and Roof Replacement to The Green-Simmons Company, Inc., in an amount not to exceed $472,000. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

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: 6:21 P.M.

APPROVED this the 14th day of November, 2023.

Renee Eberly
City Clerk