

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
DECEMBER 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** Pastor John McIntosh, Worship on the Water at Flora-Bama
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

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

Absent: Councilmember Jeff Boyd

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

Work Session	11/07/2023
Regular Council Meeting	11/07/2023
Committee of the Whole	11/07/2023

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 – 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> | |

Mayor Kennon announced the rescheduling of the December 19, 2023, Council Meeting to Wednesday, December 13, 2023.

Councilmember Johnson recognized the passing of longtime resident Lamar Sharpless.

Councilmember Mitchell thanked City Staff Jonathan and Jessica Langston for this year's production of Visions of Christmas.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Blalock) 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; 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; Blalock, aye; Kennon, aye. **Motion passed. (4-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution approving the Fiscal Year 2024 Budget for the City of Orange Beach, including the transfer of special revenue funds to general fund for special revenue fund projects. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Special Events Retail Liquor License Application by Bottles Up Mobile, Inc, for the "Baldwin EMC Christmas Party" event to be held December 9, 2023, at the Orange Beach Event Center, 4671 Wharf Parkway West. **Motion made (Blalock/Silvers) to approve the liquor license.** Vote unanimous in favor. **Motion passed.**

Resolutions

1. Resolution authorizing the city to host community events for the benefit of citizens and visitors of the City of Orange Beach during 2024. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution appointing members to the Employees' Leave Bank Committee. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution authorizing execution of an agreement with CGI Communications, Inc., dba CGI Digital, for a community showcase video program. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing execution of a professional services agreement with Bob Riley and Associates, LLC, for lobbying services. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing execution of a professional services agreement with Van Scoyoc Associates for consulting services. **Motion made (Johnson/Silvers) to postpone consideration indefinitely.** Vote unanimous in favor. **Motion passed.**

6. Resolution authorizing execution of a professional services agreement with Socialize Your Bizness, Inc., for social media consulting and marketing services. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
7. Resolution authorizing execution of a performance contract with Baldwin County Economic Development Alliance, Inc. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
8. Resolution appropriating funds to the Gulf Shores Airport Authority in an amount not to exceed \$75,000 for FY2024. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. Resolution authorizing execution of two performance contracts with Coastal Ballet, Inc. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
10. Resolution extending the entertainment district at SanRoc Cay Marina / Perdido Beach Resort. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
11. Resolution extending the entertainment district at the Wharf. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
12. Resolution authorizing execution of a professional services agreement with Jay Jackson for theatrical set building for "The Wizard of Oz." **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
13. Resolution awarding the bid to construct an Events Pavilion at the Coastal Arts Center to MD Thomas Construction, LLC, in an amount not to exceed \$436,450. **Motion made (Johnson/Mitchell) to postpone consideration until the next council meeting on December 13th.** Vote unanimous in favor. **Motion passed.**
14. Resolution authorizing the donation of a surplus vehicle to the Alabama Gulf Coast Zoo. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
15. Resolution authorizing execution of an amendment to the enrollment agreement with Blue Cross Blue Shield of Alabama for the employee health plan. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1106-ZT-23, Zoning Text Amendment, Section 5.1601, Recreational Vehicles as Residence.

Griffin Powell, Planner II, presented the case overview requesting approval for a zoning text amendment to modify Section 5.1601 to add language regarding the regulation of recreational vehicles being used as residences. Council discussed. There being no opposition, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1107-ZT-23, Zoning Text Amendment, Section 16.02, Tree Protection and Landscaping Applicability.

Griffin Powell, Planner II, presented the case overview requesting approval for a zoning text amendment to modify Section 16.02 to remove the landscaping and the tree removal exemptions for commercial tree operations. Kit Alexander, Community Development Director, explained that this amendment removes commercial tree operation from the list of

exemptions. She further explained that this particular exemption has been used as a loophole by certain individuals since there is no way to prove commercial tree operations and protected trees have been lost as a result. Council discussed. There being no opposition, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1106-ZT-23, Section 5.1601, Recreational Vehicles as Residence. **Motion made (Blalock/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; Blalock, aye; Kennon, aye. **Motion passed. (5-0).** **Motion made (Blalock/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Kennon, aye. **Motion passed. (5-0).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1107-ZT-23, Section 16.02, Tree Protection and Landscaping Applicability. **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; Blalock, 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; Blalock, aye; Kennon, aye. **Motion passed. (5-0).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:20 P.M.

APPROVED this the 2nd day of January, 2024.

Renee Eberly
City Clerk