



REGULAR COMMITTEE OF THE WHOLE MEETING AGENDA

I. Roll Call

II. Consideration of Previous Minutes

1. Work Session 01/28/2025
2. Regular Council Meeting 01/28/2025
3. Committee of the Whole 01/28/2025

III. Unfinished Business

Miscellaneous

Resolutions

Ordinances

IV. New Business

Miscellaneous

Resolutions

1. Resolution authorizing the execution of a consulting agreement with The Andy Andrews Group for an employee training program. (JB)
2. Resolution of support for the Baldwin County Multimodal Connectivity Vision Plan. (RE)
3. Resolution awarding the bid for an Enduras Wireless Radiography System. (RE)
4. Resolution awarding the bid for Two Vehicles for the Coastal Resources Department. (RE)
5. Resolution awarding the bid for a Vehicle for the Police Department. (RE)
6. Resolution authorizing the execution of a professional services agreement with Moffatt & Nichol, Inc., for natural resources consulting and engineering services. (NW)

7. Resolution establishing fees for the Orange Beach Golf Center to add a discounted tournament fee for Orange Beach Schools. (NA)

Public Hearings

Ordinances

1. Ordinance establishing the annual salary of the Mayor, Chairman Pro-Tem and Councilmembers to be paid bi-weekly. (RE)
2. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1204-PUD-21, Cactus Cantina PUD Reversion on February 18, 2025.
3. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0105-ZT-25, Section 10.0306, Beach Overlay District Pedestrian-Oriented Area Sidewalks on February 18, 2025.
4. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0104-PUD-25, Coastal Cottages PUD on February 18, 2025.

V. Public Comments

VI. Adjourn

**MINUTES OF
ORANGE BEACH CITY COUNCIL
WORK SESSION
JANUARY 28, 2025 – 10:00 A.M.
COASTAL ARTS CENTER**

The Orange Beach City Council met on January 28, 2025, at 10:02 A.M. with Mayor Tony Kennon presiding.

The following members were present:

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

The following members were absent:

None

The following items were discussed:

1. FCPA (Fair Campaign Practices Act) reporting.
2. Performing Arts show approval for Lion King Jr.
3. Art Center sod request.
4. Art Center wedding schedule.
5. Potential real property transactions.
6. Sewer policy.
7. Threatened litigation.
8. Margaritaville development.
9. Public nuisance issue.
10. Legal update.
11. Planning Commission vacancy.
12. Scheduling joint work session with City School Board.
13. Rescheduling of March 4th Council Meeting to March 11th due to the Mardi Gras holiday.
14. School legacy banquet.
15. City financial review.
16. Coastal Resources presentation of living shoreline project.
17. Wildlife friendly lighting.
18. Shooting range fees.
19. Request to name field.
20. Palm tree lighting.
21. Mayor and Council salaries.
22. Andy Andrews employee training.
23. Sidewalk ordinance.
24. Golf cart permitting.

25. Limiting construction noise on Sundays.

26. Ethics training.

Councilmember Jeff Silvers left at 2:12 P.M.

27. Baldwin County Multimodal Connectivity Vision Plan.

28. Personnel updates.

29. Christmas drone show.

There being no further business, the meeting adjourned.

Time: 2:33 P.M.

APPROVED this 18th day of February, 2025.

Renee Eberly
City Clerk

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JANUARY 28, 2025 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 4:57 P.M.
- II. INVOCATION** Councilmember Annette Mitchell
- 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.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	12/17/2024
Regular Council Meeting	12/17/2024
Committee of the Whole	12/17/2024

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 – Adam Roberson</u>
Rebuild Alabama Annual Report - 2024 Transportation Plan. | Report attached. |
| 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 – Nicole Ard</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 – Ford Handley</u> | No report. |

14. Mayor/Council

Mayor Kennon thanked city departments and staff, ALDOT, and the emergency management team for their response to the historic snowfall in Orange Beach on January 21, 2025.

Councilmember Mitchell invited the public to purchase tickets for the Orange Beach Garden Club Luncheon. All funds raised benefit city and community events.

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. **Motion 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. **Motion passed. (5-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution authorizing execution of a professional services agreement with EnCompass360, Inc., for grant administration services. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1006-PUDA-24, Turquoise Place PUD Modification, Turquoise Place South Lot. **Motion made (Blalock/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Motion failed. (0-6).**

XII. NEW BUSINESS

Resolutions

1. Resolution appointing Larry Ramirez to the Library Board. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution appropriating funds to support the Safe Harbor Animal Coalition in the amount of \$10,000 for FY2025. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution authorizing transactions relating to Margaritaville Resort-The Wharf. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing the execution of a task order with AECOM for a traffic signal study at the intersection of SR-180 and Wharf Parkway in an amount not to exceed \$13,000. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing a franchise for The Dumpster Guy Baldwin LLC to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

6. Resolution authorizing execution of a rental agreement with Sharp Electronics Corporation for a copier for the Parks & Recreation Department through State Bid. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
7. Resolution authorizing execution of a professional services agreement with Renee Smith to provide various legal services for the Legal Department. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
8. Resolution authorizing the use of the Senior Center to support the Orange Beach Garden Club's "37th Annual Game Day and Salad Luncheon" event. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. Resolution authorizing execution of a performance contract with Coastal Ballet, Inc. **Motion made (Johnson/Mitchell) 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. 0103-PUD-25, Lost Bay Townhouses PUD.

Griffin Powell, Planner II, presented the request for preliminary and final PUD approval to rezone 27.8 acres from GB (General Business) to PUD (Planned Unit Development) for the purpose of converting a multi-family residential development with 82 units into a townhouse subdivision containing 82 lots. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church.

There being no comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0103-PUD-25, Lost Bay Townhouses PUD. **Motion made (Boyd/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; Boyd, aye; Kennon, aye. **Motion passed. (6-0).** **Motion made (Silvers/Blalock) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Motion passed. (6-0).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:10 P.M.

APPROVED this the 18th day of February, 2025.

Renee Eberly
City Clerk

Remarks	No CTP Amendments were made in FY 2024

County Rebuild Alabama Certificate of Compliance



To: Chair of the Joint Transportation Committee
Senate Pro Tempore
Speaker of the House

From: Adam Roberson
City of Orange Beach Community Development Director



Signature

Re: Rebuild Alabama Certificate of Compliance
FY 2024

This certificate of compliance is being submitted as required by the Rebuild Alabama Act to verify a minimum of 50% of the County Rebuild Alabama Funds (CRAFs) for the fiscal year 20 were expended utilizing a contract. The city's actual expenditures under contract were 100%.

Should you need any other information related to this project please feel free to contact this office.

ORANGE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PO BOX 2432 4101 ORANGE BEACH BLVD.
ORANGE BEACH, ALABAMA 36561
PHONE: 251.981.2610

**MINUTES OF
COMMITTEE OF THE WHOLE MEETING
ORANGE BEACH CITY COUNCIL
JANUARY 28, 2025 – 5:10 P.M.
CITY HALL – COUNCIL CHAMBERS**

The Orange Beach City Council met to review potential items for the February 4, 2025, agenda.

The following members were present:

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

The following members were absent:

None

The following items were discussed:

1. Reschedule Council Meeting on March 4, 2025, to March 11, 2025, due to Fat Tuesday. Meeting was rescheduled to March 11, 2025.
2. Discuss policies, procedures, and schedule of fees for the Orange Beach Shooting Facility.
3. Resolution appropriating funds to the Pensacola and Perdido Bays Estuary Program in the amount of \$20,000.
4. Resolution awarding the bid for Two Vehicles for the Community Development Department.
5. Resolution awarding the proposal for Pouring and Vending Rights.
6. Resolution awarding the bid for Senior Center Renovations.
7. Resolution awarding the bid for Library Renovations.
8. Resolution awarding the bid for the Veterans Memorial.
9. Resolution authorizing execution of a professional services agreement with Sally Wyrick for water aerobics instruction at the Aquatics Center.
10. Resolution authorizing execution of a professional services agreement with Sharyon Miller for Ageless Grace Brain Fitness instruction at the Senior Center.
11. Resolution authorizing a franchise for Alabama Container Company, LLC, to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris.
12. Resolution authorizing a franchise for Bishop Enterprises, L.L.C., to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris.
13. Resolution authorizing a franchise for TBD Construction, LLC, dba Big Red, to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris.
14. Resolution authorizing a franchise for BFI Waste Services, LLC, dba Republic Services of Magnolia Springs, to remove and dispose of commercial solid waste and to remove and transport construction and demolition debris.
15. Resolution authorizing the purchase of Three Vehicles for the Police Department through State Bid from McSweeney Auto Group Clanton, LLC, in the amount of \$143,551.77.

16. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., for construction inspection and administration services for the TAPAA-TA21(912) Sidewalk Project along Commercial Avenue in an amount not to exceed \$54,542.21.
17. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1204-PUD-21, Cactus Cantina PUD Reversion. Public hearing set for February 18, 2025, at 5:00 P.M.
18. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0105-ZT-25, Section 10.0306, Beach Overlay District Pedestrian-Oriented Area Sidewalks. Public hearing set for February 18, 2025.
19. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0104-PUD-25, Coastal Cottages PUD. Public hearing set for February 18, 2025.
20. Ordinance amending Chapter 30 of the Code of Ordinances for the City of Orange Beach, Alabama, to add a new Article XII entitled, "Wildlife Friendly Lighting," to establish outdoor lighting standards for the protection of wildlife in the Beach Overlay District.

Public Comments:

None

There being no further business, the meeting adjourned.

Time: 5:29 P.M.

APPROVED this 18th day of February, 2025.

Renee Eberly
City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution authorizing the execution of a consulting agreement with The Andy Andrews Group for an employee training program. (JB)

Background/Description:

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 02-18-25 25-xxx Authorize Consulting Agreement Andy Andrews Employee Training

RESOLUTION NO. 25-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONSULTING AGREEMENT WITH
THE ANDY ANDREWS GROUP
FOR AN EMPLOYEE TRAINING PROGRAM**

FINDINGS:

1. On October 3, 2023, Orange Beach City Council adopted Resolution No. 23-193 authorizing the execution of a consulting agreement with The Andy Andrews Group for year one of a three year “Creating Measurable Results” training program for city employees.
2. City Council would like to continue with year two of the program.
3. After having reviewed the agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute the agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach and The Andy Andrews Group as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney;
2. That the City Council authorizes payment in an amount not to exceed \$115,500 to The Andy Andrews Group to provide the “Creating Measurable Results” training program for a term of one year for up to 400 city employees; and
3. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 25-xxx, which was duly and legally adopted at a regular meeting of the City Council on February 18, 2025.

City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution of support for the Baldwin County Multimodal Connectivity Vision Plan. (RE)

Background/Description:

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 02-18-25 25-xxx Support Baldwin County Multimodal Connectivity Vision Plan
2. 2024 Baldwin County Multimodal Connectivity Plan Map

RESOLUTION NO. 25-xxx

**A RESOLUTION OF SUPPORT FOR THE
BALDWIN COUNTY MULTIMODAL CONNECTIVITY VISION PLAN**

FINDINGS:

1. The Baldwin County Trailblazers requested the Baldwin County Commission facilitate an effort among its 14 municipalities to develop a countywide bicycle-pedestrian plan.
2. The Baldwin County Multimodal Connectivity Vision Plan addresses both bicycle and pedestrian needs, with a focus on connecting missing links in the network that provides for connectivity, safety, and additional modal choices to residents and visitors within Baldwin County and to encourage walking and biking as viable options for commuting and recreational purposes.
3. Municipalities can use the countywide map as a reference tool to guide future infrastructure development as well as make grant applications for its buildout and maintenance more attractive to funders.
4. The City of Orange Beach supports programs that promote health, wellness, and provide safe and accommodating multimodal infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the City of Orange Beach supports the Baldwin County Multimodal Connectivity Vision Plan and will use it as a planning guide for future projects in order to gain benefits mentioned above and to strengthen the quality of life within Baldwin County; and
2. That this Resolution shall become effective immediately upon its adoption.

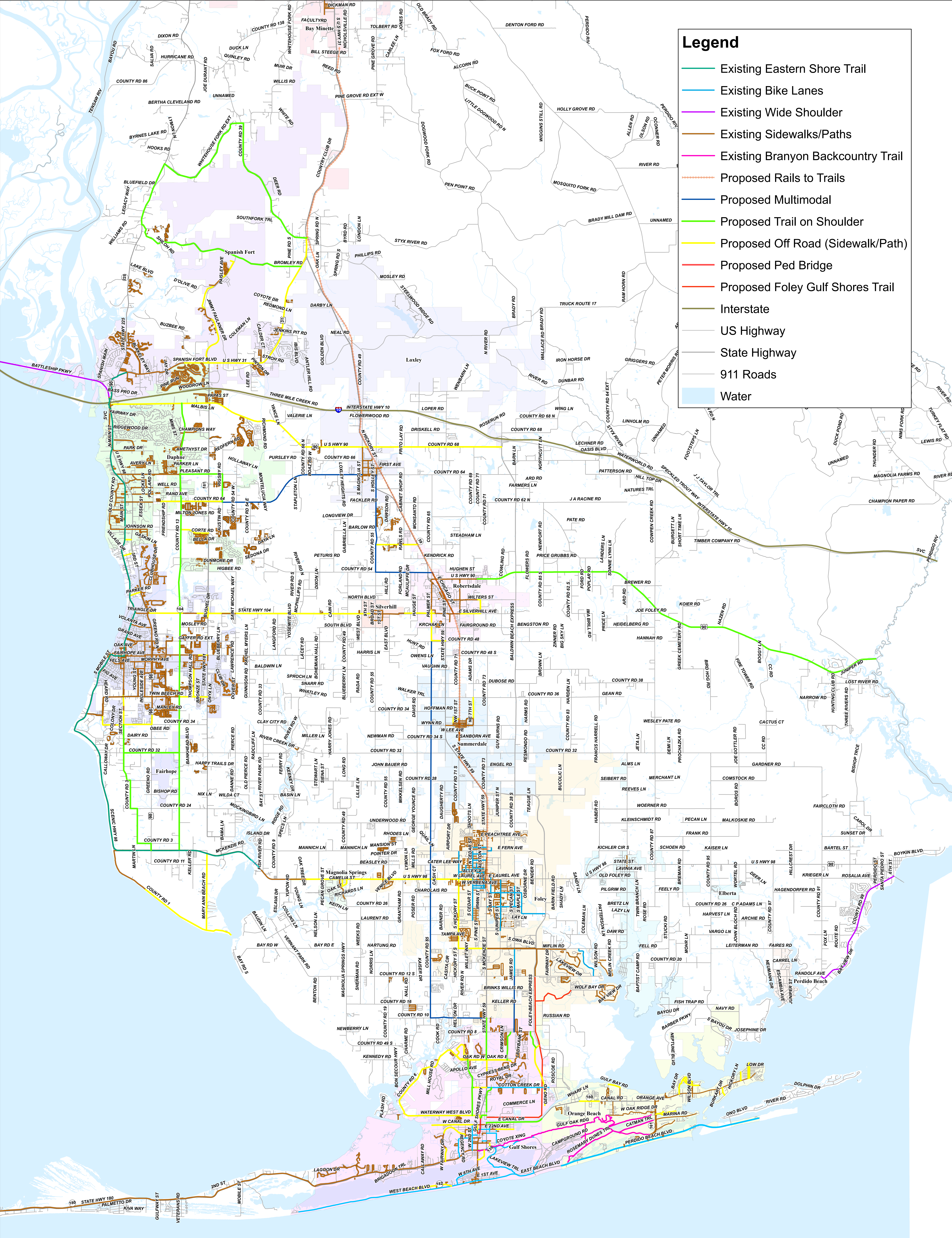
ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 25-xxx, which was duly and legally adopted at a regular meeting of the City Council on February 18, 2025.

City Clerk





**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution awarding the bid for an Enduras Wireless Radiography System. (RE)

Background/Description: Bid opening scheduled for February 13, 2025.

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

None



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution awarding the bid for Two Vehicles for the Coastal Resources Department. (RE)

Background/Description: Bid opening scheduled for February 13, 2025. (Rebid)

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

None



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution awarding the bid for a Vehicle for the Police Department. (RE)

Background/Description: Bid opening scheduled for February 13, 2025.

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

None



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution authorizing the execution of a professional services agreement with Moffatt & Nichol, Inc., for natural resources consulting and engineering services. (NW)

Background/Description:

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 02-18-25 25-xxx Authorize Professional Services Agreement Moffatt Nichol Environmental Consulting
2. 2025.02.02 Professional Services Agreement Moffatt Nichol Environmental Consulting

RESOLUTION NO. 25-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES AGREEMENT WITH
MOFFATT & NICHOL, INC.
FOR NATURAL RESOURCES CONSULTING AND ENGINEERING SERVICES**

FINDINGS:

1. The City of Orange Beach and Moffatt & Nichol, Inc., have reached an agreement (attached Exhibit A) whereby Moffatt & Nichol, Inc., will provide engineering and environmental consulting services for the City of Orange Beach.
2. The purpose of this contract is for Moffatt & Nichol, Inc. to support activities associated with the National Fish and Wildlife Foundation Hurricane Response Marine Debris Removal Fund grant.
3. After having reviewed the agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.
4. The term of this agreement shall be for twelve (12) months from the date of adoption by the Orange Beach City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute the agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach and Moffatt & Nichol, Inc., as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 25-xxx, which was duly and legally adopted at a regular meeting of the City Council on February 18, 2025.

City Clerk

PROFESSIONAL SERVICES CONTRACT

This Agreement is made and entered into by and between the City of Orange Beach, a Class 8 Alabama municipal corporation (hereinafter the "City") and Moffatt & Nichol, Inc., (hereinafter the "Contractor"), as follows:

1. Recitals

WHEREAS, the City desires to engage Contractor to provide professional engineering and environmental consulting services, for the purpose of support activities associated with the National Fish and Wildlife Foundation Hurricane Response Marine Debris Removal Fund grant;

WHEREAS, the Contractor is skilled in providing such services and is available and willing to perform such services on the terms and conditions set forth in this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth to be kept and performed by the other, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereby covenant and agree as follows:

2. Services to be Performed

- a) Contractor will provide engineering and environmental consulting services as set out in attachment "A".
- b) Contractor will perform such other services with regard to the City's National Fish and Wildlife Foundation Hurricane Response Marine Debris Removal Fund grant as are mutually agreed to between the Contractor and the City.

3. Compensation

- a) As full and total compensation for the services to be provided pursuant to this Agreement, Contractor shall be paid \$ 40,658.31 as part of Contractor's performance of this contract, in accordance with City policies.
- b) Contractor shall be paid monthly, upon the City's receipt of a properly documented invoice for coaching services performed.

4. Term.

The term of this Agreement is 12 months commencing February 18th, 2025 and ending February 18th, 2026.

5. Independent Contractor.

- a) Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Contractor and shall not be liable for any debts or obligations incurred by Contractor, nor shall City be deemed or construed to be a partner, joint venturer or otherwise interested in the assets of Contractor, or in the sums earned or derived by Contractor.
- b) Contractor, in the performance of its operations and obligations hereunder, shall not be deemed to be an agent of City but shall be deemed to be an independent Contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent Contractor. City does not, and will not, assume any responsibility for the means by which or the manner in which the services by Contractor provided for herein are performed but, on the contrary, Contractor shall be wholly responsible therefor.

6. Insurance.

- a) For the term of this Agreement, the Contractor shall acquire and maintain in full force and affect the policy of insurance evidenced by the certificate of insurance attached hereto as “Exhibit B”, with the City being named as an additional insured.
- b) Said certificate shall require that said insurance coverage will not be altered or terminated unless City shall be given written notice of such alteration or termination delivered to City not less than thirty (30) days before the effective date of such alteration or termination.

7. Assignment.

Contractor acknowledges that its identity and peculiar capacity to provide the services described hereinabove constitute a material consideration for City's having entered into this Agreement. Therefore, Contractor shall not transfer or assign this Agreement or any of the rights or privileges granted herein without the prior written consent of City; which consent shall be granted or denied solely at City's discretion.

8. Compliance with Law.

Contractor hereby agrees to comply strictly with all the laws of the State of Alabama and of the United States, and the laws and ordinances of any other jurisdiction in which contractor may perform any work pursuant to this Agreement. Contractor further agrees to comply with all rules, regulations, policies, and City ordinances of the City of Orange Beach.

9. Termination.

This Agreement may be terminated by either party for any reason upon thirty (30) days notice of the intent to terminate. Upon termination, Contractor shall be paid *pro rata* for all services actually rendered up to the effective date of termination. This Agreement may be terminated immediately by the City upon failure of the required background check or drug testing, as set out in paragraph 15, below or upon breach of any term hereof by Contractor. Failure to terminate this contract upon discovery of breach shall not constitute consent thereto nor waive the City's right to terminate this contract therefore.

10. Final Agreement.

This Agreement is the final expression of the Agreement between the parties, and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings, or agreements. There are no representations, warranties, or stipulations, either oral or written, not contained herein.

11. Modifications.

Any alterations, variations, modifications or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing, approved by the City Council, and signed by the duly authorized representatives of both parties.

12. Severability.

The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid or unenforceable, by a Court decision, statute or rule, such rendering shall not affect the remainder of this Agreement. This section shall survive termination of the agreement.

13. Law Governing.

This Agreement shall be governed by the laws of the State of Alabama, and the appropriate venue for any actions arising out of this Agreement shall be Baldwin County, Alabama.

14. Permits, etc.

Contractor shall obtain, at its own expense, all necessary licenses, permits, insurance, authorizations and assurances necessary in order to abide by the terms of this Agreement.

15. Background Check and Drug Testing.

Contractor consents to the City of Orange Beach and/or its agents to conduct a background check and drug testing in order for Contractor to provide services as set out herein. Contractor shall provide all required information to the City in order to conduct the background check and drug testing including, but not limited to, full name (maiden name), any alias, physical address, date of birth, social security number, driver's license state and number. Contractor specifically consents to drug test at the request of City at any time and understands that illegal drug use is specifically prohibited.

16. Indemnification.

Contractor agrees to indemnify and hold the City, its elected officials, officers, agents, and employees (hereinafter collectively referred to and included in the use of the word "City") whole and harmless from all costs, liabilities and claims for damages of any kind arising in any way out of the acts, errors or omissions of the contractor in performance of this Agreement and/or the activities of the Contractor, its principals, directors, agents, servants and employees in the performance of this Agreement, for which the City is alleged to be liable. In the event the City, through no fault of its own, is made a party to any lawsuit or legal proceeding arising from Contractor's activities under this Agreement, Contractor agrees to indemnify and hold the City harmless from all costs, including attorneys' fees and expenses, associated with same. This indemnification extends only to third party claims and actions filed against the City as a result of actions by the Contractor under this Agreement. This duty shall survive the termination of this contract.

17. Confidentiality.

Contractor (including its employees, agents, subcontractors) acknowledges that all confidential or protected business and/or personal information ("Protected Information") that it may obtain while performing services for the City, is deemed confidential and proprietary to the City. During Contractor's tenure with the City, Contractor agrees to use Protected Information only and strictly as required to perform its services on behalf of the City. Contractor will not disclose Protected Information to any person or entity without the prior written consent of the City and the written agreement of any third party. Contractor agrees to refer any request for public information or records to the City Clerk, who is the custodian of records for the City and is responsible for the disclosure of public records in accordance with the public records laws of the state. Contractor agrees that it will not duplicate or incorporate Protected Information into its own records or databases and that after the conclusion of its services to the City all Protected Information in the Contractor's possession will be turned over to the City. Contractor agrees not to disclose, use, transfer, or transmit the information to any person or entity for any purpose whatsoever. This includes records, passwords, access codes, manuals, statistics, software, audio/video recordings, or storage disks of any kind containing Protected Information

18. Notices.

All notices of cancellation, requests, demands or other communications shall be in writing and duly delivered to the addresses appearing below:

City of Orange Beach:
City Clerk
Post Office Box 458
Orange Beach, AL 36561

Copy to:
City Attorney
P.O. Box 458
Orange Beach, AL 36561

And to Contractor:
Moffatt and Nichol, Inc.
11 N. Water Street
Suite 20220

Mobile, Alabama 36602
Attn: Kate Dawson, PE

IN WITNESS WHEREOF, we have hereunto set our hands and seal on this the ____ day of _____, 2025.

CITY OF ORANGE BEACH

By: _____
Tony Kennon
Mayor

ATTEST:

Renee Eberly, City Clerk

MOFFATT & NICHOL, INC

Don Blanchar

Its: Coastal Supervisory Scientist

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said County in said State, hereby certify that Tony Kennon and Renee Eberly, whose names as Mayor and City Clerk, respectively, of the City of Orange Beach, a municipal corporation, are signed to the foregoing agreement, and who are known to me, acknowledge before me on this day, that, being informed of the contents of the above and foregoing, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipal corporation on the day the same bears date.

Given under my hand and seal this the _____ day of _____, 2025.

(SEAL)

Notary Public
State of Alabama
My Commission Expires: _____

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Don Blanchar, Coastal Supervisory Scientist for Moffatt & Nichol, Inc., whose name is signed to the foregoing agreement, and who is known to me, acknowledged before me this day that, being informed of the contents of the above and foregoing agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the _____ day of _____, 2025.

(SEAL)

Notary Public
My Commission Expires: _____



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Resolution establishing fees for the Orange Beach Golf Center to add a discounted tournament fee for Orange Beach Schools. (NA)

Background/Description:

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 02-18-25 25-xxx Establish Fees Golf Course Revised

RESOLUTION NO. 25-xxx

**A RESOLUTION ESTABLISHING FEES
FOR THE ORANGE BEACH GOLF CENTER
TO ADD A DISCOUNTED TOURNAMENT FEE FOR ORANGE BEACH SCHOOLS**

FINDINGS:

1. The Orange Beach City Council finds it to be in the best interest of the City of Orange Beach to adopt by resolution this schedule of fees for the City of Orange Beach Golf Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the schedule of fees established by Resolution No. 24-010 is hereby replaced with the following schedule of fees; and
2. That the following fees are hereby established and shall be required to be paid to the City of Orange Beach for the use of the Orange Beach Golf Center:

Annual Golf Membership

Orange Beach Resident	\$250.00 per year
Resident or non-resident 18 years of age and younger	\$50.00 per year
Non-Resident	\$350.00 per year
Three Month Non-Resident	\$250.00
City of Orange Beach Employee and Family	No Charge

Member Fees

Walk the Course	Free
Pull-Cart Rental	\$3.00, plus tax
Electric Cart Rental	\$11.00 (Must be 16 to operate), plus tax

Non-Member Greens Fees

9 Holes (Including Cart)	\$20.00, plus tax
18 Holes (Including Cart)	\$30.00, plus tax
9 Hole (Walking)	\$15.00, plus tax
18 Holes (Walking)	\$25.00, plus tax
Each Additional 9 Holes (Walking or Cart)	\$10.00, plus tax

Annual Cart Plans

Golf Cart, Member	\$250 per year
Pull Cart, Member	\$100 per year

Fundraising Tournament Fee

18 Holes	\$20.00, plus tax regardless of membership \$10.00, plus tax for Orange Beach Schools
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3. That this resolution shall become effective immediately upon adoption.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 25-xxx, which was duly and legally adopted at a regular meeting of the City Council on February 18, 2025.

City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: City Clerk

Description of Topic: Ordinance establishing the annual salary of the Mayor, Chairman Pro-Tem and Councilmembers to be paid bi-weekly. (RE)

Background/Description:

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 2025-xxxx Establish Salary Mayor Council

ORDINANCE NO. 2025-xxxx

**AN ORDINANCE ESTABLISHING THE ANNUAL SALARY
OF THE MAYOR, CHAIRMAN PRO-TEM, AND COUNCILMEMBERS
TO BE PAID BI-WEEKLY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the salary of the mayor of the City of Orange Beach, Alabama shall be and the same is hereby fixed at \$85,000.00 annually to be paid in 26 equal installments on a biweekly basis;
2. That the salary of the chairman pro-tem shall be and the same is hereby fixed at \$25,000.00 annually to be paid in 26 equal installments on a biweekly basis;
3. That the salary of each councilmember shall be and the same is hereby fixed at \$20,000.00 annually to be paid in 26 equal installments on a biweekly basis;
4. That, in addition to the salary provided for herein, the mayor, chairman pro-tem, and councilmembers shall also be paid an amount equal to the amount the city pays for health insurance for all full-time employees. Said members shall also be entitled to participate in all other medical, life insurance, the employee health clinic and other benefit programs provided to all full-time employees; and
5. That this ordinance shall become effective on the first Monday in November 2025 and shall continue in force and effect until repealed by action of the council.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies
that the foregoing ORDINANCE 2025-xxxx
was posted on _____ in the following three

(3) public places:

Orange Beach City Hall _____

Orange Beach Post Office _____

Orange Beach Public Library _____

Renee Eberly, City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: Community Development

Description of Topic: Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1204-PUD-21, Cactus Cantina PUD Reversion on February 18, 2025.

Background/Description: Pursuant to Section 7.08 of the Orange Beach Zoning Ordinance, the Community Development Department requests approval to repeal Case No. 1204-PUD-21 (Ordinance No. 2022-1405) to rescind the Planned Unit Development (PUD) zoning for PIN 230547 located at 4251 Orange Beach Boulevard. The zoning will return to the original classification of Neighborhood Business (NB).

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

None



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: Community Development

Description of Topic: Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0105-ZT-25, Section 10.0306, Beach Overlay District Pedestrian-Oriented Area Sidewalks on February 18, 2025.

Background/Description: The Community Development Department requests approval of a zoning text amendment to Section 10.0306 regarding the requirements for the pedestrian sidewalks in the pedestrian-oriented area in the Beach Overlay District.

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

1. 2025-xxxx Amd 172 Section 10.0306 Beach Overlay District Sidewalks

ORDINANCE NO. 2025-xxxx

**AN ORDINANCE FURTHER AMENDING ORDINANCE 172,
CITY OF ORANGE BEACH ZONING ORDINANCE
SECTION 10.0306, TITLED “BEACH OVERLAY DISTRICT”
(#0105-ZT-25)**

FINDINGS:

1. The City Council of the City of Orange Beach previously passed Ordinance No. 2005-893 titled, “An Ordinance Further Amending Ordinance No. 172, City of Orange Beach Zoning Ordinance Article 2- Definition of Terms, Article 3- Establishment of Districts, Article 4- District Requirements and Article 10- Architectural Standards and Restrictions”, which served to establish the Beach Overlay District and its various requirements.
2. The Planning Commission has determined that certain amendments to Section 10.0306 of the City of Orange Beach Zoning Ordinance regarding the requirement for sidewalks in the Beach Overlay District along State Highway 182 are necessary to protect public and environmental interests.
3. The City Council of the City of Orange Beach has determined that these amendments are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the opening paragraphs of Section 10.0306 of the City of Orange Beach Zoning Ordinance are hereby amended to read in their entirety as follows:

The provisions of the Beach Overlay District apply to new construction, additions or structural alterations on all land within the designated district. These provisions shall serve to supplement underlying zoning regulations in order to support the stated purpose of the district, and shall control in the event of conflict.

Single-family dwellings and two-family duplexes are exempted from the provisions of the Beach Overlay District.

2. That Section 10.0306(a)(1) is hereby repealed in its entirety.
3. That Section 10.0306(a)(2) of the City of Orange Beach Zoning Ordinance is hereby amended to read in its entirety as follows:

2. All sides of a principal building that directly face an abutting street shall have a clearly defined, highly visible customer entrance. Canopies and awnings, with or without structural supports, are required along the fronts of buildings, creating an arcade and are allowed within the front yard setback, but shall be setback a minimum of fifteen (15) feet from the right-of-way. Arcaded areas may not be enclosed or screened.

4. That all ordinances or parts of ordinances in conflict are, to the extent of such conflict, repealed; and
5. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 18th DAY OF FEBRUARY, 2025.

Renee Eberly

City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies
that the foregoing **ORDINANCE 2025-xxxx**
was posted on _____ in the following three
(3) public places:

Orange Beach City Hall _____

Orange Beach Post Office _____

Orange Beach Public Library _____

Renee Eberly, City Clerk



**REGULAR COMMITTEE OF THE WHOLE MEETING
FEBRUARY 4, 2025**

Departments: Community Development

Description of Topic: Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0104-PUD-25, Coastal Cottages PUD on February 18, 2025.

Background/Description: Engineering Design Group, on behalf of Coastal Land Properties, requests preliminary and final PUD approval to rezone 25 acres from General Business (GB) to Planned Unit Development (PUD) for a townhouse subdivision containing 136 lots.

Action Options/Recommendation:

Source of Funding (if applicable):

ATTACHMENTS:

None