

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
SEPTEMBER 3, 2024 – 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 Phillip Anthony, Island Church
- 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

Regular Council Meeting 08/06/2024
Committee of the Whole 08/06/2024

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 – Adam Roberson</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 – 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. <u>Mayor/Council</u> | No report. |

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/Blalock) 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

1. Proclamation declaring September 2024 as Gynecologic Cancer Awareness Month. Susan Crutchfield, Mitchell Cancer Institute, accepted the proclamation on behalf of the Laura Crandall Brown Foundation.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Pelican Grill, LLC, for Pelican Grill at 27267 Perdido Beach Boulevard, Suite 105. **Motion made (Silvers/Mitchell) to approve the liquor license.** Vote unanimous in favor. **Motion passed.**

Resolutions

1. Resolution appropriating funds to the Zoo Foundation, Inc., to sponsor the Alabama Gulf Coast Zoo in the amount of \$50,000 for FY2024. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution appointing David Dichiara, Ryan Long, and Travis Shell to the Board of Adjustment. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide design services for a Pickleball Bathroom Building in an amount not to exceed \$14,000. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing execution of a FY2023 Assistance to Firefighters Grant Award Agreement with the U.S. Department of Homeland Security for the purchase of portable radios for the Fire Department. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing the purchase of a Greenhouse (materials only) for the Coastal Resources Department through Sourcewell from Atlas Greenhouse, LLC, in the amount of \$75,305.33. **Motion made (Boyd/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
6. Resolution authorizing execution of Change Order No. 1 for the Justice Center Roof and Fascia Replacement with The Green-Simmons Company, Inc., to increase design pressures in an amount not to exceed \$45,667. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
7. Resolution authorizing the purchase of a Video Surveillance System for the Golf Center through State Bid from Vision Security Technologies, Inc., in the amount of \$30,889.08. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**

8. Resolution authorizing execution of an amendment to the grant award agreement with the National Audubon Society for the stewardship of Coastal Alabama beach nesting bird habitat. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
9. 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/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
10. Resolution authorizing execution of a professional services agreement with Thompson Engineering, Inc., for survey, modeling, design, and engineering services to complete the Orange Beach Stormwater Master Plan Project. **Motion made (Sillers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
11. Resolution authorizing the purchase of In-Car Camera Systems for the Police Department through State Bid in the amount of \$44,560. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
12. Resolution authorizing the execution of a use agreement with the Coastal Alabama Business Chamber for the 51st Annual National Shrimp Festival. **Motion made (Sillers/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
13. Resolution authorizing settlement in the case of Wireman, et al., v. The City of Orange Beach. **Motion made (Sillers/Johnson) to adopt the resolution.** Councilmember Blalock explained that Larry Wireman is suing the city to have two pieces of land returned to him. Councilmember Blalock stated that while she appreciates the efforts of the Mayor, City Administrator, and city staff to negotiate the most expedient solution, she does not believe that the city has done anything wrong. Mayor Kennon responded to say that this is a pragmatic decision based on risk/reward analysis of the best and worst case scenarios if this lawsuit were to continue to trial. He invited any resident with questions to give him a call. Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, nay; Boyd, aye; Kennon, aye. **Motion passed. (5-1).**

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-24, Keel Storage Phase 4 Addition.

Griffin Powell, Planner II, presented the case overview for a conditional use request to construct two mini-warehouse buildings at 27103 Canal Road.

Councilmember Blalock thanked Mark Keel, developer, for the clean appearance and maintenance of his existing storage buildings.

There being no further comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-24, Keel Storage Phase 4 Addition. **Motion made (Johnson/Blalock) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Motion failed. (5-0-1).** Ordinance will move to a second reading.
2. First Reading – Ordinance authorizing the disposition of unneeded tracts of real estate by the City of Orange Beach, Alabama, described as PIN 273826 and PIN 313406 in the Baldwin County Revenue Commissioner's records. **Motion made (Sillers/Johnson) 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/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, nay; Boyd, aye; Kennon, aye. **Motion passed. (5-1).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 5:24 P.M.

APPROVED this the 1st day of October, 2024.



Renee Eberly
City Clerk

