

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
DECEMBER 3, 2024 – 3:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 2:59 P.M.
- II. INVOCATION** Pastor Brandon Moore, Orange Beach Community 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 11/05/2024
Committee of the Whole 11/05/2024

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> | |

Councilmember Jeff Silvers thanked the Public Works staff for doing a great job putting up Christmas lights and decorations. Mayor Kennon also recognized the Coastal Resources staff for creating new nativity scene cutouts.

Councilmember Joni Blalock reminded the audience about the Christmas Tree Lighting event at the Wharf beginning at 5:30 P.M. after this meeting.

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/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

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application by Barometer Grill OB LLC for Barometer Grill at 27842 Canal Road. **Motion made (Johnson/Blalock) 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 2025. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution authorizing execution of a professional services agreement with Lauren McCaghren for dance instruction for "Shrek the Musical". **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution authorizing execution of an amendment to the professional services agreement with EnCompass360, Inc., for grant writing. **Motion made (Blalock/Johnson) to postpone consideration until the next council meeting on December 17, 2024.** Vote unanimous in favor. **Motion passed.**
4. Resolution awarding the Request for Proposals for program administration services for the First Responders Safe Room project to EnCompass360, Inc. **Motion made (Blalock/Johnson) to postpone consideration until the next council meeting on December 17, 2024.** Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing the purchase of a Farm Tractor for the Coastal Resources Department through Sourcewell from Parish Tractor Company, LLC, in the amount of \$108,812.10. **Motion made (Johnson/Silvers) to adopt the resolution.** Phillip West, Coastal Resources Director, clarified that this purchase is to replace a worn out 2013 beach rake tractor. Vote unanimous in favor. **Motion passed.**

6. Resolution authorizing execution of a right-of-way franchise agreement with MCImetro Access Transmission Services, LLC. Motion made (Johnson/Blalock) to adopt the resolution. Vote unanimous in favor. Motion passed.
7. Resolution authorizing the renewal of a right-of-way franchise agreement with Mediacom Southeast, LLC. Motion made (Blalock/Boyd) to adopt the resolution. Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, nay. Motion passed. (5-1).

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1005-PUD-24, Saltwater Cottages II PUD.

Griffin Powell, Planner II, presented the request for Preliminary and Final PUD Approval to rezone 4 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a residential development containing five single-family houses. The property is located at 23592 and 23608 Perdido Beach Boulevard.

Councilmembers had questions about the proposed PUD giving beach access to Buena Vista, a development to the north of Perdido Beach Boulevard, which is not allowed by-right.

Jim Brown, owner/developer, responded that he is attempting to solve a problem since a previous handshake agreement allowing Buena Vista residents access to the beach is being revoked.

Anne Stein, neighbor, spoke in opposition of granting beach access to Buena Vista through residential property.

Laura Coker, attorney representing Anne Stein and her siblings, spoke in opposition of granting beach access to Buena Vista.

Brian Britt, attorney representing the developer, spoke in favor of the PUD request.

Richard Williams, neighbor, spoke in opposition of the PUD request and stated that the Alabama Supreme Court has historically upheld restrictions for use of private residential property. Mayor Kennon stated that property covenants must be enforced by landowners as a civil matter.

Jim Brown stated that he would be willing to withdraw the boardwalk and parking elements related to access for Buena Vista from his PUD request. Mayor Kennon confirmed with Laura Coker that the removal of these access elements would appease the neighbors in opposition. Ms. Coker agreed that the neighbors' opposition is based solely against the benefits for the development across the street.

Carl Moss, Buena Vista resident, spoke in favor of granting Buena Vista beach access. Mayor Kennon explained that city leadership has long taken a stand that the north side of Perdido Beach Boulevard cannot feasibly be granted easements to the south side up and down the beach due to the hazard for pedestrians crossing the road and the impediment to traffic if pedestrian crossings were permitted. The Mayor explained that the purpose of the new municipal beach is to provide beach access for Orange Beach residents who do not own beachfront property.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1005-PUD-24, Saltwater Cottages II PUD. Motion made (Silvers/Boyd) 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 contingent upon the removal of Buena Vista parking and beach access elements.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Motion passed. (6-0).**

XIII. PUBLIC COMMENTS

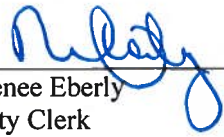
None

XIV. ADJOURN

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

Time: 3:58 P.M.

APPROVED this the 7th day of January, 2025.



Renee Eberly
City Clerk

