

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
JANUARY 7, 2025 – 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 Jared Jones, Central Church Orange Beach
- III. PLEDGE OF ALLEGIANCE** Joe Johnson
- 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 12/03/2024
Committee of the Whole 12/03/2024

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/Johnson) 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

1. Proclamation declaring January 9, 2025, as Joe Johnson Day. Mayor Kennon read aloud the proclamation recognizing Mr. Joe Johnson, whose 100th birthday is on January 9, 2025. Mr. Johnson is a World War II veteran and one of the founding citizens of the City of Orange Beach. Councilmembers thanked Mr. Johnson for his service and being instrumental in the incorporation of Orange Beach.
2. Proclamation declaring January 2025 as Human Trafficking Awareness Month. Mayor Kennon presented the proclamation to Tim Harry, Children's Rescue Initiative member.

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution awarding the Request for Proposals for program administration services for the First Responders Safe Room project to EnCompass360, Inc. **Motion made (Blalock/Silvers) to postpone consideration until the next council meeting on January 21, 2025.** Vote unanimous in favor. **Motion passed.**

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing execution of a Right of Entry Permit and License Agreement with The Nature Conservancy for the restoration of Robinson and Walker Islands. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
2. Resolution authorizing the execution of a professional services agreement with Coastal Wave Diagnostics, LLC, for cardiovascular screenings for city employees. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
3. Resolution authorizing execution of an intergovernmental agreement with Baldwin County for the use of county voting machines and the services of the county voting machine custodian and employees for municipal elections. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
4. Resolution authorizing the purchase of a Mower for the Golf Center through Sourcewell from Deere & Company in the amount of \$49,949.52. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
5. Resolution authorizing the purchase of a Vehicle for the Public Works Street Department through State Bid from Stivers Ford Lincoln, Inc., in the amount of \$65,124. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor. **Motion passed.**
6. Resolution authorizing the purchase of an Excavator for the Public Works Street Department through Sourcewell from Parish Tractor Company, LLC, in the amount of \$126,708.26.

Motion made (Johnson/Mitchell) to adopt the resolution. Vote unanimous in favor. Motion passed.

7. Resolution authorizing the purchase of a Mower for the Public Works Street Department through Sourcewell from Parish Tractor Company, LLC, in the amount of \$110,254.60. **Motion made (Blalock/Johnson) to adopt the resolution. Vote unanimous in favor. Motion passed.**
8. Resolution authorizing the execution of a professional services agreement with GeoCon Engineering & Materials Testing, Inc., for geotechnical analysis and construction materials testing services. **Motion made (Mitchell/Silvers) to adopt the resolution. Vote unanimous in favor. Motion passed.**
9. Resolution authorizing the execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide special inspections and construction materials testing for the Coastal Alabama Sea Turtle Center in an amount not to exceed \$7,500. **Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor. Motion passed.**
10. Resolution authorizing the purchase of a Video Surveillance System for the Skeet and Trap Range through State Bid from Vision Security Technologies Inc. in the amount of \$23,546.14. **Motion made (Mitchell/Boyd) to adopt the resolution. Vote unanimous in favor. Motion passed.**
11. Resolution authorizing the purchase of Four Vehicles for the Fire Department through State Bid from Stivers Ford Lincoln, Inc., in the amount of \$239,191. **Motion made (Silvers/Johnson) to adopt the resolution. Vote unanimous in favor. Motion passed.**
12. Resolution authorizing the execution of a contract for law enforcement services with Baldwin County. **Motion made (Blalock/Mitchell) to adopt the resolution. Vote unanimous in favor. Motion passed.**
13. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide design services for a Lifeguard Building in an amount not to exceed \$52,800. **Motion made (Johnson/Silvers) to adopt the resolution. Vote unanimous in favor. Motion passed.**
14. Resolution amending Resolution No. 24-150 to authorize the purchase of Four Vehicles for the Police Department through State Bid from Stivers Ford Lincoln, Inc., in the increased amount of \$204,168. **Motion made (Silvers/Mitchell) to adopt the resolution. Vote unanimous in favor. Motion passed.**
15. Resolution authorizing the purchase of real property from Cayman Grill, LLC, and authorizing the Mayor to negotiate and execute a real estate purchase agreement and such other documents as may be required to close the transactions contemplated herein. **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. 1202-PUDA-24, Terry Cove Harbor PUD, Lot 231 Rear Setback Variance.

Griffin Powell, Planner II, presented the request for a minor modification to the Terry Cove Harbor Planned Unit Development (PUD) Master Plan for a waiver to the 5-foot rear setback requirement on Lot 231 of Terry Cove Harbor Phase Two Subdivision. The property is located at 26691 Terry Cove Drive.

Vince Burchfield, applicant, responded to a question from Council explaining why the house cannot be configured to fit within the existing setbacks.

Mayor and Council confirmed that the rear property line abuts unbuildable land owned by the Terry Cove Subdivision and that the request has been approved by the Terry Cove Subdivision Architectural Review Committee.

There being no further comments, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1006-PUDA-24, Turquoise Place PUD Modification, Turquoise Place South Lot.

Griffin Powell, Planner II, presented the request for a major modification to the Turquoise Place Planned Unit Development (PUD) Master Plat for a six-unit condominium with a clubhouse and rooftop pool deck amenities on 1.17 acres between Turquoise Place and The Palms Condominium. The property is located at 26302 Perdido Beach Boulevard. The Planning Commission gave the request a favorable recommendation (5 in favor, 4 against).

George Irvine, attorney with Stone Crosby representing the Turquoise Place Condo Owners Association, spoke in opposition.

Kris Anderson, attorney representing the applicant, spoke in support.

Discussion covered the general topic of legal ownership of the property and whether the location of easements are fixed or flexible as long as the purpose of use was still provided.

Richard Nenstiel, 26550 Cotton Bayou Drive, spoke in opposition.

Forrest Daniell, architect for the applicant, addressed concerns regarding green space and continued provision of an emergency access corridor for the City of Orange Beach. Kris Anderson also spoke about landscaping requirements.

Brent Williams, Turquoise Place resident, spoke in opposition.

Madge Williams, Turquoise Place resident, spoke in opposition.

Karen Nenstiel, 26550 Cotton Bayou Drive, spoke in opposition.

John Hansen, 26266 Perdido Beach Boulevard (The Palms), spoke in opposition.

Carlton McMasters, 26268 Perdido Beach Boulevard (The Palms), asked for clarification on property ownership. David Walker, attorney with Galloway, Wettermark & Rutens representing the city, confirmed that the property is currently owned by the City of Orange Beach, but that a land swap contract has been signed and that the property will be owned by Larry Wireman.

Karen Nenstiel raised additional concerns.

Cynthia Dore, The Palms Condo Owners Association President, spoke in opposition.

Cathy Ridling, The Palms resident, spoke in opposition.

Ruth Niedrich, The Palms resident, spoke in opposition.

Larry Wireman, developer, spoke in defense of the request.

George Irvine, Brent Williams, and Madge Williams gave additional comments.

John "Tater" Harris, 27276 St. Lucia Drive, asked what could be built by-right without a PUD. Mayor Kennon responded that nothing could be built otherwise.

Ron Niedrich, The Palms resident, asked if The Palms could have legal representation at any upcoming attorney meetings. Mayor Kennon responded that he is not sure that attorneys will allow a party without legal interest into the negotiation.

There being no further comments, the public hearing adjourned.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1104-PUD-24, Roscoe Road Townhouses PUD.

Griffin Powell, Planner II, presented the request for preliminary and final approval to rezone 8.53 acres from Multi-Family Residential Low to Medium Density (RM-1) to Planned Unit Development (PUD) for the purpose of converting a multi-family residential development with 60 units into a townhouse subdivision. The property is located on Roscoe Road. The Planning Commission gave the request a favorable recommendation (7 in favor, 0 against).

There being no comments, the public hearing adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1202-PUDA-24, Terry Cove Harbor PUD, Lot 231 Rear Setback Variance. **Motion made (Sillers/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 (Sillers/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Motion passed. (6-0).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1006-PUDA-24, Turquoise Place PUD Modification, Turquoise Place South Lot. No action taken. Ordinance will move to a second reading.
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1104-PUD-24, Roscoe Road Townhouses PUD. **Motion made (Boyd/Sillers) 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 (Sillers/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: 7:39 P.M.

APPROVED this the 4th day of February, 2025.



Renee Eberly
City Clerk

