

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
FEBRUARY 7, 2023 – 5:00 P.M.  
CITY HALL – COUNCIL CHAMBERS**

**I. CALL TO ORDER** Councilmember Annette Mitchell called the meeting to order at 5:00 P.M.

**II. INVOCATION** Councilmember Jerry Johnson

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

Present: Councilmember Jeff Silvers  
Councilmember Jerry Johnson  
Councilmember Annette Mitchell  
Councilmember Joni Blalock

Absent: Councilmember Jeff Boyd  
Mayor Tony Kennon

**V. CONSIDERATION OF AGENDA**

**Motion made (Silvers/Blalock) to approve the agenda with one additional item.**

1. Resolution awarding the bid for a Blower Package for the Utilities Department.

Vote unanimous in favor.

**VI. CONSIDERATION OF PREVIOUS MINUTES**

Flood Damage Prevention Board	12/13/2022
Regular Council Meeting	01/03/2023
Committee of the Whole	01/03/2023
Work Session	01/10/2023

The reading was waived and minutes were approved as written.

**VII. REPORTS OF OFFICERS/COMMITTEES**

A. <u>City Administrator</u>	No report.
B. <u>Director, Public Works – Tim Tucker</u>	No report.
C. <u>Director, Community Development – Kit Alexander</u>	No report.
D. <u>Chief, Police Department – Steve Brown</u>	No report.
E. <u>Chief, Fire Department – Mike Kimmerling</u>	No report.
F. <u>City Clerk – Renee Eberly</u>	No report.
G. <u>Director, Finance – Ford Handley</u>	No report.
H. <u>Parks &amp; Recreation – Ford Handley</u>	No report.
I. <u>Director, Utilities – Jeff Hartley</u>	No report.
J. <u>Director, Coastal Resources – Phillip West</u>	No report.
K. <u>Librarian, Public Library – Meagan Bing</u>	No report.
L. <u>Director, Municipal Court – Pam Davis</u>	No report.

M. Director, Expect Excellence – Jonathan Langston No report.

N. Mayor/Council

Councilmember Mitchell announced that the Alabama Severe Weather Preparedness Sales Tax Holiday will be held February 24-26, 2023.

### VIII. AUDITING OF ACCOUNTS

**Motion made (Blalock/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. **Passed. (4-0).**

**Motion made (Blalock/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. **Passed. (3-0-1).**

### IX. PRESENTATIONS

1. Proclamation to declare February 25, 2023, as Arbor Day. Councilmember Mitchell read the proclamation aloud. Woody Speed, City Environmentalist, announced that the annual tree giveaway will be held on February 25, 2023, in front of the Orange Beach Community Development Building.

### X. RECOGNITIONS

1. Recognition of promoted police personnel by Chief Brown. Chief Brown stated that the recognition of promoted police personnel will be rescheduled for a later date, but he introduced new officer Adam David.
2. Recognition of Lucean Pingrey, OBHS Student, for athletic and academic achievements. Councilmember Mitchell summarized Mr. Pingrey's accomplishments. Mr. Pingrey and his family were applauded.

### XI. UNFINISHED BUSINESS

#### Miscellaneous

1. Approval of 2021 Audited Financials. **Motion made (Silvers/Johnson) to postpone consideration until the next council meeting on March 1, 2023.** Vote unanimous in favor.

#### Ordinances

1. Second Reading – Ordinance amending Chapter 42, Article II, Division 2, Section 42-41(d) of the Code of Ordinances for the City of Orange Beach, Alabama, to adopt the 2021 International Fire Code. **Motion made (Silvers/Blalock) to postpone consideration of the ordinance indefinitely.** Jamie Logan, City Attorney, explained that the state is reviewing and will clarify which amendments need to be adopted. She stated that the ordinance will be brought back for consideration at a later date. Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye. **Passed. (4-0).**

### XII. NEW BUSINESS

#### Miscellaneous

1. Approval of a Special Retail Liquor License Application by SUNSHINE PI1 LLC for Oasis Grill, 23401 Wharf Parkway. **Motion made (Silvers/Blalock) to approve the liquor license.** Vote unanimous in favor.

2. Approval of a Special Events Retail Liquor License Application by Event Concessions, Inc., for the 2023 Wharf Boat Show to be held March 17-19, 2023, at 4685 Wharf Parkway. **Motion made (Johnson/Silvers) to approve the liquor license.** Vote unanimous in favor.

### Resolutions

1. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide a preliminary soil study for an Event Pavilion at the Coastal Arts Center in an amount not to exceed \$3,275. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing execution of a maintenance agreement with KONE Inc. for the elevator at the Coastal Resources Office. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing execution of a service agreement with Allied Holdings Group, LLC, for disposal of biohazard waste for the Fire Department. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the purchase of a Mower for the Coastal Resources Department through Sourcewell in the amount of \$29,940.72. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of a licensed training provider agreement with the American National Red Cross for the Orange Beach Aquatics Center. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
6. Resolution of binding joint agreement for seeking ADEM grant funding for the Baldwin County Material Recovery Facility. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the purchase of Two Vehicles for the Police Department from State Bid in the amount of \$72,566. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
8. Resolution to reject bids and accept a negotiated price for a Vehicle for the Administration Department from Southern Chevrolet, Inc., in the amount of \$34,998.64. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
9. Resolution to accept a negotiated price for Two Vehicles for the Public Works Department from Eastern Shore Toyota, LLC, in the amount of \$115,500. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
10. Resolution approving a temporary permit for a Sales Trailer at Phoenix Key located at 29010 Perdido Beach Boulevard. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
11. **ADDITION:** Resolution awarding the bid for a Blower Package for the Utilities Department to Jim House & Associates, Inc., in the amount of \$34,200. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.

### Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1203-PUD-22, Romar Beach Hotel PUD.

Griffin Powell, Planner II, presented the case overview. He explained that this PUD to convert an existing church building to a hotel was previously approved, but approval expired in August 2022, so the applicant has resubmitted the PUD for full re-approval.

Councilmember Johnson questioned the compact size of some of the parking spaces.

There being no additional comments or opposition, the public hearing adjourned.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1208-PUDA-22, Village of Tannin Minor PUD Amendment, 69 Parks Edge Front Porch Addition.

**Motion made (Blalock/Johnson) to reschedule the public hearing and first reading of the ordinance to council meeting on March 7, 2023.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye. **Passed. (4-0).**

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1207-ZT-22, Article 15, Temporary Residential Real Estate Signs.

Griffin Powell, Planner II, summarized the department request to exempt temporary commercial and residential real estate signs from having to obtain a permit.

Councilmember Silvers asked the reason for the request. Kit Alexander, Community Development Director, stated that, currently, permits are issued for real estate signs without any fees. She explained that city staff's main concern is with the removal of signs, but that realtors are already motivated to recover their signs due to their value for reuse. She further explained that the Baldwin County Association of Realtors helped develop the sizing guidelines. Ms. Alexander stated that staff supports this reduction in administrative burden.

There being no additional comments or opposition, the public hearing adjourned.

### **Ordinances**

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1203-PUD-22, Romar Beach Hotel PUD. No action taken. Ordinance will move forward to a second reading.
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1208-PUDA-22, Village of Tannin Minor PUD Amendment, 69 Parks Edge Front Porch Addition. This item has been postponed to March 7, 2023.
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1207-ZT-22, Article 15, Temporary Residential Real Estate Signs. No action taken. Ordinance will move forward to a second reading.

### **XIII. PUBLIC COMMENTS**

None

### **XIV. ADJOURN**

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

Time: 5:36 P.M.

**APPROVED** this the 1<sup>st</sup> day of March, 2023.

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Renee Eberly  
City Clerk