

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
MARCH 21, 2023 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:01 P.M.
- II. INVOCATION** Pastor Jared James, Central 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

Work Session	02/28/2023
Regular Council Meeting	03/01/2023
Committee of the Whole	03/01/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

A. City Administrator – Ford Handley

Mr. Handley announced that Opening Day for youth baseball 8U, 10U, and 12U recreational programs will be held on Thursday, March 23, 2023, beginning at 5:00 PM at the Orange Beach Sportsplex.

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| 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 & 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 Blalock announced that a free microchipping and rabies clinic will be held on April 8, 2023, but residents must register their pets prior to April 5th. Ms. Blalock also announced that an Easter egg hunt will be hosted by the city at the Backcountry Trail on March 31, 2023, at 11:00 AM. Lastly, she announced that the Alabama Gulf Coast Zoo will be holding the 2023 Art on the Wild Side fundraising event on March 25, 2023.

Cindy Ross, city social media contractor, invited the public to a fundraising event for Maasai Mara being held on April 21, 2023, from 6:00-9:00 PM at OSO at Bear Point.

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. **Passed. (6-0).**

Motion made (Mitchell/Boyd) 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. **Passed. (5-0-1).**

IX. PRESENTATIONS

X. RECOGNITIONS

1. Mayor Kennon recognized A-1 Ms. Mary Taxi Service for twenty years of operation in Orange Beach. Owner Terri Dixon accepted the Certificate of Recognition and spoke in memory of her mother, the original Ms. Mary.
2. Matt Stringer, city community liaison, introduced Hut and Pam Stricklin, new residents to the area. Hut Stricklin is a retired professional stock car driver.

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution awarding the bid for Perdido Pass Seawall Park Post-Hurricane Sally Repairs and Phase III Expansion to MD Thomas Construction, LLC, in an amount not to exceed \$695,597.05. **Motion made (Johnson/Blalock) to adopt the resolution.** Vote unanimous in favor.

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing the execution of Amendment Three to the Subaward Grant Agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Canal Road Improvements East of State Highway 161. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the execution of a task order with Sawgrass Consulting, LLC, to provide professional services for the City Hall Finance Addition in an amount not to exceed \$10,000. **Motion made (Blalock/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution awarding the annual bid for Magnesium Hydroxide Slurry to Premier Magnesia, LLC, per unit pricing for a maximum of three years. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

4. Resolution awarding the annual bid for On-Call Electrical Services to A&B Electric Company of Mobile, Inc., per unit pricing for a maximum of three years. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of permit agreements with the Alabama Department of Transportation for Perdido Pass Seawall Park repairs and Phase III expansion. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the purchase of an Aerator with attachments for the Landscape Department through Omnia Partners in the amount of \$19,513. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing execution of a Business Associate Agreement with Blue Cross Blue Shield of Alabama. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
8. Resolution to request legislative annexation of certain properties owned by the City of Orange Beach into the corporate limits of the City of Orange Beach, Alabama. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
9. Resolution authorizing the execution of a task order with McCollough Architecture, Inc., to provide professional services for roof replacement and addition at the Community Center in an amount not to exceed \$17,500. **Motion made (Johnson/Silvers) 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. 1205-PUD-22, Jones Duplexes.

Griffin Powell, Planner II, presented the case overview to rezone 1.88 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a beachfront residential development consisting of two duplexes and three single-family houses. This property is a vacant beachfront lot located at 26480 Perdido Beach Boulevard.

Councilmember Boyd voiced his concerns about 5' setbacks. Discussion followed including by-right scenarios, density reduction, the beach overlay district versus residential neighborhoods, and clarification that exterior setbacks are met along the perimeter of the property. Mayor and Council also discussed the unique nature of this project due to it being adjacent to the parking garage and buffer wall approved for Turquoise Place in 2022.

Forrest Daniell, project architect, explained that the structures are not individual residences on independent lots, but that they are all on one lot with a single owner. He also explained that the interior setbacks were reduced to create space for fire truck and trash truck turnaround.

Larry Wireman, developer of Turquoise Place, spoke in favor of the project.

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. 0202-CU-23, JPEM Duplex.

Griffin Powell, Planner II, presented the case overview to construct a duplex on a beachfront lot located 29110 Perdido Beach Boulevard in the Single-Family Residential (RS-1) zoning district.

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

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0304-CU-23, Three T's Restaurant and Warehouse.

Griffin Powell, Planner II, presented the case overview for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse located at 25431 Canal Road in the General Business (GB) zoning district.

Councilmember Silvers asked if there would be outdoor seating or outdoor music. Griffin responded that there is approximately 500-SF of outdoor seating, but no outdoor music, which would require obtaining an Outdoor Music Venue Permit. Councilmember Silvers stated that he would not favor outdoor music due to anticipated complaints from residential neighbors.

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. 1205-PUD-22, Jones Duplexes. **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. **Passed. (6-0).** **Motion made (Silvers/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, nay; Boyd, aye; Kennon, aye. **Passed. (5-1).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0202-CU-23, JPEM Duplex. **Motion made (Silvers/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. **Passed. (6-0).** **Motion made (Silvers/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0304-CU-23, Three T's Restaurant and Warehouse. **Motion made (Silvers/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. **Passed. (6-0).** **Motion made (Mitchell/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 6:07 P.M.

APPROVED this the 18th day of April, 2023.

Renee Eberly
City Clerk