

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
APRIL 18, 2023 – 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** Father Paul, St. Thomas by the Sea Catholic 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 (Blalock/Mitchell) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Regular Council Meeting 03/21/2023
Committee of the Whole 03/21/2023

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

1. City Administrator – Ford Handley No report.
2. Director, Public Works – Tim Tucker No report.
3. Director, Community Development – Kit Alexander No report.
4. Chief, Police Department – Steve Brown No report.
5. Chief, Fire Department – Mike Kimmerling No report.
6. City Clerk – Renee Eberly No report.
7. Director, Finance – Ford Handley No report.
8. Parks & Recreation – Ford Handley No report.
9. Director, Utilities – Jeff Hartley No report.
10. Director, Coastal Resources – Phillip West

Phillip recognized Jackie McGonigal, Wind and Water Learning Center Coordinator, who received an award for natural resource stewardship from the Baldwin County Commission.

11. Librarian, Public Library – Meagan Bing No report.
12. Director, Municipal Court – Pam Davis No report.
13. Director, Expect Excellence – Jonathan Langston No report.
14. Mayor/Council 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. **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

1. Proclamation declaring April 2023 as National Donate Life Month.

Renee Eberly, City Clerk, read the proclamation aloud. Mayor Tony Kennon presented the proclamation to Ryan Pope, Ambassador for Legacy of Hope.

2. Proclamation declaring May 2023 as Mental Health Awareness Month and the first week in May as Tardive Dyskinesia Week.

Renee Eberly, City Clerk, read the proclamation aloud.

3. Presentation by Cindy Ross on behalf of the Changing Hearts Against Diversity Foundation.

Cindy Ross, Organizer, presented a plaque recognizing the Mayor and City Council for their support of the Changing Hearts Against Diversity Foundation. Dr. Ross announced a fundraising event for Maasai Mara being held on April 21, 2023, from 6:00 P.M. to 9:00 P.M. at Oso Restaurant in Bear Point Marina.

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Miscellaneous

1. Designate nominee for County Board of Equalization. Mayor and Council were unable to identify any individuals willing to serve. No nomination will be submitted.

Resolutions

1. Resolution authorizing the execution of a professional services agreement with the University of Alabama for consultation services by the City of Orange Beach's Coastal Resources Director. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.

Ordinances

1. Second Reading – Ordinance amending Chapter 2, Article IV, Section 2-182 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Authority and Powers of Heads" to authorize department heads to set certain fees. **Motion made (Blalock/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, nay; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (0-6).**

XII. NEW BUSINESS

Miscellaneous

1. Approval of a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Liquor License Application by Pinki's Market, Inc., for Sam's Stop and Shop, 27125 Canal Road. **Motion made (Mitchell/Blalock) to approve the liquor license.** Vote unanimous in favor.

Resolutions

1. Resolution authorizing execution of a change order with M.W. Rogers Construction Co., L.L.C., for Fire Station No. 3 in an amount not to exceed \$21,548. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the purchase of Artificial Turf (Materials Only) for the Baseball Field at the Sportsplex through Sourcewell in the amount of \$480,270. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
3. Resolution awarding the bid for a Police Boat for the Police Department to Gravois Aluminum Boats, LLC, dba Metal Shark, in the amount of \$437,073.93. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution awarding the bid for a New Fuel Station to SPATCO Energy Solutions, LLC, in an amount not to exceed \$240,778. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of a performance agreement with McLean Motor Sports Productions, LLC, for the "Bama Coast Cruisin'" event. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
6. Resolution reappointing Randy McKinney to the Orange Beach City Board of Education. **Motion made (Silvers/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. 0306-PUDA-23, The Wharf PUD Modification, Wharf Main Street Addition.

Kit Alexander, Community Development Director, presented the case overview for a major modification to the Wharf Planned Unit Development Master Plan for multiple commercial buildings with 34,000 square feet of leasable space along with nearly 16,000 square feet of lawn and assembly area. This property located at 4555 Main Street at the northwest corner of the intersection of Main Street and Canal Road.

Ercil Godwin, Sawgrass Consulting, and Sted McCollough, McCollough Architecture, were present to answer questions on behalf of the applicant.

Council discussed the number of parking spaces used by the amphitheater. Kit explained that the current lot holds 900 vehicles and that the proposed modification will reduce the parking spaces by 120.

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. 0410-PUDA-23, Village of Tannin PUD Modification, 16 The Battery Pool Setback Encroachment.

Kit Alexander, Community Development Director, presented the case overview for a minor modification to the Village of Tannin Planned Unit Development Master Plan to allow a swimming pool to encroach up to two feet into the five foot setback at 16 The Battery. Kit noted that the Tannin Architectural Review Committee and the Homeowners Association have approved.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0306-PUDA-23, The Wharf PUD Modification, Wharf Main Street Addition. **Motion made (Blalock/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 (Blalock/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0410-PUDA-23, Village of Tannin PUD Modification, 16 The Battery Pool Setback Encroachment. **Motion made (Johnson/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 (Johnson/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, nay; Kennon, aye. **Passed. (5-1).**

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: 5:27 P.M.

APPROVED this the 16th day of May, 2023.

Renee Eberly
City Clerk