

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
SEPTEMBER 6, 2022 – 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** Councilmember Joni Blalock
- 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/Boyd) to approve the agenda as written.** Vote unanimous in favor.

**VI. CONSIDERATION OF PREVIOUS MINUTES**

Work Session	08/02/2022
Regular Council Meeting	08/02/2022
Committee of the Whole	08/02/2022

The reading was waived and minutes were approved as written.

**VII. REPORTS OF OFFICERS/COMMITTEES**

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|---|------------|
| A. <u>City Administrator – Ken Grimes</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 – Ken Grimes</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 – Renee Gardner</u>       | No report. |
| M. <u>Director, Expect Excellence – Jonathan Langston</u> | No report. |
| N. <u>Mayor/Council</u>                                   |            |

Councilmember Silvers shared that the Alabama Coastal Cleanup event will take place on Saturday, September 17, 2022.

Phillip West, Coastal Resources Director, responded to a question from the Council regarding the repair of canoe trail sites by explaining that the project is still in the design phase.

### VIII. AUDITING OF ACCOUNTS

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

### IX. PRESENTATIONS

1. Proclamation declaring September 2022 as Gynecologic Cancer Awareness Month. Ken Grimes, City Administrator, read the proclamation aloud. Jim and Cecilia Crandall, founders of the Laura Crandall Brown Foundation, were present to receive the proclamation. Cecilia Crandall spoke about her daughter, Laura, who succumbed to ovarian cancer at the age of 25 in 2009. She spoke about the importance of spreading awareness to promote prevention and vaccinations.
2. Proclamation declaring September 17-23, 2022, as Constitution Week. Ken Grimes, City Administrator, read the proclamation aloud.

### X. RECOGNITIONS

1. Recognition of Mako Varsity Cheerleaders who achieved State Honors. Mayor and Council tabled this item until all the cheerleaders had arrived.
2. Recognition of Police Chief Steve Brown for completing his 240 Hour Certification in Law Enforcement through the Alabama Association of Chiefs of Police program supported by the Alabama Peace Officers' Standard and Training Commission. Ken Grimes, City Administrator, recognized Chief Brown. Chief Brown expressed gratitude for the support.

### XI. UNFINISHED BUSINESS

#### Resolutions

1. Resolution authorizing execution of a task order with Mark D. Pavey to provide professional design services for the Orange Beach Medical Plaza. **Motion made (Silvers/Johnson) to postpone indefinitely.** Vote unanimous in favor.

#### Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0709-PUDA-22, Parks Edge PUD Master Plan, Lot 3, 49 Parks Edge, Setback Encroachment. **Motion made (Silvers/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (1-5).**
2. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0806-PUDA-22, Zeke's Landing PUD Modification, Building Sign. **Motion made (Blalock/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

### XII. NEW BUSINESS

#### Resolutions

1. Resolution authorizing execution of a Cooperative Service Agreement with the U.S. Department of Agriculture to supplement nuisance wildlife control services. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.

2. Resolution authorizing execution of a cooperative agreement with the Alabama Department of Environmental Management (ADEM) for the city to provide permitting, regulating, monitoring, and inspection services and be reimbursed in an amount not to exceed \$37,950. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution awarding the bid for 2022 Roadway Resurfacing to Arrington Curb & Excavation, Inc., in an amount not to exceed \$344,443.60. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

Mayor Kennon returned to the recognitions now that all the cheerleaders were present. Mayor and Council recognized All-American Award recipients Audrey Boyd, AK Bradford, Evie Rosa Butler, Kaedyn Burson, Eliza Vallier, Lucy Wheeler, and Pin It Forward Award recipient Lauren Pate.

4. Resolution authorizing execution of a performance contract with Safe Span, L.L.C., for engineering and bridge inspection professional services in an amount not to exceed \$2,600. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of a performance contract with Brandy Reeves for tennis instruction services. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of a Memorandum of Understanding with the Alabama Department of Forensic Sciences (ADFS) for Evidential Breath Testing Equipment. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the sole source purchase of a Robotic Field Painter from Intelligent Marking USA Inc., dba Turf Tank, for the Public Works Department in the amount of \$56,500. **Motion made (Boyd/Blalock) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the execution of a license agreement with Wharf Retail Properties, L.L.C., for the 2nd Annual Orange Beach Freedom Fest. **Motion made (Silvers/Blalock) 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. 0803-PUDA-22, Beach Village PUD Modification, Phase 2.

Griffin Powell, Planner II, presented the case overview.

Council expressed disappointment in the removal of the food court common area that was part of the original PUD master plan. Councilmember Boyd questioned the 5' setbacks. Paul Stewart, representing the applicant, explained that increased green space at the front of the property is needed for better visuals and explained how economic difficulties stemming from the COVID-19 pandemic necessitated the removal of the food court.

Councilmember Blalock explained that she prefers a food court because it serves as an attraction to keep visitors on-site, thereby lessening traffic entering and exiting the property. Mr. Stewart explained that the development has a relationship with Lartigue's Seafood restaurant, which is across the street.

Mayor Kennon clarified with staff that this property was previously zoned General Business (GB) prior to becoming a PUD. Mayor Kennon explained that he is more willing to allow the reduced setbacks given that a GB zone allows for higher density as opposed to other PUDs that were previously zoned Residential.

Kit Alexander, Community Development Director, recommended requiring an 8' buffer wall.

There being no further comments, the public hearing was adjourned.

### **Ordinances**

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0803-PUDA-22, Beach Village PUD Modification, Phase 2. **Motion made (Silvers/Mitchell) 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/Mitchell) 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 (Mitchell/Blalock) to adjourn.** Vote unanimous in favor.

Time: 5:47 P.M.

**APPROVED** this the 4<sup>th</sup> day of October, 2022.

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Renee Eberly  
City Clerk