

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
OCTOBER 4, 2022 – 4:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 4:01 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
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	09/06/2022
Regular Council Meeting	09/06/2022
Committee of the Whole	09/06/2022

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 & 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 noted the success of Freedom Fest and recognized Jeanne Fitzgibbons and other city staff for their work with the special event. Mayor Kennon reported the Wharf counted approximately 22,000 visitors over the three day period.

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

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing the execution of amendment one to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Expansion of the Orange Beach Wildlife Rehabilitation and Education Program. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing the execution of amendment two to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded North Sewer Force Main Upgrade. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the execution of amendment two 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 (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the execution of a no-cost extension to the Fixed Price Research Agreement with Auburn University. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution awarding the bid for Softball Field Turf Installation to Sports Fields, Inc., in an amount not to exceed \$447,320. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
6. Resolution to reject all bids for Holiday Decorations. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
7. Resolution appropriating funds to the Orange Beach Board of Education to support city school system operations in an amount not to exceed \$4,000,000. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the execution of a Regional Training Center Agreement with the Alabama Fire College and Personnel Standards Commission and Columbia Southern University, Inc. **Motion made (Blalock/Mitchell) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing execution of a change order with M. W. Rogers Construction Co., L.L.C., for an outbuilding pad site at Fire Station No. 3 in an amount not to exceed \$147,910. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
10. Resolution authorizing the sole source purchase of a Station Alerting System from Purvis Systems Incorporated for Fire Station No. 3 in the amount of \$88,036.15. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing the City to acquire easements on properties in and around the Gulf beaches. **Motion made (Blalock/Silvers) to adopt the resolution.** Vote unanimous in favor.
12. Resolution authorizing execution of Change Order No. 1 with Arrington Curb & Excavation, Inc., to add Baldwin Avenue to 2022 Roadway Resurfacing in an amount not to exceed \$32,000. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
13. Resolution authorizing the publication of an Amendment 750 Notice relating to a Fiber Optic Development Agreement with Telepak Networks, Inc., dba C Spire Fiber. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
14. Resolution authorizing the publication of an Amendment 750 Notice relating to a Fiber Optic Development Agreement with Point Broadband Fiber Holding, LLC, dba Island Fiber. **Motion made (Johnson/Mitchell) 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. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's.
Griffin Powell, Planner II, presented the case overview.
Council discussed turn-in and turn-out traffic. Councilmember Johnson praised the developers for exceeding the parking requirements. Mayor and Council asked the developers to redesign the stone exterior to incorporate a more coastal look.
2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Boulevard.

The applicant is out-of-town and has requested that this public hearing be delayed. This public hearing will be postponed to the next council meeting on October 18, 2022.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0903-PUDA-22, Mariner Lakes PUD Major Modification, Bel Air Multi-Family Residential Amendment.

Griffin Powell, Planner II, presented the case overview. Griffin summarized the history of the project, and explained that the current proposal reduces the number of buildings to two taller buildings with a smaller footprint and decreased density compared to the original Bel Air Towers project approved in 2007 and amended in 2008.

Council did not have any questions.

David Ellison, Arlington Properties, developer, gave Council a handout and spoke about the developer and its reputation in constructing and managing luxury apartments. Response was positive.

Steve Snodgrass, President of Mariner Lakes Homeowners Association, spoke in support.

Kathy Barnett asked Council for unanimous consent to pass the ordinance on its first reading.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's. **Motion made (Johnson/Silvers) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, nay; Blalock, aye; Boyd, aye; Kennon, aye. **Failed. (5-1).** Ordinance will move on to a second reading.
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Boulevard. **Motion made (Blalock/Silvers) to postpone consideration until the next council meeting on October 18, 2022.** 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. 0903-PUDA-22, Mariner Lakes PUD Major Modification, Bel Air Multi-Family Residential Amendment. **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 (Blalock/Boyd) 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 (Blalock/Silvers) to adjourn. Vote unanimous in favor.

Time: 4:28 P.M.

APPROVED this the 1st day of November, 2022.

Renee Eberly
City Clerk