

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
OCTOBER 18, 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 Annette Mitchell
- 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**

Regular Council Meeting 09/20/2022  
Committee of the Whole 09/20/2022

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>                                   | 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

## X. RECOGNITIONS

## XI. UNFINISHED BUSINESS

### Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's. **Motion made (Silvers/Mitchell) to adopt the ordinance with the condition that the project incorporates the updated architectural features showing a more coastal look.** 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 the execution of a Clinical Site Agreement with the Coastal Alabama Community College to provide learning opportunities for EMS students. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
2. Resolution authorizing execution of a Contract Reassignment Consent Agreement with Burk-Kleinpeter, Inc., to reassign the task orders for Wolf Bay Bridge alternate analysis and design to Thompson Engineering, Inc. **Motion made (Blalock/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing execution of a FY2022 Port Security Program Grant Award Agreement with the U.S. Department of Homeland Security for a rapid response vessel for the Police Department and Small Fire Boat Regional Training for the Fire Department. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution reappointing Bill Brett to the Gulf Shores and Orange Beach Tourism Board of Directors. **Motion made (Mitchell/Silvers) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing execution of an agreement regarding the Baldwin County Interoperability Communications System for police and fire protection services with the Baldwin County Commission. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing execution of service agreements with Hadley Termite & Pest Control, Inc., for termite treatments at the Community Development Department, Fire Administration, Fire Station No. 1, Fire Station No. 2, and Senior Center Buildings. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
7. Resolution appropriating funds to the Orange Beach Board of Education for the Skeet and Trap Club in an amount not to exceed \$10,000. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

8. Resolution authorizing execution of Change Order No. 1 with John G. Walton Construction Company, Inc., to change sidewalk construction material to concrete for the Canal Road Improvements for SR-161 to Wilson Boulevard in an amount not to exceed \$169,152.93. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
9. Resolution awarding the annual bid for Grinding Vegetative Debris to GreenCo Services, LLC, per unit pricing. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.
10. Resolution authorizing the execution of a Memorandum of Understanding with the Orange Beach Board of Education for use of facilities during an emergency event. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
11. Resolution amending Resolution No. 21-269 and authorizing the purchase of a Pickup Truck for the Street Department through Sourcewell in the increased amount of \$43,095. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
12. Resolution amending Resolution No. 21-270 and authorizing the purchase of a Pickup Truck for the Landscape Department through Sourcewell in the increased amount of \$43,095. **Motion made (Blalock/Silvers) to adopt the resolution.** Vote unanimous in favor.
13. Resolution designating depositories and authorized signatures on bank depositories. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
14. Resolution authorizing the deployment of a recovery team to provide disaster recovery assistance to the area surrounding Fort Myers, Florida, following Hurricane Ian. **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. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Boulevard.

Request withdrawn by the applicant. Public hearing cancelled.

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0906-PUD-22, Cotton Bayou Cottages PUD.

Griffin Powell, Planner II, presented the case overview. Mayor and Council discussed their concerns with allowing a PUD (Planned Unit Development) in a residential neighborhood.

Jim Brown, developer, stated that he is willing to build what is allowed by-right, but chose to present a PUD because he thought it was a nicer product and gave Council more control over the project. Mayor Kennon explained that having a PUD in a neighborhood creates potential issues down the road should the philosophy of future elected officials differ.

Roger Jansen, representing a family who owns property adjacent to the east of the project site, spoke in opposition.

Karen Nenstiel, 26550 Cotton Bayou Drive, spoke in opposition.

Rich Nenstiel, 26550 Cotton Bayou Drive, spoke in opposition.

Doug Rogers, 26993 Perdido Beach Boulevard, spoke in opposition.

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

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0902-PUD-22, Saltwater Cottages PUD.

Griffin Powell, Planner II, presented the case overview. Mayor and Council agreed that this nontraditional neighborhood makes sense on Perdido Beach Boulevard to reduce turnouts.

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

4. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0910-PUDA-22, Turquoise Place PUD Modification, Buffer Screening.

Griffin Powell, Planner II, presented the case overview.

Council confirmed that both parties have signed an MOU (Memorandum of Understanding) agreeing to remove the 8' high solid wall between the proposed Turquoise Place parking garage and the adjacent RS-1 zoned property owned by Rodney Jones. Staff explained that both parties have agreed landscaping would be more aesthetically pleasing than a solid wall.

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

5. Public hearing for a Fiber Optics Development Agreement with Telepak Networks, Inc., dba C Spire Fiber.

Ford Handley, City Administrator / Finance Director, explained the agreement for CSpire to build out Lauder Lane to complete the city's initiative to provide access to fiber for all residential neighborhoods.

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

6. Resolution authorizing the execution of a Fiber Optics Development Agreement with Telepak Networks, Inc., dba C Spire Fiber. Motion made (Johnson/Boyd) to adopt the resolution. Vote unanimous in favor.

7. Public hearing for a Fiber Optics Development Agreement with Point Broadband Fiber Holdings, LLC, dba Island Fiber.

Ford Handley, City Administrator / Finance Director, explained the agreement for Point Broadband to build out Beaver Creek, Gulf Bay Road, West Canal, and West Oak Ridge to complete the city's initiative to provide access to fiber for all residential neighborhoods.

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

8. Resolution authorizing the execution of a Fiber Optics Development Agreement with Point Broadband Fiber Holdings, LLC, dba Island Fiber. Motion made (Silvers/Mitchell) to adopt the resolution. Vote unanimous in favor.

## Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0906-PUD-22, Cotton Bayou Cottages PUD. Motion made (Johnson/Boyd) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance. Roll call vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1). Motion made (Johnson/Blalock) to adopt the ordinance.** Roll call vote revealed: Silvers, abstain; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (0-5-1).**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0902-PUD-22, Saltwater Cottages PUD. Motion made (Boyd/Johnson) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance. Roll call vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1). Motion made (Johnson/Boyd) to adopt the ordinance.** Roll call vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0910-PUDA-22, Turquoise Place PUD Modification, Buffer Screening. 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 (Johnson/Silvers) 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/Boyd) to adjourn.** Vote unanimous in favor.

Time: 5:51 P.M.

**APPROVED** this the 15<sup>th</sup> day of November, 2022.

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Renee Eberly  
City Clerk