

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
NOVEMBER 15, 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 Jeff Boyd
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: Councilmember Jeff Silvers
Councilmember Joni Blalock

V. CONSIDERATION OF AGENDA

Motion made (Johnson/Blalock) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Solid Waste Authority	10/18/2022
Regular Council Meeting	10/18/2022
Committee of the Whole	10/18/2022

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

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| A. <u>City Administrator</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</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 Mitchell invited the community to attend the Orange Beach Community Theater's production of Visions of Christmas on November 17-19. Tickets are free, but reservations are requested.

Angela Bateman, City Staff, announced that this year's Tree Lighting Event at the Wharf will be held on November 29th at 5:30 P.M.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Johnson) to certify that cash requirements with no related interests are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

Motion made (Mitchell/Boyd) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

IX. PRESENTATIONS

X. RECOGNITIONS

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution appointing members to the Employees' Leave Bank Committee. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.

XII. NEW BUSINESS

Resolutions

1. Resolution approving the Fiscal Year 2023 Budget for the City of Orange Beach, including the transfer or special revenue funds to general fund for special revenue fund projects. **Motion made (Johnson/Mitchell) to adopt the resolution.** Ford Handley, City Administrator/Finance Director, spoke briefly. Vote unanimous in favor.
2. Resolution accepting Webster Lane, Surrey Lane, and the sanitary sewer system located in the Shore Acres Subdivision as publicly owned for maintenance by the city. **Motion made (Boyd/Johnson) to adopt the resolution.** Vote unanimous in favor.
3. Resolution authorizing the execution of a task order with Thompson Engineering, Inc., for redesign of Baseball Field Dugouts at the Sportsplex in an amount not to exceed \$16,500. **Motion made (Mitchell/Johnson) to adopt the resolution.** Vote unanimous in favor.
4. Resolution authorizing the purchase of real property from Romar Beach Mini Warehouses, Inc., and authorizing the Mayor to negotiate and execute a real estate purchase agreement and such other documents as may be required to close the transactions contemplated therein. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the purchase of Stop Loss Insurance for the City of Orange Beach, FY2023. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
6. Resolution approving the engagement of Copeland, Franco, Screws & Gill, P.A., to assist in the representation of the City in certain potential legal claims. **Motion made (Boyd/Mitchell) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the purchase of software maintenance from Motorola, Inc., for evidence library and UCR reporting for the Police Department in an amount not to exceed \$40,631.93. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing execution of a service agreement with ArchiveSocial, Inc., for social media record keeping. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.

9. Resolution authorizing an additional one-time payment to city employees for future services. **Motion made (Mitchell/Boyd) to adopt the resolution.** Vote unanimous in favor.
10. Resolution authorizing the City to host a Christmas Tree Lighting event at the Wharf for the benefit of the citizens and visitors of the City of Orange Beach. **Motion made (Johnson/Mitchell) to adopt the resolution.** Vote unanimous in favor.
11. Resolution authorizing execution of a task order with GeoCon Engineering & Materials Testing, Inc., to provide a preliminary soil study for a proposed Fuel Station located by the Wastewater Treatment Plant in an amount not to exceed \$3,145. **Motion made (Boyd/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. 1006-PUD-22, Top Tier Water Sports PUD.

Griffin Powell, Planner II, presented the case overview.

Mayor Kennon stated his reasoning for support by explaining that this project is a lower density than what could be built by right.

Karen Nenstiel, resident, spoke in opposition.

Richard Nenstiel, resident, spoke in opposition.

Mayor and Council discussed Cotton Bayou boat traffic, boat slips, boat rentals, and the inevitability of development on that property. Councilmember Boyd explained that any PUD modifications would have to go through the same public hearing and council review process.

Cindy Ross, City's social media contractor, read Facebook comments aloud. Mayor and Council responded.

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

2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1008-PUDA-22, Pandion Ridge PUD Modification, Pandion Ridge Water Park.

Griffin Powell, Planner II, presented the case overview.

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

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1006-PUD-22, Top Tier Water Sports PUD. No action taken. Ordinance will move forward to a second reading.
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 1008-PUDA-22, Pandion Ridge PUD Modification, Pandion Ridge Water Park. **Motion made (Mitchell/Boyd) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).** **Motion made (Boyd/Johnson) to adopt the ordinance.** Roll call vote revealed: Johnson, aye; Mitchell, aye; Boyd, aye; Kennon, aye. **Passed. (4-0).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

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

Time: 6:07 P.M.

APPROVED this the 13th day of December, 2022.

Renee Eberly
City Clerk