

**MINUTES OF  
REGULAR COUNCIL MEETING  
ORANGE BEACH CITY COUNCIL  
AUGUST 15, 2017 – 5:00 P.M.  
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:01 P.M.
- II. INVOCATION** Pastor Jim Kinder, Orange Beach United Methodist 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

There being a quorum present, the meeting was opened for the transaction of business.

- V. CONSIDERATION OF AGENDA: Motion made (Blalock/Boyd) to approve the agenda with the following additions:**
1. Approval of a Special Events Retail Liquor License Application by Event Concessions, Inc., for "The Wharf Uncorked Wine and Culinary Event," Orange Beach Event Center, 4671 Wharf Parkway.
  2. Approval of a Special Events Retail Liquor License Application by Event Concessions, Inc., for "The Wharf Uncorked Wine and Culinary Event Kickoff" at the Wharf, 4720 Main Street, Space M101 and M105.
  3. Resolution authorizing execution of a social media service agreement with Socialize Your Bizness, Inc.
  4. Resolution authorizing the Mayor to execute a professional services agreement with Alabama Land Title Company, Inc., to perform title services.
  5. Resolution authorizing the Mayor to execute a professional services agreement with Sawgrass Consulting LLC for civil engineering, land surveying and construction management services.
  6. Resolution authorizing the Mayor to execute a task order with Sawgrass Consulting LLC to perform land surveying of three properties located south of the Orange Beach Elementary School in an amount not to exceed \$4,000.

Vote unanimous in favor.

**VI. CONSIDERATION OF PREVIOUS MINUTES**

Regular Council Meeting 07/18/17  
Committee of the Whole 07/18/17

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>Engineering – Kit Alexander</u>            | No report.       |
| D. | <u>Chief, Police Department – Joe Fierro</u>  | No report.       |
| E. | <u>Chief, Fire Department – Justin Pearce</u> | No report.       |
| F. | <u>City Clerk – Cathy Constantino</u>         | No report.       |
| G. | <u>Director, Finance – Ford Handley</u>       | Report attached. |
| H. | <u>Parks &amp; Recreation</u>                 | No report.       |
| I. | <u>Director, Utilities – Jeff Hartley</u>     | No report.       |

- |    |  |            |
|----|--|------------|
| J. | <u>Librarian, Public Library – Steven Gillis</u> | No report. |
| K. | <u>Director, Municipal Court – Renee Hobbs</u>   | No report. |
| L. | <u>I. T. Director – Rauf Bolden</u>              | No report. |
| M. | <u>Mayor/Council</u>                             |            |

Councilmember Silvers thanked the first responders for their efforts with the tragedies that happened over the weekend.

#### 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: 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

##### Resolutions

1. Resolution approving a Conditional Use Permit for Dollar General #5705 to be located at 4225 Orange Beach Boulevard (Case No. 0105-CU-17). **Motion made (Boyd/Blalock) to postpone consideration until the next Council Meeting on September 5, 2017, per the applicant's request.** Vote unanimous in favor.
2. Resolution awarding the bid for Art Center Site Improvements to McElhenney Construction Company, LLC, in an amount not to exceed \$465,000. **Motion made (Johnson/Mitchell) to adopt the resolution.** Tim Tucker, Public Works Director, gave a brief overview of the reduced scope of work and negotiated price. Vote unanimous in favor.

#### XII. NEW BUSINESS

##### Miscellaneous

1. ADDITION: Approval of a Special Events Retail Liquor License Application by Event Concessions, Inc., for "The Wharf Uncorked Wine and Culinary Event," Orange Beach Event Center, 4671 Wharf Parkway. **Motion made (Silvers/Blalock) to approve the liquor license.** Vote unanimous in favor.
2. ADDITION: Approval of a Special Events Retail Liquor License Application by Event Concessions, Inc., for "The Wharf Uncorked Wine and Culinary Event Kickoff" at the Wharf, 4720 Main Street, Space M101 and M105. **Motion made (Blalock/Silvers) to approve the liquor license.** Vote unanimous in favor.

##### Resolutions

1. Resolution declaring air rifle equipment and gear owned by the City of Orange Beach as surplus and unneeded and authorizing the donation of said property to American Legion Post 44, Gulf Shores. **Motion made (Silvers/Johnson) to adopt the resolution.** Vote unanimous in favor.
2. ADDITION: Resolution authorizing execution of a social media service agreement with Socialize Your Bizness, Inc. **Motion made (Boyd/Johnson) to adopt the resolution.** Mayor Kennon introduced Cindy Ross, owner of Socialize Your Bizness, Inc., who gave a brief overview of her company and the proposed services for the City. Vote unanimous in favor.
3. ADDITION: Resolution authorizing the Mayor to execute a professional services agreement with Alabama Land Title Company, Inc., to perform title services. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
4. ADDITION: Resolution authorizing the Mayor to execute a professional services agreement with Sawgrass Consulting LLC for civil engineering, land surveying and construction management services. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.
5. ADDITION: Resolution authorizing the Mayor to execute a task order with Sawgrass

Consulting LLC to perform land surveying of three properties located south of the Orange Beach Elementary School in an amount not to exceed \$4,000. **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. 0603-ZT-17, Section 10.02 - Architectural Restrictions, Metal Siding on Commercial Buildings. **This item was pulled by staff for re-evaluation.**
2. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0605-ZT-17, Section 5.04 - Temporary Storage Containers.

Griffin Powell, Planner II, presented the staff's recommendation to amend the Zoning Ordinance to regulate the use of PODS and metal cargo containers as temporary storage structures.

Councilmember Boyd asked what prompted this amendment. Kit Alexander, Engineering and Environmental Director, stated that this proposed amendment is the result of complaints from residents regarding neighbors who use temporary storage containers as near permanent structures in residential neighborhoods. Ms. Alexander clarified that the use of temporary storage containers is covered under building permits.

Councilmember Boyd asked the cost of a permit. Ms. Alexander stated that a nominal fee of \$10 or \$15 is being considered.

Mayor Kennon questioned the proposed 45 day limit, stating that he would like to see a shorter timeframe. Ms. Alexander explained that the 45 day limit was recommended by the Planning Commission as a compromise between those who wanted shorter limits and those who wanted longer limits.

There being no further comments, the public hearing adjourned.

3. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0702-PUD-17, Phoenix Orange Beach II PUD Preliminary and Final PUD Approval.

Griffin Powell, Planner II, presented the case overview, by right diagrams, and site plan. Mr. Powell stated that Planning Commission gave the application a unanimously positive recommendation (9-0 vote).

Mayor Kennon stated for the audience that the proposed project has a significantly lower density and smaller footprint than what could be built on that property by right, so this is a win-win for the City and applicant.

John Brett, representing the applicant, gave a presentation of the proposed project.

Councilmember Blalock asked if there was a balance with Brett-Robinson, the applicant, from a previous project. Ford Handley, the Finance Director, stated that there is a \$1.2M balance that is on a payment plan to be paid off by February 2025, and that all payments are up to date.

There being no further comments, the public hearing adjourned.

### Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0603-ZT-17, Section 10.02 - Architectural Restrictions, Metal Siding on Commercial Buildings. **This item was pulled by staff for re-evaluation.**
2. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0605-ZT-17, Section 5.04 - Temporary Storage Containers. **No action taken.** Mayor Kennon requested a reduction in the proposed 45 day time limit to 21 days for the second reading of the ordinance.
3. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0702-PUD-17, Phoenix Orange Beach II PUD Preliminary and Final PUD Approval. **Motion made (Silvers/Mitchell) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Mitchell/Silvers) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**
4. First Reading – Ordinance amending Chapter 50, Article III, Section 50-70 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Business License - Penalties and Interest." **Motion made (Silvers/Mitchell) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** 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, nay; Kennon, aye. **Passed. (5-1).**

5. First Reading – Ordinance amending Chapter 50, Article IV, Division 2 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Sales Tax" to require filing and payment of taxes online. **Motion made (Mitchell/Johnson) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** 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).**
6. First Reading – Ordinance amending Chapter 42, Article III, Section 42-171 of the Code of Ordinances for the City of Orange Beach, Alabama, entitled "Basis for Areas of Special Flood Hazard." **Motion made (Silvers/Blalock) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0). Motion made (Silvers/Johnson) 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**

### **XIV. ADJOURN**

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

Time: 5:50 P.M.

**APPROVED** this the 19<sup>th</sup> day of September, 2017.

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Renee Eberly  
City Clerk