

ORANGE BEACH CITY COUNCIL MEETING
Regular Meeting –July 20, 2010
Orange Beach Municipal Complex Council Chambers
5:00 P.M.

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order.
- II. INVOCATION** Dr. Alan McBride gave the invocation.
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Mayor Tony Kennon
Councilmember Joni Blalock
Councilmember Edward H. Carroll, Sr.
Councilmember Brett Holk
Councilmember Jeff Silvers

Absent: Councilmember Pattisue Carranza

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

V. CONSIDERATION OF AGENDA Motion made (Blalock/Silvers) to approve the agenda with two additional items:

1. An Ordinance authorizing the issuance, sale and delivery of \$6,170,000 principal amount of General Obligation Taxable Warrants, Series 2010-A, dated August 1, 2010 and providing for the payment thereof.

2. An Ordinance authorizing the issuance, sale and delivery of \$4,905,000 principal amount of General Obligation Taxable Warrants, Series 2010-B, dated August 1, 2010 and providing for the payment thereof.

Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

VI. CONSIDERATION OF PREVIOUS MINUTES

Special-Called Meeting	06/24/10
Committee of the Whole	06/29/10
Special-Called Meeting	06/29/10
Regular Meeting	07/06/10

The reading of the Minutes was waived and approved as presented.

VII. REPORTS OF OFFICERS/COMMITTEES

A. City Administrator – Ken Grimes Mr. Grimes reported there is still a great deal of USSSA baseball activity happening at the Orange Beach Sportsplex with another tournament taking place this week. Also, there will be a free lunch for residents, business owners and employees on the Gulf Coast on Friday from noon until 2 p.m. at the Erie Myer Civic Center in Gulf Shores sponsored by Masterbuilt Manufacturing. Company officials will hold a free raffle to give away smokers and fryers they will use to cook the food for Friday's lunch.

B. Director, Public Works – Tim Tucker Report attached.

C. Engineering – Kit Alexander Code Enforcement Officer's report attached.

D. Chief, Police Department – Billy Wilkins No report.

E. Chief, Fire Department – Forney Howard No report.

F. City Clerk – Cathy Constantino Report attached.

G. Director, Finance – Clara Myers Report attached.

- H. Parks & Recreation- Danny Martin Report attached.
- I. Director, Utilities – Jeff Hartley Mr. Hartley reported that the Wastewater Treatment Plant had a 20% on average flow for July.
- J. Librarian, Public Library – Bonnie Lee No report.
- K. Director, Municipal Court – Renee Hobbs No report.
- L. I. T. Director – Rauf Bolden No report.
- M. Mayor/Council Councilmember Silvers reported there were 139 teams playing sports along the Gulf Coast for four days last week. He expressed appreciation to the staff and volunteers for all their hard work. In addition, he asked the Utilities Director to meet with him next week to discuss what to do with the existing sewer plant once the new plant comes on line.

Councilmember Holk announced that the Catholic Church is having a dinner on Saturday beginning at 6:30 p.m. The public is invited.

VIII. HEARINGS ON PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, COMMUNICATIONS.

Dave Johnson, a private citizen, asked the City Attorney if a councilmember can vote on an issue if they or an immediate family member benefits financially. He stated that in order to make sure that the special election, should it be held, is not in jeopardy, would it be wise for a councilmember that works and gets paid during the special election to abstain from voting on having a special election because that would be voting for their financial gain. The City Attorney explained that if one of the councilmembers or their immediate family members decides they want to work during the election, she will research the issue at that time.

IX. PRESENTATION(S)

1. Presentation of Proposal for Specialized Legal Services – Cunningham Bounds, LLC. Robert Cunningham, with Cunningham Bounds, LLC, made a presentation to the council with regard to his firm's specialized legal services.

X. RECOGNITION(S)

1. Orange Beach Fire Rescue - Cares Enough to Wear Pink. Fire Chief Forney Howard presented a resolution "Orange Beach Fire Rescue Department - Cares Enough To Wear Pink", in support of the Pink Campaign helping local women and their loved ones in their fight against cancer.

XI. AUDITING OF ACCOUNTS

Motion made (Blalock/Silvers) to certify that cash requirements with no related interests are within budget and appropriate for payment. Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

Motion made (Blalock/Carroll) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Roll Call vote revealed: Silvers, abstain; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (4-0-1)**

XII. UNFINISHED BUSINESS

Ordinances

1. Ordinance further amending Ordinance No. 172, Zoning Ordinance, Case No. 0504-PUDA-10, Outcast Charter, Caribe PUD Major Modification. **Motion made (Carroll/Silvers) to take the ordinance from the table.** Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)** **Motion made (Carroll/Silvers) to adopt the ordinance.** Councilmember Blalock expressed concerns with regard to the fencing. Larry Wireman, property owner, stated that he would build a nice fence and with a deterrent on the top. In addition, if the council would like for the fence to be inspected by the city, he would be happy to comply. Councilmember Blalock further advised in order for her to support the project she would like for the amendment to state that once the other building is under construction that the docks revert back to the type of docks that people who buy the units can utilize. Mr. Wireman stated that he had no problem with that amendment as long as he

would be allowed to come back to the council and make his case. **Amended motion made (Blalock/Holk) to amend the ordinance conditioning the PUD approval on the owner coming back for a PUD amendment in the event he determines he wants to reclaim the marina upon the construction of Caribe Tower West.** Roll call vote on motion to amend revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)** Roll call vote on motion as amended: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

XIII. NEW BUSINESS

Miscellaneous

1. Approval of a Restaurant Retail Liquor License Application for Dizzy Bean Coffee Shop & Pub, 4725 Main St., Suite 124. **Motion made (Carroll/Silvers) to approve the liquor license application.** Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, nay; Kennon, aye. **Passed (4-1)**

Resolutions

1. Resolution authorizing mayor to give Notice of a Special Election for a referendum on the question of a 2.0 mil increase in the ad valorem tax rate. **Motion made (Silvers/Holk) to adopt the resolution.** Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

2. Resolution authorizing the mayor to execute Supplemental Agreement No. 1 with Alabama Department of Transportation relating to the ARRA Transportation Enhancement Project - Backcountry Trail/Rattlesnake Ridge. **Motion made (Carroll/Silvers) to adopt the resolution.** Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

3. Resolution authorizing the mayor to execute a change order for the Backcountry Trail/Rattlesnake Ridge/Campground Road Project. **Motion made (Silvers/Carroll) to adopt the resolution.** Roll Call vote revealed: Silvers, aye; Holk, aye; Blalock, aye; Carroll, aye; Kennon, aye. **Passed (5-0)**

Public Hearings

1. Proposed amendment to Ordinance 172, the Zoning Ordinance, Columbia Southern University Campus Expansion, Case No. 0601-PUDA-10.

Griffin Powell, Planner II, explained that the applicant Hutchison, Moore & Rauch has submitted a request for a major modification to the Columbia Southern University Planned Unit Development Master Plan to construct two, 2-story, 40,000 square foot administrative buildings, a single-story, 8,000 square foot storage building, and additional parking areas to accommodate the campus expansion. Planning Commission voted unanimously to move the project forward with a favorable recommendation.

Dave Johnson, a private citizen, asked how many sewer taps were allowed for the new modification and what criteria the city would use to make sure that Columbia Southern University is issued fairness on the number of sewer taps and monthly sewer billing. Clara Myers, Finance Director, advised that the number of sewer taps is based on a published schedule, but she did not have that information available at this time.

There was no opposition present and no further comments.

Ordinances

1. First Reading - Ordinance further amending Ordinance 172, the Zoning Ordinance, Columbia Southern University Campus Expansion, Case No. 0601-PUDA-10. **The council took no action. The ordinance will move forward to the next council meeting for second reading.**

2. First Reading - An Ordinance authorizing the issuance, sale and delivery of \$6,170,000 principal amount of General Obligation Taxable Warrants, Series 2010-A, dated August 1, 2010 and providing for the payment thereof. **Motion made (Silvers/Carroll) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll Call vote revealed: Silvers, aye; Holk, nay; Blalock, nay; Carroll, aye; Kennon, aye. **Failed (3-2)**

3. First Reading - An Ordinance authorizing the issuance, sale and delivery of \$4,905,000 principal amount of General Obligation Taxable Warrants, Series 2010-B, dated August 1, 2010 and providing for the payment thereof. **Motion made (Silvers/Carroll) for unanimous consent to suspend**

the rules to allow for immediate consideration of this ordinance. Roll Call vote revealed: Silvers, aye; Holk, nay; Blalock, nay; Carroll, aye; Kennon, aye. **Failed (3-2)**

XIV. ADJOURN

Motion made (Carroll/Silvers) to adjourn. Vote unanimous in favor.

Time: 6:20 p.m.

APPROVED this the 3rd day of August, 2010.

Cathy Constantino, MMC
City Clerk

Anthony T. Kennon
Mayor