

ORANGE BEACH CITY COUNCIL MEETING
Regular June 5, 2007
Orange Beach Municipal Complex Council Chambers
5:00 P.M.

I. CALL TO ORDER Mayor Pete Blalock called the meeting to order.

II. INVOCATION Reverend Richard Brooks gave the invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

Present: Mayor Pete Blalock
Councilmember Larry Alexander
Councilmember Ed Carroll
Councilmember Tracy Holiday
Councilmember Jeff Silvers

Absent: Councilmember Joni Blalock

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

V. CONSIDERATION OF AGENDA Mayor Blalock asked that the agenda be approved with the following additions:

1. Approval of Retail Beer (On or Off Premises) and Retail Table Wine (On or Off Premises) Liquor License application for Distinctive Kitchens, 4790 Wharf Parkway Bldg. F. Suite 208.
2. Approval of a requisition to purchase Dump Body for Truck Chassis for Refuse Dept./Beach Clean-Up.
3. Resolution to award bid for Truck Chassis for Refuse Dept./Beach Clean-Up.
4. Executive Session to discuss the good name and character of individuals.

Motion made (Alexander/Holiday) to approve the agenda with the 4 additions. Roll Call vote revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

VI. CONSIDERATION OF PREVIOUS MINUTES

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|-----------------|----------|
| Work Session | 05/07/07 |
| Special-Called | 05/07/07 |
| Public Hearing | 05/15/07 |
| Regular Meeting | 05/15/07 |

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

VII. REPORTS OF OFFICERS/COMMITTEES

A. City Administrator – Jeff Moon On behalf of Preston Pooser, Parks and Recreation Director, Mr. Moon advised that Mr. Pooser's recommendation regarding the Swim Team is to combine the team with the City of Gulf Shores. Gulf Shores charges \$30 more per month for non-residents and is willing to bill the City of Orange Beach the difference on a quarterly basis, if the City would like to absorb the cost. From a numbers standpoint it makes sense to have a combined unified island-wide team.

B. Director, Public Works – Tim Tucker No report.

C. Director, Community Development – Jim Lawson No report.

D. Engineering – Kit Alexander No report.

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

F. Chief, Fire Department – Forney Howard Chief Howard expressed appreciation to Jeff Moon and Landon Smith for their assistance in securing a grant to retro-fit Fire Station One to 150 MPH winds. Work will begin tomorrow and will continue for 120 days. In addition, Chief Howard announced the promotion of Captain Wade Steven to Battalion Chief. He presented Chief Stevens with his new badge and helmet.

G. City Clerk – Cathy Constantino No report.

H. Director, Finance – Clara Myers No report.

I. Director, Parks & Recreation – Preston Pooser Absent.

J. Librarian, Public Library – Bonnie Lee Ms. Lee announced that the Summer Reading Program starts Thursday for children, adults and young adults. In addition, the library is premiering their new webpage today. She encouraged everyone to view the new website.

K. Mayor – Pete Blalock Mayor Blalock announced the City will host the West Florida Blood Drive on Wednesday June 6, 2007 from 10 a.m. until 5 p.m. He asked everyone who could to donate.

Councilmember Jeff Silvers advised that on Saturday, June 9, 2007, the Orange Beach Volunteer Fire Department will be holding their 41st Annual BBQ. He encouraged everyone to come out.

VIII. AUDITING OF ACCOUNTS

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

Motion made (Holiday/Silvers) to certify that the cash requirements with related interest in Computer Backup are within budget and appropriate for payment. Roll Call vote revealed: Carroll, aye; Silvers, aye; Alexander, abstain; Holiday, aye; P. Blalock, aye. **Passed (4-0-1)**

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

IX. PRESENTATION(S)

X. RECOGNITION(S)

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution amending Resolution No. 2400 requiring state licensing of electricians doing business in the City. Upon the recommendation of the City Attorney, no action taken. **Item died for lack of a motion.**

Ordinances

1. Second Reading - Permanent Reserve Fund Ordinance. Upon the recommendation of the City Attorney, no action taken. **Item died for lack of a motion.**

XI. NEW BUSINESS

Miscellaneous

1. Approval of Retail Beer (On or Off Premises) and Retail Table Wine (On or Off Premises)Liquor License application for Janna's Market Inc., 25908 Canal Rd. Ste. H. **Motion made (Silvers/Holiday) to approve the liquor license application.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

2. Approval of a Special Events Permit for Surf and Turf 2007 Season Opening Race. **Motion made (Carroll/Alexander) to approve the Special Events Permit.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

3. Request from Grand Harbour for 12-month PUD extension (#0403-PUDA-06). **Motion made (Alexander/Holiday) to approve the request for extension.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

4. Request from Romar Lakes for Marqueza for 12-month PUD extension (#0313-PUDA-06). **Motion made (Silvers/Holiday) to approve the request for extension.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

5. Approval of a requisition to purchase Golf Cart Barn for Golf Center. **Motion made (Silvers/Holiday) to approve the purchase requisition.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

6. Approval of Retail Beer (On or Off Premises) and Retail Table Wine (On or Off Premises) Liquor License application for Distinctive Kitchens, 4790 Wharf Parkway Bldg. F. Suite 208. **Motion made (Silvers/Holiday) to approve the liquor license application.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

7. Approval of a requisition to purchase Dump Body for Truck Chassis for Refuse Dept./Beach Clean-Up. **Motion made (Holiday/Silvers) to approve the purchase requisition.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

Resolutions

1. Resolution to name streets in Orange Beach Commerce Park. **Motion made (Carroll/Silvers) to adopt the resolution naming streets in Orange Beach Commerce Park as Commerce Park Drive and University Avenue.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

2. Resolution repealing Resolution 07-044 which authorized the Mayor to initiate proceedings for condemnation of Lots 1, 2, 3, 4 And 5, Bay Springs Subdivision. **Motion made (Carroll/Alexander) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

3. Resolution authorizing execution of a contract with MACTEC Engineering and Consulting for FEMA Standard Building Safety Evaluations. **Motion made (Silvers/Holiday) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

4. Resolution declaring certain properties as public nuisances and authorizing the City to take appropriate action to abate said nuisances. **Motion made (Carroll/Silvers) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

5. Resolution authorizing the purchase of a mower for Public Works from state bid. **Motion made (Silvers/Holiday) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

6. Resolution authorizing execution of a performance contract with Omega Holdings to provide kayak lessons at Waterfront Park. **Motion made (Holiday/Carroll) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

7. Resolution adopting Standard Operating Rules and Procedures for the Fire Department. **Motion made (Silvers/Holiday) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

8. Resolution amending the Employees Pay Plan/Job Listing to change the grades of Training Officer, Fire Marshall, Senior Fire Inspector, and Fire Inspector in Fire Department. **Motion made (Silvers/Holiday) to table.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Tabled (5-0)**

9. Resolution amending the Employees Pay Plan/Job Listing to add the position of Engineering & Environmental Services Planner I. **Motion made (Holiday/Silvers) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

10. Resolution to award bid for Truck Chassis for Refuse Dept./Beach Clean-Up. **Motion made (Silvers/Carroll) to adopt the resolution.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0)**

Ordinances

1. Second Reading - Ordinance further amending Ordinance 172, the Zoning Ordinance, - Zoning Text Amendment - Articles 2, 3, 4 and 7.05 #0405-ZT-07. **Motion made (Holiday/Silvers) to table the ordinance.** Roll Call revealed: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Tabled (5-0)**

Mayor Blalock stated that before going into executive session the Council would take Public Comments.

XII. PUBLIC COMMENTS

Margaret Long, an Orange Beach resident, expressed concern about the diesel fuel spill in Cotton Bayou on Thursday. The fact that it took 30 hours after she reported it to the Orange Beach Fire Department and the U. S. Coast Guard before the clean-up was complete was her major concern. She stated that Romar Harbor Marina knew about the spill but failed to report it to the authorities. The Coast Guard could not determine the source of the spill, but would be going to the marinas in the area and informing them of their responsibilities if this happens again. Mayor Blalock stated that the city's Marine Police can check the marinas on a daily basis.

Pat Chambers, resident of Bayou Place, appeared before the council regarding the number of dead trees on lots in her neighborhood. She stated that some property owners are responsible and take care of the problem immediately, but there are some that totally ignore the problem. She wanted to bring the matter to the council's attention so it can be addressed. She stated that the dead trees are a public nuisance because of the area where we live and the potential we have for bad weather conditions. City Administrator Jeff Moon explained that a dead tree does not necessarily constitute a public nuisance. It has to be a threat to public safety or property before it can be declared a nuisance. The city cannot go on private property to cut a tree just because it is dead; it has to be considered an actual public nuisance.

Jeff Nevels, a private citizen, addressed the council on the subject of the Orange Beach Swim Team. He presented a petition signed by approximately 40 people who supported the continuation of a quality year round swim program in Orange Beach. He stated since the Swim Team Coach retired, all the young swimmers have gone to Gulf Shores to swim on their team. He asked the Council to consider hiring another coach and remember the swim team in budget considerations. Mayor Blalock explained that the city has facilities and supports all of the sports programs for children; however, all of the coaches are volunteers. He stated that the city searched for a volunteer coach for the swim team, but no one expressed any interest or had the qualifications.

2. Executive Session to discuss the good name and character of individuals. **Motion made (Silvers/Alexander) to go into executive session to discuss the good name and character of individuals.** The City Attorney advised the Council that a declaration was required by the Act for an Executive Session if it was in regard to legal advice and counsel.

City Attorney Wanda Cochran appeared before the Council and stated for the record that she was duly qualified and had the personal knowledge to provide the requisite declaration for the stated purpose of the Executive Session authorized by the Act and informed the Council that an Executive Session was necessary for the purpose so stated and that discussions would imperil and/or have a detrimental effect upon the city if disclosed outside of an Executive Session or would otherwise be contrary to law; and,

The Mayor directed the City Clerk to enter said motion, purpose and declaration into the minutes of the meeting and called for a vote on said motion; and,

Said vote in regard to the motion for Executive Session was taken with the "ayes" and "nays" being recorded into the minutes as follows: Carroll, aye; Silvers, aye; Alexander, aye; Holiday, aye; P. Blalock, aye. **Passed (5-0).**

The Mayor declared that a majority of the votes being in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and reconvene in approximately 45 – 60 minutes. Time: 6:10 p.m.

Mayor Blalock reconvened the meeting at 6:40 p.m.

XIII. ADJOURN

Motion made (Sillers/Holiday) to adjourn. Vote unanimous in favor.

Time: 6:40 p.m.

APPROVED this the 19th day of June, 2007.

Cathy Constantino
City Clerk

Pete Blalock
Mayor