



AGENDA  
REGULAR COUNCIL MEETING  
CITY OF GULF SHORES, ALABAMA  
MARCH 14, 2016  
4:00 PM

**1. Call To Order**

**2. Invocation**

A. Deputy Fire Chief, Keith Martin

**3. Pledge Of Allegiance**

**4. Roll Call**

**5. Approval Of Minutes**

A. Approval Of Minutes:  
February 22, 2016 - Special Meeting  
February 22, 2016 - Regular Council Meeting  
March 7, 2016 - Council Work Session Meeting

**6. Approval Of Expense Vouchers**

**7. Presentation Of Petitions, Requests And Communications**

A. Gulf Shores High School Language And Health Science Teams Recognition

B. Fire Department ISO Rating Update

C. ABC Transfer License Application - Pier 33

Documents: [ABC LICENSE APPLICATION - PIER 33.PDF](#)

D. Public Assembly Permit Application - Robertsdale Rotary Club - Doc's Hot Trot

Documents: [RAC - PUBLIC ASSEMBLY PERMIT APP. - ROBERTSDALE ROTARY CLUB.PDF](#)

**8. New Business**

A. Resolution - Board Appointments - Public Education Building Authority

Documents: [RESO - PEBA BOARD APPOINTMENTS.WP.PDF](#)

B. Resolution - Board Reappointments - Public Park And Recreation Board

Documents: [RESO - REAPPOINTMENT TO PUBLIC PARK AND REC BOARD.WP.PDF](#)

C. Resolution - Authorize Mayor To Negotiate Development Agreement

Documents: [RESO - AUTHORIZE MAYOR TO NEGOTIATE DEVELOPMENT AGREEMENT.WP.PDF](#)

- D. Resolution - Authorize Mayor To Negotiate Property Purchase - Southland Gulf, LLC

Documents: [RESO - AUTHORIZE MAYOR TO NEGOTIATE PROPERTY PURCHASE - SOUTHLAND GULF LLC.WP.PDF](#)

- E. Resolution - Award Bid - Ginn Motor Company

Documents: [RESO - AWARD BID - GINN MOTOR COMPANY.WP.PDF](#)

- F. Resolution - Authorize Interdepartmental Agreement - ALDOT - Corridor Study

Documents: [RESO - AUTHORIZE INTERDEPARTMENTAL AGREEMENT - ALDOT CORRIDOR STUDY.WP.PDF](#)

- G. Resolution - Authorize Professional Services Agreement - DMD Engineers, Inc.

Documents: [RESO - AUTHORIZE PROFESSIONAL SERVICES AGREEMENT - DMD ENGINEERS, INC.WP.PDF](#)

- H. Resolution - Authorize Professional Services Agreement - Volkert Associates

Documents: [RESO - AUTHORIZE PROFESSIONAL SERVICES AGREEMENT - VOLKERT ASSOCIATES.WP.PDF](#)

- I. Resolution - Award Bid - Landers McLarty DCJR & Moyer Ford Sales, Inc.

Documents: [RESO - AWARD BID - LANDERS MCLARTY AND MOYER FORD.WP.PDF](#)

- J. Resolution - Authorize Grant Application - ACAMP 2017

Documents: [RESO - AUTHORIZE GRANT APPLICATION - ACAMP 2017.WP.PDF](#)

- K. Resolution - Designating Council Control Over Expenditures

Documents: [RESO - COUNCIL CONTROL OVER EXPENDITURES.WP.PDF](#)

- L. Resolution - 2016 Budget Amendment 1

Documents: [MEMO - 2016 BUDGET AMENDMENT 1.PDF](#), [RESO - 2016 BUDGET AMENDMENT 1.PDF](#)

- M. Resolution - Authorizing Use Of Municipal Credit Cards

Documents: [RESO - PROCUREMENT CARDS.WP.PDF](#)

- N. Resolution - Authorize Additional Locations - C.Q.C., Inc.

Documents: [RESO - ADDITIONAL LOCATIONS - C.Q.C., INC.WP.PDF](#)

- O. Resolution - Award Bid - Moyer Ford Sales, Inc.

Documents: [RESO - AWARD BID - MOYER FORD SALES, INC.WP.PDF](#)

- P. Resolution - Award Bid - Gulf Shores Power Sports

Documents: [RESO - AWARD BID - GULF SHORES POWER SPORTS.WP.PDF](#)

- Q. Resolution - Amend Policy For Re-Entry Decals

Documents: [RESO - AMEND POLICY FOR RE-ENTRY DECALS.WP.PDF](#)

R. Resolution - Controlled Beach Parking

Documents: [RESO - CONTROLLED PUBLIC PARKING TO INCLUDE PJ.WP.PDF](#)

S. Ordinance - Amend Code - Business License - Parasail Operations

Documents: [PARASAIL ORD AMENDMENT COUNCIL MEMO.PDF](#), [ORD - AMEND CODE - BUSINESS LICENSE - PARASAIL OPERATIONS.PDF](#)

T. Ordinance - Amend Code - Building Permit Fees

Documents: [ORD - AMEND CODE - BUILDING PERMITS FEES.WP.PDF](#)

U. Ordinance - Franchise Renewal - Kool Treats

Documents: [ORD - FRANCHISE RENEWAL - KOOL TREATS.WP.PDF](#)

**9. Committee Reports**

**10. Staff Reports**

**11. Hearing Of Persons Not Listed On Formal Agenda**

**12. Adjourn**

Receipt Confirmation Page

Receipt Confirmation Number: **20160210134936224**  
Application Payment Confirmation Number: 23746290

Payment Summary	
Payment Item	Fee
Transfer Fee for License 050 and License 070	\$100.00
<b>Total Amount to be Charged</b>	<b>\$100.00</b>

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 050 - RETAIL BEER (OFF PREMISES ONLY)  
License Type 2: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)  
License County: BALDWIN  
Business Type: CORPORATION  
Trade Name: **PIER 33**  
Applicant Name: **THE PIER GENERAL STORE INC**  
Location Address: 900 WEST BEACH BLVD  
GULF SHORES, AL 36542  
Mailing Address: PO BOX 7821  
GULF SHORES, AL 36542  
Contact Person: T MARK CATO  
Contact Home Phone:  
Contact Business Phone: 251-948-6689  
Contact Fax:  
Contact Cell Phone:  
Contact Email Address:  
Contact Web Address:

**Application for a Public Assembly Permit must be submitted to the City Clerk at least thirty (30) days prior to the date of the proposed assembly.**

**APPLICATION FOR PUBLIC ASSEMBLY PERMIT  
AS REQUIRED BY SECTION 11-20 ET SEQ. OF  
THE CODE OF ORDINANCES OF  
THE CITY OF GULF SHORES, ALABAMA**

Date: 2/17/16

ORGANIZATION/SPONSOR Robertsdale Rotary Club

ADDRESS P.O. Box 1133

AGENT OR REPRESENTATIVE Dennis Young

TELEPHONE NUMBER (home) \_\_\_\_\_ (business) \_\_\_\_\_

Email ADDRESS \_\_\_\_\_

It is respectfully requested that a Public Assembly Permit be issued to the above named organization or sponsor.

The following required information is submitted for the review and approval of the appropriate City Departments and the City Council:

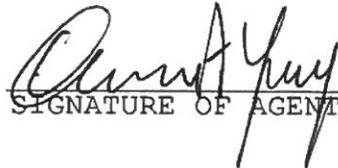
- a. Purpose of the Public Assembly: Doc's HotTrot for ARC. 5K and 1 mile run to benefit the ARCBC
- b. Dates of the Assembly: 6/18/16
- c. Time of the Assembly: from 6:30 to 10:30
- d. Estimated number of Participants/Attendees: 500
- e. Estimated number of Vendors: 0
- f. Location of Assembly (legal description of property if known): LULU's Homeport Marina 200 East 25th Ave. Gulf Shores AL.
- g. Owner of Property: LULU'S

Supply to Clerk a letter from owner of property permitting use for activity, if not owned by applicant.

- h. If applicant will need to use City employees for any part of the preparation and clean-up of the site, a separate agreement with the City will be required before issuance of the Permit.
- i. Applicant shall guarantee payment of business licenses and sales tax, if applicable to function.
- k. **Required attachments -- detailed explanation, including drawings and diagrams where applicable, of the prospective plan of the Permittee to provide for the following, as appropriate:**
  - (1) Police and fire protection (describe on-site security; Gulf Shores Police will do routine patrol and will respond to calls.)
  - (2) Food and water supply and facilities
  - (3) Health and sanitation facilities (specify number of portable toilet facilities to be furnished)
  - (4) Medical facilities and services including emergency vehicles and equipment
  - (5) Vehicle access and parking facilities (If the proposed public assembly is expected to require more parking than can be provided at the location of the assembly, the applicant must submit plans showing where additional parking will be provided and a letter from the owner of the property granting approval for such use.)
  - (6) Camping and trailer facilities
  - (7) Illumination facilities
  - (8) Communications facilities
  - (9) **Signage - Signage placement must be shown on diagram, comply with the City's Zoning Ordinance (Ordinance #1584, Chapter 18, Article XVI, Signs) and be approved by the Recreation and Cultural Affairs Director (or his agent) prior to the issuance of the Permit.**
  - (10) Noise control and abatement
  - (11) Facilities for daily clean up and waste disposal; final cleanup will be done within 24 hours after close (grease or oil disposal shall be monitored)
  - (12) Insurance and bonding arrangements -- Binder or other proof of coverage in proper amount shall be in the hands of the Clerk no later than five (5) days before the first day of the event.

APPLI CATI ON FOR PUBLI C ASSEMBLY PERM T  
Page 3

The undersigned has authority to execute this application; and the requesting organized group, unincorporated association of persons, or corporation promises and agrees to abide by all the terms and conditions of Section 11-26, Code of Ordinances, under which a Public Assembly Permit is issued, and to abide by all rules and regulations of the City of Gulf Shores, Alabama.

  
SIGNATURE OF AGENT

By authority of Section 11-24 of the Code of Ordinances of the City of Gulf Shores, the requirement of an Assembly Permit shall not apply to any activity sponsored by the City, County or State.

The Permit shall be issued only after approval by the appropriate City Officials, as indicated below:

- a. Police Chief: \_\_\_\_\_ Date: \_\_\_\_\_
- b. Fire Chief: \_\_\_\_\_ Date: \_\_\_\_\_
- c. Public Works Director: \_\_\_\_\_ Date: \_\_\_\_\_
- d. Building Official: \_\_\_\_\_ Date: \_\_\_\_\_
- e. Planning & Zoning: \_\_\_\_\_ Date: \_\_\_\_\_
- f. Recreation & Cultural Affairs: \_\_\_\_\_ Date: \_\_\_\_\_
- g. City Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

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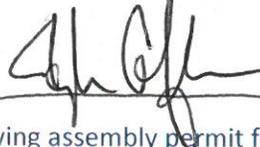
## Emily Tidwell

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**From:** Emily Tidwell  
**Sent:** Monday, February 29, 2016 8:47 AM  
**To:** Edward J. Delmore; Hartly Brokenshaw; Andy Bauer; Mark Acreman; Brandan Franklin; Grant Brown  
**Cc:** Wanda Parris; Alicia Talley; Carla Estill  
**Subject:** HOT TO TROT ASSEMBLY PERMIT  
**Attachments:** Assembly Permit Application - Rotary Hot Trot.pdf

Tracking:	Recipient	Delivery	Read	Response
	Edward J. Delmore	Delivered: 2/29/2016 8:47 AM		Approve: 2/29/2016 9:16 AM
	Hartly Brokenshaw	Delivered: 2/29/2016 8:47 AM	Read: 2/29/2016 9:19 AM	Approve: 2/29/2016 10:11 AM
	Andy Bauer	Delivered: 2/29/2016 8:47 AM	Read: 2/29/2016 9:17 AM	Approve: 2/29/2016 9:17 AM
	Mark Acreman	Delivered: 2/29/2016 8:47 AM	Read: 3/1/2016 2:34 PM	Approve: Assembly Permit
	Brandan Franklin	Delivered: 2/29/2016 8:47 AM	Read: 2/29/2016 10:04 AM	Approve: 2/29/2016 10:04 AM
	Grant Brown	Delivered: 2/29/2016 8:47 AM		Approve: 2/29/2016 2:19 PM
	Wanda Parris	Delivered: 2/29/2016 8:47 AM	Read: 2/29/2016 9:58 AM	Approve: 2/29/2016 9:59 AM
	Alicia Talley	Delivered: 2/29/2016 8:47 AM		
	Carla Estill	Delivered: 2/29/2016 8:47 AM	Read: 2/29/2016 8:48 AM	

City Administrator



Please use your voting buttons to approve/reject the following assembly permit for the Hot to Trot.  
Thank you,  
Emily ☺

## Emily Tidwell

Executive Office  
Administrative Assistant II  
PO Box 299  
203 Clubhouse Drive, Suite B  
Gulf Shores, AL 36542  
[www.gulfshoresal.gov](http://www.gulfshoresal.gov)

Phone (251) 968.1126  
Fax (251) 968.4459



# CERTIFICATE OF LIABILITY INSURANCE

7/1/2016

DATE (MM/DD/YYYY)  
02/17/2016

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> LOCKTON COMPANIES 500 West Monroe, Suite 3400 CHICAGO IL 60661 (312) 669-6900	<b>CONTACT NAME:</b> Lockton Companies <b>PHONE (A/C No. Ext):</b> 1-800-921-3172 <b>E-MAIL ADDRESS:</b> Rotary@lockton.com	<b>FAX (A/C No.):</b> 1-312-681-6769
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> 1379367 All Active US Rotary Clubs & Districts Attn: Risk Management Department 1560 Sherman Ave. Evanston, IL 60201-3698	<b>INSURER A:</b> Westchester Fire Insurance Company	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

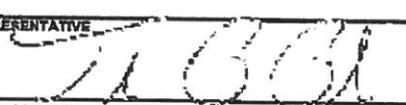
**COVERAGES** ROTINO1      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>Liquor Liability</b> Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		PMI G23861355 007	7/1/2015	7/1/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ XXXXXXXX PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMPROP AGG \$ 4,000,000 \$
A	<input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		PMI G23861355 007	7/1/2015	7/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX
	<input type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	NOT APPLICABLE			PER STATUTE OTHER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

The Certificate Holder is included as Additional Insured where required by written and signed contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

<b>CERTIFICATE HOLDER</b> City of Gulf Shores Alabama 1905 West 1st St. Gulf Shores AL  Robertsdale Rotary Club Doc's Hot Trot for ARC 6/18/2016	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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6 of 6

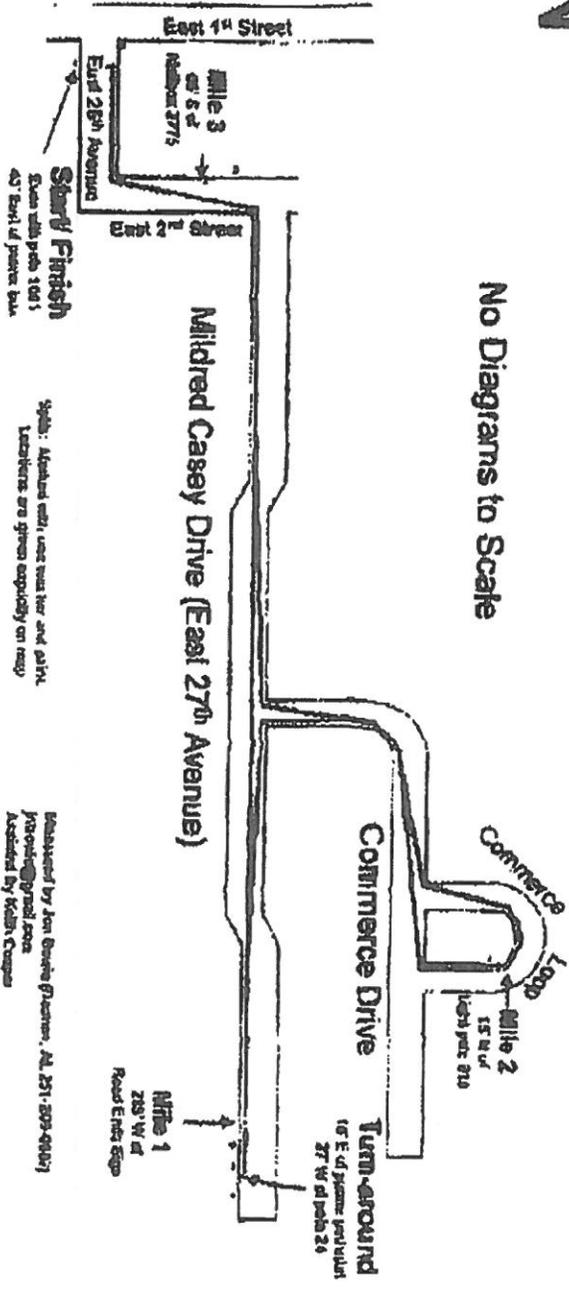
# Hot Trot 5K II

Gulf Shores, Alabama

Star/finish and Turn-around marked with washers and paint



No Diagrams to Scale



Maple: Mapland with user name her and gait  
 Markers are green except on map

Organized by Jon Bowls (Pharm., AL 251-899-0007)  
 jrbowls@gmail.com  
 Assisted by Keith Cooper  
 In June 2015  
 Certified on AL0000230  
 Race center: Keith Cooper (251-541-9477)

**Robertsdale Rotary Club**  
**Robertsdale Rotary Club Foundation**  
**P.O. Box 1133**  
**Robertsdale AL. 36567**

**MS. Wanda Parris , City Clerk**

**City of Gulf Shores, AL.**

**Please find included the following:**

**Application for Assembly Permit for the Hot Trot for ARC**

**Course map**

**Copy of Insurance Certificate**

**The Hot Trot for ARCBC is a 5K and 1 mile run. This is an annual fundraiser to benefit the Association for Retarded Citizens of Baldwin County. The run is organized and presented by the Robertsdale Rotary Club Foundation. The foundation is the philanthropic organization for our club and is an all volunteer 501c3 corporation established to raise and distribute funds throughout Baldwin County. There are no administrative costs associated with our Foundation. All net proceeds from the race will be presented to the ARC. All pre and post race activities will take place at LULU's. The runs will take place on the right of way as described in the map provided. We provide personnel on the course to direct runners, for traffic control, water stations, and any other personal assistance that participants may need. Please Note:**

**No City of Gulf Shores employees are needed for prep or clean up**

**Food, water, and facilities provided by Lulu's**

**Emergency medical will be provided if needed**

**Vehicle access and parking is at Lulu's**

**No camping or trailer facilities required**

**No illumination facilities**

**No communication facilities required**

**Signage placement shown course map (as provided)**

**Noise control and abatement as required**

**No daily waste disposal required**

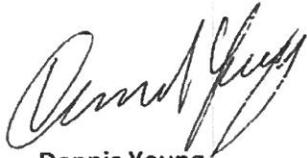
**Insurance information provided**

All net proceeds go to benefit the Association for Retarded Citizens of Baldwin County. We therefore respectfully request that any permit fees be waived.

Please contact me at 251-284-8484 or email to: [dennisyoung8484@gmail.com](mailto:dennisyoung8484@gmail.com)

If approved please send permit to: Robertsdale Rotary Club P.O. Box 1133 Robertsdale, AL. or email to [dennisyoung8484@gmail.com](mailto:dennisyoung8484@gmail.com)

Sincerely

A handwritten signature in black ink, appearing to read "Dennis Young", written in a cursive style.

Dennis Young

Robertsdale Rotary Club

**RESOLUTION NO. -16**

**A RESOLUTION APPOINTING  
MICHELLE NELSON AND PATRICK BUSSEY TO THE  
PUBLIC EDUCATIONAL BUILDING AUTHORITY  
TO SERVE A FULL TERM OF SIX YEARS  
ENDING ON MARCH 14, 2022**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That Michelle Nelson be and she hereby is appointed to the Public Educational Building Authority to serve a full term of six years ending on March 14, 2022.

**Section 2.** That Patrick Bussey be and he hereby is appointed to the Public Educational Building Authority to serve a full term of six years ending on March 14, 2022.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC, City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk

**RESOLUTION NO. -16**

**A RESOLUTION  
REAPPOINTING JOSEPH WADE WARD  
AND LEONARD ALAN KAISER TO THE  
PUBLIC PARK AND RECREATION BOARD**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That Joseph Wade Ward be and he hereby is reappointed to the Public Park and Recreation Board to serve a term of two years ending on March 14, 2018; and

**Section 2.** That Leonard Alan Kaiser be and he hereby is reappointed to the Public Park and Recreation Board to serve a term of four years ending on March 14, 2020; and

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC, City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk

**A RESOLUTION  
AUTHORIZING AND DIRECTING THE MAYOR TO  
NEGOTIATE A DEVELOPMENT AGREEMENT BETWEEN  
RONALD O'NEILL DURHAM AS ASSIGNEE OF PERIWINKLE, LLC  
AND THE CITY OF GULF SHORES FOR A PUBLIC-PRIVATE  
PARTNERSHIP TO CONSTRUCT A PROJECT PROVIDING  
SUBSTANTIAL PUBLIC BENEFIT ON CITY-OWNED PROPERTY  
AT THE CORNER OF WEST BEACH BOULEVARD AND WEST 1<sup>ST</sup> STREET**

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WHEREAS, the Gulf Shores City Council issued a Request for Proposals in 2015 to identify a developer or development team with an acceptable proposal for a public-private agreement to develop for public benefit approximately 2.0 + acres of City-owned property within the Gulf Beach District;

WHEREAS, all qualifying proposals were reviewed and evaluated by an independent Project Selection Committee;

WHEREAS, the Project Selection Committee recommended the Periwinkle, LLC proposal for consideration by the Gulf Shores City Council;

WHEREAS, the Gulf Shores City Council adopted the Small Town, Big Beach Vision 2025 for Sustainability in 2014 and a Strategic Plan 2015-2019 that identify the Gulf Beach District as a top priority;

WHEREAS, the Small Town, Big Beach Vision 2025 for Sustainability recognizes the construction of a walkable, energetic beachfront district will attract tourism, stimulate local business, and encourage business and resident relocation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the Mayor is hereby authorized and directed to enter into negotiations for a Development Agreement between Ronald O'Neill Durham as Assignee of Periwinkle, LLC and the City of Gulf Shores for a public-private partnership to construct a project providing substantial public benefit on City-owned property at the corner of West Beach Boulevard and West 1<sup>st</sup> Street.

**Section 2.** That the terms of any such Development Agreement shall be presented in final form for approval by the Gulf Shores City Council at such time, if any, as the Mayor may determine.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

Robert Craft, Mayor

RESOLUTION NO. -16

A RESOLUTION  
AUTHORIZING AND DIRECTING THE MAYOR TO  
NEGOTIATE AND ACCEPT,  
A CONTRACT PURCHASE AGREEMENT BETWEEN  
SOUTHLAND GULF, LLC AND THE CITY OF GULF SHORES  
FOR THE PURCHASE OF REAL PROPERTY  
IN AMOUNT NOT TO EXCEED \$2,100,000.00  
AND AUTHORIZE THE MAYOR AND CITY CLERK  
TO EXECUTE AND ATTEST SAID CONTRACT

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA,  
WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the Mayor is hereby authorized and directed to negotiate and execute, and the City Clerk is hereby authorized and directed to attest, a Contract Purchase Agreement, between Southland Gulf, LLC and the City of Gulf Shores for the purchase of a 26 acre parcel of real property north of the Foley Beach Express (PPIN 274360) in an amount not to exceed \$2,100,000.00 on substantially the terms presented to Council this date; and

**Section 2.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

---

City Clerk

RESOLUTION NO. - 16

A RESOLUTION  
ACCEPTING THE BID OF GINN MOTOR COMPANY  
FOR 2016 CHEVROLET COLORADO PICKUP TRUCK  
FOR USE BY BUILDING INSPECTOR  
IN AN AMOUNT NOT TO EXCEED \$31,690.00

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the bid of Ginn Motor Company to purchase a 2016 Chevrolet Colorado Pickup Truck for use within the Building Department, be and the same is hereby accepted, being the most conforming and responsible among sealed bids opened on February 23, 2016; and

**Section 2.** That the ACAMP grant from ADEM will fund the purchase of this vehicle and this is a budgeted item; and

**Section 3.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Ginn Motor Company for purchase of a 2016 Chevrolet Colorado Pickup Truck, for use within the Building Department, in an amount not to exceed \$31,690.00; and in substantially the form presented to Council this date.

**Section 4.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk

RESOLUTION NO. -16

A RESOLUTION  
AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
AN INTERDEPARTMENTAL AGREEMENT BETWEEN THE  
ALABAMA DEPARTMENT OF TRANSPORTATION  
AND THE CITY OF GULF SHORES  
FOR ENVIRONMENTAL STUDIES FOR THE  
FOLEY BEACH EXPRESS WESTERN EXTENSION PROJECT

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, an Interdepartmental Agreement between the Alabama Department of Transportation and the City of Gulf Shores for environmental studies (corridor study) to be performed by Volket Associates, Inc. for the Foley Beach Express Western Extension from South of County Road 8 to Mildred Casey Drive in substantially the form presented to Council this date; and

**Section 2.** That total funding for Project ST-002-000-010, Project Reference Number 100063205 is estimated at \$250,000.00 with all City expenses being 100% reimbursed by ALDOT; and

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

Robert Craft, Mayor

ATTEST:

---

Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

City Clerk

RESOLUTION NO. -16

A RESOLUTION  
ACCEPTING THE PROPOSAL OF  
DMD ENGINEERS, INC. FOR PROFESSIONAL SERVICES  
AND AUTHORIZING EXECUTION OF AN AGREEMENT  
IN AN AMOUNT NOT TO EXCEED \$123,400.00

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the proposal from DMD Engineers, Inc. for professional services to Perform CE & I and Materials Testing for Hwy 59 Sidewalks related to TAP Grants and TE Grant be and the same is hereby accepted and authorized in an amount not to exceed \$123,400.00 as outlined in the Scope of Work and/or as specified for additional services; and

**Section 2.** That ALDOT will reimburse 80% of the costs with the net potential cost to the City being \$24,680.00. City's matching costs are budgeted in Account #40-879-65400, ALDOT - Hwy 59 Sidewalks.

**Section 3.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a professional services agreement between the City of Gulf Shores and DMD Engineers, Inc. in substantially the form presented to Council this date.

**Section 4.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

---

Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

---

City Clerk

RESOLUTION NO. -16

A RESOLUTION  
ACCEPTING THE PROPOSAL OF  
VOLKERT ASSOCIATES, INC. FOR PROFESSIONAL SERVICES  
AND AUTHORIZING EXECUTION OF AN AGREEMENT  
IN AN AMOUNT NOT TO EXCEED \$250,000.00

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the proposal from Volkert Associates Inc. , for professional services to Perform NEPA Process for Foley Beach Express Extension to Waterway East be and the same is hereby accepted and authorized in an amount not to exceed \$250,000.00 as outlined in the Scope of Work and/or as specified for additional services; and

**Section 2.** That to determine the feasibility and potential impacts of the roadway, ALDOT is required to submit a NEPA document that will evaluate multiple alignments and their environmental, social and economic impacts. ALDOT will reimburse 100% of the City's costs; and

**Section 3.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a professional services agreement between the City of Gulf Shores and Volkert Associates Inc. in substantially the form presented to Council this date; and

**Section 4.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

---

City Clerk

**A RESOLUTION  
ACCEPTING THE BIDS OF LANDERS MCLARTY DCJR &  
MOYER FORD SALES, INC.  
FOR VARIOUS SIZED PICKUP TRUCKS  
FOR USE WITHIN THE PUBLIC WORKS DEPARTMENT AND  
RECREATION AND CULTURAL AFFAIRS DEPARTMENT  
IN VARIOUS AMOUNTS BASED ON UNIT PRICES**

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the bid of Landers McLarty DCJR & Moyer Ford Sales, Inc. to purchase various sized pickup trucks for use within the Public Works Department and Recreation and Cultural Affairs Department, be and the same is hereby accepted, being the most conforming and responsible among sealed bids opened on February 5, 2016; and

**Section 2.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Landers McLarty DCJR & Moyer Ford Sales, Inc. to purchase various sized pickup trucks for use within the Public Works Department and Recreation and Cultural Affairs Department, in various amounts based on unit prices; and in substantially the form presented to Council this date.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

\_\_\_\_\_  
Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. -16**

**A RESOLUTION  
AUTHORIZING EXECUTION OF AN APPLICATION FOR  
GRANT FUNDING FROM THE ALABAMA DEPARTMENT OF  
CONSERVATION AND NATURAL RESOURCES,  
ALABAMA COASTAL AREA MANAGEMENT PROGRAM (ACAMP)  
FOR CONSTRUCTION OF A WOODEN FISHING PIER AT  
LITTLE LAGOON PASS PARK  
IN THE AMOUNT OF \$50,000.00; AND AUTHORIZING PAYMENT OF  
REQUIRED MATCHING FUNDS AND DESIGN FEES**

---

WHEREAS, the City of Gulf Shores proposes to construct a 250' x 8' wooden fishing pier on the north side of Little Lagoon Pass Park to allow public access for fishing and enhance recreation opportunities for residents and visitors alike; and

WHEREAS, the City of Gulf Shores intends to make application to the Alabama Department of Conservation and Natural Resources for grant assistance from the Alabama Coastal Area Management Program (ACAMP) to construct a 250' x 8' wooden fishing pier on the north side of Little Lagoon Pass Park; and

WHEREAS, \$50,000 in matching funds and \$6,500 in design fees shall be allocated in the 2017 Department of Public Works Budget;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016 as follows:

**Section 1.** That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, a grant application with the Alabama Department of Conservation and Natural Resources, Alabama Coastal Area Management Program, for the construction of a 250' x 8' wooden fishing pier on the north side of Little Lagoon Pass Park in the amount of \$50,000.00 and any prior authorization and execution of said application is hereby ratified and approved; and

**Section 2.** That the City will provide matching funds in the amount of \$50,000 for project construction and an additional \$6,500 for design fees which will be allocated in the 2017 Department of Public Works Budget for compliance with this grant opportunity; and

**Section 3.** That in the event a grant is awarded, the City of Gulf Shores understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

ADOPTED this 14<sup>th</sup> day of March 2016.

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

City Clerk

**RESOLUTION NO.**

**A RESOLUTION  
AMENDING RESOLUTION 4719-09  
DESIGNATING COUNCIL CONTROL OVER EXPENDITURES**

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016 as follows:

**Section 1.** That Resolution 4719-09, Designating Council Control over Expenditures, be and is hereby amended.

**Section 2.** That the following be exempt from Council approval:

A. Items approved in the Spending Plan or Budget within a departmental budget and approved by the Department Head, or the Finance and Administrative Services Director, or the City Administrator.

B. Items of a routine nature such as compensation of officers and employees, or payments on contracts approved by council resolution or ordinance, and payments of principal and interest on bond or warrant issues.

**Section 3.** The following Materials and Services Contracts require Council approval:

A. Non-budgeted items greater than \$5,000 up to \$14,999.99 required to receive three written quotes.

B. Items greater than \$15,000 mandated by State Code to receive sealed bids.

**Section 4.** The following Public Works contracts require Council approval:

A. Non-budgeted items greater than \$5,000 up to \$49,999.99 required to receive three written quotes.

B. Items greater than \$50,000 required to advertise and receive sealed bids.

**Section 5.** The following must be approved by the City Administrator prior to purchase: All purchase orders over \$10,000.

**Section 6.** That any resolution or parts thereof that conflict with this Resolution shall be and are hereby rescinded.

**Section 7.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC, City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk



**To: Mayor and Council**  
**From: Cindy King, Director of Finance and Administration**  
**Subject: Amendment 1 to 2016 Budget**  
**Date: March 7, 2016**

## **BUDGET UPDATE**

Preliminary numbers show as of the end of February 2016 cumulative expenditures are \$4,039,156 - down 13% from 2015; Revenues are \$6,736,853 - up 4% from 2015. Revenues and encumbrances are \$2,387,032 greater than expenditures.

**General Fund Reserves** – The Fiscal Year 2016 budget includes a 5% increase to 60% General Fund reserve target of \$20,559,138 which was met during January due to 2015 operating within budget.

Amendment one for 2016 was reviewed at the February Finance Committee and proposes the following:

### **GENERAL FUND**

- Parking Fees Revenues reduced by \$418,989 and Beach expenditures reduced \$445,989 due to the additional parking meters/locations not approved by Council. Expense of \$85,000 remained in the Parking Beach Improvements expense line for 8 replacement and 2 new parking meters. Recreation Beach expenses were increased \$40,000 for expenses related to the parking meters.
- Transfer From 2% Lodging Tax increased by \$200,000 to \$1.9 million to offset 2015 Beach expenses of \$2.045 million.
- Proceeds from the 2012-A GO Warrant borrowed funds were increased \$187,500 for Engineering/Design service expenses for Gulf Place.
- Police contract labor expenses were increased \$60,000 for use of Sheriff Deputies during spring break expense.

### **BEACH RESTORATION & PROJECTS FUND (added after Finance Committee review)**

- Revenue and expense increased \$83,976 for total FY 2016 budget of \$197,278 reflecting ADEM Grant of \$226,602 awarded in the fall of 2015. ADEM 2015 Grant expenses were \$29,625.

**Capital Projects** – Infrastructure projects and major capital equipment purchases with use expected in excess of 15 years planned for in 2015 from Capital Improvement funds are proposed to increase \$558,943 from the 2014 Warrant Fund funds budgeted for the following: additional \$308,943 for final phase of Branding/Wayfinding signage; \$15K for Adult Activity Center tables not originally budgeted and \$20K for a City Store Pergola in the Bodenhamer Center offset by reduction of \$35K for Sims Kid Park Pavilion Roof Repair. ALDOT Match funds and expenses are redistributed for the 3 ALDOT projects. ALDOT funded Environmental Corridor Study for \$250K is added. Sidewalks projects landscaping expense is increased by \$250K for lighting, street furniture and landscaping. Expense of \$811,678 added for 2 fire trucks prepaid in 2015 but not received until March 11, 2016. Please let me know if any additional information is needed.

**RESOLUTION NO.**

**A RESOLUTION AMENDING  
CITY OF GULF SHORES  
2016 BUDGET**

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14th, 2016 as follows:

Section 1. That the City of Gulf Shores 2016 Budget be amended for the City of Gulf Shores, Alabama, for Fiscal Year 2016 beginning January 1, 2016 and ending December 31, 2016.

**GENERAL FUND BUDGET SUMMARY 2016  
(JANUARY 1, 2016 THROUGH DECEMBER 31, 2016)**

TOTAL REVENUES GENERAL FUND		\$34,622,961
<b><u>EXPENDITURES:</u></b>		
Executive	\$ 1,421,660	
Human Resources	300,288	
Finance & Administrative Svcs	2,602,817	
Municipal Court	364,702	
Police	5,098,855	
Fire & EMS	3,642,949	
Community Development	403,143	
Building	487,785	
Recreation & Cultural Affairs	254,817	
Events & Programs	718,225	
Library	589,608	
Recreation-Bodenhamer	1,569,966	
Recreation-Sportsplex	1,079,021	
Recreation-Parks	520,601	
Recreation-Beach	414,688	
Recreation-Cultural Center	448,839	
Recreation-City Store	200,899	
Public Works:		
General Services	722,557	
Public Facilities-Custodial	516,317	
Public Facilities-Landscaping	697,119	
Streets	1,935,942	
Maintenance	1,117,127	
Airport Authority	125,936	
Outside Agencies	<u>277,500</u>	
SUBTOTAL OPERATIONS		\$25,511,361
<b>Capital Outlay</b>		
Finance & Admin Capital	21,000	
Police – Capital Outlay	265,500	
Parking Beach – Capital Outlay	85,000	
Fire – Capital Outlay	200,000	

Building – Capital Outlay	42,000		
Recreation Bodenhamer Center	70,000		
Recreation Sportsplex	36,500		
Recreation Parks	36,500		
Recreation Beach	61,000		
Recreation Cultural Center	55,000		
Recreation City Store	21,500		
Public Works:			
Custodial	44,000		
Landscaping	32,000		
Streets – Capital	614,500		
Maintenance	9,000		
SUBTOTAL CAPITAL		\$1,593,500	
Operating Transfers Out		<u>\$7,006,378</u>	
Total General Fund Expenses			<u>\$34,111,239</u>
Budget Carry Forward General Fund			\$ 511,722

**OTHER FUND BUDGET SUMMARY 2016  
(JANUARY 1, 2016 THROUGH DECEMBER 31, 2016)**

REVENUE	EXPENDITURE		
<b>Special Revenue</b>			
2% Lodging Tax Revenue	2,641,000		
Transfer to General Fund		1,900,000	
Transfer to Beach Reserves		661,082	
Transfer to Beach Fund		<u>70,000</u>	
			<u>\$2,631,08</u>
Total 2% Lodging Tax Expenses			<u>2</u>
Budget Carry Forward 2% Lodging			\$9,918
<b>Police &amp; Fire Related Grants</b>			
Police and Fire	405,000		
Transfer to General		370,000	
Muni Court Exps		<u>35,000</u>	
SUBTOTAL		405,000	
<b>Impact Fees Fund</b>			
Impact Fees Revenue	401,500		
Recreation Equipment		212,000	
Public Works		120,000	
Police		29,500	
Fire		<u>40,000</u>	
SUBTOTAL		401,500	
<b>Beach Restoration &amp; Projects Fund</b>	731,082		

Transfer from 2% Ldg Tax		
Grant-ADEM Recycling Program	<u>197,278</u>	
SUBTOTAL	928,360	
Beach Monitoring		70,000
Police and Streets		536,082
Capital Outlay		<u>322,278</u>
SUBTOTAL		928,360
<b>2014 GO Warrant Fund</b>		
Match proceeds (ADEM&ALDOT)	1,810,447	
Transfer from General Fund	<u>1,890,184</u>	
SUBTOTAL	3,700,631	
Capital Outlay Projects		4,512,309
<b>Debt Service Fund</b>		
Transfers/Rent	4,366,378	
Bond Payments		4,366,378
	<b>47,065,83</b>	
<b>Total All Funds Revenue</b>	<b>0</b>	
	<b>47,355,86</b>	
<b>Total All Funds Expense</b>	<b>8</b>	
General Fund Budget Carry Forward		\$511,722
2% Lodging Budget Carry Forward		9,918
2014 GO Warrant Fund		<u>(811,678)</u>
		<b>\$(290,038)</b>
Total Budget Carry Forward		)

Section 2. That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

\_\_\_\_\_  
Robert Craft, Mayor

\_\_\_\_\_  
Wanda K. Parris, MMC  
City Clerk

#### C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO.**

**A RESOLUTION AMENDING RESOLUTION 5470-15  
AUTHORIZING USE OF MUNICIPAL CREDIT CARDS BY  
CERTAIN OFFICERS AND EMPLOYEES  
OF THE CITY OF GULF SHORES**

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That Resolution 5470-15, authorizing Use of Municipal Credit Cards by Certain Officers and Employees of the City of Gulf Shores, be and is hereby amended by adding certain positions and amounts.

**Section 2.** That, except as otherwise directed by the City Council hereafter, credit cards issued by MasterCard to the City of Gulf Shores shall be held and usable only by the following City employees:

<b>Job Title</b>	<b>Limit</b>
Mayor	\$6,000
City Administrator	\$6,000
City Councilman	\$4,000
Environmental/Grants Coordinator	\$4,000
Marketing & Economic Development Coordinator	\$4,000
Police Chief	\$4,000
Police Deputy Chief	\$4,000
Animal Control Officer	\$5,000
Police Administrative Supervisor	\$3,500
Police Department #1	\$4,000
Police Department #2	\$4,000
Fire Chief	\$4,000
Fire Deputy Chief	\$5,000
Fire Battalion Chief - A Shift	\$1,000
Fire Battalion Chief - B Shift	\$1,000
Fire Battalion Chief - C Shift	\$1,000
Fire Marshall	\$1,000
Fire Logistics Officer	\$3,000
Fire Department #1	\$4,000
Fire Department #2	\$4,000
Fire Department #3	\$2,000
Fire Department #4	\$2,000
Municipal Court Clerk	\$4,000
Chief Building Official	\$6,000
Director of Planning & Zoning	\$4,000
Purchasing Officer	\$10,000
Purchasing Technician	\$20,000
IT Systems Administrator	\$2,000
Human Resources Officer	\$3,000
Payroll & Benefits Specialist	\$3,000
Recreation & Cultural Affairs Director	\$6,000
Recreation & Cultural Affairs Assistant Director	\$3,000
Special Events Programs & Events Manager	\$3,000
Special Events Programs & Events Supervisor	\$3,000
Cultural Center Program & Events Supervisor	\$2,000

Retail Operations Coordinator	\$3,000
Parks & Facilities Manager	\$5,000
Recreation Manager	\$3,000
Managing Librarian	\$1,000
Museum Administrator	\$1,000
Public Works Director	\$4,000
Assistant Public Works Director	\$1,000
Public Works Supervisor - Maintenance	\$3,000
Public Works Supervisor - Horticulture	\$3,000
Public Works Supervisor - Custodial	\$3,000
Public Works Supervisor - Streets	\$1,000
Construction/Sustainability Officer	\$1,000
Facility Maintenance Tech, Senior	\$3,000
Facility Maintenance Tech, Senior (Traffic Signals)	\$3,000
Vehicle Equipment Mechanic, Senior	\$3,000
Public Works Courier	\$5,000
Disaster Card #1	\$5,000
Disaster Card #2	\$20,000
Disaster Card #3	\$5,000
Disaster Card #4	\$20,000
Disaster Card #5	\$5,000
Disaster Card #6	\$5,000
Disaster Card #7	\$5,000
Disaster Card #8	\$5,000
Disaster Card #9	\$5,000
Disaster Card #10	\$5,000

With the written approval of the Mayor or City Administrator, or in their absence the City Clerk, a credit card held and usable by one of the above named individuals may be assigned for temporary use by another employee subject to all terms and limitations of this resolution.

**Section 3.** That each of the above named employees of the City of Gulf Shores is hereby authorized by the City Council of the City of Gulf Shores to incur charges on such credit cards for (a) the purchase of goods and services for the account of the City in connection with the performance of his or her duties incidental to the management or control of the affairs of the City, (b) out-of-town travel specifically authorized in advance by the Council, or (c) out-of-town travel otherwise required in the performance of his or her duties incidental to the management or control of the affairs of the City. Except as otherwise specifically authorized in advance by the Council, no employee shall utilize such credit cards to incur charges in excess of the limits stated above for the purchase of goods and services.

**Section 4.** That any employee utilizing such credit cards to incur charges file an itemized statement and explanation of all charges incurred.

**Section 5.** That any officer or employee utilizing such credit cards to incur charges in connection with out-of-town travel shall, upon his or her return, file an itemized statement and explanation of all charges incurred in the manner described in *Code of Alabama 1975, Section 36-7-4*.

**Section 6.** That upon submission for payment by the City Council after audit and certification by the City Clerk as provided in *Code of Alabama 1975, Section 11-43-101*, no credit card charges shall be paid utilizing the funds of the City treasury incurred in nonconformity with this or any other authorizing resolution of the City Council. To the extent that charges are determined by the City Council to have been incurred other than in conformity with this or any other authorizing resolution of the City Council, the employee responsible for the incurring of such charges shall pay such charges personally and the Council may direct that the amount of such charges be deducted from any sum then or in the future owed by the City to such employee.

**Section 7.** That with respect to purchases and expenditures on behalf of the City, all such purchases and expenditures shall be in conformity with all written purchasing policies and procedures of the City as in effect from time-to-time including Resolution 4719-09, Designating Council Control over Expenditures.

**Section 8.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

---

City Clerk

RESOLUTION NO. -16

A RESOLUTION  
IDENTIFYING ADDITIONAL LOCATIONS  
FOR INSTALLATION OF SOFT DRINK VENDING MACHINES  
TO BE APPROVED UNDER EXISTING FRANCHISE AGREEMENT  
BETWEEN CITY AND C.Q.C., INC.

---

WHEREAS, Ordinance No. 1789 granting a nonexclusive franchise renewal to C.Q.C., Inc., was adopted September 14, 2015; and

WHEREAS, Section C - 1. (b) of such franchise authorizes identification of additional locations by Resolution of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That C.Q.C. Inc. has requested approval and authorization for additional soft drink vending machine locations as follows:

- a. Mo's Landing
- b. Meyer Park
- c. Cultural Center (two (2) machines at this location)

**Section 2.** That this Resolution shall be considered an addendum to the above-described Franchise.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14th day of March, 2016.

Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Parris, MMC, City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. - 16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

City Clerk

RESOLUTION NO. - 16

**A RESOLUTION  
ACCEPTING THE BID OF MOYER FORD SALES, INC.  
FOR A 2016 FORD 15 PASSENGER TRANSIT VAN  
FOR USE BY THE RECREATION AND CULTURAL AFFAIRS DEPARTMENT  
IN AN AMOUNT NOT TO EXCEED \$33,848.00**

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the bid of Moyer Ford Sales, Inc. to purchase a 2016 Ford 15 Passenger Transit Van for use by the Recreation and Cultural Affairs Department, be and the same is hereby accepted, being the most conforming and responsible among sealed bids opened on February 23, 2016; and

**Section 2.** That the purchase was approved through the capital outlay vehicle replacement budget; and

**Section 3.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Moyer Ford Sales, Inc. to purchase a 2016 Ford 15 Passenger Transit Van for use by the Recreation and Cultural Affairs Department, in an amount not to exceed \$33,848.00; and in substantially the form presented to Council this date.

**Section 4.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

---

Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk

**A RESOLUTION  
ACCEPTING THE BID OF GULF SHORES POWER SPORTS  
FOR PURCHASE OF TWO (2) 2016 YAMAHA WAVERUNNER WATERCRAFT  
FOR USE BY THE RECREATION AND CULTURAL AFFAIRS DEPARTMENT,  
BEACH SAFETY DIVISION  
IN AN AMOUNT NOT TO EXCEED \$20,920.00**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That the bid of Gulf Shores Power Sports to purchase two (2) 2016 Yamaha Waverunner Watercraft for use by the Recreation and Cultural Affairs Department, Beach Safety Division, be and the same is hereby accepted being the most conforming and responsible among sealed bids opened on February 25, 2016; and

**Section 2.** That the purchase was approved through the capital outlay vehicle replacement budget; and

**Section 3.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Gulf Shores Power Sports for purchase of two (2) 2016 Yamaha Waverunner Watercraft for use by the Recreation and Cultural Affairs Department, Beach Safety Division, in an amount not to exceed \$20,920.00; and in substantially the form presented to Council this date.

**Section 4.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

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Robert Craft, Mayor

ATTEST:

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Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -16 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on March 14, 2016.

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City Clerk

RESOLUTION NO. -16

A RESOLUTION  
AMENDING RESOLUTION NO. 5210-13  
RELATIVE TO ESTABLISHING A POLICY FOR ISSUANCE OF  
HURRICANE RE-ENTRY DECALS FOR RESIDENT, CONTRACTOR,  
BUSINESS AND PROPERTY MANAGEMENT  
HURRICANE RE-ENTRY PASSES

---

WHEREAS, in Resolution No. 5121-12, adopted March 25, 2013, the City Council of the City of Gulf Shores approved the establishment of a policy for the issuance of hurricane re-entry decals, and contractor, business, and property management hurricane re-entry passes.

WHEREAS, it has been determined that business re-entry passes should exclude those with licenses for residential properties; such passes are covered under Sections 1 – 3 of this Resolution which has been re-written in its entirety as follows:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That all residents and property owners within the City of Gulf Shores corporate limits and police jurisdiction will be mailed two (2) hurricane re-entry decals to the billing address of record with Baldwin EMC.

**Section 2.** That those residents and property owners who wish to obtain additional hurricane re-entry decals will be allowed to purchase no more than three (3) additional decals at a cost of \$5.00 per decal.

**Section 3.** That strict proof of residency or property ownership will be required for the purchase of additional hurricane re-entry decals in the form of a deed, lease, utility bill, etc., that bears the street address of the property for which the decal is being purchased, along with proof of identity.

**Section 4.** That up to ten (10) Property Management Company Hurricane Passes will be sold at a cost of \$10.00 each plus a \$25.00 administrative fee. All fees will double if a Hurricane/Tropical Storm Watch is issued for our area.

**Section 5.** That up to ten (10) \*Contractor Hurricane Passes will be sold at a cost of \$10.00 each plus a \$25.00 administrative fee. All fees will double if a Hurricane/Tropical Storm Watch is issued for our area.

\* Contractor shall be defined as 1) General Contractor, 2) Homebuilder, 3) Electrician, 4) Plumber, 5) Mechanical Contractor, and 6) Roofing Contractor.

**Section 6.** That up to \*ten (10) Business Passes will be sold for businesses in the city, **excluding licenses for residential properties** at a cost of \$10.00 each plus a \$25.00 administrative fee. All fees will double if a Hurricane/Tropical Storm Watch is issued for our area.

\* Supermarkets, Grocery Stores, and Hardware/Building Supply Stores may receive additional passes upon written request to the Emergency Manager.

**Section 7.** That once a Hurricane Warning has been issued, NO hurricane passes of any type will be available.

**Section 8.** That all other resolutions or parts of resolutions of the City of Gulf Shores in conflict herewith shall be and the same are, to the extent of such conflict, hereby repealed.

**Section 9.** That this Resolution shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of March, 2016.

Robert Craft, Mayor

**RESOLUTION NO.**

**A RESOLUTION  
AMENDING RESOLUTION 5591-15  
ESTABLISHING POLICIES AND RATES FOR  
CONTROLLED BEACH PARKING  
AND ANNUAL HURRICANE RE-ENTRY DECALS BY  
ADDING CERTAIN LANGUAGE;**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016 as follows:

**Section 1.** That Resolution No. 5591-15 shall be amended at Section 2. Controlled Beach Parking Permit Fees and Policies, Item 5 and Item 6 to include residents and property owners within the *police jurisdiction* of the City of Gulf Shores and more specifically as follows:

\* \* \* \* \*

**5.NO CHARGE WITH A VALID HURRICANE RE-ENTRY DECAL –**

Residents and Property Owners within the *corporate limits and police jurisdiction* of the City of Gulf Shores with vehicles and motor-driven cycles not exceeding nineteen feet (19') in overall length, including any trailer attached thereto, having a valid City of Gulf Shores Hurricane Re-Entry Decal affixed to the front windshield, driver's side shall not be required to pay a *Controlled Beach Parking Fee*.

**6.GENERAL POLICIES**

- (a) A Resident or Property Owner is a person who has established legal residency in the City of Gulf Shores and/or owns real property within the *corporate limits and/or police jurisdiction*.
- (b) The possession of a hurricane re-entry decal does not guarantee availability of a parking space on any given day.
- (c) Controlled parking deactivation for special events or in connection with use of public facilities may be granted upon request to the City, when not in conflict with any city purpose and if not in conflict with police, fire or public works purposes, in connection with the issuance of a City of Gulf Shores Public Assembly Permit. When deactivated in connection with a valid Public Assembly Permit, the parking space is considered reserved, free of charge, and not for public parking.

**Section 2.** That this Resolution shall become effective upon adoption and publication as required by law.

ADOPTED this 14<sup>th</sup> day of March, 2016.

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Robert Craft, Mayor



SMALL TOWN, BIG BEACH™

## Memorandum

Date: March 9, 2016  
To: Mayor Craft  
City Council  
From: Grant Brown   
Subject: Amendment to Ordinance 1800 – regulating beachfront and waterfront recreational businesses

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**BACKGROUND:** Amendments to Ordinance 1800 regulating beachfront and waterfront recreational businesses including parasailing and wave runner rentals were passed in January of 2016. The current Ordinance requires the insurance company covering the licensee to notify the City, who is named as additional insured on the licensee's policy, a minimum of 30 days prior to cancellation of the policy for any reason. It has come to our attention that the insurance companies cannot comply with the City's requirement and Alabama State Law does not require insurance companies to notify anyone other than the named insured. As a practice however, First Flight has and always will notify the City if an operator does not have coverage. See attached email message...

**RECOMMENDATION:** Because our requirement is not attainable by the licensee and after consultation with our City Attorney Donald Stewart, staff recommends the portion of Ordinance 1800 which speaks to insurance be amended to remove the specific notification requirement and replace it with the statement "Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number."

**PREVIOUS COUNCIL ACTION:** Adoption of amended Ordinance 1800 in January 2016

**BUDGET IMPLICATIONS:** None

**ATTACHMENTS:** Draft amendments to Ordinance 1800 and email correspondence from First Flight Insurance Group, Inc.

**DEPARTMENT(s):** Recreation and Cultural Affairs and Revenue Division

**STAFF CONTACT(s):** Grant Brown/Marcy Kichler/Layla Dawson

## Grant Brown

---

**From:** Jessica Craig <jcraig@firstflightinsurance.com>  
**Sent:** Wednesday, March 09, 2016 11:14 AM  
**To:** Grant Brown  
**Subject:** 30 Day Cancellation Requirement

Hi Grant,

Per our discussion yesterday, please see below explanation of why we cannot comply with the city's request to guarantee notice of cancellation be sent to Additional Insured's (AI's) prior to cancellation date.

Several years ago, ACORD had wording on their certificate stating that the insurer will endeavor to mail a notice of cancellation to the certificate holder (which is the AI). With that wording there were always request to cross out the word endeavor and make it a requirement for the insurer to mail a notice of cancellation within a specified number of days.

### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

There was always controversy regarding this because the certificate of insurance does not replace policy language nor does it guarantee coverage. It is simply proof of coverage and should be a reflection of the policy at the date it was issued. There should never be any wording added to the certificate that does not reflect policy language.

We use the commercial general liability form CG 00 01 12 04 and the common policy conditions form IL 00 17 11 98 both are ISO forms. An insurance policy is a legal contract. Per this legal contract, insurers do not owe any obligation to additional insureds. We are only required to notify the named insured because that who is the contract/agreement is made with, not the AI's.

**p. When We Do Not Renew**

If we decide not to renew this Coverage Part, we will mail or deliver to the first Named Insured shown in the Declarations written notice of the nonrenewal not less than 30 days before the expiration date.

If notice is mailed, proof of mailing will be sufficient proof of notice

- 2 We may cancel this policy by mailing or delivering to the first Named Insured written notice of cancellation at least
  - a. 10 days before the effective date or cancellation if we cancel for nonpayment of premium; or
  - b. 30 days before the effective date of cancellation if we cancel for any other reason.

Due to the controversy, ACORD amended their certificate of insurance to remove this wording. Earliest edition date I can find in our system is 2010/05. They changed it to the following which is in line with policy language. Policy provisions does not require noticed to be sent to the AI.

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**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

First Flight Insurance Group can add an endorsement to the policy saying we will endeavor to mail a notice of cancellation but correctly stated, that doesn't mean we will. We added this endorsement to try and suffice some AI's requirements. However, we have ALWAYS sent expiration letters to AI's once the policy has expired or has been cancelled and will continue to do so. The city will always be notified if an operator does not have coverage and can immediately shut them down at that point, if need be.

Hope this email will suffice and we have provided sufficient documentation. If you have any questions please don't hesitate to ask. If you don't mind, we would like to know the city's response to this. I believe you said you would be presenting this on Monday night.

Thank you!



Jessica Craig, CIC  
*Operations Manager*  
*Surplus Lines Coordinator*  
Direct Phone: (252) 261-1903 ext. 257  
Toll Free: (800) 688-3178  
Fax: (252) 261-0757  
Website: [www.firstflightinsurance.com](http://www.firstflightinsurance.com)

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ORDINANCE NO.

AN ORDINANCE

TO AMEND THE *CODE OF ORDINANCES*, ADOPTED JULY 24, 1989,  
AT CHAPTER 8, BUSINESS LICENSES, TAXES, AND REGULATIONS,  
ARTICLE I, IN GENERAL, TO AMEND SECTION 8-8 TO FURTHER REGULATE  
SUCH BUSINESSES RELATING TO GASOLINE-POWERED WATERSPORTS  
EQUIPMENT RENTAL BUSINESSES AND IN ADDITION, BUSINESSES PROVIDING  
RECREATIONAL PARASAIL RIDES, RECREATIONAL TOWED WATER RIDES  
AND BEACH EQUIPMENT RENTAL SERVICES

---

WHEREAS, the City Council of the City of Gulf Shores has heretofore determined that the provision of beachfront and waterfront recreational rides and rentals by businesses within the corporate limits and police jurisdiction of the City is a desirable amenity for the benefit of the residents and visitors to the City and has heretofore adopted ordinances regulating such businesses; and

WHEREAS, the City Council has determined that the business of the provision of beachfront and waterfront recreational rides and rentals must be further reasonably regulated and limited in the interests of public safety and common public enjoyment of the beachfront and waterfront within the City and its police jurisdiction,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON ~~January 25~~ March 14, 2016, as follows:

**Section 1.** That Section 8-8 of Article I of Chapter 8, BUSINESS LICENSES, TAXES, AND REGULATIONS, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended to read in its entirety as follows:

Section. 8-8. - Beachfront and waterfront recreational businesses; businesses engaging in the business of rental of gasoline-powered watersports equipment, engaging in the business of provision of recreational parasail rides, engaging in the business of provision of towed water ride services utilizing water craft or gasoline-powered watersports equipment, or engaging in the business of the on-site rental of beach chairs and umbrellas authorized and regulated.

- (a) Businesses engaging in the business of rental of gasoline-powered watersports equipment. Any license issued to any person engaged in the business of the rental of gasoline-powered watersports equipment, including, without limitation, jet skis, wave runners, wave riders, and other personal watercraft (hereafter referred to as "rental craft") is expressly conditioned on compliance with all the following requirements:
- (1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued. The minimum separation distance allowed between any water access sites licensed or proposed to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a designated site. The licensee's customers must take possession of the rental craft at the designated site, and licensee shall not deliver any rental craft to a customer at any off-site location within the city or its police jurisdiction.

- (2) The rental site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the beach, two (2) orange buoys at a distance of one hundred (100) feet from the beach, and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The rental site shall be kept clear of sunbathers and all persons not associated with the licensed operation.
- (3) Renters must exit and return to the rental site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the rental craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.
- (4) All renters and passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved Personal Flotation Device (PFD), which must be donned prior to boarding the rental craft.
- (5) All rental craft shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.
- (6) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not allow any renter or other person to operate a rental craft in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, excessive wind, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the rental site, during an active small craft warning alert, or if it becomes evident that a storm frontal system is approaching within seven (7) miles of the rental site.
- (7) The licensee shall not rent any rental craft to any person under the age of nineteen (19) years, or to any person who appears to be under the influence of alcohol or drugs. The licensee shall not permit the operation of any rental craft by any person under the age of sixteen (16) years, or to any person who appears to be under the influence of alcohol or drugs.
- (8) The rental site must at all times be equipped with the following, maintained in good and proper operating condition:

- a. A chase/rescue vessel equipped with a towline and appropriate and visible markings identifying the vessel or vessel operator as the licensee's chase/rescue vessel:
  - b. An electronic voice hailer, electronic megaphone, or whistle for the purpose of communication with vessels, swimmers, and customers;
  - c. Appropriate and visible signage posted at the water's edge corners of the rental site, and displayed to persons approaching the site reading "Caution: Surf Vessels in Operation";
  - d. Rental agreements and/or appropriate visible signage readily observable by customers listing the rules of equipment operation, including, without limitation, the following:
    1. "Rental of gasoline-powered watersports equipment to persons under nineteen (19) years of age or to persons under the influence of alcohol or drugs is prohibited by city ordinance."
    2. "Operation of rented gasoline-powered watersports equipment by persons under sixteen (16) years of age or to persons under the influence of alcohol or drugs is prohibited by city ordinance."
    3. "Operation of gasoline-powered watersports equipment in a reckless or negligent manner is a violation of state law punishable by up to a five hundred dollar (\$500.00) fine and imprisonment for up to six (6) months."
    4. "Operators and passengers must wear coast guard approved life vests at all times."
- (9) The licensee shall not knowingly allow any of licensee's rental craft to be operated in a reckless or negligent manner and shall immediately reclaim from licensee's customer any rental craft licensee knows or is reliably informed has been operated in such manner.
- (10) The licensee shall provide a mandatory passenger safety briefing to all individual renters and passengers before they are allowed to leave the beach on a rental craft. This briefing shall include, without limitation:
- a. A description of the activity;
  - b. The safety precautions and use restrictions while underway;
  - c. The location and proper use of safety and lifesaving equipment;
  - d. Basic boating safety instruction and education on the safe and prudent operation of the rental craft or require proof of prior education before renting;
  - e. Warnings and procedures for unexpected events such as equipment malfunctions;
  - f. The proper use of signals;

- g. Regulations pertaining to idle speed zones and the punishment for careless or reckless operation.

The licensee shall not rent any rental craft to any person or allow the operation or passenger use of any rental craft by any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing or who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall take all steps necessary to exclude from operation or passenger use any person who appears fearful or intimidated.

(11) The licensee shall maintain a daily rental log containing the following information regarding each rental craft:

- a. The name, address, telephone number, vessel operator's license number, and date of birth of the customer.
- b. The item of equipment rented by the customer and the fee charged.
- c. The time the customer took possession of the rental item and the time the item was returned to the possession of the licensee.
- d. The customer's signature verifying the presentation of the passenger safety briefing to the customer and any proposed passenger.

The current month's daily rental log shall be maintained at licensee's rental site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, or municipal enforcement officer. The daily rental log entries shall be retained by the licensee for a period of not less than five (5) years.

(12) The licensee shall affix and maintain on each rental craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the item identifiable as licensee's rental equipment at a distance of up to three hundred (300) feet.

(13) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:

- a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.
- b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one (1) time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.
- c. Use of either a fuel collar or fuel bib while fueling is required.

- d. A minimum of ten (10) 15"×15" absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60 BC rating must be on site while fueling.
- e. Any and all oil and chemical spills shall promptly and properly be reported to the National Response Center.
- f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(14) Major repairs of watercraft on the beach are prohibited.

(15) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of rental craft allowed to operate from one (1) approved water access rental site location shall be five (5) rental craft, including jet skis, wave runners, wave riders, and other personal watercraft.

(16) The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline-powered watersports equipment and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident.

(17) Each Licensee under this Section 8.8(a) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the ~~Finance Department~~Revenue Division, ~~and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(b) Businesses engaging in the business of provision of parasail rides. Any license issued to any person engaged in the business of providing parasail rides is expressly conditioned on compliance with all the following requirements:

(1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued (hereafter referred to as the "Ride Site.") The minimum separation distance allowed between any water access sites licensed or proposed to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a ride site. The licensee's customers must be picked up and dropped off only at the designated ride site.

- (2) The ride site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the beach two (2) orange buoys at a distance of one hundred (100) feet from the beach and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The approved ride site must be kept clear of sunbathers and all others not associated with the licensed operation.
- (3) The licensee's parasail craft and any vessel or water craft used by the licensee to ferry passengers to and from the parasail craft must exit and return to the ride site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.
- (4) All parasail passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved Personal Flotation Device (PFD), which must be donned prior to entering the water.
- (5) All parasail craft and parasails shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.
- (6) Vessels used for parasailing operations shall be equipped with a weather monitoring device and a wind speed and direction meter. The weather monitoring device may be fixed or portable, provided it is accessible by the Captain at the vessel's operation console. The weather monitoring device shall be electronic with a visual display. A VHF radio, alone, is not acceptable for weather monitoring. The Captain shall check and remain cognizant of current and forecasted weather conditions for the area of operation and account for the weather conditions for the duration of the parasail set (the "onboard" group of passengers on a parasail vessel). A written Weather Log shall be maintained by the Captain of the vessel and weather conditions including wind direction, wind speed, wave height, and sky conditions shall be recorded by the Captain at the start of the day and prior to each parasail set. Written Weather Logs and the recorded data shall be retained for a period of not less than 5 years on board the vessel or on the premises of the place of business and shall be made available for inspection upon request of any federal, state, county, or municipal law enforcement officer, or mayoral designee.

- (7) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not operate any parasail ride when current observed weather conditions in the area of operation include any of the following; sustained wind speeds greater than 20 mph; wind gust with a differential greater than 15 mph of the sustained wind; wind gust exceeding 25 mph; ground visibility less than 0.5 miles; a storm frontal system approaching within seven (7) miles of the ride site; wave heights exceeding 4 ft. unless the period and wave height are within the following formula: 3 s period for each 1 ft. of wave height (for example, 15 s period = 5 ft. wave height). In no case shall parasail operations be conducted in weather conditions that exceed the manufacturer's specified limitations for the equipment or in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the ride site, an active small craft warning alert,
- (8) Parasail operations, suspended as a result of weather conditions exceeding the parameters in 8-8,b,7 shall remain suspended for a minimum of 30 minutes. Parasail operations may resume only after a minimum of 30 minutes have elapsed from the last monitored weather condition that exceeded the thresholds in 8-8,b,7.
- (9) The licensee shall provide a mandatory passenger safety briefing to all individual passengers. This briefing shall include, without limitation:
  - a. A description of the activity;
  - b. The safety precautions and use restrictions while underway;
  - c. The location and proper use of safety and lifesaving equipment;
  - d. Warnings and procedures for unexpected events such as equipment malfunctions, water landings, or towline separations;
  - e. The proper use of signals.

An older companion must accompany children under eight (8) years of age while in flight. The licensee shall not accept as a passenger any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing and any person who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall not accept as a passenger any person who appears fearful or intimidated.

- (10) The licensee shall maintain a daily passenger log recording the following information for **each passenger**:
  - a. The name, address, telephone number, and date of birth of the passenger.
  - b. The customer's signature verifying the presentation of the passenger safety briefing.

The current month's daily passenger log shall be maintained at licensee's ride site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, municipal enforcement officer, or mayoral designee. The

daily passenger log entries shall be retained by the licensee for a period of not less than five (5) years.

(11) The licensee shall affix and maintain on each parasail craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the craft identifiable as licensee's craft at a distance of up to three hundred (300) feet.

(12) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:

- a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.
- b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one (1) time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.
- c. Use of either a fuel collar or fuel bib while fueling is required.
- d. A minimum of ten (10) 15"×15" absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60BC rating must be on site while fueling.
- e. Any and all oil and chemical spills shall be promptly and properly reported to the National Response Center.
- f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(13) Major repairs of watercraft on the beach are prohibited.

(14) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of parasail vessels allowed to operate from one (1) approved location shall be two (2) parasail vessels.

(15) All parasail equipment in use, including but not limited to parasail canopies, parasail harness, or passenger bars, shall be properly designed for parasail operation. Vessels used for parasail operation shall be purpose built for parasail operation. Parasail equipment shall be operated, stowed, inspected and maintained in accordance with the manufacturer's recommendations.

Parasail operators shall use only direct launch and recovery hydraulic parasail winch systems with functional hydraulic parasail winch brake and level-wind system for both launch and recovery of flight passengers at all times while engaged in parasail operations. At no time shall:

- a. Any parasail vessel's winch drum be equipped with more than the manufacturer's recommended length of towline:
- b. Any parasail vessel exceed eight hundred (800) feet of towline (which must be clearly marked to allow said marking to be visible from a distance of not less than three hundred (300) feet), from vessel to canopy yoke while conducting parasail flight operations or:
- c. Any parasail vessel exceed a maximum AGL (above ground level) of four hundred fifty (450) feet.

The parasail towline must be braided, low stretch construction with a minimum rated tensile strength not less than six thousand (6,000) pounds. The towline in its entirety shall be inspected daily for damage and /or wear and if necessary shall be immediately replaced as prescribed herein:

A minimum of two (2) feet shall be trimmed from the toelines bitter end within a maximum period of seven (7) days, every one hundred (100) flights or as may become necessary. The trimmed piece shall be labeled with the date trimmed and the vessel name and retained aboard the vessel or on the premises of the place of business until the existing towline is permanently removed from service.

Towline shall be kept clean and well maintained in accordance with the manufacturer's specifications, requirements and/or recommendations.

A written log of such inspection and maintenance shall be kept and available for inspection upon request of any federal, state, county, or municipal law enforcement officer, or mayoral designee.

- (16) At no time shall a passenger be allowed to participate in parasailing activities unless the captain has made a reasonable prior judgment that passengers: are properly fitted with a lifejacket prior to flight; are within the manufacturer's minimum and maximum load capacity for the parasail equipment in use; are properly fitted into the parasail harness with waist strap placed around the passenger's waist, not lifejacket and wind and sea conditions are conducive to and are within the limits specified in 8-8,b,7 and in accordance with manufacturer's recommendations.
- (17) During parasail operations, the parasail operator shall at all times maintain the parasail and vessel at a minimum operating distance:
  - a) offshore wind condition, maintain a minimum of 1000 ft. distance from shore;
  - b) onshore wind conditions, maintain:
    - Wind 0-5 mph      1000 ft. distance from shore;
    - Wind 6 to 10 mph      1000 ft. distance + 1 times the towline length;
    - Wind 11 to 15 mph      1000 ft. distance + 2 times the towline length;
    - Wind 16 to 20 mph      1000 ft. distance + 3 times the towline length;

- c) not less than seven hundred (700) feet from any fixed object.
- (18) If part of the flight involves dipping passengers in the water, the following shall apply:
- a) The vessel owner shall establish written procedures for dipping passengers. These procedures shall address vessel speed, controlling rate of descent, controlling level of passenger immersion in the water, and maximum duration of immersion;
  - b) Passengers shall not be more than 150 ft. away from the vessel when being dipped;
  - c) The vessel owner shall establish training requirements for dipping passengers and ensure this training has been conducted and recorded for the crewmembers conducting this activity.
- (19) A parasail vessel shall be manned with a minimum of two crew members (Captain + 1 Deckhand) while conducting parasail operations. A minimum of one crew member onboard shall be certified and current in an accepted course of standard First Aid including Adult-Child-Infant cardiopulmonary resuscitation (CPR). Accepted courses shall include nationally recognized and accredited training courses that issue course completion documents. The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline powered water sports equipment utilized in connection with the parasail business and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment in connection with the parasail vessel business possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident. Any employee operating a parasail vessel or any craft or vessel utilized to transport passengers must possess a current USCG Captain's License, be enrolled and participating in an approved drug testing program in accordance with 46 CFR Part 16 or equivalent program, and such license and documentation must be maintained onboard the parasail vessel at all times.
- (20) Each Licensee under this Section 8.8(b) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the Finance Department Revenue Division. ~~and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~ Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.
- c) Businesses engaging in the business of provision of towed recreational water rides utilizing water craft or gasoline-powered watersports equipment. Any license issued to any person engaged in the business of providing towed recreational water rides utilizing non-powered floatables (hereafter referred to as "Towables") towed behind water craft or

gasoline-powered watersports equipment (hereafter referred to as "Tow Craft"), including, without limitation, the provision of banana boat or surf sled rides, (hereafter referred to as "Towed Rides") is expressly conditioned on compliance with all the following requirements:

- (1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued (hereafter referred to as the "Ride Site." The minimum separation distance allowed between water access sites licensed or to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a ride site. The licensee's customers must be picked up and dropped off only at the designated ride site.
- (2) The ride site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The approved ride site must be kept clear of sunbathers and all others not associated with the licensed operation.
- (3) The licensee's tow craft must exit and return to the ride site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.
- (4) All towed ride passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved personal flotation device (PFD), which must be donned prior to entering the water.
- (5) All towables shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.
- (6) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not operate any towed ride in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, excessive wind, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the ride site, an active small craft warning alert, or if it becomes evident that a storm frontal system is approaching within seven (7) miles of the ride site.

- (7) The licensee shall provide a mandatory passenger safety briefing to all individual passengers before they are allowed to leave the beach. This briefing shall include, without limitation:
- a. A description of the activity;
  - b. The safety precautions and use restrictions while underway;
  - c. The location and proper use of safety and lifesaving equipment;
  - d. Warnings and procedures for unexpected events such as equipment malfunctions;
  - e. The proper use of signals.

The licensee shall require a responsible person sixteen (16) years of age or older be aboard the towable when carrying passengers under the age of eight (8) and not accept as a passenger any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing and any person who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall not accept as a passenger any person who appears fearful or intimidated.

- (8) The licensee shall maintain a daily passenger log containing the following information regarding each passenger:
- a. The name, address, telephone number, and date of birth of the passenger.
  - b. The customer's signature verifying the presentation of the passenger safety briefing.

The current month's daily passenger log shall be maintained at licensee's ride site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, municipal enforcement officer, or mayoral designee. The daily passenger log entries shall be retained by the licensee for a period of not less than five (5) years.

- (9) The licensee shall affix and maintain on each towable or associated tow craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the craft identifiable as licensee's equipment at a distance of up to three hundred (300) feet.
- (10) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:
- a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.
  - b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site

overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.

- c. Use of either a fuel collar or fuel bib while fueling is required.
- d. A minimum of ten (10) 15"×15" absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60BC rating must be on site while fueling.
- e. Any and all oil and chemical spills shall be promptly and properly reported to the National Response Center.
- f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(11) Major repairs of watercraft on the beach are prohibited.

(12) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of towables allowed to operate from one (1) approved location shall be two (2).

(13) The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline powered water sports equipment utilized in connection with the towed ride business and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment in connection with the towed ride business possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident. Any employee operating a tow craft must possess a current USCG Captain's License, be enrolled and participating in an approved drug testing program in accordance with 46 CFR Part 16 or equivalent program, and such license and documentation must be maintained onboard the parasail vessel at all times.

(14) Each Licensee under this Section 8.8(c) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the ~~Finance Department Revenue Division and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~ Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(d) Businesses engaging in the business of the on-site rental of beach chairs and umbrellas. Any license issued to any person engaged in the business of the on-site rental of beach chairs and umbrellas (hereafter referred to as "Beach Rental Accessories") is expressly conditioned on compliance with all the following requirements:

- (1) The licensee's business shall be operated only at a site properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued. An inspection by the ~~finance department~~Revenue Division or its designee of any proposed site is required before any license may be issued.
- (2) Each approved site must maintain a minimum landward setback of thirty-five (35) feet from the water's edge and a sufficient minimum north setback to avoid contact with any existing berm or dune. Wooden lounge setups must be spaced so as to leave one (1) aisle not less than ten (10) feet wide for north/south travel at the end of each dune walkover or pathway leading to the water. All lounge setups must remain north of beach attendant stands when present.
- (3) Each Licensee under this Section 8-8(d) shall at all times maintain Commercial General Liability Insurance covering all aspects of the activities hereby licensed, with limits no less than five hundred thousand dollars combined single limit, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a Certificate of Insurance evidencing the coverage above to the ~~Finance Department~~Revenue Division before licensed activities begin. Written notice of any significant changes in coverage conditions shall be given immediately to the ~~Finance Department~~Revenue Division.
- (e) Provisions applicable to all beachfront and waterfront recreational businesses. The following provisions are applicable to all businesses licensed under this Section 8-8:
  - (1) Maximum site capacity restrictions. In addition to the maximum site capacities specified in subsections (a), (b), and (c) above, two (2) support craft consisting of one (1) additional transport craft and any required chase/rescue craft shall be allowed at any one site. The licensee shall maintain licensee's site in a clean, safe condition at all times.
  - (2) Temporary onsite storage facilities. Temporary onsite storage facilities for the purpose of the daily operation of one (1) or more beach and waterfront recreational businesses under this Section 8-8 are prohibited south of the Lucido and Oliver line as defined on the maps maintained by the city's public works department. The licensee must include consent from the owner of the licensed site to the placement of temporary storage facilities, specifying the number of such facilities to be allowed as part of the license application. Each storage facility must be portable, may be no larger than six and a half feet (6½) high, five (5) feet wide and twelve (12) feet long (6½' × 5' × 12'), must be white in color, and must be identified with a suitable marking of distinctive color and size, as approved by the appropriate city official as designated by the mayor, so as to render the item identifiable as licensee's storage facility, may be utilized between the months of March and October only, and must be removed no later than November first of each year. In the event of a storm or other necessity for clearing the beach, all equipment and storage facilities shall be removed to a secure site off the beach within twenty-four (24) hours after notification by the city or within twelve (12) hours after the posting of any tropical storm or hurricane warning by NOAA that includes the location

of the licensed site, whichever may be the shorter interval of time. A licensee, in his/her/its license application and at all reasonable times thereafter, must demonstrate, to the reasonable satisfaction of the city that the licensee has adequate storage facilities and is capable of removing and storing all equipment and facilities to a secure site off the beach within the time frames established by this subsection. A failure at any time to comply with the requirements of this subsection shall be grounds for the immediate closing of licensee's business under subsection (e)(4) below and for subsequent revocation of licensee's business license.

- (3) Indemnification. The licensee shall maintain a copy of its current policy on file with the ~~finance department~~Revenue Division at all times, and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the finance division. Licensee shall indemnify and hold harmless the City of Gulf Shores for any and all claims resulting directly or indirectly from activities related in any way to business engaged in under the authority of this Ordinance.
- (4) Immediate order to close. In addition to authority conferred by otherwise applicable law, the mayor and, in his or her absence, the mayor pro tempore, is hereby authorized to order the closing of any licensee not in compliance with any of the requirements of this Section until the next meeting of the city council if he/she finds that the condition of violation materially compromises the public good or safety and that the licensee or the agent or employee of the licensee in charge of the licensee's rental site is aware of the condition of violation and cannot or will not remedy the violation in the manner and time period necessary to avoid materially compromising the public good or safety.
- (5) Minimum site separation. The minimum separation between any sites licensed or to be licensed for the operation of any beach and waterfront recreation business under subsections (a), (b), or (c), or any or all of such subsections, shall be seven hundred fifty (750) feet measured at the water's edge corners of the sites.
- (6) License not in active use subject to revocation. Any license issued for a site shall be subject to revocation upon a determination by the city council that the licensee is not actively engaging in business activity at the site under the license.
- (7) Required water access. As utilized in this Section 8-8, the term "direct open water access" shall mean direct access to a major water body other than Little Lagoon or the Intracoastal Waterway. Water access to a major water body through a canal, bayou, slough, creek, tributary, or other ancillary water body shall not constitute direct open water access.
- (8) Use of motorized vehicles on beach. The use of motorized vehicles by a licensee on a licensed site is only allowed as otherwise permitted under Section 7-122 of the Code of Ordinances.

- (f) Other beachfront or waterfront recreational rental, amusement or ride service business activities. Any activity or accessory rentals not specified in (a) through (d) above will require the following submitted with the business license application:
  - (1) Site specific business model;
  - (2) Property owner agreement to vendor's business model for property;
  - (3) Authorization from the Director of Recreation and Cultural Affairs.
- (g) Penalties for violation of Section. In addition to penalties otherwise specified in this Section 8-8, any violation of this Section 8-8 shall be subject to the criminal penalties provided in Section 8-27, the civil penalties provided in Section 8-28, and the procedures for suspension or revocation of license provided in Section 8-31.

**Section 2.** That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's Code of Ordinances.

**Section 3.** That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

**Section 4.** That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this ~~25th~~ 14th day of ~~January~~ March, 2016.

\_\_\_\_\_  
Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. ~~1800~~ (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on ~~January 25~~, 2016 and the same was duly published as required by law in the City of Gulf Shores, Alabama.

\_\_\_\_\_  
City Clerk



**ORDINANCE NO.**

**AN ORDINANCE  
TO AMEND THE CODE OF ORDINANCES,  
ADOPTED JULY 24, 1989, AT CHAPTER 7,  
BUILDINGS, CONSTRUCTION AND RELATED ACTIVITES,  
ARTICLE 1. IN GENERAL BY CHANGING CERTAIN LANGUAGE AND  
REWRITING SECTION 7-4. BUILDING PERMIT FEES  
IN IT'S ENTIRETY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That Chapter 7, **BUILDINGS, CONSTRUCTION AND RELATED ACTIVITES**, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended at ARTICLE I., IN GENERAL, by adding certain language to Section 7-4 so the entire section reads as follows:

**CHAPTER 7 BUILDINGS, CONSTRUCTION AND RELATED ACTIVITES**

**ARTICLE I. IN GENERAL.**

\* \* \* \*

**SECTION 7-4 Building Permit Fees**

**I. PERMIT APPLICATION FEE**

- A. A nonrefundable application fee of twenty-five dollars (\$25.00) shall be paid at time of permit application.
- B. A non-refundable plan review fee based upon one dollar (\$1.00) per thousand dollars (\$1,000) of valuation shall be paid for all new construction.
- C. Addendums/Re-submittals – After issuance of permit, any deviations from the approved plans during construction will be assessed fifty dollars (\$50.00) per architect/engineer addendum. Prior to issuance of permit, re-submittals for construction drawings will be assessed a fee of one hundred dollars per hour (\$100/hr.) for review with a minimum fee of fifty dollars (\$50).
- D. A permit shall not be issued to any person with an outstanding balance owed to the City.

**II. BUILDING VALUATION**

- A. Single-Family/Duplex/Accessory Structure.....\$ 4.00 per \$1,000.00
- B. Commercial/Industrial .....\$ 5.00 per \$1,000.00
- C. Multi-Family .....\$10.00 per \$1,000.00

- D. An additional fee of one hundred dollars (\$100) per month will be assessed after one year from date of permit issuance until all final approvals have been received for all single family and duplex residential construction.

**III. ELECTRICAL PERMIT**

The following electrical permit fees are hereby established and shall be required to be paid prior to the commencing of any work for which an electrical permit is required:

- A. Residential (Within the International Residential Code)
  - 1. New Construction.....
    - a) Single Family ..... \$100.00
    - b) Duplex ..... \$200.00
    - c) Townhomes ..... \$100.00/dwelling unit
    - d) Accessory Structures ..... \$ 50.00

- 2. Repair/Additions..... \$ 50.00/dwelling unit
- 3. Meter Base/Service Panel Replacement ... \$ 50.00

**B. Commercial- New, Alterations, Additions**

- 1. One hundred dollars (\$100) up to the first \$50,000 of building valuation and \$.75/per \$1,000.00 for remainder of the building valuation
- 2. Miscellaneous Permit ....\$100.00

**IV. COMMERCIAL SERVICE PANEL AND METER BASE**

Repair/Replacement shall be based upon the following:

- A. 100 amp service \$ 50.00
- B. 150 amp service \$ 75.00
- C. 200 amp service \$100.00
- D. 300 amp service \$125.00
- E. 400 amp service \$150.00
- F. 600 amp service \$175.00
- G. 800 amp service \$200.00
- H. Over 800 amp service \$250.00

**V. MECHANICAL**

The following mechanical permit fees are hereby established and shall be required to be paid prior to the commencing of any work for which a mechanical system permit is required:

**A. Residential (International Residential Code)**

- 1. New Construction
  - a) Single Family..... \$100.00
  - b) Duplex ..... \$200.00
  - c) Townhomes ..... \$100.00/dwelling unit
- 2. Repair/Additions/Alterations (unit replacement) .... \$ 50.00

**B. Commercial (New/Additions/Alterations)**

- 1. One hundred dollars (\$100) up to the first \$50,000 of building valuation and \$.75/per \$1,000.00 for remainder of the building valuation.
- 2. Commercial Unit Replacement.... \$100.00 per unit.
- 3. Miscellaneous Repairs.....\$100.00

**C. Refrigerant (Coolers)**

- 1. New.....\$100.00
- 2. Repair..... \$ 50.00

**VI. PLUMBING**

The following plumbing fees are hereby established and shall be required to be paid prior to the commencing of any work for which a plumbing permit is required:

**D. Residential (International Residential Code)**

- 1. New Construction....
  - a) Single Family..... \$100.00
  - b) Duplex ..... \$200.00
  - c) Townhomes ..... \$100.00/dwelling unit
- 2. Repair/Addition..... \$ 50.00

- E. Commercial (New/Additions/Alterations)...**
  - 1. One hundred dollars (\$100) up to the first \$50,000 of building valuation and \$.75/per \$1,000.00 for remainder of the building valuation.
  - 2. Miscellaneous Repairs.....\$100.00

- F. Natural and LP Gas Permit Fee**
  - 1. Residential .....\$ 50.00/dwelling unit
  - 2. Commercial ..... \$100.00

**VII. MISCELLANEOUS PERMIT FEES**

- A. Mobile Home Set Up...** \$125.00
- B. Manufactured Home...** \$200.00
- C. Pool Permit**
  - 1. Residential... \$ 50.00
  - 2. Commercial... \$100.00
- D. Dune Walkover**
  - 1. Residential... \$ 50.00
  - 2. Commercial... \$100.00
- E. Bulkhead/Retaining Wall** \$ 50.00
- F. Piers/Boathouses**
  - 1. New or Repairs ... \$ 4.00 per \$1,000.00
- G. Demolition Permit**
  - 1. Residential ... \$ 50.00
  - 2. Commercial... \$100.00
- H. Reroof**
  - 1. Residential-Per Unit....\$ 50.00
  - 2. Commercial... \$ 5.00 per \$1,000 valuation; minimum - \$50.00
- I. Coastal Use Permit (ADEM) (Construction along beachfront properties).**
  - 1. Single Family or Duplex .... \$1,100.00
  - 2. Commercial (other than one or two family dwellings).... \$14,000.00
  - 3. Variances to Division 8 Regulations .... \$ 1,000.00
- J. Haul Permit**
  - 1. For any sand/soil/fill material delivered south of the Intracoastal Waterway ... \$15.00
- K. Building Board of Adjustment Appeal ...** \$500.00

**VIII. FIRE PROTECTION SYSTEMS**

The following Fire Protection System fees are hereby established for commercial and multi-family construction and where required by law involving the installation, alteration, upgrade or repair of a fire sprinkler and/or alarm system and shall be required to be paid prior to commencement of any work.

**Fire Sprinkler**

- A1 Fire Sprinkler New Installation.... \$250.00 plus
- A2 1 – 100 heads .... \$ 50.00
- A3 Each additional 100 or fraction thereof.... \$ 30.00
- A4 Fire Sprinkler –Alterations, maintenance & repair... \$ 50.00  
Not subject to new installation fee
- A5 New Residential Fire Sprinkler... \$100.00
- A6 Residential Fire Sprinkler Repair/Addition... \$ 50.00

**Fire Alarm**

B1	Fire Alarm Permit – New...	\$250.00 plus
B2	1-100 Devices...	\$ 50.00
B3	Each additional 100 or fraction thereof...	\$ 30.00
B4	Fire Alarm Control Panel...	\$ 50.00
B5	Fire Alarm alterations, maintenance and repair...	\$ 50.00
	Not subject to new installation fee	

**Commercial Kitchen Exhaust Systems \* (Separate Permits Required for C1 and C2)**

C1	Type 1 Hood and Duct New Construction...	\$200.00
C2	Fire Suppression for Type 1 Hood...	\$100.00
C3	Type 1 Systems Alterations, Maintenance & Repair..	\$100.00
	Not subject to new installation fee	

**Miscellaneous Fire Protection Systems Fees**

D1	Fire Standpipe (per riser)...	\$ 50.00
D2	Fire Service –Underground Supply...	\$ 50.00
D3	Fire Pump...	\$ 50.00
D4	Automatic Fire Suppression Systems (Not Kitchen)..	\$ 50.00

**IX. UNPERMITTED WORK**

The required permit fee shall be as follows when any work commences prior to securing the appropriate permits:

- A. 1<sup>st</sup> Offense \$ 250.00 and Warning Citation
- B. 2<sup>nd</sup> Offense \$ 500.00 and Citation
- C. 3<sup>rd</sup> Offense \$1,000.00 and Citation
- D. Business license may also be subject to revocation after the second offense if deemed necessary by the City Council.

**X. RE-INSPECTION FEES**

**Re-Inspection Fees.** A fee of \$50 will be required after two failed attempts for the same inspection (building, electrical, mechanical, plumbing, short term rentals). This fee will apply to any subsequent inspections until a passing inspection is made and must be paid prior to any subsequent inspection.

**XI. SIGN PERMIT FEES**

Sign permit fees listed below apply only in the corporate limits of the city. Signs in the police jurisdiction will be permitted with the building and electrical permits.

- 1. Upon approval of an application for a sign permit and prior to issuance of the permit, a permit fee shall be paid based on the following schedule of rates:
  - a. **Electrical Signs:**
    - 1. Up to 32 square feet (each face).....\$50.00
    - 2. Over 32 square feet.....\$50.00; Plus \$1.00 for each square foot in excess of 32 square feet.
  - b. **Temporary Signs: \***
    - 1. Up to 32 square feet (each face).....\$25.00
    - 2. Over 32 square feet.....\$25.00; Plus \$1.00 for each square foot in excess of 32 square feet.

\* This fee can be waived for non-profit groups.

- c. **Re-Inspection Fee** (all signs).....\$50.00
- d. **Double fee.** The required permit fee shall be double when any work commences prior to securing the appropriate permit.

**XII. Zoning and Subdivision Fees**

1. That the following schedule of fees is hereby established and approved for planning and permitting functions in the Community Development Department of the City of Gulf Shores:

- A. Administrative Site Plan Review..... \$ 250.00
- B. Site Plan Review..... \$ 300.00
- C. Conditional Use Permit..... \$ 300.00
- D. Rezoning..... \$ 1,000.00
- E. Planned Unit Development..... \$ 1,500.00
- F. Plus other normal fees associated with subdivision site plans for individual development
- G. Zoning Ordinance Text Amendment.....\$ 500.00

**2. Subdivision:**

- A. Preliminary Plat..... \$1,000.00  
+ \$ 75.00/lot
- B. Final Plat.....\$ 300.00
- C. Subdivision Recording Fee/Deposit....\$ 75.00

**3. Amendment to Any Application:**

- A. Requiring Council Action..... 50% of current fee
- B. Requiring Administrative/Staff Action.... 25% of current fee

**4. Zoning Board of Adjustment:**

- A. Single Family & Duplex Variance..... \$ 100.00
- B. All Other Variances..... \$ 500.00
- C. Appeal to Board of Zoning Adjustments..... \$ 200.00

**5. Other Permits and Applications**

- A. Comprehensive Plan Amendment..... \$ 500.00
- B. Tree Removal Permit..... \$ 250.00
- C. Master Signage Plan..... \$ 250.00
- D. Relocation of Right-of-Way..... \$1,000.00
- E. Land Disturbance Permit..... \$ 250.00

**6. Meeting Minutes & Records**

- A. Transcript of Planning Commission Meeting or Zoning Board of Adjustment Meeting -  
Written - \$100.00

**7. Zoning Verification**

- A. Written Zoning Verification..... \$10.00

\* \* \* \*

**Section 2.** That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 14th day of March, 2016.

Robert Craft, Mayor

**ORDINANCE NO.**

**AN ORDINANCE  
GRANTING A NONEXCLUSIVE FRANCHISE TO  
PAUL WELCH d/b/a KOOL TREATS  
TO PROVIDE ICE CREAM SALES FROM A VEHICLE  
AT LOCATIONS WITHIN THE CITY OF GULF SHORES;  
AND AUTHORIZING THE EXECUTION OF A FRANCHISE AGREEMENT  
BETWEEN THE CITY OF GULF SHORES AND THE COMPANY**

---

WHEREAS, Paul Welch d/b/a Kool Treats has requested to renew the existing franchise to empower the Company to continue to provide ice cream sales from a vehicle in approved locations within the City; and

WHEREAS, the City is desirous of granting a nonexclusive franchise renewal to the Company; and

WHEREAS, the residents of the City will be benefited by the renewing of such a franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 14, 2016, as follows:

**Section 1.** That a nonexclusive franchise be and it is hereby renewed to Paul Welch d/b/a Kool Treats for the sale of ice cream from a vehicle at the following approved locations within the corporate limits of the City:

**\*Street Locations:**

West Fairway Dr.  
Wedgewood Dr.  
Shoreland Dr.  
West Lagoon Ave.  
Sea Esta Ct.  
8<sup>th</sup> Street  
9<sup>th</sup> Street  
West 10<sup>th</sup> St.  
Lagoon Pass west to end of West Beach Blvd.

**\*Apartment Locations:**

Canal Run  
Lakewood Villas  
Bridge Way  
Bay Whistle  
Dolphin Villas

**\*Condo Locations:**

Lani Kai Village  
Las Palmas  
Gental Winds  
Gulf Shores Beach Retreat  
Village By The Gulf

**Section 2.** That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a nonexclusive Franchise Agreement between the City of Gulf Shores and Paul Welch d/b/a Kool Treats which sets forth the requirements, covenants and agreements of a Franchise to the Company for such venture; and

**Section 3.** That the effective date of the subject Renewal of Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated March 14, 2016; and

**Section 4.** That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 14<sup>TH</sup> day of March, 2016.

\_\_\_\_\_  
Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Parris, MMC  
City Clerk

**C E R T I F I C A T E**

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on March 14, 2016, and the same was duly published as required by law.

City Clerk