



AGENDA
GULF SHORES CITY COUNCIL
CITY OF GULF SHORES, ALABAMA
JUNE 13, 2016
4:00 PM

1. Call To Order

2. Invocation

A. Dr. Lawrence Phipps, First Baptist Church Gulf Shores

3. Pledge Of Allegiance

4. Roll Call

5. Approval Of Minutes

A. Approval Of Minutes:
May 23, 2016 - Regular Council Meeting
June 6, 2016 - Council Work Session Meeting

6. Approval Of Expense Vouchers

7. Presentation Of Petitions, Requests And Communications

A. Proclamation Presentation - Parks And Recreation Month

Documents: [PROCLAMATION - PARKS AND RECREATION MONTH.PDF](#)

B. ABC License Applications

Documents: [CC - ABC LICENSE - BIG BEACH BREWING CO..PDF](#), [CC - ABC LICENSE - EL TORO MEXICAN RESTAURANT.PDF](#)

8. Public Hearing

A. Ordinance - Amend Zoning Ordinance - Zoning Text Amendment - Business And Industrial Park

Documents: [ORD - AMEND ZONING ORDINANCE - ZONING TEXT AMENDMENT.PDF](#)

9. New Business

A. Ordinance - 2016 Taxable Line Of Credit

Documents: [ORD - 2016 TAXABLE LINE OF CREDIT.PDF](#)

B. Ordinance - Taxi Franchise - Express Shuttle Taxi

Documents: [ORD - TAXI FRANCHISE - EXPRESS SHUTTLE TAXI.PDF](#)

C. Ordinance - Amend Code - Business License Regulating Parasail Operations

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

D. Resolution - Award Bid - City Sod

Documents: [RESO - AWARD BID - SOD.PDF](#)

E. Resolution - Board Reappointment - Gulf Coast Health Care Authority

Documents: [RESO - REAPPOINTMENTS- GULF COAST HEALTH CARE AUTHORITY - WARREN AND DYKEN.PDF](#)

F. Resolution - Authorize Professional Services Proposal - 2016 Street Resurfacing Design Fees

Documents: [RESO - AWARD BID - ROADWAY RESURFACING PROJECT FY 2016.PDF](#)

G. Resolution - Authorize Contract Renewal - ADEM Delegation

Documents: [RESO - AGREEMENT - ADEM - COASTAL AREA MANAGEMENT.PDF](#)

H. Resolution - Award Bid - Police Handguns

Documents: [RESO - AWARD BID - POLICE HANDGUNS.PDF](#)

I. Resolution - Real Property Donation

Documents: [RESO - REAL PROPERTY DONATION.PDF](#)

10. Committee Reports

11. Staff Reports

12. Hearing Of Persons Not Listed On Formal Agenda

Proclamation

OFFICE OF THE MAYOR GULF SHORES, ALABAMA

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Gulf Shores, Alabama; and

WHEREAS, parks and recreation are vitally important to establishing and maintaining the quality of life in our community, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation enhances quality of life, promotes balanced living and lifelong learning; helps people live happier and longer; develops skills and positive self-image in children and youth; inspires creativity; and builds healthy bodies and positive lifestyles; and

WHEREAS, parks and recreation build family unity and social capital; strengthens volunteer and community development; enhances social interaction; creates community pride and vitality;

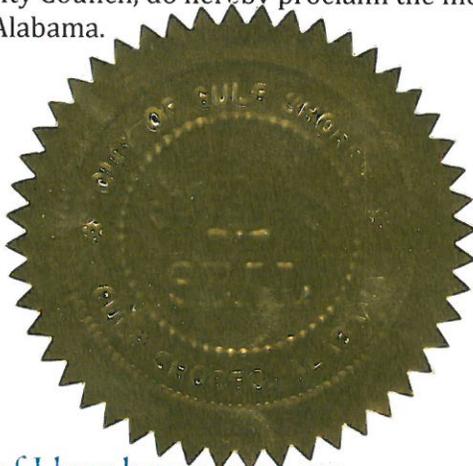
WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the benefits provided by parks and recreation programs reduce healthcare and social service costs; serve to boost the economy, economic renewal and sustainability; enhance property values; attract new business; increase tourism; and curb employee absenteeism; and

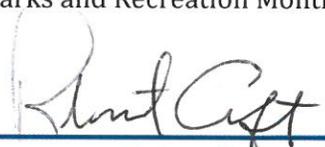
WHEREAS, the U.S. House of Representatives has delegated July as Parks and Recreation Month; and

WHEREAS, Gulf Shores, Alabama recognizes the benefits derived from parks and recreation resources; and

NOW THEREFORE, BE IT RESOLVED, I, Robert Craft, Mayor of Gulf Shores and on behalf of the Gulf Shores City Council, do hereby proclaim the month of July as "Parks and Recreation Month in Gulf Shores, Alabama.

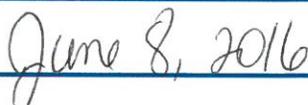


In witness whereof I have hereunto set my hand and caused this seal to be affixed.



Robert Craft, Mayor

Attest: 

Date: 



Receipt Confirmation Page

Receipt Confirmation Number: **20160525092510396**
Application Payment Confirmation Number: 25211664

Payment Summary	
Payment Item	Fee
Application Fee for License 200	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
200 - MANUFACTURER	\$110.00	\$500.00	\$610.00
			\$0.00
Total Amount to be Charged	\$110.00	\$500.00	\$610.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 200 - MANUFACTURER
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **BIG BEACH BREWING CO**
Applicant Name: **G S BREWING LLC**
Location Address: 300 E 24TH AVE
GULF SHORES, AL 36542
Mailing Address: 300 E 24TH AVE
GULF SHORES, AL 36542
Contact Person: JAMES V SHAMBURGER
Contact Home Phone:
Contact Business Phone: 251-968-8858
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

Receipt Confirmation Page

Receipt Confirmation Number: **20160517084638791**
Application Payment Confirmation Number: 25100924

Payment Summary	
Payment Item	Fee
Transfer Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **EL TORO MEXICAN RESTAURANT**
Applicant Name: **LOZANO ARS LLC**
Location Address: 3645 GULF SHORES PKWY; STE 101 B AND 102
GULF SHORES, AL 36542
Mailing Address: PO BOX 2095
DAPHNE, AL 36526
Contact Person: INA HURTADO
Contact Home Phone: ;
Contact Business Phone: 251-968-9030
Contact Fax:
Contact Cell Phone: ;
Contact Email Address:
Contact Web Address:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, June 13, 2016, at the regular City Council meeting, which begins at 4:00 p.m., in the Council Chambers of the Gulf Shores City Hall, to consider a proposed amendment to Zoning Ordinance No. 1584, adopted on January 1, 2010. The proposed amendment(s) shall read as follows:

**AN ORDINANCE
TO AMEND ORDINANCE NO. 1584
(ZONING ORDINANCE) ADOPTED JANUARY 1, 2010,
AT ARTICLE 10: OVERLAY DISTRICTS
SECTION 10-4. BUSINESS AND INDUSTRIAL PARK
OVERLAY ZONE AND AT THE TABLE OF SETBACKS
FOR BUSINESS AND INDUSTRIAL PARK BY CHANGING CERTAIN
LANGUAGE AND REWRITING AS REQUIRED
(ZA2014-03)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That Ordinance No. 1584 (Zoning Ordinance) adopted January 1, 2010 be and it is hereby amended at Article 10: Overlay District, Section 10-4. Business and Industrial Park Overlay Zone, modifying Table 10-4, Setbacks for Business and Industrial Park, by changing certain language and rewriting as follows:

Article 10: Overlay District

Section §10-4. Business and **Industrial** Aviation Park Overlay Zone.

A. Definitions.

1. Authority: The Airport Authority of the City of Gulf Shores.
2. Park: The Gulf Shores Business and IndustrialAviation Park, which includes the property described in §10-4B hereof.
3. Building Site: Each Lot or the combination of Lots as conveyed by lease or sale by the Authority and which is a part of the Park.
4. Occupant: An Entity, which owns, leases or otherwise occupies and/or uses any Building site or has the right to occupy and/or use any Building site.

B. Property Subject to this Overlay Zone. The property which is subject to these Development Standards is the Commercial/Industrial Subdivision known as the "Gulf Shores Business and Industrial Park, Phases I and II", and any subsequent amendments thereto (excluding lots 34, 35, and 36), located on the south side of the Jack Edwards Airport in Gulf Shores, Alabama.

C. District Regulations. It is the intent of these provisions that all properties within said business and industrialaviation park comply with all applicable provisions and development regulations of the City, including the Zoning Ordinance, the Jack Edwards Noise Overlay District, the Jack Edwards Height Zoning Overlay District, and the provisions of this overlay zone unless modified by the approving authority.

D. Permitted Uses. ~~Uses within the park shall be governed by the Gulf Shores Business and Industrial Park Land Use Map. All uses shall have a principal building.~~ The specific uses allowed and their definitions are listed below:

1. Lots 31-33 and 37-50 shall be restricted to Aviation Related uses only: Businesses that require the core use of aircraft to conduct commerce or that provide services related to the production, operation, maintenance, or repair of aircraft.

2. Lots 1-30 shall be restricted to the following uses:

a. Aviation

b. Technology & Research: Businesses engaged in science, engineering, and technology including but not limited to computer technologies, software development, communications, electronics, biotechnology, and educational research businesses.

c. Wholesaling: Places of business primarily engaged in the selling of goods in large quantities to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers.

a. ~~Warehouse. Businesses used for the reception, storage and distribution of goods and merchandise and their associated offices. A building used for the reception and storage of raw materials and/or manufactured goods before their export or distribution for sale, or warehousing accessory to a permitted use.~~

b.d. Manufacturing: Businesses whose primary purpose is the assembly, fabrication or processing of goods or materials predominantly from previously prepared materials into other finished products including medical equipment and biotechnology companies.

c.e. Commercial Services: Businesses whose primary purpose is to provide commercial services to the general public and other businesses including but not limited to landscaping, building, plumbing and electrical contractors; pest control companies; Laundering, Dry-cleaning or Dyeing Plants; printing, engraving or other reproduction services, medical services; and other similar uses but excluding all retail uses.

d.f. Professional Office: [Corporate offices, data centers, b](#)Businesses providing commercial services that require special or advanced education and skill; i.e., law, engineering, surveying, title abstract.

~~2. Caretaker Dwellings may be approved by Conditional Use Permit. Said residences shall be limited to one resident and be fully contained within the Principal Building.~~

E. Prohibited Uses.

1. The discharge, burial, or other unlawful disposal of any liquid waste, solid waste, fumes, gases or airborne particulate matter, defined as hazardous by federal, state, county, or local law is prohibited. The occupant shall not, or permit any person to, bring any pollutants, contaminants, toxic or hazardous waste, or any other substance regulated by law or which might create a hazard to health and safety onto the property; except any such hazardous substances that are used in the ordinary course of the contemplated businesses to be conducted on the property and that are handled, stored, used and disposed of in accordance with applicable Building and Fire Codes of the City and applicable environmental laws.

~~2. Outdoor storage as a principal use. Outdoor storage is only allowed as an accessory to a principle use in accordance with §10-4 G.~~

~~3. Personal storage and mini-storage facilities.~~

~~2.4. The occupant shall restrict the height of Structures, objects of natural growth, and other obstructions on the property to such a height so as to comply with Federal Aviation Regulations, Part 77.~~

~~3.5. The occupant shall prevent the use of the property, which would interfere or adversely affect the operation or maintenance of the airport, or otherwise constitute an airport hazard.~~

~~4.6. The occupant shall be subject to any ordinances, rules or regulations that have been, or may hereafter be adopted by, the Authority or City pertaining to the airport, park, or both.~~

F. **Specific Development Standards.** All sites shall receive Site Plan Review as required by [§3-3 Site Plan Review](#) except as stated herein. Those lots with direct frontage onto the Jack Edwards Airport (lots [2631-33 and 37-50](#)) as shown on the most recent recorded plat and as may be amended hereinafter, shall receive Administrative Site Plan Review and approval through the CDD. The final decision of the CDD in performing this review shall rest with the Zoning Official. The applicant may choose at any time, via written request, to waive the Administrative Site Plan Review process in favor of Site Plan Review as required by [§3-3 Site Plan Review](#) or appeal such review to the Council.

1. Building/Site Plans:

a. At a minimum all Building sites shall meet requirements of the IND Zoning District. Setback requirements shall be as listed below ~~and as indicated on the final plat of the Gulf Shores Business and Industrial Aviation Park and any revisions thereto:~~

* * * *

Table 10-4: Setbacks for Business and ~~Industrial~~ Aviation Park

Table 10-4: Setbacks for Business and Industrial Aviation Park			
	Min. Front Setback	Min. Rear Setback	Min. Side Setback
Lots 1-10	35 ft	70 ft	15 ft
Lots 11, 20-30	35 ft	30 ft	15 ft
Lots 12-19	30 ft	30 ft	15 ft
Lots 31-33, 37-50	35 ft	70 ft*	15 ft
* Aviation-related Lots may have Rear Setback reduced upon written approval of the Airport Authority.			

a. Building Façades and external materials shall be governed as stated in this Ordinance. For Buildings located on Lots identified as "aviation related" and located more than 300 ft from a Thoroughfare ROW Line, such Façades shall not be mandatory, but may be required through the ~~Administrative Site Plan or Site Plan Review~~ approval process.

b. Bay doors and loading docks shall be located and/or reasonably screened so as to minimize adverse visual impact from public thoroughfares.

c. Color schemes shall be harmonious and compatible with adjacent developments; accent colors shall be compatible with the main color theme. In all cases, bright, neon, or fluorescent colors shall be prohibited. Earth tone colors are encouraged.

d. Colored elevations and representative floor plans shall be submitted for ~~the Administrative Site Plan or the~~ Site Plan Review. Elevations shall identify external materials and colors for all sides of each Structure.

2. Parking.

a. All required parking spaces, Driveways, aisles, and any other parking areas shall be paved as required in [§14-1 Required Off-street Parking](#) except as modified herein. Such parking areas are intended to be sited forward of the Principal Building and any Screening or security fences.

b. Parking areas or parking lots provided above and beyond what is required by this Ordinance may have the paving requirement waived at the discretion of the approving authority if the parking area is located behind any required fencing and/or is not visible from any public ROWs. In these instances, an all-weather, non-dust surface is required.

For Lots designated as aviation-related, parking areas shall be paved as required by in §14-1 Required Off-street Parking unless modified by the Airport Authority.

- c. No parking or vehicular areas, exclusive of Driveways, shall be permitted within ten (10) ft of the Front Lot Line and within five (5) ft of the Side and Rear Lot Lines except as noted herein. This requirement shall extend to the entire Lot.

For Lots designated as aviation-related, parking or vehicular areas located behind fencing will not be required to observe the above Setback requirements.

- d. Airplane hangars accessory to a Principal Use of the site will not be required to provide parking spaces for the hangar.
 - e. Airplane hangars serving as the Principal Use of the site shall provide two (2) parking spaces per plane stored in the hangar.
3. Lighting. Parking and site lighting shall be Shielded so as not to illuminate Adjacent property or public Thoroughfares. No lighting shall interfere with or disrupt the operation of the airport. A lighting plan including typical light pole(s) and fixture detail(s) and a photometric plan in accordance with §6-12 Outdoor Lighting Standards shall be submitted and approved by the Airport Authority.
 4. Landscaping. All portions of a site not occupied by Buildings or other Structures and all required parking lots and maneuvering spaces, irrespective of location, shall be landscaped according to the regulations of §12-1 Landscaping except as noted herein.
 - a. Areas proposed for Outdoor Storage of materials or vehicles, or similar non-public uses may at the discretion of the approving authority have the Side and Rear Perimeter Landscaping requirement modified to require the planting of trees only, so long as the area is not visible from a public Thoroughfare or Adjacent property.
 - b. The minimum Landscape Setback requirement of ten (10) ft along any Thoroughfare ROW shall not be allowed to be reduced as provided in §12-1 Landscaping.
 - c. For Lots designated as aviation-related, the Landscape requirements stated in §12-1 Landscaping will not be required for areas located behind required fencing.

5. Fences.

- a. No fence shall be located forward of the front Façade of the Building or behind the required ten (10) ft Setback line.
- b. The location of fences to the rear and side of the forward-most Building located on the Building site are not subject to Setback lines and may be located on the Rear and Side Lot Lines.
- c. Perimeter fencing Adjacent to public Thoroughfares shall be opaque and of wood or masonry construction. Materials and treatments used should complement the primary Building and contribute to the appearance of the park. Details and/or elevations that identify the materials of the perimeter fencing shall be submitted for the Administrative Site Plan or the Site Plan Review.
- d. For Lots designated as aviation-related, all fencing, vehicle and personnel gates, and gate mechanisms are subject to approval by the Airport Authority and must be compatible with Airport Security. Elevations and detail drawings of all proposed fences, gates, and gate mechanisms shall be submitted to them for approval.
- e. Airport Authority approval and approved details and/or elevations of required fencing shall be submitted for the ~~Administrative Site Plan or the~~ Site Plan Review. Fences will not be allowed to be constructed until approved by the Airport Authority.

6. Signs.

- a. A Master Signage Plan shall be included as part of the ~~Administrative Site Plan or~~ Site Plan submittal. Individual freestanding signs shall be consistent in material and design with the entry signs used to identify the Park.
- b. Freestanding signs within the park shall be "monument" or "low profile" in style and limited to one (1) sign per Building site. Maximum Sign Area shall not exceed thirty-two (32) sf and be restricted to a maximum height of six (6) ft.
- c. Signs shall use universal symbols to provide information to emergency personnel in regards to chemicals stored and used on site and other hazardous conditions.
- d. All exterior lighting shall be Shielded and directed away from Adjacent Thoroughfares and property.
- d.e. Attached signs facing the airport which are not visible from a public right-of-way shall be reviewed and approved by the Airport Authority.

7. Drainage.

- a. Applicable Best Management Practices (BMP's) to prevent discharge of polluted storm water shall be implemented by the developer of each Lot.
- b. The drainage plan is subject to approval by the Public Works Department. For Lots designated as aviation-related, additional approval is required by the Airport Authority.

8. Permits: All outside agency approvals and permits, as applicable, shall be submitted to the CDD prior to issuance of a Building Permit.

- G. Storage. The right of an owner or lessee or occupant to use any Building shall not be construed to permit the keeping of articles, goods, materials, incinerators, storage tanks, dumpsters or like equipment in the open or exposed to public view. If it shall become necessary to store or keep such materials or equipment in the open, said storage shall be limited to the Rear Yard and Screened from public view or incompatible uses with an opaque fence or wall of permanent construction per §10-4E4-F5 above and of a design and of materials approved through the Site Plan Review process.

Ordinance No. (cont'd)

* * * *

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

Further, notification is given that any citizen or interested party may appear before Council on said date and will be given an opportunity to be heard, or may direct written comments to the City Clerk, City Hall, P O Box 299, Gulf Shores, AL 36547, prior to the meeting.

Wanda Parris, MMC
City Clerk
City of Gulf Shores, Alabama

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF THE CITY'S \$13,500,000 PRINCIPAL AMOUNT GENERAL OBLIGATION TAXABLE WARRANT, SERIES 2016-B, TO BE DATED THE DATE OF DELIVERY, TO BRANCH BANKING AND TRUST COMPANY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA AS FOLLOWS:

Section 1. Findings and Representations.

The City of Gulf Shores (the "City") by and through the City Council, its governing body, does hereby find and determine and represent and warrant as follows:

(a) The City has found and determined that it is in the best public and financial interest of the City to issue its \$13,500,000 principal amount General Obligation Taxable Warrant, Series 2016-B, to be dated the date of delivery (the "Warrant"), issued to Branch Banking and Trust Company (together with its successors and assigns the "Bank") on or about June 15, 2016.

(b) The Warrant proceeds will be applied to the acquisition, construction and equipment of the Gulf Place Project, the goal of which is to create a pedestrian-friendly beachfront that takes advantage of the entire half-mile public beach area and improves traffic, safety, and public access. The Gulf Place Project will consist of approximately 350 parking spaces, two bathhouses, seawall, sidewalks, outdoor showers, lighting, benches, exercise areas, beach access points, signage, trash/recycling receptacles, shade structures, pavilions, a large green space and event space, and utilities improvements to provide for new sewer, water, and electrical hookups.

(c) The net assessed valuation of the taxable property in the corporate limits of the City for the fiscal year ending September 30, 2015 is not less than \$534,967,860 and the total indebtedness of the City following the issuance of the Warrant chargeable against the debt limitation for the City prescribed by the Constitution of Alabama of 1901, as amended, will not be more than twenty percent of said assessed valuation.

Section 2. Authorization and Description of Warrant; Payments of Warrant.

(a) The City shall borrow an aggregate amount not exceeding \$13,500,000 in such amounts and at such times as shall be necessary for the purposes set forth in Section 1 hereof, and the City shall issue the aforesaid Warrant therefor to the Bank, to evidence a revolving line of credit extended thereby to the City for such purposes.

(b) The Warrant shall be (1) dated the date of initial delivery and payment, (2) subject to redemption prior to maturity at any time, without premium or penalty, and (3) registered and transferred, all as provided therefor in the form of the Warrant in Section 4 below.

(c) All such principal drawn and outstanding on the Warrant shall (1) bear interest at the fixed per annum interest rate of 2.85%, and (2) be payable in quarterly installments of interest only with the principal due at final maturity on June 15, 2026.

(d) The principal of and interest on the Warrant shall be payable in lawful money of the United States of America, at the designated office of the registered owner thereof at par and without discount, exchange or deduction or charge therefor.

Section 3. Authorization of Advances and Payments.

(a) The Mayor and City Clerk are authorized and directed to request advances under the Warrant at such times and in such amounts as the Mayor and the City Clerk shall consider necessary or desirable to carry out the purposes of this Ordinance; provided, however, (i) the outstanding principal amount of the Warrant may not exceed \$13,500,000, (ii) no advances may be made (A) in the event that the City should default in the payment of the principal of or interest on the Warrant, or should fail to comply with any of the other covenants and agreements contained in this Ordinance, or (B) until such time as the City provides to the Bank evidence of termination of the line of credit arrangement memorialized by that certain General Obligation Taxable Warrant, Series 2016-A and (iii) no advances may be made after May 31, 2026.

(b) The proceeds of advances under the Warrant shall be deposited in the City's designated account with the Bank.

Section 4. Form of Warrant.

The Warrant shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF GULF SHORES
GENERAL OBLIGATION TAXABLE WARRANT
SERIES 2016-B**

No. R-1

\$13,500,000

THE CITY OF GULF SHORES, a municipal corporation organized and existing under and by virtue of the laws of the State of Alabama (the "City"), for value received, hereby acknowledges itself indebted to and does hereby order and direct the Finance and Administration Director of the City to pay, solely out of the special warrant fund hereinafter described, to Branch Banking and Trust Company (BB&T) (the "Payee"), its successors and assigns, the principal sum of

**THIRTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS
(\$13,500,000)**

or so much thereof as may be advanced or paid and re-advanced hereunder, as hereinafter provided, and to pay solely from said warrant fund interest on the unpaid balance of said principal amount advanced and outstanding hereunder from time to time, from the date advanced until payment in full, at a fixed per annum rate of interest equal to 2.85% (computed on the basis of the actual number of days elapsed over a 360-day year), said principal and interest being payable as follows:

(a) On September 15, 2016 and on the 15th day (or next business day) of each March, June, September and December, through and including June 15, 2026, the interest accrued on the outstanding principal balance of this Warrant to each such date of payment; and

(b) On June 15, 2026, the entire outstanding principal balance of this Warrant plus all accrued interest thereon.

Payment of the principal hereof and interest hereon shall be made at the office of the Payee or at such other place as shall be designated to the City in writing by the Payee, provided the final payment of principal of and interest on this Warrant shall be made only upon presentation and surrender of this Warrant to the City for cancellation.

Interest shall be payable hereon at the Post-Default Rate (as defined in the Authorizing Proceedings referred to below) under certain circumstances described in the Authorizing Proceedings.

The City may, on any date, pay in advance the entire unpaid principal balance of this Warrant or any lesser portion or portions thereof by paying to the Payee the principal amount to be prepaid, plus interest accrued on such principal amount to the date of such prepayment, without premium or penalty.

This Warrant is a master Warrant under a revolving line of credit extended by the Payee to the City, and it is contemplated that the proceeds of the loan evidenced hereby will be advanced, or paid and re-advanced, by the Payee to the City in installments, as requested by the City (as to amount and date), and it is further contemplated that by reason of prepayments hereon there may be times when no indebtedness is owing hereunder; notwithstanding any such occurrence, this Warrant shall remain valid and shall be in full force and effect as to each principal advance made hereunder subsequent to each such occurrence. Each principal advance and each payment made on this Warrant shall be reflected by the notations made by the Payee on its internal records (which may be kept by computer or by other means determined by the Payee) and the Payee is hereby authorized so to record thereon all such principal advances and payments. The aggregate unpaid principal amount of this Warrant reflected on the internal records of the Payee (whether by computer or otherwise) shall be rebuttably presumptive evidence of the

principal amount of this Warrant outstanding and unpaid. No failure of the Payee so to record any advance or payment shall limit or otherwise affect the obligation of the City hereunder with respect to any advance, and no payment of the principal by the City shall be affected by the failure of the Payee so to record the same.

THIS WARRANT SHALL BE VALID AND ENFORCEABLE AS TO THE AGGREGATE PRINCIPAL AMOUNT ADVANCED AT ANY TIME HEREUNDER, WHETHER OR NOT THE FULL FACE AMOUNT HEREOF IS ADVANCED.

This Warrant is issued pursuant to the Constitution and laws of the State of Alabama, including the provisions of Section 11-47-2 et seq. of the CODE OF ALABAMA 1975, as amended, and an Ordinance adopted by the governing body of the City on June 13, 2016 (the "Authorizing Proceedings") for the purposes described in the Authorizing Proceedings. Capitalized terms not otherwise defined herein shall have the meaning assigned in the Authorizing Proceedings.

The principal of and interest on this Warrant is a general obligation of the City and the full faith and credit of the City are pledged to the payment of the principal of and interest on the Warrant.

The City has established in the Authorizing Proceedings a special fund designated "Series 2016-B General Obligation Taxable Warrant Fund" (the "Series 2016-B Warrant Fund") for the payment of the principal of and interest on the Warrant, and has obligated itself to pay or cause to be paid into said Fund from the taxes and revenues of the City sums sufficient to provide for the payment of the principal of and interest on this Warrant as the same matures and comes due.

This Warrant and the interest hereon constitutes a charge on the general credit of the City and an indebtedness of the City within the meaning of state constitutional provisions and or statutory limitations.

This Warrant is recorded and registered as to principal and interest in the name of the owner on the book of registration maintained for that purpose by the City. The person in whose name this Warrant is registered shall be deemed and regarded as the absolute owner hereof for all purposes and payment of the principal of and interest on this Warrant shall be made only to or upon the order of the registered owner hereof or its legal representative, and neither the City nor any agent of the City shall be affected by any notice to the contrary. Payment of principal of and interest on this Warrant shall be valid and effectual to satisfy and discharge the liability of the City upon this Warrant to the extent of the amounts so paid.

This Warrant may be transferred only upon written request of the registered owner or its legal representative addressed to the City, such transfer to be recorded on said book of registration and endorsed hereon by the City. Upon presentation to the City for transfer, this Warrant must be accompanied by a written instrument or instruments of transfer satisfactory to the City, duly executed by the registered owner or its attorney duly authorized in writing, and the City shall endorse on the schedule attached hereto for such purpose the principal amount of this Warrant unpaid and the interest accrued hereon to the date of transfer. No charge shall be made for the privilege of transfer, but the registered owner of this Warrant requesting any such transfer shall pay any tax or other governmental charge required to be paid with respect thereto.

It is hereby recited, certified and declared that the indebtedness evidenced and ordered paid by this Warrant is lawfully due without condition, abatement or offset of any description and that all acts, conditions and things required by the Constitution and laws of the State of Alabama to happen, exist and be performed precedent to and in the execution, registration and issuance of this Warrant and the adoption of the Authorizing Proceedings have happened, do exist and have been performed in time, form and manner as so required.

IN WITNESS WHEREOF, the City, acting by and through its governing body, has caused this Warrant to be executed in its name and on its behalf by its Mayor and its municipal seal to be hereunto affixed and attested by its City Clerk, and has caused this Warrant to be dated June 15, 2016.

CITY OF GULF SHORES

S E A L

By _____
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 June 13, 2016, and the same was duly published as required by law.

City Clerk

ORDINANCE NO.

**AN ORDINANCE
GRANTING A NONEXCLUSIVE FRANCHISE
TO EXPRESS SHUTTLE TAXI
TO PROVIDE TRANSPORTATION SERVICE IN
THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE COMPANY**

WHEREAS, Express Shuttle Taxi, has requested a franchise to empower the Company to provide transportation service in the City of Gulf Shores; and

WHEREAS, the City is desirous of granting a nonexclusive franchise to Express Shuttle Taxi, to provide transportation service in the City; and

WHEREAS, the residents of the City will be benefited by the granting 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 June 13, 2016, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Express Shuttle Taxi, for operation of a transportation service within the corporate limits of the City.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and Express Shuttle Taxi, which sets forth the requirements, covenants and agreements of a franchise to the Company for operation of a taxi service within the City.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated June 13, 2016.

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

ADOPTED this 13th day of June, 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 June 13, 2016, and the same was duly published as required by law.

City Clerk

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, ITEM 17 BY CHANGING CERTAIN LANGUAGE AND REWRITING THE ENTIRE ORDINANCE 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 JUNE 13, 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 Revenue 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 towlines 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, **which shall include the towing of a parasail canopy with or without an actual passenger**, 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.

Provided, however, that in the event a parasail operator conducts parasail operations within the separate jurisdiction of a governmental regulatory authority other than the City of Gulf Shores which requires a greater minimum operating distance than that provided above, as a condition of the license

granted it by the City of Gulf Shores, the parasail operator shall strictly comply with the minimum operating distance requirements of such other governmental regulatory entity.

- (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 Revenue 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 Revenue 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 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 Revenue Division before licensed activities begin. Written notice of any significant changes in coverage conditions shall be given immediately to the 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 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;

Ordinance No.

(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 13th day of JUNE, 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 JUNE 13 , 2016 and the same was duly published as required by law in the City of Gulf Shores, Alabama.

City Clerk

RESOLUTION NO. -16

**A RESOLUTION
ACCEPTING THE BID OF
WOERNER TURF FOR CITY SOD;
AND AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That the bid of Woerner Turf for Tifway 419 Bermuda, Tifway 419 Bermuda-over seeded with Perennial Ryegrass, Centipede and St. Augustine, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on April 19, 2016, for a period of one year starting from the date of award with the option to renew for two additional years.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, contracts between the City of Gulf Shores and Woerner Turf for City Sod; in substantially the form presented to Council this date.

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

ADOPTED this 13th day of June, 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 June 13, 2016.

City Clerk

RESOLUTION NO. -16

**A RESOLUTION
REAPPOINTING DOUG WARREN AND JASON DYKEN
TO THE GULF COAST HEALTH CARE AUTHORITY
TO SERVE A FULL TERM OF 4 YEARS
ENDING ON DECEMBER 31, 2019**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That Doug Warren be and he is hereby reappointed to the Gulf Coast Health Care Authority, to serve a full term of four years to expire on December 31, 2019.

Section 2. That Jason Dyken be and he is hereby reappointed to the Gulf Coast Health Care Authority, to serve a full term of four years to expire on December 31, 2019.

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

ADOPTED this 13th day of June, 2016.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC
City Clerk

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 June 13, 2016.

City Clerk

RESOLUTION NO. -16

**A RESOLUTION
ACCEPTING THE PROPOSAL OF
HUTCHINSON, MOORE & RAUCH, LLC (HMR)
FOR PROFESSIONAL SERVICES FOR
ROADWAY RESURFACING DESIGN FEES FY 2016
IN AN AMOUNT NOT TO EXCEED \$30, 500.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That the proposal for professional services from Hutchinson, Moore & Rauch, LLC (HMR) in an amount not to exceed \$30,500.00 for professional services to prepare the bid documents for FY2016 Roadway Resurfacing Project, be and the same is hereby accepted and authorized in a total amount not to exceed \$30,500.00 as outlined in the Scope of Work and/or as specified for additional services.

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 Hutchinson, Moore & Rauch, LLC (HMR) for professional services for FY2016 Roadway Resurfacing Project; in substantially the form presented to Council this date.

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

ADOPTED this 13th day of June, 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 June 16, 2016.

City Clerk

RESOLUTION NO. -16

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
COOPERATIVE AGREEMENT WITH
ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
FOR TECHNICAL AND PROFESSIONAL SERVICES
TO BE PROVIDED BY CITY IN IMPLEMENTATION OF
ALABAMA COASTAL AREA MANAGEMENT PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,
ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That the Mayor and City Clerk of the City of Gulf Shores be and they hereby are authorized and directed to execute and attest, respectively, a Cooperative Agreement between the City of Gulf Shores and the Alabama Department of Environmental Management for technical and professional services to be provided by the City in implementing the Alabama Coastal Area Management Program.

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

ADOPTED this 13th day of June, 2016.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC, City Clerk

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 June 13, 2016.

City Clerk

RESOLUTION NO. -16

**A RESOLUTION
ACCEPTING THE BID OF GT DISTRIBUTORS
FOR PURCHASE OF POLICE HANDGUNS IN AN
AMOUNT NOT TO EXCEED \$25,673.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2016, as follows:

Section 1. That the bid of GT Distributors for purchase of police handguns, be and the same is hereby accepted, being one of three bids received to be the lowest, most responsible, among sealed bids opened on May 17, 2016 for a period of one year starting from the date of award with the option to renew for two additional years.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, contracts between the City of Gulf Shores and GT Distributors for purchase of police handguns, in an amount not to exceed \$25,673.00; and in substantially the form presented to Council this date.

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

ADOPTED this 13TH day of June, 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 June 13, 2016.

City Clerk

RESOLUTION NO. -16

A RESOLUTION
ACCEPTING THE GRATUITOUS
DONATION AND TRANSFER OF REAL PROPERTY

WHEREAS, the City of Gulf Shores, Alabama (“Gulf Shores” or the “City”) is a municipal corporation created under the laws of the State of Alabama; and

WHEREAS, Gulf Shores is an entity described in Section 170(c)(1) of the Internal Revenue Code; and

WHEREAS, Turf Properties #2 1031 Subsidiary, LLC (the “Company”) currently owns certain real property located within Baldwin County, Alabama, all as described on Exhibit A, which is attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Company wishes to donate and transfer the property to Gulf Shores without consideration of any kind or manner.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, ON JUNE 13, 2016, as follows:

Section 1. Gulf Shores hereby accepts the gratuitous donation and transfer of the Property from the Company, and agrees to complete and sign Part IV of IRS Form 8283 acknowledging this gift and to provide further acknowledgements as reasonably requested by the Company in connection with the Company’s intent to report this donation as a charitable contribution for income tax purposes.

Section 2. Gulf Shores agrees to pay all closing costs and fees associated with the donation and transfer of the Property.

Section 3. Gulf Shores hereby certifies that the Company has not been provided any goods or services or any other inducements in return for this gift.

Section 4. Gulf Shores hereby authorizes Carolyn M. Doughty, Mayor Pro Tempore, to execute this resolution and to execute such additional documents on behalf of the City as are necessary to affect the transfer of the Property and otherwise acknowledge the charitable contribution thereof.

Section 5. This Resolution shall become effective upon its adoption.

ADOPTED this 13th day of June, 2016.

THE CITY OF GULF SHORES, ALABAMA

Carolyn M. Doughty
Mayor Pro Tempore

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 meeting of the City Council on June 13, 2016.

City Clerk