



A G E N D A  
REGULAR COUNCIL MEETING  
CITY OF GULF SHORES, ALABAMA  
MARCH 14, 2016  
4:00 P.M.

1. Call to Order
2. Invocation – Deputy Fire Chief, Keith Martin
3. The Pledge of Allegiance
4. Roll Call
5. Approval of Minutes –
  - a. February 22, 2016 – Special Meeting
  - b. February 22, 2016 – Regular Council Meeting
  - c. 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. Gulf Shores Fire Department ISO Rating Update
  - c. ABC Transfer License Application – Pier 33
  - d. Public Assembly Permit Application – Robertsedale Rotary Club – Doc’s Hot Trot
2. New Business
  - a. Resolution – Board Appointments – Public Education Building Authority
  - b. Resolution – Board Reappointments – Public Park and Recreation Board
  - c. Resolution – Authorize Mayor to Negotiate Development Agreement
  - d. Resolution – Authorize Mayor to Negotiate Property Purchase – Southland Gulf, LLC.
  - e. Resolution – Award Bid – Ginn Motor Company
  - f. Resolution – Authorize Interdepartmental Agreement – ALDOT – Corridor Study
  - g. Resolution – Authorize Professional Services Agreement – DMD Engineers, Inc.
  - h. Resolution – Authorize Professional Services Agreement – Volkert Associates
  - i. Resolution – Award Bid – Landers McLarty DCJR & Moyer Ford Sale, Inc.
  - j. Resolution – Authorize Grant ACAMP 2017
  - k. Resolution – Designating Council Control Over Expenditures
  - l. Resolution – 2016 Budget Amendment 1
  - m. Resolution – Authorizing Use of Municipal Credit Cards
  - n. Resolution – Authorize Additional Locations – C.Q.C., Inc.
  - o. Resolution – Award Bid – Moyer Ford Sales, Inc.
  - p. Resolution – Award Bid – Gulf Shores Power Sports
  - q. Resolution – Amend Policy For Re-Entry Decals
  - r. Resolution – Controlled Beach Parking
  - s. Ordinance – Amend Code – Business License – Parasail Operations
  - t. Ordinance – Amend Code- Building Permit Fees
  - u. Ordinance – Franchise Renewal – Kool Treats
10. Committee Reports
11. Staff Reports
12. Hearing of Persons Not Listed on Formal Agenda
13. Adjourn

**MINUTES OF  
REGULAR COUNCIL MEETING  
CITY OF GULF SHORES, ALABAMA  
MARCH 14, 2016**

Mayor Pro Tempore Doughty called the meeting to order at 4:00 p.m. at City Hall. The invocation was delivered by Deputy Fire Chief, Keith Martin.

Upon roll call, the following officials answered "present": Councilmen Garris, Harris, Dyken, Jones and Mayor Pro Tempore Doughty, Mayor Craft was absent.

Councilman Garris moved to approve the minutes of the Special Meeting of February 22, 2016, as presented; seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore declared the motion carried.

At this time, Councilman Dyken moved to approve the minutes of the Regular Council Meeting of February 22, 2016, as presented; seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared the motion carried.

Furthermore, Councilman Harris moved to approve the minutes of the Council Work Session Meeting of March 7, 2016, as presented; seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "abstain", Councilman Harris, "aye", Councilman Dyken, "abstain", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared the motion carried.

Councilman Jones moved to approve the expense vouchers in the amount of \$740,874.64; seconded by Councilman Harris; and the vote of those officials present was unanimously in favor of the motion.

The City Clerk noted that the complete list of vouchers to be paid, as reflected on a computer printout, had been made a permanent record in the Clerk's office.

At this time, Gulf Shores High School Principal, Dr. Ernie Rosado, Ms. Everett, English Department Chair and Ms. Jernigan, Health Science Instructor, presented an update on student activities including a safe, successful prom, and exceptional, statewide, first place team rankings in recent band, language arts, and Alabama Health Occupation Students of America (HOSA) competitions. The Health Science students were present and received accolades for their outstanding performance and top ranking achievement in the recent Alabama Emergency Medical Responder (EMR) and Emergency Medical Technician (EMT) competition. They will move on to the international competition next.

Fire Chief, Hartly Brokenshaw announced the City had received an upgraded Insurance Services Office (ISO) Public Protection Classification (PPC) rating of #1. This is the highest rating from ISO whose primary goal is to rate fire prevention within a city. The upgraded classification will benefit businesses and residences with potential insurance rate reductions. Gulf Shores Utilities is also to be commended for partnering with the City and the Fire Department by providing the water infrastructure necessary to serve and protect the community.

The City Clerk presented an application for transfer of an ABC License for The Pier General Store, Inc.

Whereupon, Councilman Harris moved to approve the application from The Pier General Store, Inc. for transfer of an ABC License and to so notify the ABC Board; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

Director of Recreation and Cultural Affairs, Grant Brown introduced a Public Assembly Permit Application from the Robertsdale Rotary Club for Doc's Hot Trot for ARC, 5K and 1 Mile run to benefit the ARCBC, to be held June 18, 2016.

Councilman Jones moved to approve the Assembly Permit Application from the Robertsdale Rotary Club, to host Doc's Hot Trot for ARC, 5K and 1 Mile run to benefit the ARCBC Event as presented; seconded by Councilman Dyken; and the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared the motion carried.

At this time, Councilman Harris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5626-16**

**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.

The motion for the adoption of Resolution No. 5626-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5626-16 duly and legally adopted.

Councilman Garris introduced and moved for the adoption of the following Resolution with an amendment to remove Mr. Leonard Kaiser's name from the Resolution, as the City Clerk was unable to confirm his availability to continue to serve:

**RESOLUTION NO. 5627 -16**

**A RESOLUTION  
REAPPOINTING JOSEPH WADE WARD 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 this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 5627-16 as amended was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “abstain”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5627-16 duly and legally adopted.

Furthermore, Councilman Dyken introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5628 – 16**

**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.

The motion for the adoption of Resolution No. 5628-16 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5628-16 duly and legally adopted.

Councilman Garris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5629-16**

**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.

The motion for the adoption of Resolution No. 5629-16 was seconded by Councilman Dyken; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5629-16 duly and legally adopted.

At this time, Councilman Jones introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5630 - 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.

The motion for the adoption of Resolution No. 5630-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5630-16 duly and legally adopted.

Councilman Harris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5631 -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**

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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 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 Volkert 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.

The motion for the adoption of Resolution No. 5631-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5631-16 duly and legally adopted.

Furthermore, Councilman Dyken introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5632 -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**

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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 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.

The motion for the adoption of Resolution No. 5632-16 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5632-16 duly and legally adopted.

At this time, Councilman Jones introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5633 -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**

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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 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.

The motion for the adoption of Resolution No. 5633-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5633-16 duly and legally adopted.

Councilman Garris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5634 – 16**

**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**

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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 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.

The motion for the adoption of Resolution No. 5634-16 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5634-16 duly and legally adopted. Furthermore, Councilman Jones introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5635-16**

**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**

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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.

The motion for the adoption of Resolution No. 5635-16 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5635-16 duly and legally adopted.

Councilman Harris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5636-16**

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

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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 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.

The motion for the adoption of Resolution No. 5636-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5636-16 duly and legally adopted.

At this time, Councilman Dyken introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5637-16**

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

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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>	
Total 2% Lodging Tax Expenses			<u>\$2,631,082</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</b>	731,082		

**Fund**

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

**2014 GO Warrant Fund**

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

**Debt Service Fund**

Transfers/Rent	4,366,378	
Bond Payments		4,366,378
	<b>47,065,83</b>	

**Total All Funds Revenue** **0**

**47,355,86**

**Total All Funds Expense** **8**

General Fund Budget Carry Forward	\$511,722
2% Lodging Budget Carry Forward	9,918
2014 GO Warrant Fund	<u>(\$811,678)</u>

Total Budget Carry Forward **(\$290,038)**

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

The motion for the adoption of Resolution No. 5637-16 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5637-16 duly and legally adopted.

Councilman Harris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5638 -16**

**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.

The motion for the adoption of Resolution No. 5638-16 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5638-16 duly and legally adopted.

Furthermore, Councilman Garris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5639 -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 the 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.

The motion for the adoption of Resolution No. 5639-16 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye", Councilman Harris, "aye", Councilman Dyken, "aye", Councilman Jones, "aye", and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5639-16 duly and legally adopted.

At this time, Councilman Jones introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5640 - 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.

The motion for the adoption of Resolution No. 5640-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5640-16 duly and legally adopted. Councilman Garris introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5641 - 16**

**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**

---

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.

The motion for the adoption of Resolution No. 5641-16 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5641-16 duly and legally adopted.

Councilman Jones introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5642 - 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.

The motion for the adoption of Resolution No. 5642-16 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5642-16 duly and legally adopted.

At this time, Councilman Dyken introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 5643-16**

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

---

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.

The motion for the adoption of Resolution No. 5643-16 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, “aye”, Councilman Harris, “aye”, Councilman Dyken, “aye”, Councilman Jones, “aye”, and Mayor Pro Tempore Doughty, “aye”. Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Resolution No. 5643-16 duly and legally adopted.

Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

### ORDINANCE NO. 1810

#### 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 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 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 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 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;
  - (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.

The motion for unanimous consent was seconded by Councilman Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Mayor Pro Tempore then declared the rules suspended.

Councilman Jones then moved for the adoption of Ordinance No. 1810 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1810 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Ordinance No. 1810 duly and legally adopted.

Furthermore, Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

**ORDINANCE NO. 1811**

**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**

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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 subdivisionsite 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.

The motion for unanimous consent was seconded by Councilman Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Mayor Pro Tempore then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1811 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1811 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Ordinance No. 1811 duly and legally adopted.

Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

**ORDINANCE NO. 1812**

**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.

The motion for unanimous consent was seconded by Councilman Harris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Mayor Pro Tempore then declared the rules suspended.

Councilman Jones then moved for the adoption of Ordinance No. 1812 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1812 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Harris, "aye", Councilman Dyken, "aye," Councilman Jones, "aye" and Mayor Pro Tempore Doughty, "aye". Mayor Craft was absent. Whereupon, Mayor Pro Tempore Doughty declared Ordinance No. 1812 duly and legally adopted.

COMMITTEE REPORTS:

No report at this time.

STAFF REPORT:

Planning and Zoning Director, Andy Bauer, reported the Code Enforcement Officer was monitoring trash issues along West Beach to ensure garbage was being stored properly in containers and not left outside of the cans.

Director of Public Works, Mark Acreman stated he had received positive feedback related to the City's new "Leave Only Footprints" initiative, stating they were thankful the City is trying to keep the beaches clean.

Assistant Recreation and Cultural Affairs Director, Matt Young was recently notified through the Reef and Restoration Foundation that "The LuLu" is featured on USA Today's list as being one of the 20 best underwater attractions, encouraging all to go to their website and vote to make it number 1.

Director of Recreation and Cultural Affairs, Grant Brown reported the tennis court cover was placed on the [www.govdeals.com](http://www.govdeals.com) auction site and has had a lot of activity. Further announcing Monday, April 4<sup>th</sup> the City would be hosting a public input session at the Adult Activity Center discussing the Gulf Place Revitalization Project.

Director of Finance and Administrative Services, Cindy King stated she was waiting for the City's preliminary paperwork from the auditors and hoped to hear something soon.

Chief Delmore stated his officers continued to work Spring Break and the police departments annual report had been distributed.

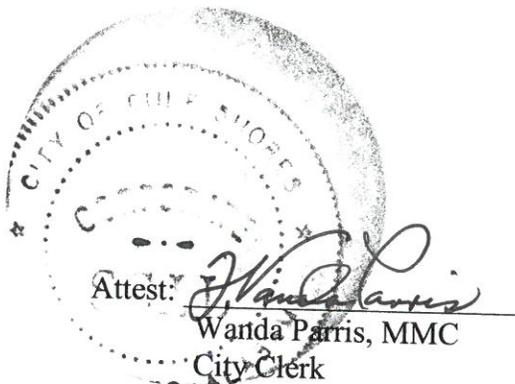
Mayor Pro Tempore Doughty thanked Chairman of the Community Advisory Task Force, Kevin Corcoran and his group for all their hard work in the support of renewal of the 4 mills tax to fund the Baldwin County School System. Mr. Corcoran in turn thanked the City for its support on this issue.

At this time, Coastal Alabama Business Chamber President & CEO, Ed Rodriguez reported the Chamber was happy to be working with the City at the upcoming Zydeco and Crawfish Festival. Further reporting, they were in the process of finalizing the hiring a new Vice President of Business Development and he was very excited about their selection for this position.

Mayor Pro Tempore Doughty asked if there was anyone who would like to speak that was not listed on the formal agenda.

There being no further business to come before the Council, Councilman Jones moved to adjourn; seconded by Councilman Dyken; and the vote of those officials present was unanimously in favor of the motion.

Mayor Pro Tempore Doughty declared the meeting adjourned at 4:55 p.m.



Carolyn M. Doughty  
Carolyn M. Doughty  
Mayor Pro Tempore

City of Gulf Shores  
Expense Vouchers  
Feb 13-March 4, 2016

Account Number	Account Name	
01-1417020	Inventory-Automotive Sup.	\$ 62.16
01-1417030	Inventory-Facility R & M Sup	\$ 637.87
01-1417040	Inventory-Hurricane Sup	\$ 177.56
01-1417050	Inventory-Janitorial Sup.	\$ 5,697.65
01-1417060	Inventory-Office Supplies	\$ 406.90
01-2072050	IF/P-SpecRevFnd-LodgTax2%	\$ 54,777.50
01-2296062	Deposits (Security)-SpecEvents	\$ 2,550.00
01-3130000	Sales Tax	\$ 2,962.30
01-3131000	Use Tax	\$ 245.75
01-3132000	Lodging Tax	\$ 352.87
01-3210000	Business License	\$ 967.04
01-3221010	Permits - Building	\$ 68.16
01-3221060	Permits - Mechanical	\$ 100.00
01-3391000	Ft. Morgan Annexation Refunds	\$ 83.70
01-3475520	Civic Center	\$ (10.00)
01-3478420	Tennis Tournaments	\$ 120.00
01-3478800	Bodenhamer - Recreational Progrms	\$ 782.00
01-3479000	Bodenhamer-MembershipFees	\$ 239.00
01-501-63260	Registration Fees/Tuition	\$ 845.00
01-501-63311	Professional Services	\$ 5,502.35
01-501-63340	Legal Fees	\$ 14,527.50
01-501-64421	Equipment Rental	\$ 324.21
01-501-65310	Telephone	\$ 433.38
01-501-65410	Legal Notices/Publications	\$ 665.46
01-501-65810	Meals/Lodging/Travel	\$ 1,753.76
01-501-66150	Supplies - Office	\$ 546.52
01-501-66165	Postage & Freight	\$ 26.68
01-501-66210	Natural Gas	\$ 18.57
01-501-66220	Electricity	\$ 521.50
01-501-66410	Books/Subscriptions	\$ 88.40
01-501-68110	Miscellaneous	\$ 48.95
01-508-52081	Recruiting	\$ 1,096.04
01-508-63260	Registration Fees/Tuition	\$ 20.00
01-508-64332	Contract/Consulting Services	\$ 100.00
01-508-65310	Telephone	\$ 529.54
01-508-65810	Meals/Lodging/Travel	\$ 198.28
01-508-66150	Supplies - Office	\$ 320.50
01-508-66220	Electricity	\$ 52.33
01-508-68110	Miscellaneous	\$ 928.00
01-519-63260	Registration Fees/Tuition	\$ 20,104.00
01-519-63311	Professional Services	\$ 2,899.00
01-519-64310	Maintenance - Software	\$ 651.25
01-519-64421	Equipment Rental	\$ 712.66
01-519-65310	Telephone	\$ 1,212.42
01-519-65311	Internet Service	\$ 37.44
01-519-65460	Public Relations/Advertising	\$ 1,212.10
01-519-65810	Meals/Lodging/Travel	\$ 34.99
01-519-66113	Software (City-Wide)	\$ 3,042.59
01-519-66114	Network Software	\$ 2,058.25
01-519-66115	GIS	\$

01-519-66150	Supplies - Office	\$ 688.40
01-519-66170	Furn. Equip. Fixt. Sm Tools-<\$5000	\$ 565.62
01-519-66171	ComputerPerphs&Parts(CityWide)	\$ 1,313.05
01-519-66211	Natural Gas (Emerg Generator)	\$ 20.06
01-519-66220	Electricity	\$ 1,108.25
01-519-68110	Miscellaneous	\$ 1,404.62
01-519-68650	IT Hardware	\$ 8,017.59
01-520-63260	Registration Fees/Tuition	\$ 1,325.00
01-520-64421	Equipment Rental	\$ 312.81
01-520-65310	Telephone	\$ 204.07
01-520-66220	Electricity	\$ 245.40
01-530-63260	Registration Fees/Tuition	\$ 5,673.75
01-530-64324	R & M - Equipment	\$ 609.44
01-530-64383	R & M - Vehicle	\$ 6,324.03
01-530-64421	Equipment Rental	\$ 586.82
01-530-65310	Telephone	\$ 1,570.38
01-530-65810	Meals/Lodging/Travel	\$ 1,261.53
01-530-66102	Animal Control	\$ 50.00
01-530-66112	Computer	\$ 4,672.50
01-530-66150	Supplies - Office	\$ 713.03
01-530-66155	Supplies - Operating	\$ 3,770.32
01-530-66165	Postage & Freight	\$ 26.25
01-530-66170	Furn. Equip. Fixt. Sm Tools-<\$5000	\$ 3,575.03
01-530-66195	Uniform Rental/Purchases	\$ 1,301.27
01-530-66210	Natural Gas	\$ 282.31
01-530-66220	Electricity	\$ 2,352.70
01-530-66260	Fuel, Oil & Lubricants	\$ 5,147.91
01-530-66410	Books/Subscriptions	\$ 469.00
01-530-68110	Miscellaneous	\$ 2,420.83
01-535-63260	Registration Fees/Tuition	\$ 680.00
01-535-64211	Refuse Collection	\$ 730.05
01-535-64324	R & M - Equipment	\$ 39.04
01-535-64383	R & M - Vehicle	\$ 3,207.35
01-535-64421	Equipment Rental	\$ 622.23
01-535-65310	Telephone	\$ 1,277.87
01-535-66109	Code Enforcement	\$ 16.75
01-535-66112	Computer	\$ 44.91
01-535-66120	EMS Supplies	\$ 1,543.95
01-535-66150	Supplies - Office	\$ 169.19
01-535-66155	Supplies - Operating	\$ 1,435.30
01-535-66165	Postage & Freight	\$ 72.02
01-535-66170	Furn. Equip. Fixt. Sm Tools-<\$5000	\$ 32.14
01-535-66195	Uniform Rental/Purchases	\$ 633.50
01-535-66210	Natural Gas	\$ 298.74
01-535-66220	Electricity	\$ 1,736.40
01-535-66260	Fuel, Oil & Lubricants	\$ 1,056.84
01-535-66410	Books/Subscriptions	\$ 13.49
01-535-68110	Miscellaneous	\$ 318.00
01-540-63260	Registration Fees/Tuition	\$ 395.00
01-540-64324	R & M - Equipment	\$ 75.87
01-540-64421	Equipment Rental	\$ 667.55
01-540-65310	Telephone	\$ 325.58
01-540-65410	Legal Notices/Publications	\$ 43.78
01-540-66150	Supplies - Office	\$ 148.56
01-540-66210	Natural Gas	\$ 9.29

01-540-66220	Electricity	225.20	\$
01-540-66260	Fuel, Oil & Lubricants	67.71	\$
01-540-66110	Miscellaneous	130.50	\$
01-541-65310	Telephone	181.56	\$
01-541-66150	Supplies - Office	53.70	\$
01-541-66172	ACAMP Expenditures<\$5,000	445.60	\$
01-541-66210	Natural Gas	9.29	\$
01-541-66220	Electricity	225.20	\$
01-541-66260	Fuel, Oil & Lubricants	269.25	\$
01-550-63260	Registration Fees/Tuition	225.00	\$
01-550-64324	R & M - Equipment	15.95	\$
01-550-64383	R & M - Vehicle	29.70	\$
01-550-65310	Telephone	29.16	\$
01-550-65810	Meals/Lodging/Travel	134.95	\$
01-550-66220	Electricity	302.25	\$
01-550-66260	Fuel, Oil & Lubricants	102.91	\$
01-550-68110	Miscellaneous	(30.00)	\$
01-551-51068	Contract Labor	1,284.00	\$
01-551-64363	R & M - Property&Facility	154.00	\$
01-551-64421	Equipment Rental	215.34	\$
01-551-65310	Telephone	262.38	\$
01-551-65460	Public Relations/Advertising	270.92	\$
01-551-65570	Printing	535.00	\$
01-551-65710	Programs/Special Events	2,712.55	\$
01-551-65716	Entertainment Series	4,917.05	\$
01-551-65810	Meals/Lodging/Travel	343.02	\$
01-551-66117	Supplies - Custodial	263.50	\$
01-551-66150	Supplies - Office	208.88	\$
01-551-66170	Furn,Equip,Fixt,SmTools<\$5000	687.94	\$
01-551-66195	Uniform Rental/Purchases	8.35	\$
01-551-66210	Natural Gas	694.25	\$
01-552-64324	R & M - Equipment	227.46	\$
01-552-64421	Equipment Rental	164.60	\$
01-552-65310	Telephone	391.97	\$
01-552-66710	Programs/Special Events	159.76	\$
01-552-66711	Museum Programs/Special Events	50.07	\$
01-552-66810	Meals/Lodging/Travel	19.92	\$
01-552-66150	Supplies - Office	84.15	\$
01-552-66170	Furn,Equip,Fixt,SmTools<\$5000	427.60	\$
01-552-66220	Electricity	940.00	\$
01-552-66411	Books,Periodicals &Other Mats	899.58	\$
01-553-51068	Contract Labor	8,145.00	\$
01-553-51075	Contract - Tennis Pro Lessons	5,886.64	\$
01-553-63260	Registration Fees/Tuition	838.47	\$
01-553-64324	R & M - Equipment	417.51	\$
01-553-64332	Contract/Consulting Services	2,675.00	\$
01-553-64421	Equipment Rental	205.05	\$
01-553-65310	Telephone	914.60	\$
01-553-65710	Programs/Special Events	1,624.98	\$
01-553-65715	Programs - Sports	5,850.30	\$
01-553-66112	Computer	11.88	\$
01-553-66117	Supplies - Custodial	34.47	\$
01-553-66121	Pool Supplies	560.71	\$
01-553-66130	Fitness Supplies	306.11	\$
01-553-66150	Supplies - Office	555.98	\$
01-563-66155	Supplies - Operating		\$
01-563-66170	Furn,Equip,Fixt,SmTools<\$5000	377.88	\$
01-563-66180	Tournaments	1,343.16	\$
01-563-66195	Uniform Rental/Purchases	37.32	\$
01-563-66210	Natural Gas	444.69	\$
01-563-66220	Electricity	3,344.50	\$
01-563-66260	Fuel, Oil & Lubricants	80.00	\$
01-563-80874	Improvements	231.07	\$
01-564-51068	Contract Labor	150.34	\$
01-564-63260	Registration Fees/Tuition	5,460.00	\$
01-564-64324	R & M - Equipment	65.00	\$
01-564-64325	R & M Irrigation	349.88	\$
01-564-64332	Contract/Consulting Services	82.27	\$
01-564-64383	R & M - Vehicle	350.00	\$
01-564-65810	Telephone	242.32	\$
01-564-66112	Meals/Lodging/Travel	246.21	\$
01-564-66150	Computer	1,637.50	\$
01-564-66155	Supplies - Office	1,596.00	\$
01-564-66157	Supplies - Operating	73.31	\$
01-564-66160	Supplies - Turf	1,439.73	\$
01-564-66170	Supplies - Turf-ChemFertilizer	998.80	\$
01-564-66180	Furn,Equip,Fixt,SmTools<\$5000	4,249.10	\$
01-564-66210	Tournaments	141.44	\$
01-564-66220	Natural Gas	10,060.83	\$
01-564-66260	Electricity	10.40	\$
01-564-68821	Fuel, Oil & Lubricants	4,305.50	\$
01-565-51068	Concession Stand Purchases	585.45	\$
01-565-51068	Contract Labor	4,923.89	\$
01-565-64110	Water/Sewer	18,619.75	\$
01-565-64324	R & M - Equipment	185.00	\$
01-565-64325	R & M Irrigation	1,113.50	\$
01-565-64383	R & M - Vehicle	216.10	\$
01-565-66155	Equipment Rental	443.10	\$
01-565-66157	Supplies - Operating	79.10	\$
01-565-66220	Supplies - Turf	648.57	\$
01-565-66260	Electricity	459.00	\$
01-565-68110	Fuel, Oil & Lubricants	281.53	\$
01-566-63260	Miscellaneous	322.83	\$
01-566-64110	Registration Fees/Tuition	114.65	\$
01-566-64324	Water/Sewer	174.00	\$
01-566-65310	R & M - Equipment	260.00	\$
01-566-65311	Telephone	1,782.51	\$
01-566-66110	Internet Service	29.16	\$
01-566-66131	Supplies - Beach	390.00	\$
01-566-66155	Parking Meter Supplies	157.14	\$
01-566-66170	Supplies - Operating	207.77	\$
01-566-66195	Furn,Equip,Fixt,SmTools<\$5000	873.39	\$
01-566-66220	Uniform Rental/Purchases	5,265.76	\$
01-566-66260	Electricity	568.57	\$
01-566-68110	Fuel, Oil & Lubricants	2,106.60	\$
01-567-64110	Miscellaneous	83.34	\$
01-567-64421	Water/Sewer	74.10	\$
01-567-65310	Equipment Rental	112.27	\$
01-567-65570	Telephone	240.99	\$
01-567-65570	Printing	891.87	\$
01-567-65570		275.32	\$

01-563-80741	Vehicles	\$	74.10
01-564-63260	Registration Fees/Tuition	\$	61.25
01-564-64324	R & M - Equipment	\$	4,601.02
01-564-64332	Contract/Consulting Services	\$	3,175.47
01-564-64363	R & M - Property&Facility	\$	4,260.21
01-564-64379	R & M-Street/TrafficLight	\$	80.00
01-564-64383	R & M - Vehicle	\$	5,669.55
01-564-65310	Telephone	\$	300.93
01-564-66150	Supplies - Office	\$	49.88
01-564-66155	Supplies - Operating	\$	484.35
01-564-66170	Furn,Equip,Fixt,SmTools<\$5000	\$	458.23
01-564-66195	Uniform Rental/Purchases	\$	95.27
01-564-66260	Fuel, Oil & Lubricants	\$	490.51
01-564-68110	Miscellaneous	\$	32.44
01-564-80810	Furniture & Equipment	\$	70.25
01-679-60003	Outside Agencies	\$	12,000.00
01-991-94104	Transfer to Debt Service Fund	\$	54,792.47
01-991-94112	TferToD/SFnd-PropTx-PelicanMall	\$	28,765.80
01-991-94113	TferToD/SFnd-STax-PelicanMall	\$	188,930.56
11-3302065	TferToD/SFnd-UseTx-PelicanMall	\$	710.58
11-579-68135	Law Enforcmt-St,Loc.& Other	\$	686.20
37-530-52041	Misc Expense - MunClJudicialAdmFund	\$	952.50
37-563-51068	Uniform Allowance	\$	1,348.91
37-563-65460	Contract Labor	\$	140.00
37-563-65810	Public Relations/ Advertising	\$	410.27
37-563-66220	Meals/Lodging/Travel	\$	504.57
37-563-80874	Electricity	\$	134.00
37-563-80915	Improvements	\$	7,465.79
40-879-65503	ADEM Recycling Grant	\$	3,515.88
40-879-80911	West 12th Street Public Access	\$	4,773.40
	Land	\$	175.70
	<b>TOTAL</b>	<b>\$</b>	<b>740,874.64</b>

01-557-65705	Senior Programs	\$	438.71
01-557-65710	Programs	\$	1,192.50
01-557-66150	Supplies-Office	\$	232.67
01-557-66210	Natural Gas	\$	21.60
01-557-66220	Electricity	\$	3,302.00
01-557-68110	Miscellaneous	\$	5.96
01-557-80874	Improvements	\$	90.22
01-558-65460	Public Relations/Advertising	\$	51.22
01-558-66150	Supplies - Office	\$	19.26
01-558-66165	Postage & Freight	\$	20.50
01-558-66170	Furn,Equip,Fixt,SmTools<\$5000	\$	227.49
01-558-66410	Books/Subscriptions	\$	739.00
01-558-68820	City Store Merchandise	\$	1,071.35
01-558-80874	Improvements	\$	13,000.00
01-560-63260	Registration Fees/Tuition	\$	350.00
01-560-63320	Engineering/ConsultingServices	\$	4,500.60
01-560-64421	Equipment Rental	\$	159.71
01-560-65310	Telephone	\$	391.97
01-560-65810	Meals/Lodging/Travel	\$	275.17
01-560-66150	Supplies - Office	\$	149.31
01-560-66220	Electricity	\$	403.00
01-560-66260	Fuel, Oil & Lubricants	\$	320.21
01-560-68110	Miscellaneous	\$	17.33
01-561-64324	R & M - Equipment	\$	50.00
01-561-64332	Contract/Consulting Services	\$	740.00
01-561-65310	Telephone	\$	29.16
01-561-66117	Supplies - Custodial	\$	306.90
01-561-66170	Furn,Equip,Fixt,SmTools<\$5000	\$	499.14
01-561-66195	Uniform Rental/Purchases	\$	27.75
01-561-66260	Fuel, Oil & Lubricants	\$	404.43
01-561-68110	Miscellaneous	\$	15.99
01-562-51068	Contract Labor	\$	2,474.73
01-562-63260	Registration Fees/Tuition	\$	575.25
01-562-65310	Telephone	\$	29.16
01-562-65810	Meals/Lodging/Travel	\$	16.54
01-562-66140	Supplies - Landscape	\$	2,325.89
01-562-66142	Supplies-Tree Maintenance	\$	52.93
01-562-66150	Supplies - Office	\$	0.99
01-562-66170	Furn,Equip,Fixt,SmTools<\$5000	\$	24.99
01-562-66195	Uniform Rental/Purchases	\$	12.74
01-562-66260	Fuel, Oil & Lubricants	\$	681.32
01-562-68110	Miscellaneous	\$	160.94
01-563-51068	Contract Labor	\$	2,372.90
01-563-64211	Refuse Collection	\$	3,388.00
01-563-64375	R & M - Streets/Drainage/Sidewalks	\$	32,293.04
01-563-64378	R & M-Street Lights	\$	26,867.33
01-563-65310	Telephone	\$	58.30
01-563-66150	Supplies - Office	\$	487.19
01-563-66155	Supplies - Operating	\$	382.97
01-563-66162	Supplies-Mosquito Control	\$	14.49
01-563-66170	Furn,Equip,Fixt,SmTools<\$5000	\$	135.27
01-563-66195	Uniform Rental/Purchases	\$	767.06
01-563-66220	Electricity	\$	2,018.50
01-563-66260	Fuel, Oil & Lubricants	\$	3,089.28
01-563-68110	Miscellaneous	\$	864.66