

A G E N D A

REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JULY 28, 2008

1. Call to Order
2. Invocation - Reverend Roger Strick, Young Life
3. Pledge of Allegiance
4. Roll Call
5. Executive Session
6. Approval of Minutes - Council Meeting - July 14, 2008
Council Work Session - July 28, 2008
7. Approval of Payroll and Expense Vouchers
8. Public Hearing
 - A. Ordinance - Amend Zoning Ordinance No. 235 - Rezone Portion of Emerald Greens - CD to CD/PUD
 - B. Ordinance - Amend Zoning Ordinance No. 235 - Rezone Al King, Jr. Property - RR to BR
9. Hearing of Persons Not Listed on Formal Agenda
10. New Business
 - A. Resolution - Award Bid - Pew-Style Seating for Municipal Court
 - B. Resolution - Request for Dissolution of Gulf Shores Board of Education
 - C. Resolution - Authorize Change Orders - Gates Builders, Inc. - Lagoon Park Improvements
 - D. Resolution - Authorize Amended Contract - MACTEC Engineering and Consulting, Inc. - Post Hurricane Commercial Structural Inspection
 - E. Resolution - Appoint Election Officers for 2008 Municipal Election
 - F. Resolution - Declare Joe Garris, Jr. Duly Elected to Office of City Council, Place 1
 - G. Resolution - Declare Philip Harris Duly Elected to Office of City Council, Place 3
11. Committee Reports
12. Staff Reports
13. Adjourn

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JULY 28, 2008

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Roger Strick of Young Life. The Pledge of Allegiance to the flag was led by Mayor Duke.

Upon roll call, the following officials answered "present": Councilmen Garris, Doughty, Harris, Craft, Jones, and Mayor Duke. The Mayor declared a quorum present.

The Mayor requested and received unanimous consent of the Council to deviate from the printed agenda to address the Executive Session at the end of the meeting.

Councilman Harris moved to approve the minutes of the regular meeting of July 14, 2008, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Craft moved to approve the minutes of the work session of July 21, 2008, as presented; seconded by Councilman Jones. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Harris, who abstained. The Mayor declared the motion carried.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,836,020.23; seconded by Councilman Garris; and the vote 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.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to the rezoning of a portion of Emerald Greens.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the rezoning, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

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. 1525

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 17.05-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE Z2008-03,
FROM CD TO CD/PUD**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows: Being an 18.30 acre parcel located in the Northwest quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama and being more particularly described as follows, to wit.

Commencing at an iron pin found at the Southeast corner of the Northeast quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama and run South 89 degrees 52 minutes 21 seconds West for a distance of 1855.88 feet to an iron pin at the POINT OF BEGINNING of the parcel herein described. From said POINT OF BEGINNING run South 89 degrees 52 minutes 21 seconds West for a distance of 639.59 feet to an iron pin found on the East Right of Way of Alabama Highway No. 59; thence North 00 degrees 03 minutes 28 seconds West along the said East Right of Way for a distance of 722.76 feet to an iron pin; thence North 08 degrees 24 minutes 13 seconds East along the said East Right of Way for a distance of 100.97 feet to an iron pin; thence North 00 degrees 04 minutes 41 seconds West along the said East Right of Way for a distance of 397.02 feet to an iron pin; thence North 45 degrees 14 minutes 58 seconds East along the said East Right of Way for a distance of 70.30 feet to an iron pin; thence North 00 degrees 34 minutes 39 seconds West for along the said East Right of Way to an iron pin found at the intersection of the said East Right of Way and the South Right of Way of Oak Road East; thence South 89 degrees 49 minutes 40 seconds East along the said South Right of Way for a distance of 301.60 feet to an iron pin found on the said South Right of Way; thence South 00 degrees 01 minutes 34 seconds East for a distance of 130.04 feet to a found iron pipe; thence North 89 degrees 47 minutes 26 seconds East for a distance of 150.27 feet to a found iron pipe; thence North 00 degrees 09 minutes 43 seconds West for a distance of 129.89 feet to an iron pin found on the South Right of Way of Oak Road East; thence North 89 degrees 5 minutes 00 seconds East along the said South Right of Way for a distance of 124.93 feet to an iron pin; thence South for a distance of 1298.59 feet to the POINT OF BEGINNING. Said parcel being located in the Northwest quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama and contains 18.30 acres.

Less and Except: Being an easement for ingress and egress located in the Northwest quarter of Section 33, Township 8 South, Range 4

East, Baldwin County, Alabama and being more particularly described as follows, to wit.

Commencing at an iron pin found at the Southeast corner of the Northeast quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama and run South 89 degrees 52 minutes 21 seconds West for a distance of 1855.88 feet to an iron pin; thence South 89 degrees 52 minutes 21 seconds West for a distance of 639.59 feet to an iron pin found on the East Right of Way of Alabama Highway No. 59; thence North 00 degrees 03 minutes 28 seconds West along the said East Right of Way for a distance of 385.96 feet to an iron pin at the POINT OF BEGINNING of the parcel easement described. From said POINT OF BEGINNING run North 89 degrees 28 minutes 57 seconds East for a distance of 612.12 feet to an iron pin at the beginning of a curve to the left having a radius of 1374.59 feet and being subtended by a chord bearing North 88 degrees 36 minutes 35 seconds East for a distance of 27.87 feet; thence along said curve to the left for a distance of 27.88 feet to an iron pin; thence North for a distance of 80.00 feet to an iron pin at the beginning of a curve to the right having a radius of 1294.59 feet and being subtended by a chord bearing South 88 degrees 32 minutes 39 seconds West for a distance of 28.80 feet; thence along said curve to the right for a distance of 28.81 feet to an iron pin; thence South 89 degrees 28 minutes 57 seconds for a distance of 611.30 feet to an iron pin on the East Right of Alabama Highway No. 59; thence South 00 degrees 03 minutes 28 seconds East along the said East Right of Way for a distance of 80.00 feet to the POINT OF BEGINNING. Said easement being located in the Northwest quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from CD (commercial) to CD/PUD (commercial/planned unit development) CONTINGENT UPON:

1. The commercial layouts are for visual purposes only and are not approved at this time. Any future development must meet the requirements of the Zoning Ordinance, Land Use Plan, and any other City of Gulf Shores regulations and be processed through a final PUD/site plan review.
2. The wall signs at the main entrance (Highway 59) to the site shall not be counted as detached sign allotment for the site.
3. The temporary signs as shown on the plans may remain in place until the final Certificate of Occupancy for the residential portion of the project is issued and then these may be converted to "For Sale" signs for each outparcel in accordance with the Zoning Ordinance.

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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Doughty then moved for the adoption of Ordinance No. 1525 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1525 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and

Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1525 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to the rezoning of the King property on Cotton Creek Drive.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Steve Foote, Planning Director, noted the recommendations of his Department, in support of the rezoning, and of the Planning Commission, in non-support of the rezoning, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

After a brief discussion, 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. 1526

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 1.04-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE Z2007-04,
FROM RR TO BR**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows: 126.7 x 335' Irr Lot 2, Shajulu Place, Slide 1657-A, lying in the NW ¼ of the NW ¼ of Section 2, T9S, R4E (WD)(POA) in #569398; 22253 Cotton Creek Drive.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from RR (rural residential) to BR (restricted business) CONTINGENT UPON: The applicant shall only be able to subdivide this property into minimum 20,000 square foot size lots.

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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Jones then moved for the adoption of Ordinance No. 1526 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1526 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 Doughty, "aye," Councilman Harris, "nay," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1526 duly and legally adopted.

Mayor Duke asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda.

Jill Harris, a local resident, requested an update on the new tennis facility.

Mark Acreman, Public Works Director, stated that the final punch list will be reviewed tomorrow and it would then be up to the Recreation Director to determine when the facility will open.

Ms. Harris also reported there was a drainage area that was retaining water and smelled.

Mr. Acreman advised that this area was the detention pond for the tennis complex.

The City Clerk read into the record the following bid tabulation:

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

RESOLUTION NO. 4515-08

**A RESOLUTION ACCEPTING THE BID OF
SAUDER MANUFACTURING
IN THE AMOUNT OF \$14,930.00
FOR PEW-STYLE SEATING;
AND AUTHORIZING PAYMENT OF AMOUNT FROM
THE 2008-A G.O. WARRANT PROCEEDS FUND**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That the bid of Sauder Manufacturing in the amount of \$14,930.00 for pew-style seating for the Municipal Court, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on July 22, 2008.

Section 2. That the funds for payment for such amount be drawn from the 2008-A G.O. Warrant Proceeds Fund.

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

The motion for the adoption of Resolution No. 4515-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4515-08 duly and legally adopted.

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

RESOLUTION NO. 4516-08

**A RESOLUTION REQUESTING
GULF SHORES BOARD OF EDUCATION
TO TAKE APPROPRIATE AND NECESSARY ACTIONS
TO DISSOLVE OR OTHERWISE TERMINATE
GULF SHORES BOARD OF EDUCATION
SUBJECT TO AND CONDITIONED UPON
TERMS, QUALIFICATIONS, AND CONDITIONS
SET FORTH IN
BALDWIN COUNTY BOARD OF EDUCATION RESOLUTION**

BE IT RESOLVED by the City Council of the City of Gulf Shores, Alabama, that, in accordance with the Resolution of the Baldwin County Board of Education dated July 24, 2008, relating to public schools serving residents of the City of Gulf Shores, Alabama, ("the County Board resolution"), a copy of which is attached hereto and incorporated herein by reference, that the City Board of Education of the City of Gulf Shores ("the City Board") be and hereby is requested to take such action as may be necessary and appropriate to dissolve or otherwise terminate its existence and operations; provided, however, that the City Board is requested to take said action subject to and conditioned upon the terms, qualifications,

and conditions set forth in the County Board resolution and, in particular, numbered paragraphs one and two thereof.

The motion for the adoption of Resolution No. 4516-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4516-08 duly and legally adopted.

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

RESOLUTION NO. 4517-08

**A RESOLUTION AUTHORIZING
AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CHANGE ORDERS TO CONTRACT BETWEEN
THE CITY OF GULF SHORES AND
GATES BUILDERS, INC.
FOR LAGOON PARK IMPROVEMENTS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, change orders to the contract between the City of Gulf Shores and Gates Builders, Inc. for Lagoon Park Improvements, more particularly described as:

Change Order No. 1 - Add \$1,080.00
Change Order No. 2 - Deduct \$26,705.00

Section 2. That the funds for payment for such change orders be drawn from the 2006-B G.O. Warrant Proceeds Fund.

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

The motion for the adoption of Resolution No. 4517-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4517-08 duly and legally adopted.

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

RESOLUTION NO. 4518-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AMENDED CONTRACT WITH
MACTEC ENGINEERING AND CONSULTING, INC.
FOR POST HURRICANE COMMERCIAL
STRUCTURAL INSPECTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, an amendment to the contract between the City of Gulf Shores and MACTEC Engineering and Consulting, Inc. for post hurricane commercial structural inspection with regard to a 4% increase to the personnel unit rates and a \$5/day/man increase to the per diem rate; in substantially the form presented to Council this date.

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

The motion for the adoption of Resolution No. 4518-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4518-08 duly and legally adopted.

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

RESOLUTION NO. 4519-08

**A RESOLUTION
APPOINTING ELECTION OFFICERS
FOR THE 2008 MUNICIPAL ELECTION**

WHEREAS, a regular municipal election has been called to be held on the 26th day of August, 2008, and a runoff election to be held, if necessary, on the 7th day of October, 2008; and

WHEREAS, Section 11-46-27 of the *Alabama Code of 1975* and regulations adopted pursuant thereto provide, in part, that the municipal governing body, not less than 15 days before the holding of any municipal election, appoint from the municipality, officers to hold the election as follows: where electronic ballot counters are used, at least one inspector and three clerks;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That the election officers for said election shall be as follows:

Inspector - Evelyn Oates Sanders

Registration List Clerks - Patricia Peed McClusky
Janet Steiskal

Poll List Clerks - Laquita G. Corban
Shirley Ann Porter Carter

Ballot Clerks - Jimmie Bullock Van Valkenburg
Mary Bryant Teate

Relief Clerks - Gerald Mack Carter
Conrad A. McClusky
James Sanders

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

The motion for the adoption of Resolution No. 4519-08 was seconded by Councilman Doughty; 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4519-08 duly and legally adopted.

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

RESOLUTION NO. 4520-08

**A RESOLUTION
DECLARING JOE GARRIS, JR.
DULY ELECTED TO OFFICE OF
CITY COUNCIL, PLACE 1**

WHEREAS, Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government; and,

WHEREAS, Section 11-46-43 of the *Alabama Code of 1975* prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended; and,

WHEREAS, Section 11-46-26 of the *Alabama Code of 1975*, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, at the time the deadline for qualification has passed, then such person, shall for all purposes, be deemed elected to such office, and the mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person; and,

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a Resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person; and,

WHEREAS, the Mayor of the City of Gulf Shores has filed a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of City Council, Place 1, prior to the deadline and that the name of that person who filed such statement was Joe Garris, Jr.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That Joe Garris, Jr. be and he is hereby declared duly elected to the office of City Council, Place 1, in the City of

Gulf Shores for the term of office commencing on the first Monday in November, 2008.

Section 2. That it further be resolved that the Mayor of the City of Gulf Shores be and he hereby is directed to issue a certificate of election to Joe Garris, Jr. for the office of City Council, Place 1, for such term pursuant to the provisions of Section 11-46-25, as amended.

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

The motion for the adoption of Resolution No. 4520-08 was seconded by Councilman Craft; 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4520-08 duly and legally adopted.

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

RESOLUTION NO. 4521-08

**A RESOLUTION
DECLARING PHILIP HARRIS
DULY ELECTED TO OFFICE OF
CITY COUNCIL, PLACE 3**

WHEREAS, Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, provide for and regulate general and special elections in cities and towns of this state, except those cities and towns which have a commission form of government; and,

WHEREAS, Section 11-46-43 of the *Alabama Code of 1975* prohibits write-in candidates in elections held under Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended; and,

WHEREAS, Section 11-46-26 of the *Alabama Code of 1975*, as amended, provides that if only one person has filed a statement of candidacy or has been nominated for an office for an election to be held pursuant to Sections 11-46-20 through 11-46-73 of the *Alabama Code of 1975*, as amended, at the time the deadline for qualification has passed, then such person, shall for all purposes, be deemed elected to such office, and the mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office preceding the deadline set for an election of municipal officers of the municipality and setting forth the name of such person; and,

WHEREAS, said Section 11-46-26, as amended, provides that the governing body of the municipality, after receiving such statement, shall adopt a Resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a Certificate of Election to such person; and,

WHEREAS, the Mayor of the City of Gulf Shores has filed a written statement with the governing body of the municipality,

attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of City Council, Place 3, prior to the deadline and that the name of that person who filed such statement was Philip Harris;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That Philip Harris be and he is hereby declared duly elected to the office of City Council, Place 3, in the City of Gulf Shores for the term of office commencing on the first Monday in November, 2008.

Section 2. That it further be resolved that the Mayor of the City of Gulf Shores be and he hereby is directed to issue a certificate of election to Philip Harris for the office of City Council, Place 3, for such term pursuant to the provisions of Section 11-46-25, as amended.

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

The motion for the adoption of Resolution No. 4521-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4521-08 duly and legally adopted.

City Attorney Andy Freeman advised the Council that a declaration was required by the Act for an Executive Session if it was in regard to the following purposes: legal advice and counsel.

The City Attorney appeared before the Council and stated for the record that he was duly qualified and/or had the personal knowledge to provide the requisite declaration for the stated purpose of the Executive Session authorized by the Act and that discussions would imperil and/or have a detrimental effect if disclosed outside of an Executive Session or would otherwise be contrary to law.

A motion was made by Councilman Jones for the Council to go into Executive Session for the purpose of discussing an item not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the Council is willing to offer when considering the purchase of real property, being two of the following purposes authorized by the Act: legal advice and counsel and consideration of purchase of real property. Said motion was seconded by Councilman Garris; and,

The Mayor directed the City Clerk to enter said motion, purpose and declaration into the minutes of the work session and called for a vote on said motion in regard to the Executive Session as follows: Councilman Garris, "aye," Councilman Doughty "aye," Councilman Harris "aye," Councilman Craft "aye," Councilman Jones "aye," and Mayor Duke "aye".

The Mayor declared that a majority of the votes being in favor of the motion, that such motion had therefore passed and Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and reconvene in approximately one hour.

Council recessed in Executive Session at 5:47 p.m.

The Council Meeting reconvened at 6:32 p.m. with all Council members in attendance.

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

RESOLUTION NO. 4522-08

**A RESOLUTION REJECTING BIDS
FOR CONSTRUCTION OF
FIRE STATION NO. 1**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That all bids received on July 1, 2008, for construction of Fire Station No. 1 be and the same are hereby rejected.

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

The motion for the adoption of Resolution No. 4522-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4522-08 duly and legally adopted.

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

RESOLUTION NO. 4523-08

**A RESOLUTION
AUTHORIZING THE MAYOR TO
NEGOTIATE CONTRACT FOR PURCHASE OF PROPERTY**

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 28, 2008, as follows:

Section 1. That the City Council resolves that the Mayor be empowered to negotiate a contract for purchase of real property for Fire Station No. 1.

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

The motion for the adoption of Resolution No. 4523-08 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 Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4523-08 duly and legally adopted.

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

Mayor Duke declared the meeting adjourned.

George W. Duke, III, Mayor

ATTEST:

Renee F. Moore, MMC, City Clerk