

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**AUGUST 25, 2008**

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Barry Giles, Gulf Shores Fire/Rescue. 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.

Councilman Jones moved to approve the minutes of the regular meeting of August 11, 2008, as presented; seconded by Councilman Garris. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Craft, who abstained. The Mayor declared the motion carried.

Councilman Harris moved to approve the minutes of the special meeting of August 18, 2008, as presented; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the work session of August 18, 2008, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,378,966.13; seconded by Councilman Garris. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Craft, who abstained. The Mayor declared the motion carried.

The Mayor presented to the Beautification Board an award from Tree City USA in recognition of the Board's 21 years as volunteers in the City.

Coach Davis presented to the Council a report on the summer sports programs.

The City Clerk presented the Application for Public Assembly Permit from the City and ADCNR for the Alabama Coastal Cleanup.

Councilman Doughty moved to approve the Application for Public Assembly Permit for the Alabama Coastal Cleanup to be held on September 20, 2008, and to waive the permit fee; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Public Assembly Permit from Chiropractic Associates for the Sandman 5K.

Councilman Harris moved to approve the Application for Public Assembly Permit for the Sandman 5K to be held on October 25, 2008, and to waive the permit fee; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Mayor Duke asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda. There was no response.

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

**RESOLUTION NO. 4531-08**

**A RESOLUTION  
AUTHORIZING EXECUTION OF APPLICATION  
FOR FUNDING FOR FILING  
WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION  
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE  
IN THE AMOUNT OF \$150,000  
FOR INFRASTRUCTURE RELATIVE TO  
SAFE ROUTES TO SCHOOL PROGRAM**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 25, 2008, as follows:

Section 1. That the Mayor be and he is hereby authorized and directed to execute an application for funding for filing with the Alabama Department of Transportation to facilitate obtaining financial assistance in the amount of \$150,000 for infrastructure relative to the Safe Routes to School Program. The City Clerk is hereby authorized to seal and attest said application.

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

The motion for the adoption of Resolution No. 4531-08 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. 4531-08 duly and legally adopted.

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

**RESOLUTION NO. 4532-08**

**A RESOLUTION  
AMENDING FRANCHISE AGREEMENT WITH  
A-1 TAXI SERVICE  
FOR PROVISION OF TAXI SERVICE  
IN THE CITY OF GULF SHORES**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 25, 2008, as follows:

Section 1. That the franchise agreement with A-1 Taxi Service for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 2. Grant of Franchise, to increase the number of taxicabs allowed on the public rights of way, to read as follows.

2. Grant of Franchise. Franchisee is hereby granted a franchise to operate not more than six (6) taxicabs on the public rights of way of the city for the term and upon the terms and conditions set out below.

Section 2. That the franchise agreement with A-1 Taxi Service for the provision of taxi service in the City of Gulf Shores is

hereby amended at Section 5. Vehicle Inspection, to require the Franchisee to file an updated vehicle inspection certificate with the City Revenue Division with respect to each vehicle Franchisee operates as a taxicab not less frequently than annually.

Section 3. That the franchise agreement with A-1 Taxi Service for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 8. Rates of Fare, to read as follows:

Passenger Rates

- \$ 2.00 drop fee
- \$ 3.00 additional fee for each passenger in excess of two (2), provided no child six (6) years of age or under shall be counted as a passenger
- \$ .33 for each one-seventh mile or fraction thereof
- \$ .50 for any bag, suitcase or ordinary light traveling baggage weighing fifty (50) pounds or less in excess of one per passenger
- \$ 1.00 for any bag, suitcase or baggage in excess of fifty (50) pounds
- \$ 4.17 per hour 1/6 hour waiting time (first 5 minutes without charge)
- \$ 35.00 per hour waiting time if cab requires special cleanup after passenger use
- \$ 3.00 - \$5.00\* group rates for parties of five (5) or more when larger vans are needed for groups not in addition to meter rates

\*depending on distance of trip

Section 4. That the franchise agreement with A-1 Taxi Service for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 9. Operator's Permit Required, Section (B) (3) to read as follows:

9. Operator's Permit Required.

\* \* \*

(B) An application for a taxicab operator's permit shall be filed with the Chief of Police on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

\* \* \*

(3) That the applicant is twenty-five (25) years of age or over.

\* \* \*

Section 5. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4532-08 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. 4532-08 duly and legally adopted.

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

**RESOLUTION NO. 4533-08**

**A RESOLUTION  
AMENDING FRANCHISE AGREEMENT WITH  
MOBILE BAY TRANSPORTATION CO., INC.,  
DBA YELLOW CAB OF BALDWIN COUNTY,  
FOR PROVISION OF TAXI SERVICE  
IN THE CITY OF GULF SHORES**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 25, 2008, as follows:

Section 1. That the franchise agreement with Mobile Bay Transportation Co., Inc., dba Yellow Cab of Baldwin County, for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 2. Grant of Franchise, to increase the number of taxicabs allowed on the public rights of way, to read as follows.

2. Grant of Franchise. Franchisee is hereby granted a franchise to operate not more than six (6) taxicabs on the public rights of way of the city for the term and upon the terms and conditions set out below.

Section 2. That the franchise agreement with Mobile Bay Transportation Co., Inc., dba Yellow Cab of Baldwin County, for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 5. Vehicle Inspection, to require the Franchisee to file an updated vehicle inspection certificate with the City Revenue Division with respect to each vehicle Franchisee operates as a taxicab not less frequently than annually.

Section 3. That the franchise agreement with Mobile Bay Transportation Co., Inc., dba Yellow Cab of Baldwin County, for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 8. Rates of Fare, to read as follows:

Passenger Rates

- \$ 2.00 drop fee
- \$ 3.00 additional fee for each passenger in excess of two (2), provided no child six (6) years of age or under shall be counted as a passenger
- \$ .33 for each one-seventh mile or fraction thereof
- \$ .50 for any bag, suitcase or ordinary light traveling baggage weighing fifty (50) pounds or less in excess of one per passenger
- \$ 1.00 for any bag, suitcase or baggage in excess of fifty (50) pounds
- \$ 4.17 per hour 1/6 hour waiting time (first 5 minutes without charge)
- \$ 35.00 per hour waiting time if cab requires special cleanup after passenger use
- \$ 3.00 - \$5.00\* group rates for parties of five (5) or more when larger vans are needed for groups not in addition to meter rates

\*depending on distance of trip

Section 4. That the franchise agreement with Mobile Bay Transportation Co., Inc., dba Yellow Cab of Baldwin County, for the provision of taxi service in the City of Gulf Shores is hereby amended at Section 9. Operator's Permit Required, Section (B) (3) to read as follows:

9. Operator's Permit Required.

\* \* \*

(B) An application for a taxicab operator's permit shall be filed with the Chief of Police on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

\* \* \*

(3) That the applicant is twenty-five (25) years of age or over.

\* \* \*

Section 5. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4533-08 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. 4533-08 duly and legally adopted.

Councilman Garris recommended that the Council consider granting the nonexclusive franchise to Coca Cola for water vending machines for a period ending April 15, 2009. Garris advised this would coincide with the termination of the C.Q.C., Inc. vending machines franchise. Prior to that date, the franchise committee will meet and present its recommendations to the Council for consideration.

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. 1529**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE  
TO COCA COLA  
TO PROVIDE BOTTLED WATER VENDING MACHINES  
FOR USE IN APPROVED LOCATIONS IN  
THE CITY OF GULF SHORES; AND AUTHORIZING  
THE EXECUTION OF A FRANCHISE AGREEMENT  
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

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WHEREAS, Coca Cola has requested a franchise to empower the company to operate bottled water vending machines in approved locations; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Coca Cola; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 25, 2008, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Coca Cola for placement of bottled water vending machines at approved locations within the corporate limits of the City.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and Coca Cola which sets forth the requirements, covenants and agreements of a franchise to Coca Cola.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated August 25, 2008.

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

Councilman Garris then moved for the adoption of Ordinance No. 1529 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1529 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 Ordinance No. 1529 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Garris commended the departments responsible for the work done for the Meyer Park Grand Opening.

Councilman Craft commended the Public Works Department for their preparations in advance of Tropical Storm Fay.

Councilman Harris advised that the Gulf Shores School Board voted last week to dissolve the Board.

STAFF REPORTS:

Mark Acreman, Public Works Director, stated that he is working with the county to hold a hazardous waste amnesty day in the City.

Councilman Jones asked that Mr. Acreman also consider having an electronics amnesty day.

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.

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George W. Duke, III, Mayor

(SEAL)

ATTEST:

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Renee F. Moore, MMC, City Clerk

