

MINUTES OF SPECIAL COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

SEPTEMBER 2, 2008

The City Council of the City of Gulf Shores, Alabama, met in special session on Tuesday, September 2, 2008. Mayor Duke called the meeting to order at 11:30 a.m.

Upon roll call, all officials answered "present." The Mayor declared a quorum present.

The Mayor stated that due notice of the time, place and purpose of this meeting had been given to all members of the City Council and that each member had signed the acceptance of service of said notice, waiving all irregularities, if any, in said notice. The notice and acceptance of service and waiver signed by each member was ordered inserted in the minutes of this meeting at the end thereof.

The Mayor stated that the purpose of the meeting was to canvass the votes of the August 26, 2008, municipal election and for the consideration of any other business that may come before the Council.

The City Clerk advised that thirteen provisional absentee ballots were submitted to the Board of Registrars for verification of identification not contained in the absentee ballots. The City Clerk reported that the report received from the Board of Registrars indicated none of the provisional absentee ballots were eligible for counting.

Whereupon, Councilman Craft moved for the adoption of the following Resolution:

RESOLUTION NO. 4536-08

**A RESOLUTION
CANVASSING THE RETURNS
FOR 2008 MUNICIPAL ELECTION**

WHEREAS, the general election for the City of Gulf Shores was duly and legally held on August 26, 2008, as provided by law, and

WHEREAS, the municipal governing body of the City of Gulf Shores, Alabama, met on this 2nd day of September, 2008, a quorum of members thereof being present, at 11:30 o'clock a.m., and has canvassed the returns, and has ascertained and determined the number of votes received by each candidate, and

WHEREAS, the said municipal governing body has ascertained and determined the result of said election as follows:

<u>NAME OF CANDIDATE</u>	<u>VOTING MACHINE</u>		<u>ABSENTEE</u>	<u>PROVISIONAL</u>	<u>TOTAL VOTES</u>
	<u>#1</u>	<u>#2</u>			
<u>For Mayor</u>					
Robert S. Craft	566	873	64	0	1,503
George W. "Billy" Duke, III	280	420	20	0	720
Pat Dunn	30	34	0	0	64

For Council, Place No. 2

Jim Catrett	124	170	6	0	300
Carolyn M. Doughty	401	678	59	0	1,138
Mike Miceli	303	413	13	0	729

For Council, Place No. 4

AJ Benintende	245	331	23	0	599
Anthony "Tony" Diliberto	146	203	10	0	359
Jason Dyken	413	702	44	0	1,159
Don Meghreblian	50	76	3	0	129

For Council, Place No. 5

Geoff Gaberino	145	253	21	0	419
Steve Jones	445	676	51	0	1,172
Ed Minkina	246	347	9	0	602

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN SPECIAL SESSION ON SEPTEMBER 2, 2008, as follows:

Section 1. That Robert S. Craft received a majority of the votes cast for the office of Mayor and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2008.

Section 2. That Carolyn M. Doughty received a majority of the votes cast for the office of Councilmember Place No. 2 and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2008.

Section 3. That Jason Dyken received a majority of the votes cast for the office of Councilmember Place No. 4 and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2008.

Section 4. That Steve Jones received a majority of the votes cast for the office of Councilmember Place No. 5 and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2008.

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

The motion for the adoption of Resolution No. 4536-08 was seconded by Councilman Harris; was regularly put; 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. 4536-08 duly and legally adopted.

The City Attorney 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 and discussing the general reputation and character of an individual.

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 declarations for the stated purposes 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 Garris 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 general reputation and character of an individual, being two of the following purposes authorized by the Act: legal advice and counsel and discussing the general reputation and character of an individual. Said motion was seconded by Councilman Jones; and,

The Mayor directed the City Clerk to enter said motion, purposes and declarations into the minutes of the special meeting 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 purposes 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 11:32 a.m.

The Special Council Meeting reconvened at 12:35 p.m.

Mark Acreman, Public Works Director, presented a power point of post-storm conditions on the beach.

Ed Minkina, a candidate for Council, Place 4, stated he felt the actions of a spouse of one of the candidates in Place 4 had tarnished the election. Mr. Minkina stated that false information was distributed via email on Election Day relative to Place 5 candidate Jason Dyken and him.

Councilman Jones apologized for the actions of his wife stating the email was irresponsible.

There being no further business to come before the Council at this time, Councilman Craft moved to adjourn; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

George W. Duke, III, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk