

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**SEPTEMBER 8, 2008**

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Bruce Dumond, Gulfway Church Assemblies of God. 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 Garris moved to approve the minutes of the regular meeting of August 25, 2008, as presented; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the special emergency meeting of August 31, 2008, as presented; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Councilman Craft moved to approve the minutes of the special meeting of September 2, 2008, with amendments; 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 \$2,303,061.29; 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.

The City Clerk presented the Application for Retail Beer (On or Off Premises) License of The Wine Store.

Whereupon, Councilman Jones moved to approve the application of The Wine Store, LLC, dba The Wine Store, located at 225 E. 16<sup>th</sup> Avenue, Suite B, Gulf Shores, for a retail beer (on or off premises) license and to so notify the ABC Board; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Parade Permit from Gulf Shores High School Student Government.

Whereupon, Councilman Craft moved to approve the Application for Parade Permit from Gulf Shores High School Student Government for the Gulf Shores High School Homecoming Parade on October 30, 2008, and to waive the application fee; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Public Assembly Permit from Flora-Bama Lounge.

Whereupon, Councilman Garris moved to approve the Application for Public Assembly Permit from Flora-Bama Lounge for a reverse duathlon on October 18, 2008, and to waive the application fee; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The City Clerk presented the request of Jean Adcock to close a portion of St. Andrews Drive.

Whereupon, Councilman Harris moved to approve the request of Jean Adcock to close a portion of St. Andrews Drive for a block party on November 1, 2008; seconded by Councilman Jones. 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.

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

An unknown individual stated that she had forwarded a request to City Hall, approximately three weeks ago, to reduce the speed on Fort Morgan Road in the vicinity of Summer Trace Apartments due to the high volume of driveway traffic and the school bus activities in the area.

Police Chief Arthur Bourne stated he would contact the Alabama Department of Transportation in this regard.

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. 4537-08**

**A RESOLUTION ACCEPTING THE BID OF  
JOHN DEERE LANDSCAPE  
IN THE AMOUNT OF \$27.06 PER CUBIC YARD  
FOR DOUBLE GROUND VIRGIN WOOD COLOR ENHANCED MULCH  
AND \$36.87 PER CUBIC YARD FOR PLAYGROUND WOOD MULCH  
FOR USE BY LANDSCAPE DIVISION AND  
PARKS AND RECREATION DEPARTMENT;  
AND AUTHORIZING PAYMENT OF AMOUNT FROM  
THE GENERAL FUND BUDGET**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 8, 2008, as follows:

Section 1. That the bid of John Deere Landscape in the amount of \$27.06 per cubic yard for double ground virgin wood color enhanced mulch and \$36.87 per cubic yard for playground wood mulch for use by the Landscape Division and the Parks and Recreation Department, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on August 12, 2008.

Section 2. That the funds for payment for such amount be drawn from the General Fund Operations Budget of the Recreation Department, Supplies-Turf Account, and the General Fund Operations Budget of the Landscaping Division, Supplies-Landscaping Account, for Fiscal Year 2008.

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

The motion for the adoption of Resolution No. 4537-08 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. 4537-08 duly and legally adopted.

Councilman Doughty introduced and moved for the adoption of the following Resolution with the effective date for hiring of the City Administrator noted as October 1, 2008:

**RESOLUTION NO. 4538-08**

**A RESOLUTION AUTHORIZING  
EMPLOYMENT OF STEVE GARMAN  
AS CITY ADMINISTRATOR; AND  
AUTHORIZING MAYOR AND CITY CLERK  
TO EXECUTE AND ATTEST, RESPECTIVELY,  
EMPLOYMENT AGREEMENT  
WITH STEVE GARMAN AS CITY ADMINISTRATOR  
AFTER PREPARATION BY CITY ATTORNEY**

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WHEREAS, the City of Gulf Shores has conducted a nation-wide search for the position of City Administrator; and

WHEREAS, the City of Gulf Shores has selected Steve Garman for employment as City Administrator; and

WHEREAS, Mr. Garman would incur certain additional expenses necessary for him to accept this employment; and

WHEREAS, the City of Gulf Shores wishes to provide certain incentives and an employment agreement in order to induce Steve Garman to become City Administrator; and

WHEREAS, it is prudent and proper to place these inducements upon the public record and to execute an agreement consistent with the terms as provided below; and

WHEREAS, the Council finds that this is in the best interest of the citizens of Gulf Shores to offer inducements to attract this candidate as City Administrator; and

WHEREAS, the City of Gulf Shores wishes to insure the legality of the agreement by conditioning the employment agreement upon the preparation by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gulf Shores, Alabama, while in Regular Session on September 8, 2008 as follows:

Section 1. That the City Council of the City of Gulf Shores does hereby authorize the employment of Steve Garman as City Administrator, with the following negotiated terms:

1. Salary - \$132,000 per year with cost of living increases as provided to other City employees and any merit increases to be approved by the Mayor and Council.
2. Retirement - Participation and contribution same as all other City employees (State Retirement System).
3. Medical and Dental Insurance - Same as all other employees as provided in the City's personnel policies.
4. Automobile Allowance - \$650 per month.
5. Professional Fees, Membership Dues, etc. - Will be paid by the City of Gulf Shores, as well as travel associated with training, education, and in the conduct of city business.
6. Expense Reimbursement - Up to \$500 per month, if incurred for City business upon presentation of expense receipts or affidavit.
7. Vacation - After six (6) months of employment, the City will credit the City Administrator with fifteen (15) days of vacation. Thereafter, the City Administrator will accrue vacation as would any other City employee. The City will pay any unused vacation at the time of termination of City Administrator's employment as provided in the City's personnel policies.
8. Sick Leave - Credit of twelve (12) days upon employment with future accrual the same as all other employees as provided in the City's personnel policies following the first year of employment.
9. Termination - The City Administrator understands he can be terminated at any time, with or without cause. If terminated for cause, no severance will be paid. If terminated without cause within one (1) year of employment,

the City will pay equivalent of one (1) year's salary. If terminated without cause after one (1) year of employment and before November 1, 2012, City will pay equivalent of six (6) month's salary. The City Administrator understands he must renegotiate any severance agreement with the next administration after November 1, 2012.

10. Relocation Issues & Moving Expenses - During the first six (6) months of employment, the City will grant the City Administrator up to five (5) days off with pay to address issues necessarily required in his relocation to Gulf Shores. The City will pay moving expenses provided that the City Administrator solicits three (3) competitive bids from moving companies and selects the lowest responsible bid.
11. Housing Allowance - \$1,800 per month until the City Administrator's home in Decatur, Illinois sells or six (6) months from date of employment, whichever comes first.
12. Bonding, Liability Insurance, Legal Fees - Standard protection terms will apply.

Section 2. That the Mayor and City Clerk be authorized to execute and attest, respectively, the Employment Agreement with Steve Garman as City Administrator effective October 1, 2008, after preparation by the City Attorney.

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

The motion for the adoption of Resolution No. 4538-08 was seconded by Councilman; 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. 4538-08 duly and legally adopted.

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

**RESOLUTION NO. 4539-08**

**A RESOLUTION AUTHORIZING, RATIFYING, AND  
CONFIRMING EXECUTION OF  
SOUTH ALABAMA MUTUAL ASSISTANCE AGREEMENT  
RELATIVE TO MUTUAL AID ASSISTANCE  
DURING DISASTERS**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 8, 2008, as follows:

Section 1. Approval of Agreement. The South Alabama Mutual Assistance Agreement relative to mutual aid assistance during disasters is hereby authorized, approved and ratified.

Section 2. Approval of Execution. The Mayor is hereby authorized to execute, in the name and on behalf of the City of Gulf Shores, the described agreement. The City Clerk is hereby authorized to seal and attest said agreement. Any prior approval and execution of said contract is hereby ratified and approved.

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

The motion for the adoption of Resolution No. 4539-08 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. 4539-08 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a Resolution relative to personnel issues.

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

**RESOLUTION NO. 4540-08**

**A RESOLUTION  
IMPOSING FREEZE ON  
NEW HIRES AND/OR PROMOTIONS OF EMPLOYEES  
UNTIL ADOPTION OF FISCAL YEAR 2009 BUDGET**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 8, 2008, as follows:

Section 1. That a freeze is hereby imposed on the hiring of new employees and/or promotions of employees until adoption of the Fiscal Year 2009 budget.

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

The motion for the adoption of Resolution No. 4540-08 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. 4540-08 duly and legally adopted.

There being no further business to come before the Council, Councilman Harris moved to adjourn; seconded by Councilman Craft; 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