

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

OCTOBER 13, 2008

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Steven Kurtz, First Presbyterian Church of Gulf Shores. 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 welcomed and introduced Steve Garman, City Administrator.

Councilman Garris moved to approve the minutes of the regular meeting of September 22, 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 work session of October 6, 2008, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$2,815,526.58; seconded by Councilman Craft; 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 Mayor requested and received unanimous consent of the Council to deviate from the published agenda, as Greg Saad was not present to address the Council relative to the Sea Oats project.

The City Clerk presented the Application for Public Assembly Permit of the Lower Alabama Fleet Feet Running Club for the Sweetheart Run on February 14, 2009.

Councilman Jones moved to approve the Application for Public Assembly Permit of the Lower Alabama Fleet Feet Running Club for the Sweetheart Run on February 14, 2009, to waive the permit fee, and to allow the closing of Gulf Place from 9:00 to 11:00 a.m. on said date; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Zoning Administrator Andy Bauer presented the request of Barbara C. Merryman, Joe Raley Builders, for a one-year extension to the site plan of Callaway Landing Condominiums.

Councilman Craft moved to approve the request of Joe Raley Builders for a one-year extension to the site plan of Callaway Landing Condominiums; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Zoning Administrator Andy Bauer presented the request of Kathy P. Sherman, Alabama West Beach LLC, for a one-year extension to the site plan of Renaissance Towers.

Councilman Jones moved to approve the request of Alabama West Beach LLC for a one-year extension to the site plan of Renaissance Towers; seconded by Councilman Harris; 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 Garris introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4557-08

**A RESOLUTION APPROVING SITE PLAN OF
GARY ELLIS
FOR A DEVELOPMENT TO BE KNOWN AS
ELLIS BUILDING
LOCATED ON LOT 7, NORTHSHORE CENTRE,
ON NORTHSHORE CIRCLE;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2008-10)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Site Plan of Gary Ellis for a 3,848 square foot office/warehouse building, to be known as Ellis Building, located on Lot 7, Northshore Centre, on Northshore Circle, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit 1 - Plans submitted by Gary Ellis dated October 13, 2008.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - CD (commercial).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, AND FURTHER CONTINGENT UPON:

1) The required ten foot (10') front landscape is reduced to five feet (5') as allowed by the Landscape Section of the Zoning Ordinance.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

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

The motion for the adoption of Resolution No. 4557-08 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. 4557-08 duly and legally adopted.

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

RESOLUTION NO. 4558-08

**A RESOLUTION APPROVING SITE PLAN OF
COLONIAL PROPERTIES TRUST
FOR A DEVELOPMENT TO BE KNOWN AS
COLONIAL PARK LOT 8 (PUBLIX)
LOCATED AT INTERSECTION OF
COTTON CREEK DRIVE AND HIGHWAY 59;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2008-09)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Site Plan of Colonial Properties Trust for a 68,164 square foot, 11-unit retail shopping center development, to be known as Colonial Park Lot 8 (Publix), located at the intersection of Cotton Creek Drive and Highway 59, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit 1 - Plans submitted by Colonial Properties Trust dated October 13, 2008.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - RPC (residential planned community).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, AND FURTHER CONTINGENT UPON:

- 1) Along the north property line, the applicant shall plant twenty-four (24) trees. The landscape plan indicates only seventeen (17) trees.
- 2) The applicant shall use colored patterned asphalt or similar material on the driveway adjacent to the building entrances in order to further promote pedestrian safety.
- 3) The temporary leasing sign is approved for a six (6) month time limit beyond the issuance of a Certificate of Occupancy for the site with an option for the sign permit to be reactivated if requested.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

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

The motion for the adoption of Resolution No. 4558-08 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, "abstain," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4558-08 duly and legally adopted.

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

RESOLUTION NO. 4559-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AGREEMENT WITH
SOUTH BALDWIN COMMUNITY THEATRE
FOR USE OF PARKING LOT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 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 agreement between the City of Gulf Shores and South Baldwin Community Theatre for joint use of the Theatre's and City's parking lots; 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. 4559-08 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. 4559-08 duly and legally adopted.

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

RESOLUTION NO. 4560-08

**A RESOLUTION ACCEPTING THE PROPOSAL OF
R & S PAVING AND GRADING
IN THE AMOUNT OF \$12,777.00
FOR PAVING OF SOUTH BALDWIN
COMMUNITY THEATRE PARKING LOT;
AUTHORIZING, RATIFYING, AND
CONFIRMING EXECUTION OF AGREEMENT; AND
AUTHORIZING PAYMENT OF AMOUNT FROM
THE GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the proposal of R & S Paving and Grading in the amount of \$12,777.00 for paving of the South Baldwin Community Theatre parking lot, be and the same is hereby accepted.

Section 2. That the agreement for said paving in the amount of \$12,777.00 with R & S Paving and Grading is hereby authorized, approved and ratified.

Section 3. That 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 agreement is hereby ratified and approved.

Section 4. That the funds for payment for such amount be appropriated from the General Fund Capital Outlay Budget of the

Public Works Department, Streets and Roads Division, Street Resurfacing Account.

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

The motion for the adoption of Resolution No. 4560-08 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. 4560-08 duly and legally adopted.

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

RESOLUTION NO. 4561-08

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
GRANT AGREEMENT WITH
U.S. DEPARTMENT OF JUSTICE,
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES,
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR LAW ENFORCEMENT TECHNOLOGY
IN THE AMOUNT OF \$163,678.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, the Grant Agreement with the U.S. Department of Justice, Community Oriented Policing Services, as well as any related documents, to facilitate obtaining financial assistance for law enforcement technology in the amount of \$163,678.00.

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

The motion for the adoption of Resolution No. 4561-08 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. 4561-08 duly and legally adopted.

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

RESOLUTION NO. 4562-08

**A RESOLUTION
SUPPORTING PROPOSED VACATION OF
PORTION OF WEST SECOND AVENUE**

WHEREAS, the owners of Lots 41 through a portion of Lot 73 of Block G, Unit One of the Town of Gulf Shores, Alabama, have joined

in a petition to vacate the portion of West Second Avenue North that abuts the properties of said petitioners; and,

WHEREAS, the southern boundary of said right-of-way lies substantially along the public waterway known as Stanton Creek; and,

WHEREAS, on information and belief: (1) prior to the incorporation of the Town, a petition to vacate said right-of-way was presented to the Baldwin County Commissioners who adopted a resolution assenting to said petition, but no declaration of vacation was properly recorded as required by applicable law to effect a vacation; (2) the portion of the right-of-way presently sought to be vacated has never been opened as a public road and has not been used for the location of public utilities; (3) the right-of-way is not suitable for use as a public right-of-way; and,

WHEREAS, the Council is informed that an opinion of the Attorney General of the State of Alabama supports the proposition that the State's written consent is required for a vacation of said right-of-way due to the State's ownership of the land underlying the water in Stanton Creek; and,

WHEREAS, the Council has determined that, provided the vacation does not alter the State's ownership of, or the public's rights in, Stanton Creek, and that the vacation of the right-of-way is appropriate and in the best interest of the public and that, if the State consents to the petition, the Council should hold a hearing to assent to the vacation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That legal counsel for the City be, and he hereby is, authorized and directed to forward a copy of this resolution to appropriate officials with the State of Alabama evidencing the Council's support of the proposed vacation pending a public hearing, and that if the State provides the written consent in form acceptable to such counsel, he shall request the Clerk of the City of Gulf Shores to set the petition on the agenda for a public hearing for formal action and to initiate publication and other notices as required by applicable law.

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

The motion for the adoption of Resolution No. 4562-08 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. 4562-08 duly and legally adopted.

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

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

RESOLUTION NO. 4563-08

**A RESOLUTION ACCEPTING THE BID OF
FITNESS SYSTEMS INC.
IN THE AMOUNT OF \$40,168.01
FOR PHYSICAL FITNESS EQUIPMENT
FOR USE BY FIRE/EMS DEPARTMENT;
AND AUTHORIZING PAYMENT OF AMOUNT FROM
THE GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the bid of Fitness Systems Inc. in the amount of \$40,168.01 for physical fitness equipment for use in fire stations by the Fire/EMS Department, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on August 26, 2008.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Fire/EMS Department, Physical Fitness Equipment Account.

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

The motion for the adoption of Resolution No. 4563-08 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. 4563-08 duly and legally adopted.

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

RESOLUTION NO. 4564-08

**A RESOLUTION REJECTING BIDS
FOR ALS PUMPER**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That all bids received on September 23, 2008 for an ALS Pumper 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. 4564-08 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. 4564-08 duly and legally adopted.

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

RESOLUTION NO. 4565-08

**A RESOLUTION REJECTING BIDS
FOR
SPORTSPLEX STADIUM RENOVATIONS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That all bids received on September 16, 2008, for renovations to the Sportsplex stadium 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. 4565-08 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. 4565-08 duly and legally adopted.

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

RESOLUTION NO. 4566-08

**A RESOLUTION AUTHORIZING
AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CHANGE ORDER TO CONTRACT BETWEEN
THE CITY OF GULF SHORES
AND GADCON, INC.
FOR THE SPORTSPLEX PHASE II PROJECT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a change order to the contract between the City of Gulf Shores and Gadcon, Inc. for the Sportsplex Phase II project, more particularly described as:

Change Order No. 2 - Add \$81,129.82

Section 2. That the funds for payment for such change order be drawn from the 2006-B G.O. Warrant Proceeds, Sportsplex-PH II.

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

The motion for the adoption of Resolution No. 4566-08 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. 4566-08 duly and legally adopted.

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

RESOLUTION NO. 4567-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2008-03
WITH OLSEN ASSOCIATES, INC.
FOR COASTAL ENGINEERING SERVICES
RELATED TO POST-STORM DAMAGE ASSESSMENT
IN AMOUNT NOT TO EXCEED \$74,500.00;
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM
GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Task Order Memorandum 2008-03 between the City of Gulf Shores and Olsen Associates, Inc. for consulting services related to post-storm damage assessment in an amount not to exceed \$74,500.00; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such task order memorandum be drawn from the General Fund Operations Budget of Public Works-General Services, Engineering/Consulting Services Account, as reflected by the Fiscal Year 2008 budget.

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

The motion for the adoption of Resolution No. 4567-08 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. 4567-08 duly and legally adopted.

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

RESOLUTION NO. 4568-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2008-02
WITH OLSEN ASSOCIATES, INC.
FOR COASTAL ENGINEERING SERVICES
RELATIVE TO TECHNICAL SUPPORT
FOR POST-HURRICANE KATRINA APPEALS PROCESS
IN AMOUNT NOT TO EXCEED \$20,000.00;
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM
THE GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Task Order Memorandum 2008-02 between the City of Gulf Shores and Olsen Associates, Inc. for coastal engineering services relative to technical support for the post-Hurricane Katrina appeals process in an amount not to exceed \$20,000.00; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be appropriated from the General Fund Operations Budget of the Public Works Department, General Services Division, Engineering/Consulting Services Account.

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

The motion for the adoption of Resolution No. 4568-08 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. 4568-08 duly and legally adopted.

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

RESOLUTION NO. 4569-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2008-04
WITH OLSEN ASSOCIATES, INC.
FOR COASTAL ENGINEERING SERVICES
RELATIVE TO POST-HURRICANE GUSTAV/IKE DESIGN SURVEY
IN AMOUNT NOT TO EXCEED \$37,150.00;
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM
THE CONTINUING BUDGET RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Task Order Memorandum 2008-04, Rev. 1, between the City of Gulf Shores and Olsen Associates, Inc. for coastal engineering services relative to Post-Hurricane Gustav/Ike Design Survey in an amount not to exceed \$37,150.00; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be appropriated from the continuing budget resolution.

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

The motion for the adoption of Resolution No. 4569-08 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. 4569-08 duly and legally adopted.

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

RESOLUTION NO. 4570-08

**A RESOLUTION AUTHORIZING, RATIFYING, AND
CONFIRMING EXECUTION OF TASK AGREEMENT NO. 34
BETWEEN THE CITY OF GULF SHORES AND
VOLKERT & ASSOCIATES, INC.
FOR SIGNAL WARRANT AND TRAFFIC STUDY
FOR ALABAMA HIGHWAY 59 AT MARRIOTT COURTYARD
IN THE AMOUNT OF \$5,800.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That Task Agreement No. 34 for a signal warrant and traffic study for Alabama Highway 59 at Marriott Courtyard in the amount of \$5,800.00 with Volkert & Associates, Inc., is hereby authorized, approved and ratified.

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

The motion for the adoption of Resolution No. 4570-08 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, "abstain," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution No. 4570-08 duly and legally adopted.

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

RESOLUTION NO. 4571-08

**A RESOLUTION REAPPOINTING
JO MESSER AND MARTHA HOSEY
TO THE
CIVIC CENTER ADVISORY BOARD
TO EACH SERVE A FULL TERM OF THREE YEARS
ENDING ON JULY 22, 2011**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That Jo Messer be and she hereby is reappointed to the Civic Center Advisory Board, representing the City, to serve a full term of three years ending on July 22, 2011.

Section 2. That Martha Hosey be and she hereby is reappointed to the Civic Center Advisory Board, representing The George C. Meyer Foundation, to serve a full term of three years ending on July 22, 2011.

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

The motion for the adoption of Resolution No. 4571-08 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. 4571-08 duly and legally adopted.

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

RESOLUTION NO. 4572-08

**A RESOLUTION ESTABLISHING THE
PLACE, DATES, AND TIMES FOR
THE MUNICIPAL COURT OF THE
CITY OF GULF SHORES, ALABAMA,
TO HOLD OPEN SESSION FOR THE PURPOSE OF
HEARING MATTERS WITHIN ITS JURISDICTION
DURING THE PERIOD FROM
JANUARY 15, 2009, THROUGH DECEMBER 17, 2009**

WHEREAS, Section 12-14-13, *Code of Alabama 1975*, provides that the municipal court shall hold court only at the times and place provided by the municipal governing body; and,

WHEREAS, the City Council has determined the place, dates, and times at which Court shall be held, as set forth below;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 13, 2008, as follows:

Section 1. That the place for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, shall be during the year 2009 in the Municipal Court, 203 Clubhouse Drive, Suite A, Gulf Shores, Alabama.

Section 2. That the time for holding Plea Docket Court (the first court date of each month) shall be at 3:30 p.m. The time for holding Trial Docket Court (the second court date of each month) shall be at 3:30 p.m.

Section 3. That the dates for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, are hereby established for the year 2009 as being:

January 15
February 5 and 19
March 5 and 19
April - None
May 7 and 21
June 4 and 18
July 16
August 6 and 20
September 3 and 17
October 1 and 15
November 5 and 19
December 3 and 17

Section 4. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4572-08 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. 4572-08 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Jones expressed appreciation to all City staff involved in preparation for and support of the Shrimp Festival.

STAFF REPORTS:

Mark Acreman, Public Works Director, reported on the Sportsplex project, East 5th Street drainage, and Mo's Landing.

The Mayor recognized Greg Saad.

Mr. Saad, representing the Sea Oats project, advised the Council that the project was going to be suspended at this time. Mr. Saad complimented the Council and City staff on being extremely good listeners, treating the project developers fairly, and showing class during the entire process.

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

Mayor Duke declared the meeting adjourned.

George W. Duke, III, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk