

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

NOVEMBER 24, 2008

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Lloyd Stilley, First Baptist Church of Gulf Shores. The Pledge of Allegiance to the flag was led by Mayor Craft.

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

Councilman Harris moved to approve the minutes of the work session of November 10, 2008, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Doughty moved to approve the minutes of the regular meeting of November 10, 2008, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the work session of November 17, 2008, as presented; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,019,611.90; 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 Craft stated that this was the time and place for the public hearing, as advertised, on the application of Waves LLC, dba Waves, located at 1154 W. Beach Boulevard, Suite A, Gulf Shores, Alabama, for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Liquor Licenses.

The City Clerk reported the dates on which the required advertising was done. Chief of Police Bourne indicated he did not object to the issuance of the license. There were no written objections received and no citizens appeared at the hearing to object.

Whereupon, Councilman Jones moved to approve the application of Waves LLC, dba Waves, for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) Liquor Licenses and to so notify the ABC Board; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Mayor Craft stated that this was the time and place for the public hearing, as advertised, on the application of Waves LLC, dba Waves Package Store, located at 1154 W. Beach Boulevard, Suite B, Gulf Shores, Alabama, for a Lounge Retail Liquor - Class II (Package) License.

The City Clerk reported the dates on which the required advertising was done. Chief of Police Bourne indicated he did not object to the issuance of the license. There were no written objections received and no citizens appeared at the hearing to object.

Whereupon, Councilman Harris moved to approve the application of Waves LLC, dba Waves Package Store, for a Lounge Retail Liquor - Class II (Package) License and to so notify the ABC Board; seconded

by Councilman Jones; and the vote was unanimously in favor of the motion.

State Representative Steve McMillan briefed the Council on the Alabama Coastal Captive Insurance Company Act and requested their support for this Bill.

Whereupon, the Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider the Resolution expressing support for the Alabama Coastal Captive Insurance Company Act.

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

RESOLUTION NO. 4589-08

**A RESOLUTION
EXPRESSING SUPPORT FOR
ACT 2008-391 OF THE
2008 ALABAMA REGULAR LEGISLATIVE SESSION**

WHEREAS, in the 2008 Regular Session, the Alabama Legislature enacted Act 2008-391, the Alabama Coastal Captive Insurance Company Act, which amended Section 27-31B-3, *Code of Alabama 1975*, and added Chapter 31C to Title 27, *Code of Alabama 1975*, to allow captive insurance companies to provide homeowners insurance coverage, which was previously prohibited by Section 27-31B-3;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the City of Gulf Shores does hereby express our approval and support for Act 2008-391, and we urge the prompt formation of Alabama Coastal Captive Insurance Companies to provide homeowners insurance coverage in Gulf front, beach, and seacoast areas of Alabama.

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

The motion for the adoption of Resolution No. 4589-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4589-08 duly and legally adopted.

Mayor Craft 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 Dyken introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4590-08

**A RESOLUTION
AMENDING RESOLUTION NO. 4427-08,
ADOPTED FEBRUARY 11, 2008,
WITH REGARD TO
AMENDMENT TO SITE PLAN
OF YACHT HARBOR, PHASE I**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That Resolution No. 4427-08, adopted February 11, 2008, approving the Site Plan of Saunders Yachtworks for a development, to be known as Yacht Harbor, Phase I, be and it is hereby amended to modify the landscape plan, CONTINGENT UPON:

1. Prior to construction of the boat basin (Phase II), the applicant must process a Special Exception Application.
2. If construction is not progressing as indicated by the applicant, the City Council shall revisit the site landscaping in January 2010 and may or may not require such landscaping to be installed depending on development progression.

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

The motion for the adoption of Resolution No. 4590-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4590-08 duly and legally adopted.

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

RESOLUTION NO. 4591-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
SINGLE PROJECT AGREEMENT
WITH THOMPSON ENGINEERING, INC.
FOR CULTURAL RESOURCE SURVEY
ON SITE PROPOSED FOR
GULF SHORES FIRE STATION/
COMMUNITY SHELTER
IN AMOUNT NOT TO EXCEED \$2,500.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 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 single project agreement between the City of Gulf Shores and Thompson Engineering, Inc. for a cultural resource survey on the site proposed for the Gulf Shores Fire Station/Community Shelter in an amount not to exceed \$2,500.00; 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. 4591-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4591-08 duly and legally adopted.

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

RESOLUTION NO. 4592-08

**A RESOLUTION AUTHORIZING
MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
UTILITY EASEMENT FOR PLACEMENT,
CONSTRUCTION, MAINTENANCE AND OPERATION
OF SWITCH CABINET
WITH CENTURYTEL COMMUNICATIONS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the Mayor and City Clerk be authorized to execute and attest, respectively, Utility Easement for Placement, Construction, Maintenance and Operation of Switch Cabinet with CenturyTel Communications; in substantially the form submitted to Council this date.

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

The motion for the adoption of Resolution No. 4592-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4592-08 duly and legally adopted.

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

RESOLUTION NO. 4593-08

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
A LIBRARY COOPERATIVE AGREEMENT WITH
FAULKNER STATE COMMUNITY COLLEGE
FOR USE OF THOMAS B. NORTON PUBLIC LIBRARY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 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 Library Cooperative Agreement between the City of Gulf Shores and Faulkner State Community College for use of the Thomas B. Norton

Public Library; 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. 4593-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4593-08 duly and legally adopted.

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

RESOLUTION NO. 4594-08

**A RESOLUTION
ESTABLISHING POLICY FOR
RESIDENTIAL TRASH PICKUP
BY CITY OF GULF SHORES;
AND RESCINDING CONFLICTING RESOLUTIONS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the following shall be the policy governing residential trash pickup by the City of Gulf Shores Public Works Department, Streets Division:

A. Yard waste and trash from routine residential yard maintenance will be picked up weekly by City trucks. Residents shall make arrangements with private contract haulers licensed by the City to collect trash from major residential lot cleanings and clearings. No trash shall be picked up from commercial establishments.

B. The Streets Superintendent shall establish and maintain trash pickup schedules to ensure all trash/debris is picked up weekly.

Section 2. That the following items are permissible for pickup:

A. Trees and limbs. Trees are defined as being one-inch (1") in diameter and larger. Tree limbs are defined as being less than one-inch (1") in diameter.

B. Bagged leaves, bagged grass clippings, bagged pine cones, densely stacked pine straw, and densely stacked tree and shrub trimmings. NOTE: Bags are used to prevent damage to lawns when being picked up by the City clamshell loader.

Section 3. That the property owner must adhere to the following guidelines when leaving trash for pickup:

A. All trash ready for pickup must be placed on the right-of-way in front of the owner's property on the owner's side of the street within ten feet (10'), but not nearer than two feet (2'), from the edge of the roadway/pavement unless otherwise directed by the City Public Works Director to avoid equipment contact with overhead power lines and for other safety reasons. Trash must be

placed contiguous to the owner's property and not in front of a neighbor's vacant lot. All materials should be placed away from utilities and other obstructions; i.e., telephone pedestals, transformers, fire hydrants, water valves, mail boxes, overhead power or TV cables, and tree limbs.

B. Trees must be cut in maximum four foot (4') lengths and stacked neatly in parallel rows. Weight must not exceed 300 pounds per length. Tree limbs must be cut into lengths not exceeding ten feet (10') and densely stacked in a separate pile.

C. Leaves, grass clippings, and pine cones must be placed in plastic bags. Pine straw and shrub trimmings may be bagged or densely stacked in one pile NOTE: Bags are used to prevent damage to lawns when being picked up by the City clamshell loader.

D. A fee of \$10.00 per cubic yard will be assessed to the property owner for yard trash in excess of four (4) cubic yards. Four (4) cubic yards is a debris pile that measures six foot (6') long by six foot (6') wide and three feet (3') high or any combination that equals four (4) cubic yards. The owner of the property will be billed for the charges by the City.

E. Old furniture, mattresses, and similar man-made items may be put out for pickup no sooner than one (1) day before pickup is scheduled. This service is limited to residential only and not commercial rental cottages and units; weight limited to 300 pounds per item. The City Street Department (968-1448) or Public Works Department (968-1156) must be notified before any unusual item not listed is put out for pickup. No items longer than ten feet (10') in length may be put out for pickup. White goods, such as refrigerators, stoves and freezers will be picked up by both the franchised hauler and the City. White goods must be stacked/placed separately from normal yard debris and will be picked up separately.

F. No commercially created trash or construction refuse, or homeowner created construction refuse resulting from major lot cleaning, home construction, major renovation, repair or demolition will be picked up. Commercial haulers licensed by the City may be employed by the owner for this purpose. Trash or debris resulting from routine or minor homeowner maintenance and repairs, including minor lot clearing, or yard maintenance will be picked up, excluding glass, tires, batteries, and paint. A fee of \$10.00 per cubic yard will be assessed to the property owner for yard trash in excess of four (4) cubic yards.

G. On vacant lots, only bagged or densely stacked trash generated by routine maintenance and cleanup will be picked up; no trees, limbs, shrubs, or other trash generated by major lot cleaning or clearing operations will be picked up. Commercial haulers may be employed by the owner for this purpose.

H. No garbage, or other putrefied refuse will be picked up by the City trash truck. This includes animal droppings as well as freezers or refrigerators containing spoiled food. If garbage is mixed with normal trash, the entire pile will not be picked up.

I. Environmentally dangerous hazardous waste, such as solvents, pesticides, and herbicides, must be held until the City announces its annual hazardous waste collection. At that time, residents will be asked to bring these hazardous wastes to a central staging area for proper testing, packaging and disposal in accordance with applicable environmental laws and regulations.

Section 3. That all other resolutions or parts of resolutions of the City of Gulf Shores in conflict herewith shall be and the same are, to the extent of such conflict, hereby repealed.

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

The motion for the adoption of Resolution No. 4594-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4594-08 duly and legally adopted.

Councilman Doughty requested the Public Works Director research the costs for a hazardous waste day.

Public Works Director Mark Acreman stated that it would cost between \$15,000 and \$20,000 based on the amounts and types of materials brought in.

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

RESOLUTION NO. 4595-08

**A RESOLUTION ACCEPTING THE BID OF
MINTO ENERGY,
THROUGH SOUTH ALABAMA PURCHASING AGREEMENT,
FOR GASOLINE AND DIESEL FUEL
FOR USE OF VARIOUS DEPARTMENTS; AND
AUTHORIZING PAYMENT FROM GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the bid of Minto Energy, through South Alabama Purchasing Agreement, for gasoline and diesel fuel for the use of various City departments, be and the same is hereby accepted.

Section 2. That the funds for payment for such contract amount be drawn from the General Fund Budget.

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

The motion for the adoption of Resolution No. 4595-08 was seconded by Councilman Dyken; 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4595-08 duly and legally adopted.

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

RESOLUTION NO. 4596-08

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,
AT VACANCY/ANNOUNCEMENT OF NEW POSITIONS,
OVERTIME PAY/COMPENSATORY TIME,
VACATION LEAVE, AND ACCIDENT REPORTING,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at Vacancy/Announcement of New Positions to read as follows:

Vacancy/Announcement of New Positions

When a vacancy or new position becomes available, it will be posted on all bulletin Boards located throughout the City workspaces, on the "job openings bulletin board" in City Hall, and on the City's web site. If the vacancy is an Internal Posting it will be posted for five working days prior to posting for outside recruitment. All outside recruitment postings shall be posted a minimum of 14 days. The posting will include the job title, class, department, job functions, qualifications, and application deadline.

Section 2. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at Overtime Pay/Compensatory Time, Call out time, to read as follows:

Overtime Pay/Compensatory Time

* * *

Call out time. The primary function of call-out pay is an incentive and inducement to return to duty after regularly scheduled work hours. If a non-exempt employee of the Police Department, Fire Department, Information Systems Department, or Public Works Department is called out by being ordered to return to duty after scheduled working hours to perform emergency or necessary services on behalf of the City as directed by his/her supervisor, the employee will be paid a minimum of two (2) hours of work at the rate of one and one-half (1 ½) times the employee's current regular rate of pay regardless of the actual time the employee is required to work, up to a maximum of two (2) hours. Thereafter, any call out work in excess of two (2) hours will be paid at time and a half.

Section 3. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at Vacation Leave to read as follows:

Vacation Leave

* * *

Employees may use up to one (1) week of vacation leave after successful completion of a satisfactory 6-month performance evaluation. Employees may use the remaining of their vacation leave after their completion of the one-year probationary period.

* * *

Fire Rescue Department employees with less than ten (10) years of service may carry over up to 159 hours of vacation leave at the end of the calendar year, with more than ten (10) but less than fifteen (15) years of service may carry over up to 212 hours of vacation leave at the end of the calendar

year, and with fifteen (15) or more years of service may carry over up to 265 hours of vacation leave at the end of the calendar year.

* * *

Section 4. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at Accident Reporting to read as follows:

Accident Reporting

* * *

Should an on-the-job injury result in medical treatment, the employee's supervisor, if present at the time, should accompany the employee for treatment. Day shift workers should seek treatment from the City's approved medical provider. Night shift workers should seek treatment at the South Baldwin Regional Medical Center Emergency Room.

Should the injury occur on a weekend or at some time that the approved medical provider is not available, you may report to the South Baldwin Regional Medical Center Emergency Room.

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

The motion for the adoption of Resolution No. 4596-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4596-08 duly and legally adopted.

An unidentified individual asked if the public could get copies of the employee handbook.

Mayor Craft advised that copies would be available if requested.

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

RESOLUTION NO. 4597-08

**A RESOLUTION AUTHORIZING USE OF
MUNICIPAL CREDIT CARDS BY
CERTAIN OFFICERS AND EMPLOYEES
OF THE CITY OF GULF SHORES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That, except as otherwise directed by the City Council hereafter, credit cards issued by

MasterCard

to the City of Gulf Shores shall be held and usable only by the following City officers and employees:

Mark Acreman	Brandan Franklin
Andy Bauer	Steve Garman
Frederick M. Beaman	Patsy Hollingsworth
Arthur K. Bourne, IV	Kenneth B. McKenzie

Shirley Smith Boyer
Hartly Brokenshaw
Robert Craft

Renee F. Moore
Harold W. Samples
Marcia Ward

With the written approval of the Mayor or City Administrator, or in their absence the City Clerk, a credit card held and useable by one of the above-named individuals may be assigned for temporary use by another officer or employee subject to all terms and limitations of this Resolution.

Section 2. That each of the above-named officers and employees of the City of Gulf Shores is hereby authorized by the City Council of the City of Gulf Shores to incur charges on such credit cards for the purchase of necessary goods and services for the account of the City in connection with (a) out-of-town travel specifically authorized in advance by the Council or (b) out-of-town travel otherwise required in the performance of his or her duties incidental to the management or control of the affairs of the City. Except as otherwise specifically authorized in advance by the Council, no officer or employee shall utilize such credit cards to incur charges in excess of \$3,000.00 for the purchase of necessary goods and services in connection with any single out-of-town trip.

Section 3. That any officer or employee utilizing such credit cards to incur charges in connection with out-of-town travel shall, upon his or her return, file an itemized statement and explanation of all charges incurred in the manner described in *Code of Alabama 1975, Section 36-7-4.*

Section 4. That upon submission for payment by the City Council after audit and certification by the City Clerk as provided in *Code of Alabama 1975, Section 11-43-101,* no credit card charges for out-of-town travel expenses shall be paid utilizing the funds of the City treasury incurred in nonconformity with this or any other authorizing resolution of the City Council. To the extent charges for out-of-town travel are determined by the City Council to have been incurred other than in conformity with this or any other authorizing resolution of the City Council, the officer or employee responsible for the incurring of such charges shall pay such charges personally and the Council may direct that the amount of such charges be deducted from any sum then or in the future owed by the City to such officer or employee.

Section 5. That with respect to purchases and expenditures on behalf of the City, other than with respect to out-of-town travel expenditures utilizing such credit cards, all such purchases and expenditures shall be in conformity with all written purchasing policies and procedures of the City as in effect from time-to-time.

Section 6. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4597-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4597-08 duly and legally adopted.

An unidentified individual asked several questions relative to the use of municipal credit cards by city employees.

The Mayor asked that the questions be submitted in writing so a complete response could be formulated.

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

RESOLUTION NO. 4598-08

**A RESOLUTION
RESCHEDULING THE
DECEMBER 22, 2008 COUNCIL MEETING
TO DECEMBER 15, 2008,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the regular Council Meeting of December 22, 2008, be and it is hereby rescheduled to December 15, 2008, at 5:00 p.m.

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

The motion for the adoption of Resolution No. 4598-08 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4598-08 duly and legally adopted.

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. 1531

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO EASY-HAUL, INC.
TO PROVIDE COLLECTION AND DISPOSAL
OF CONSTRUCTION AND DEMOLITION DEBRIS ONLY
IN THE CITY OF GULF SHORES; AND
AUTHORIZING THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, Easy-Haul, Inc. of Fairhope, Alabama, has requested a franchise to empower the Corporation to collect and dispose of construction and demolition debris only; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Easy-Haul, Inc. to accomplish such; 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 NOVEMBER 24, 2008, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Easy-Haul, Inc. for the collection and disposal of construction and demolition debris only 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 Easy-Haul, Inc. which

sets forth the requirements, covenants and agreements of a franchise to the Company for collection and disposal of construction and demolition debris only.

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 December 31, 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 Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1531 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1531 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1531 duly and legally adopted.

Councilman Dyken 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. 1532

**AN ORDINANCE ASSENTING TO THE ANNEXATION
OF CERTAIN PROPERTY DESCRIBED HEREIN TO
THE CITY OF GULF SHORES, ALABAMA, AND
EXTENDING THE CORPORATE LIMITS OF THE CITY
TO INCLUDE SUCH PROPERTY**

WHEREAS, on the 3rd day of October, 2008, Rebekah B. Harris, owner of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Gulf Shores; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Gulf Shores; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Gulf Shores and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON NOVEMBER 24, 2008, as follows:

Section 1. That the Council of the City of Gulf Shores, Alabama, finds and declares that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Gulf Shores.

Section 2. That the boundary lines of the City of Gulf Shores, Alabama, be and the same are hereby altered or rearranged so as to

include all of the territory heretobefore encompassed by the corporate limits of the City of Gulf Shores, Alabama, and in addition thereto the following described territory, to-wit:

Situated in Baldwin County, Alabama, to-wit; Lots 10, 11, 12, 13, and 14, Gulf Beach Subdivision "C", as per map or plat recorded thereof in the office of the Judge of Probate of Baldwin County, Alabama, on Slide #112-A. 4640 - 4658 State Highway 180 West

Section 3. That this ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 4. That the territory described in this ordinance shall become a part of the corporate limits of the City of Gulf Shores, Alabama, upon publication of this ordinance as set forth in Section 3, above.

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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Garris then moved for the adoption of Ordinance No. 1532 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1532 was seconded by Councilman Dyken; 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1532 duly and legally adopted.

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. 1533

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO LIVEEYE NET, INC.
FOR OPERATION OF BEACH WEB CAMERAS
ON BALDWIN EMC POLES IN GULF PLACE
IN THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, Liveeye Net, Inc., an Alabama corporation, has requested a franchise to empower the Corporation to operate beach web cameras on Baldwin EMC poles in Gulf Place in the City of Gulf Shores; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Liveeye Net, Inc. to accomplish such; 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 NOVEMBER 24, 2008, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Liveeye Net, Inc., an Alabama corporation, for operation

of beach web cameras on Baldwin EMC poles in Gulf Place 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 Liveeye Net, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for operation of beach web cameras.

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 November 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 Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Doughty then moved for the adoption of Ordinance No. 1533 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1533 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 Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1533 duly and legally adopted.

The Mayor introduced an Ordinance to change the definition of a retail tobacco store as it now appears in the *Code of Ordinances*.

Councilman Doughty presented information she had compiled relative to retail tobacco stores and cigar bars in other cities. Ms. Doughty stated she felt the City might want to create a new category for cigar bars, rather than them being considered retail tobacco stores, if in fact we want to allow them in the City.

After a lengthy discussion, it was the consensus of the Council that this Ordinance not be considered and further discussions be held to determine amendments necessary to the *Code* in this regard.

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

Mayor Craft declared the meeting adjourned.

Robert Craft, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk