

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

SEPTEMBER 28, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by the Reverend Chris Coats, Holy Spirit Episcopal Church. 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 Dyken moved to approve the minutes of the regular meeting of September 14, 2009, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the work session of September 21, 2009, as presented; seconded by Councilman Dyken. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Doughty, who abstained. The Mayor declared the motion carried.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$388,762.22; 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 Public Assembly for the Reverse Duathlon.

Councilman Jones moved to approve the Application for Public Assembly Permit of Flora-Bama Lounge for a Reverse Duathlon on October 17, 2009, 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 for the Ride for Wishes.

Councilman Harris moved to approve the Application for Public Assembly Permit of Make-A-Wish Foundation of Georgia and Alabama for a Ride for Wishes on October 4, 2009, and to waive the permit fee; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Revenue Officer Marcia Ward presented the Business License Application for Rental Property of Donald E. and Brenda H. Garner, dba Great Oaks.

Councilman Jones moved to approve through December 31, 2009, the Business License Application for Rental Property of Donald E. and Brenda H. Garner, dba Great Oaks, located at 14996 Highway 180 West; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Revenue Officer Marcia Ward presented the Business License Application for Rental Property of Martha Kilborn Howard, dba Martha's Vineyard.

Councilman Jones moved to approve through December 31, 2009, the Business License Application for Rental Property of Martha Kilborn Howard, located at 14950 Highway 180 West; seconded by Councilman Dyken; and the vote was unanimously in favor of the motion.

Jim Rowland, Occidental Benefits, Inc. presented information to the Council relative to the partially self-insured insurance program.

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

RESOLUTION NO. 4690-09

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONTRACTS RELATIVE TO PARTIALLY SELF-INSURED
MEDICAL AND PRESCRIPTION COVERAGE FOR EMPLOYEES**

WHEREAS, the City of Gulf Shores has decided to partially self-insure its medical and prescription coverage;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Blue Cross Blue Shield of Alabama (claim administration) and R.E. Moulton (stop loss reinsurer) for employee health care insurance.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Caremark (prescription benefits administration) and Prescription Benefits for employee prescription benefits

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

The motion for the adoption of Resolution No. 4690-09 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. 4690-09 duly and legally adopted.

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

RESOLUTION NO. 4691-09

**A RESOLUTION RATIFYING AND
CONFIRMING THE ACTION
OF THE MAYOR IN
REAPPOINTING JUDY SMITH
AND RODNEY POWELL
TO THE BEAUTIFICATION BOARD
EACH TO A FULL TERM
ENDING ON SEPTEMBER 1, 2012;
AND APPOINTING JIM BAUER
TO THE BEAUTIFICATION BOARD
TO A FULL TERM
ENDING ON SEPTEMBER 1, 2012**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That the action of the Mayor in reappointing Judy Smith and Rodney Powell to the Beautification Board of the City of Gulf Shores each for a three-year period ending September 1, 2012, be and it is hereby ratified and confirmed.

Section 2. That the action of the Mayor in appointing Jim Bauer to the Beautification Board of the City of Gulf Shores for a three-year period ending September 1, 2012, replacing Dorris Hoffman, be and it is hereby ratified and confirmed.

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

The motion for the adoption of Resolution No. 4691-09 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. 4691-09 duly and legally adopted.

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

RESOLUTION NO. 4692-09

**A RESOLUTION
AMENDING FRANCHISE AGREEMENT WITH
ALLIED WASTE SERVICES
FOR COLLECTION AND DISPOSAL OR RECYCLING
OF SOLID WASTE FROM RESIDENTIAL PROPERTIES
TO EXTEND FRANCHISE FOR ONE ADDITIONAL YEAR**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That the franchise agreement with Allied Waste Services for collection and disposal or recycling of solid waste from residential properties is hereby amended to extend the franchise term for an additional year ending December 31, 2010.

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

The motion for the adoption of Resolution No. 4692-09 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. 4692-09 duly and legally adopted.

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

RESOLUTION NO. 4693-09

**A RESOLUTION ACCEPTING THOSE CERTAIN STREETS
KNOWN AS DARLA COURT AND SUMMERSSET DRIVE
AS SHOWN ON PLAT OF OSPREY LANDING SUBDIVISION,
PHASE I,
AS RECORDED IN THE OFFICE OF THE
JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA**

WHEREAS, Walther Developers, LLC have completed those certain streets known as Darla Court and Summersset Drive, along with improvements, as shown on plat of Osprey Landing Subdivision, Phase I, a subdivision as recorded in Instrument #1005135, Slide #2295E, in the records in the Office of the Judge of Probate of Baldwin County, Alabama; and

WHEREAS, Walther Developers, LLC is desirous of conveying to the City said streets together with all improvements, including but not limited to street lights and sidewalks; and

WHEREAS, the acceptance of said streets is authorized by and acted upon under Ordinance No. 610, adopted on September 26, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That those certain streets known as Darla Court and Summersset Drive in Osprey Landing Subdivision, Phase I, a subdivision as recorded in Instrument #1005135, Slide #2295E, in the records in the Office of the Judge of Probate of Baldwin County, Alabama, having been inspected and approved as meeting the requirements and regulations of the City of Gulf Shores, be and the same hereby are accepted as public rights-of-way and the maintenance and responsibility for the same will, from this date forward, be assumed by the City of Gulf Shores.

Section 2. That the maintenance period and maintenance bond normally required for new streets be waived, inasmuch as these streets have been in use for over two years.

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

The motion for the adoption of Resolution No. 4693-09 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. 4693-09 duly and legally adopted.

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

RESOLUTION NO. 4694-09

**A RESOLUTION
IDENTIFYING ADDITIONAL
APPROVED LOCATION FOR
MUNICIPAL INFORMATION SIGN
TO BE ERECTED UNDER FRANCHISE AGREEMENT
BETWEEN CITY AND
AMERICAN SIGNS AND ADVERTISING COMPANY**

WHEREAS, Ordinance No. 509 granted a nonexclusive franchise to Bart Greer, dba Americans Signs and Advertising Company; and

WHEREAS, Section C1(b)(viii) of such franchise authorizes identification of additional locations by Resolution of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That the following approved location, as defined in the Municipal Information Sign Franchise Agreement authorized by Ordinance No. 509, be and it hereby is authorized contingent upon the applicant gaining approval from the Alabama Department of Transportation to construct a sign in the Highway 59 right-of-way:

Corner of Highway 59 and South Zoo Drive

Section 2. That this Resolution shall be considered an addendum to the above-described Franchise.

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

The motion for the adoption of Resolution No. 4694-09 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, "abstain," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4694-09 duly and legally adopted.

Public Works Director Mark Acreman requested that the Council table the Resolution authorizing a Grant Agreement with the Alabama Department of Transportation for the Safe Routes to School Program. The Council unanimously agreed to table the matter.

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

RESOLUTION NO. 4695-09

**A RESOLUTION REJECTING BIDS
FOR EMERGENCY MEDICAL SUPPLIES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That all bids received on August 4, 2009, for Emergency Medical Supplies 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. 4695-09 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. 4695-09 duly and legally adopted.

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

RESOLUTION NO. 4696-09

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY
SURPLUS AND UNNEEDED; AND AUTHORIZING THE MAYOR
AND CITY CLERK TO DISPOSE OF SUCH PROPERTY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN
REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That the following personal property owned by the City of Gulf Shores, Alabama, is
not needed for public or municipal purposes:

- 1 ea. Stihl Chain Saw
- 6 ea. Ping Pong Nets
- 1 ea. Pong Net Set
- 1 ea. Answering Machine
- 4 ea. Magazine Folders
- 1 ea. Brazilian Flag
- 1 ea. Water Bottle
- 1 ea. Aloha Design Breeze Fan
- 1 ea. Desk Calculator
- 1 ea. Portable Phone
- 1 ea. Zip File
- 1 lot Adapters
- 1 lot Used Shirts
- 1 lot New Shirts
- 1 ea. Foot Pedal
- 2 pkg. Microcassettes
- 35 ea. Miscellaneous Body Masters Equipment
- 6 ea. Swim Touch Pads
- 1 ea. Swim Time Clock
- 1 ea. Plastic Draft Table
- 1 ea. Lexmark Typewriter
- 1 ea. Lightweight Plastic Multidrawer Cart
- 1 ea. Table Topper
- 1 piece Gray Laminate
- 1 ea. Fax Machine
- 1 ea. Telephone
- 1 ea. Foosball Table
- 1 ea. Jr. Sized Pool Table
- 1 ea. Kawasaki T-Wolf 4-Wheeled ATV
- 1 lot Hanging Folders
- 3 ea. 4-Drawer Lateral Cabinets
- 2 ea. 5-Drawer Letter File Cabinets
- 2 ea. Small Space Heaters
- 1 ea. Stainless Stove Hood 4'X9'
- 1 lot Wooden Beach Tables/Benches
- 1 ea. Mete-R-Matic Turfco Top Dresser, City ID #8605
- 1 lot 55-Gallon Drums
- 1 lot Shepherds Crook Lights w/Fiberglass Poles
- 1 lot Swingset Uprights
- 1 ea. Alamo Model Batwing Attachment
- 2 ea. Landscape Rakes
- 1 lot Fire Hose
- 1 lot Sinks & Toilets
- 1 lot Cable & Wire
- 1 lot Chain Link Metal Fences/Stairs
- 1 ea. 12' Aluminum Boat
- 1 lot CMU Blocks
- 1 lot Building Materials
- 1 ea. 1969 Ford Pumper Fire Truck, VIN #C75FUF53357, City #2901
- 1 lot Scrap Metal
- 1 lot Auto Parts
- 1 ea. Winch
- 2 ea. Disassembled Honda Motors
- 1 ea. 150KW Generator, City #7043
- 1 ea. 60KW Generator, City #7050
- 1 ea. 1990 MCI Motorcoach, VIN #1M8GDM9A8KP042448
- 1 ea. Grand Marquis, VIN #2MEEM7SW01X613208

- 1 ea. Chevrolet, VIN #1G1JC124X27310256
- 1 lot Tablecloths/Napkins
- 1 lot Coffee Equipment
- 1 ea. Vacuum Cleaner
- 1 ea. AS400 Computer Stand
- 1 ea. HP Laserjet Printer, Model 3015
- 1 ea. Plastic 2-Drawer Box
- 1 ea. Xerox Black Toner, 006R01175
- 2 ea. Xerox Magenta Cartridge, 006R01177
- 3 ea. Xerox Yellow Cartridge, 006R01178
- 1 ea. Xerox Cyan Cartridge, 006R01176
- 1 ea. Roadmaster Girl's Bicycle, 15-Speed
- 1 ea. Huffy Girl's Bicycle, 18-Speed, Purple
- 1 ea. Next Boy's Bicycle
- 1 ea. Dyno Dual Bicycle, Green
- 1 ea. Next Girl's Bicycle, Red
- 1 ea. Next Chaos Bicycle, Green
- 1 ea. Roadmaster Men's Bicycle, Silver
- 1 ea. Trek Men's Bicycle, Black
- 1 ea. Next Girl's Bicycle, Pink
- 1 ea. Next Girl's Bicycle, Pink & White
- 1 ea. Women's 7-Speed Bicycle, Gray
- 1 ea. Nexus Scales
- 1 ea. Sargent Scales
- 12 ea. New T-Shirts, Illicit Emblem
- 1 ea. Shovel
- 2 ea. Sony Speakers
- 1 ea. Brown Purse
- 1 ea. Royal Calculator
- 1 ea. Myweigh Scales
- 1 lot Assorted Artist Paints with Black Box
- 1 ea. Kamar Varnish
- 1 ea. Digital Camera, Style Cam Deluxe
- 1 ea. Brown Clothing Bag
- 1 ea. Figurine, Man/Float
- 1 ea. Souvenir Water Wheel
- 2 ea. Ashtrays, Illicit Emblem
- 1 deck Playing Cards
- 1 ea. Wall Hanging, Cat/Mushroom
- 1 ea. Deepdive Goggles
- 27 ea. Shot Glasses
- 1 ea. Mosaic Box
- 2 ea. Ashtrays
- 6 ea. Souvenir Shells
- 1 ea. Zippo Lighter, Multicolor
- 1 ea. Corn Cob Pipe
- 1 ea. Yellow Key Chain Pen
- 1 ea. Paperweight, Illicit Emblem
- 3 ea. Assorted Sunglasses
- 1 ea. Scapes Paper Stand
- 1 ea. Alice in Wonderland T-Shirt
- 1 ea. Polaroid DVD Player
- 1 ea. Pioneer Car Stereo
- 1 ea. Olympus 7.1 MP Digital Camera
- 1 ea. Binoculars in Green Case
- 1 ea. ECS40 Blue Fishing Rod/Reel
- 1 ea. Vivitar A35 Camera, Splashproof
- 1 ea. Military Web Belt
- 2 ea. Pioneer Speakers
- 1 ea. Realistic Speaker
- 1 ea. Monitor Stand
- 1 ea. Three-Way Speaker
- 1 ea. Truckspec Speaker
- 1 ea. Sounmaster Speaker
- 1 ea. Car Mobile Antenna
- 1 ea. Gray Cashbox
- 1 ea. Quicksilver BB Gun
- 1 ea. Uniden Radar Detector
- 1 ea. Blackhawk Blow Gun
- 1 ea. Red/White Canvas Handbag

- 1 ea. Audiovox Cell Phone
- 1 ea. Dell Keyboard
- 1 bag Sheetrock Screws
- 1 ea. DT1010 Microcassette Dictator
- 1 ea. Red Overnight Case, Ladies'
- 16 ea. Rap Compact Discs with Case
- 1 ea. Packard Bell Computer with Pentium 2G HD
- 1 ea. Axe
- 1 lot Uniforms
- 1 ea. Panasonic Microwave
- 1 ea. Lexmark Printer
- 1 ea. Computer Keyboard with Mouse
- 1 ea. Texas Instruments TI 5142 Adding Machine
- 1 lot Leather Gear
- 1 lot Radios/Parts
- 1 ea. Small 2-Drawer File Case
- 1 lot Assorted Pieces, Emergency Lights/Sirens
- 1 ea. Spectrum Plus Desk Phone
- 1 ea. Honda TRX450FM ATV, VIN #478TE220644512392
- 1 ea. RCA TV, F19424
- 1 lot Table Linens
- 1 ea. Folding Chair, Wood
- 1 ea. Metal Storage Cabinet
- 1 lot Camera Film/Fan with Bag
- 1 ea. Microsoft Wireless Ergonomic
- 1 ea. Optquest Computer Monitor

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to dispose of the personal property owned by the City of Gulf Shores, Alabama, described in Section 1, above, by appropriate legal methods.

Section 3. That the proceeds derived from such disposal shall be deposited in the General Fund of the City of Gulf Shores.

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

The motion for the adoption of Resolution No. 4696-09 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. 4696-09 duly and legally adopted.

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

RESOLUTION NO. 4697-09

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2009-01
WITH OLSEN ASSOCIATES, INC.
FOR ALDOT DREDGE DISPOSAL PERMIT MODIFICATIONS
IN AMOUNT NOT TO EXCEED \$7,200.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, 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 2009-01 between the City of Gulf Shores and Olsen Associates, Inc. for ALDOT dredge disposal permit modifications in an amount not to exceed \$7,200.00; 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. 4697-09 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. 4697-09 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. 1572

**AN ORDINANCE GRANTING NONEXCLUSIVE FRANCHISE
TO BALDWIN CONTAINER COMPANY, LLC,
FOR COLLECTION AND DISPOSAL OR RECYCLING
OF PAPER, PLASTIC, CANS, GLASS, GARBAGE,
RUBBISH AND OTHER SOLID WASTE FROM
NONRESIDENTIAL PROPERTIES AND
COLLECTION AND DISPOSAL
OF CONSTRUCTION AND DEMOLITION DEBRIS; AND
AUTHORIZING EXECUTION OF FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, the City Council has enacted an Ordinance empowering the City to issue a nonexclusive franchise to a party authorized to contract privately for the collection and disposal or recycling of paper, plastic, cans, glass, garbage, rubbish, and other solid waste from nonresidential properties within the corporate limits of the City of Gulf Shores; and

WHEREAS, the City Council has enacted an Ordinance empowering the City to issue a nonexclusive franchise to a party authorized to contract privately for the collection and disposal of construction and demolition debris; and

WHEREAS, Baldwin Container Company, LLC, has applied to the City for such a nonexclusive franchise; and

WHEREAS, proof of the franchise applicant's financial stability, maintenance of liability insurance coverage deemed adequate by the City Council, and other qualifications reasonably related to the performance by the applicant of collection, disposal and recycling services have been determined to be satisfactory;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Baldwin Container Company, LLC, for the collection and disposal or recycling of paper, plastic, cans, glass, garbage, rubbish and other solid waste from nonresidential properties within the corporate limits of the City.

Section 2. That a nonexclusive franchise be and it is hereby granted to Baldwin Container Company, LLC, for the collection and disposal of construction and demolition debris within the corporate limits of the City.

Section 3. That pursuant to Section 6 of Ordinance No. 455, 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 Baldwin Container Company, LLC, which sets forth the requirements, covenants and agreements of a franchise to the Corporation to contract privately for the collection and disposal or recycling of paper, plastic, cans, glass, garbage, rubbish, and other solid waste from nonresidential premises and collection and disposal of construction and demolition debris within the corporate limits of the City of Gulf Shores.

Section 4. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated September 28, 2009.

Section 5. 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. 1572 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1572 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. 1572 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. 1573

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO IKE'S BEACH SERVICE, INC.
TO PROVIDE FOR OPERATION OF
BEACH EQUIPMENT RENTAL CONCESSION
IN THE CITY OF GULF SHORES
THROUGH DECEMBER 31, 2009; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, Ike's Beach Service, Inc., an Alabama Corporation, has requested a franchise to empower the Corporation to provide a beach equipment rental concession; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Ike's Beach Service, Inc., to provide such service; 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 SEPTEMBER 28, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Ike's Beach Service, Inc., an Alabama corporation, for operation of a beach equipment rental concession in certain areas within the corporate limits of the City through December 31, 2009.

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 Ike's Beach Service, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for provision of a beach equipment rental concession.

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 September 28, 2009.

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 Jones then moved for the adoption of Ordinance No. 1573 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1573 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, "abstain," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1573 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. 1574

**AN ORDINANCE TO AMEND THE *CODE OF ORDINANCES*,
ADOPTED JULY 24, 1989,
AT CHAPTER 21, TRAFFIC,
ARTICLE II. PARKING, DIVISION 1. GENERALLY
TO AMEND SECTION 21-33
RELATING TO PARKING ON OR NEAR PORTION OF ALABAMA HIGHWAY 182,
TO AMEND SECTION 21-36 RELATING TO
TOWING OF ILEGALLY PARKED VEHICLES,
TO ADD SECTION 21-37
RELATING TO UNAUTHORIZED USE OF HANDICAPPED PARKING SPACES,
AND TO ADD SECTION 21-38 RELATING TO
FINES FOR VIOLATION OF MUNICIPAL PARKING ORDINANCES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That Section 21-33 of Division 1 of Article II of Chapter 21, TRAFFIC, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended to read in its entirety as follows:

CHAPTER 21 TRAFFIC

* * *

ARTICLE II. PARKING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 21-33. No parking on or near portion of Alabama Highway 182.

It shall be unlawful for any person to park or leave standing any vehicle whether attended or unattended, any portion of which vehicle shall be located on the paved or improved or main traveled portion of Alabama Highway 182 or to park or leave standing any vehicle, whether attended or unattended, upon the highway right-of-way adjacent to the improved or main traveled portion of Alabama Highway 182.

Section 2. That Section 21-36 of Division 1 of Article II of Chapter 21, TRAFFIC, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended to read in its entirety as follows:

CHAPTER 21 TRAFFIC

* * *

ARTICLE II. PARKING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 21-36. Towing of illegally parked vehicles.

Any vehicles parked or standing in violation of sections 21-24(a), 21-33, 21-35, or otherwise parked or standing so as to constitute a hazard to the safety of the public shall be subject to towing upon the direction of the chief of police or his designee.

Section 3. That Division 1 of Article II of Chapter 21, TRAFFIC, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the addition of Section 21-37 reading in its entirety as follows:

CHAPTER 21 TRAFFIC

* * *

ARTICLE II. PARKING

* * *

DIVISION 1. GENERALLY

* * *

Section 21-37 Unauthorized use of handicapped parking places.

It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard duly issued to such person and currently in effect to park a vehicle in a parking place designated for individuals with disabilities on any public or private property within the corporate limits or police jurisdiction of the City of Gulf Shores.

Section 4. That Division 1 of Article II of Chapter 21, TRAFFIC, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the addition of Section 21-38 reading in its entirety as follows:

CHAPTER 21 TRAFFIC

* * *

ARTICLE II. PARKING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 21-38. Fines for Offenses.

Any person violating any provision of this division relating to stopping, standing or parking except Section 21-35 or Section 21-37 shall be guilty of a municipal parking offense and, upon conviction, shall be punished for each offense by a fine of \$15.00. Any person violating any provision of Section 21-35 or Section 21-37 shall be guilty of a municipal parking offense and, upon conviction, shall be punished for each offense by a fine of \$50.00.

In addition, costs of two dollars (\$2.00) shall be taxed for each contested disposition of a municipal parking offense defined in this division. Such offenses and fine and cost amounts are hereby made a

part of the schedule of municipal offenses, fines, and costs authorized under Alabama Rules of Judicial Administration 19(B).

Section 5. That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's *Code of Ordinances*, including, without limitation, Section 32-6-233.1 of the *Code of Alabama*.

Section 6. 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 Garris then moved for the adoption of Ordinance No. 1574 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1574 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. 1574 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. 1575

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 7,
BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES,
ARTICLE I., IN GENERAL,
BY ADDING NEW LANGUAGE TO
SECTION 7-1. CODES ADOPTED**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 28, 2009, as follows:

Section 1. That Chapter 7, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended at ARTICLE I. IN GENERAL by adding new language at Section 7-1. Codes adopted, so the entire Section shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES

ARTICLE I. IN GENERAL

Sec. 7-1. Codes adopted.

That the 2009 International Building Code (appendices included), the 2009 International Plumbing Code, the 2009 Mechanical Code, the 2008 National Electric Code, the 2009 International Fuel Gas Code, the 2009 International Residential Building Code (appendices included with the exception of Appendix L), the 2009 International Existing Building Code, and the 2009 International Fire Code (appendices included) be and the same are hereby adopted by the City of Gulf Shores, Alabama, in their entirety with the exception of Section 303 of the 2009 International Property Maintenance Code, which shall not be enforced within two (2) years of adoption of this Ordinance.

Section 2. That these Codes shall be enforced within the corporate limits of the city and in the police jurisdiction.

Section 3. That this Ordinance shall become effective November 1, 2009.

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 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. 1575 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1575 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. 1575 duly and legally adopted.

STAFF REPORTS:

Fire Chief Hartly Brokenshaw announced that the week of October 9 is Fire Prevention Week.

Building Official Brandan Franklin reported on the annual coastal cleanup.

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

Charlotte Geraughty and Susan Tillinghast, owners of property on West Beach Boulevard, asked that the City support protection of the dunes and provide information to all property owners.

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 Craft declared the meeting adjourned.

Robert Craft, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk