

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

AUGUST 24, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Councilman Jones. 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 Garris moved to approve the minutes of the regular meeting of August 10, 2009, as presented; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the work session of August 17, 2009, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$2,956,652.24; 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 Permit for the Alabama Coastal Triathlon.

Whereupon, Councilman Harris moved to approve the Application for Public Assembly Permit of Team Magic, Inc./Alabama Gulf Coast Sports Commission for the Alabama Coastal Triathlon on September 19, 2009, and to waive the permit fee; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Public Assembly Permit for the Alabama Coastal Cleanup.

Whereupon, Councilman Doughty moved to approve the Application for Public Assembly Permit of PALS/City of Gulf Shores for the Alabama Coastal Cleanup on September 19, 2009, and to waive the permit fee; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Special Events Retail License of The Hangout in Gulf Shores, LLC.

Whereupon, Councilman Jones moved to approve the request of The Hangout in Gulf Shores, LLC, dba The Hangout at the Shrimp Fest, for a Special Events Retail Liquor License, and to so notify the ABC Board; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Chief Building Official Brandan Franklin requested Council approval to amend the Building Department spending plan to include the purchase of a Jeep Wrangler and garbage cans to be used at the beach from ACAMP funds.

Councilman Doughty moved to approve the amendment to the Building Department spending plan to allow for the purchase from ACAMP funds of a Jeep Wrangler and garbage cans to be used at the beach; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

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

RESOLUTION NO. 4678-09

**A RESOLUTION APPROVING SITE PLAN OF
OYSTER BAY MARINA
FOR A DEVELOPMENT TO BE KNOWN AS
HAPPY HARBOR
LOCATED AT 4159 COUNTY ROAD 6;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2009-03)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 2009, as follows:

Section 1. That the Site Plan of Oyster Bay Marina for a mixed use retail and restaurant business, to be known as Happy Harbor, located at 4159 County Road 6, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A – Plans dated August 24, 2009.

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 – BG-1 (general business/mixed use).
- 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 applicant shall provide a dumpster to service the mixed-use commercial development.
- 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. 4678-09 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. 4678-09 duly and legally adopted.

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

RESOLUTION NO. 4679-09

**A RESOLUTION
ENDORING THE CITY OF MOBILE AS
GRANT APPLICANT FOR
TRANSPORTATION INVESTMENT GENERATING
ECONOMIC RECOVERY (TIGER) FUNDS**

WHEREAS, the City of Mobile has been undertaking regional initiatives in the pursuit of improvements in intermodal passenger transportation since 2001 through the implementation of its strategic plans and the ongoing development of an intermodal waterfront terminal complex; and

WHEREAS, this intermodal waterfront terminal complex, now known as GulfQuest, will accommodate the terminal operations for passenger ferry services and passenger rail services that will enhance transportation options throughout Alabama's Mobile Bay as well as the entire Gulf Coast region; and

WHEREAS, the City of Mobile is applying for 2009 Transportation Investment Generating Economic Recovery (TIGER) Funds to enhance transportation and economic opportunities associated with intermodal passenger transit and the GulfQuest complex; and

WHEREAS, the City of Gulf Shores recognizes the importance and strongly supports multi-modal transportation initiatives, as well as regional economic opportunities; and

WHEREAS, the City of Mobile TIGER grant application includes projects that provide for multi-modal transportation and regional economic opportunities that will benefit the City of Gulf Shores and its economy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 2009, as follows:

Section 1. That The City of Gulf Shores endorses and supports the City of Mobile's Transportation Investment Generating Economic Recovery (TIGER) Grant application.

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

The motion for the adoption of Resolution No. 4679-09 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. 4679-09 duly and legally adopted.

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

RESOLUTION NO. 4680-09

**A RESOLUTION APPOINTING
GEOFF GABERINO
TO THE BOARD OF ZONING ADJUSTMENTS
AND APPEALS
TO THE UNEXPIRED TERM OF JERRY BULLARD
ENDING ON JANUARY 7, 2011**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 2009, as follows:

Section 1. That Geoff Gaberino be and he hereby is appointed to the Board of Zoning Adjustments and Appeals to serve the unexpired term of Jerry Bullard ending on January 7, 2011.

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

The motion for the adoption of Resolution No. 4680-09 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. 4680-09 duly and legally adopted.

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

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

RESOLUTION NO. 4681-09

**A RESOLUTION ACCEPTING THE BID OF
JOHN DEERE LANDSCAPE, INC.
IN AMOUNT NOT TO EXCEED \$63,326.34
FOR OPEN-END PURCHASE OF VARIOUS IRRIGATION SUPPLIES;
AND AUTHORIZING EXECUTION OF PURCHASE AGREEMENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 2009, as follows:

Section 1. That the bid of John Deere Landscape, Inc., in an amount not to exceed \$63,326.34, for open-end purchase of various irrigation supplies by the Public Works Landscape Division and Parks and Recreation is hereby accepted.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Purchase Agreement between the City and John Deere Landscape, Inc. to accomplish such purchases.

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

The motion for the adoption of Resolution No. 4681-09 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. 4681-09 duly and legally adopted.

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

RESOLUTION NO. 4682-09

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
GRANT AGREEMENT WITH
ALABAMA PUBLIC LIBRARY SERVICE
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR LIBRARY SERVICES AND TECHNOLOGY GRANT
IN THE AMOUNT OF \$1,500.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 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 Grant Agreement with the Alabama Public Library Service, as well as any related documents, to facilitate obtaining financial assistance for video conferencing equipment through the Library Services and Technology Grant in the amount of \$1,500.00.

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

The motion for the adoption of Resolution No. 4682-09 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. 4682-09 duly and legally adopted.

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

RESOLUTION NO. 4683-09

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
LAW ENFORCEMENT GRANT AGREEMENT WITH
EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT PROGRAM
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR PURCHASE OF ATV VEHICLES
IN THE AMOUNT OF \$35,768.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 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 Law Enforcement Grant Agreement with the Edward Byrne Memorial Justice Assistance (JAG) Grant Program, as well as any related documents, to facilitate obtaining ATV vehicles in the amount of \$35,768.00.

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

The motion for the adoption of Resolution No. 4683-09 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. 4683-09 duly and legally adopted.

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

RESOLUTION NO. 4684-09

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONTRACT WITH BARTER AND ASSOCIATES, INC.
FOR POST HURRICANE RESIDENTIAL
STRUCTURAL INSPECTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 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 Barter and Associates, Inc. for post hurricane residential structural inspection; 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. 4684-09 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. 4684-09 duly and legally adopted.

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

RESOLUTION NO. 4685-09

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY, CONTRACT WITH
MACTEC ENGINEERING AND CONSULTING, INC.
FOR POST HURRICANE COMMERCIAL
STRUCTURAL INSPECTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 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 MACTEC Engineering and Consulting, Inc. for post hurricane commercial structural inspection; 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. 4685-09 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. 4685-09 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a Resolution authorizing a Quitclaim Deed with respect to streets relocated in Bon Secour Village.

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

RESOLUTION NO. 4686-09

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
QUITCLAIM DEED WITH
RESPECT TO STREETS RELOCATED IN
BON SECOUR VILLAGE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 24, 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 Quitclaim Deed with respect to streets relocated in Bon Secour Village, such quitclaim to be in form and content approved by the City Attorney.

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

The motion for the adoption of Resolution No. 4686-09 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. 4686-09 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to table consideration of the Ordinance amending the Code of Ordinances as it relates to the adoption of new building codes.

Mayor Craft reported that approximately 80 individuals attended the neighborhood meeting held on August 22.

The Mayor again requested that the Council and Department Heads submit to him by September 1 a priority list of projects to be accomplished by the end of the year.

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

Jim Catrett expressed appreciation to the Council for the opportunity to attend the neighborhood meetings, as he found them very informative.

Councilman Doughty announced that the next Town Hall Meeting would be held on September 17 at 5:30 p.m. at the Adult Activity Center.

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

ATTEST:

Renee F. Moore, MMC, City Clerk