

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

DECEMBER 14, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Keith Martin, Gulf Shores Fire/Rescue. 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 Doughty moved to approve the minutes of the work session of December 7, 2009, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the rescheduled regular meeting of December 7, 2009, as presented; seconded by Councilman Harris; 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 adoption of the new Zoning Ordinance.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Andy Bauer, Acting Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Garris moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

The motion for unanimous consent was seconded by Councilman Doughty; 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. 1584 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1584 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. 1584 duly and legally adopted.

Mayor Craft introduced those City employees retiring at the end of the year and presented service plaques to Police Chief Arthur Bourne, Investigative Lieutenant Steve Day, Special Events Coordinator Patsy Hollingsworth, Custodian Jackie Mayo, and Recreation Director Harold Samples; not in attendance was Accounting Manager Shirley Boyer.

The City Clerk presented the Application for Transfer of Restaurant Retail Liquor License of Teresa Renae Corley, dba Fat Backs.

Councilman Harris moved to approve the Application of Teresa Renae Corley, dba Fat Backs, for Transfer of the Restaurant Retail Liquor License and to so notify the ABC Board; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The City Clerk presented the Application for Public Assembly Permit of HO-MF, LLC for a beach music festival.

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

RESOLUTION NO. 4729-09

**A RESOLUTION
APPROVING APPLICATION
FOR PUBLIC ASSEMBLY PERMIT
OF HO-MF, LLC FOR
BEACH MUSIC FESTIVAL; AND
AUTHORIZING MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
CONTRACT BETWEEN CITY AND HO-MF, LLC
FOR REIMBURSEMENT OF CITY EXPENSES
IN ASSOCIATION WITH BEACH MUSIC FESTIVAL**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON DECEMBER 14, 2009, as follows:

Section 1. That the Application for Public Assembly Permit of HO-MF, LLC for a beach music festival on May 14-16, 2010, is hereby approved expressly conditioned upon written consent of the affected state agencies.

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 HO-MF, LLC for reimbursement of City expenses in association with the beach music festival.

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

The motion for the adoption of Resolution No. 4729-09 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. 4729-09 duly and legally adopted.

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

RESOLUTION NO. 4730-09

**A RESOLUTION
DECLARING MORATORIUM
ON ISSUANCE OF
2010 BUSINESS LICENSES
TO GASOLINE POWERED AND
WATERSPORTS EQUIPMENT ACTIVITY BUSINESSES
AND BEACH RENTAL SERVICE BUSINESSES
UNTIL FEBRUARY 1, 2010**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON DECEMBER 14, 2009, as follows:

Section 1. That effective immediately there will be a moratorium on issuance of 2010 business licenses to gasoline powered and watersports equipment activity businesses, including equipment rental businesses, parasail operators, and banana boat and surf sled operators, until February 1, 2010. All licenses previously issued for these activities for license year 2009 will be extended to expire on January 31, 2010.

Section 2. That effective immediately there will be a moratorium on issuance of 2010 business licenses to those miscellaneous business service activity businesses specializing in beach rental services until February 1, 2010. All licenses previously issued for these activities for license year 2009 will be extended to expire on January 31, 2010.

The motion for the adoption of Resolution No. 4730-09 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. 4730-09 duly and legally adopted.

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

RESOLUTION NO. 4731-09

**A RESOLUTION
AUTHORIZING EXECUTION OF
INCIDENT ACTION PLAN
FOR JACK EDWARDS AIRPORT AND AVIATION EMERGENCY
BETWEEN CITY OF GULF SHORES AND
AIRPORT AUTHORITY 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 DECEMBER 14, 2009, as follows:

Section 1. That the Mayor be and he hereby is authorized to execute the Incident Action Plan for Jack Edwards Airport and Aviation Emergency between the City of Gulf Shores and the Airport Authority of the City of Gulf Shores; 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. 4731-09 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. 4731-09 duly and legally adopted.

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

RESOLUTION NO. 4732-09

**A RESOLUTION AMENDING
CITY OF GULF SHORES
2009 SPENDING PLAN**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON DECEMBER 14, 2009, as follows:

Section 1. That the City of Gulf Shores 2009 Spending Plan be amended for the City of Gulf Shores, Alabama, for Fiscal Year 2009 beginning January 1, 2009 and ending December 31, 2009.

**GENERAL FUND SPENDING PLAN SUMMARY
2009
(JANUARY 1, 2009 THROUGH DECEMBER 31, 2009)**

TOTAL REVENUES GENERAL FUND \$23,503,600

EXPENDITURES:

Executive	\$ 548,640
Accounting and Finance	319,170
Rec & Cultural Affairs	69,700
Human Resources	182,500
Information Systems	634,480
Procurement	112,060
Revenue	325,890
Admin & Financial Svcs	941,720
Municipal Court	269,510
Police	3,473,310

Fire & EMS	2,955,650
Community Development	360,070
Building	336,620
Special Events & Programs	612,310
Library	372,230
Recreation	2,514,180
Public Works:	
General Services	464,240
Public Facilities-Custodial	340,530
Public Facilities-Landscaping	522,500
Streets	1,824,320
Maintenance	854,500
Outside Agencies	<u>61,000</u>

SUBTOTAL \$18,095,130

Executive Capital Outlay	\$	5,000
Information Systems Capital Outlay		81,020
Police - Capital Outlay		170,280
Building – Capital Outlay		40,000
PW Streets – Capital Outlay		<u>81,780</u>

SUBTOTAL 378,080

Operating Transfers Out 5,754,990

Total General Fund Expenses \$24,228,200

Budget Carry Forward General Fund - \$724,600

**OTHER FUND BUDGET SUMMARY
2009**

(JANUARY 1, 2009 THROUGH DECEMBER 31, 2009)

REVENUE EXPENDITURE

Special Revenue

 2% Lodging Tax
Revenue 1,704,000

Debt Service Payment 1,704,000

Police & Fire Related Grants

 Police and Fire 395,400
Transfer to General 395,400

Impact Fees Fund

 Impact Fees Revenue 190,400
Equipment Police,
Recreation 190,400

2008 A GO Warrant

 Match/Bond Proceeds 427,121
Capital Outlay Projects 427,121

Miscellaneous Grants

 Transfer to CIF 150,600
Storm Drainage
Projects 150,600

Debt Service Fund	
Transfers/Rent	4,950,000
Bond Payments	4,950,000
Total All Funds Revenue	
	31,321,121
Total All Funds Expense	
	32,045,721
General Fund Budget	
Carry Forward	-724,600

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

The motion for the adoption of Resolution No. 4732-09 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. 4732-09 duly and legally adopted.

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

RESOLUTION NO. 4733-09

**A RESOLUTION
DESIGNATING SIGNATORIES ON
CITY OF GULF SHORES BANK ACCOUNTS;
DESIGNATING SIGNATORIES ON CITY OF GULF SHORES
MUNICIPAL COURT COLLECTIONS BANK ACCOUNT;
DESIGNATING SIGNATORIES ON THOMAS B. NORTON
LIBRARY ADVISORY BOARD FUND ACCOUNT; AND
DESIGNATING SIGNATORIES ON
PUBLIC EDUCATION BUILDING AUTHORITY BANK ACCOUNT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON DECEMBER 14, 2009, as follows:

Section 1. That the following be and they are hereby authorized as signatories on bank accounts for the City of Gulf Shores, with signatures of two (2) authorized individuals required on all checks, one to be from Group A and one to be from Group B:

A. Robert S. Craft, Mayor
Carolyn M. Doughty, Mayor Pro Tempore
Philip Harris, Councilman

B. Steve Garman, City Administrator
Cynthia A. King, Administrative Services/Finance Director

Section 2. That the following be and they are hereby authorized as signatories on the City of Gulf Shores Municipal Court Collections Bank Account, with signatures of two (2) authorized persons required on all checks:

Kenneth B. McKenzie, Court Clerk/Magistrate
Julie McRae Jones, Clerk/Magistrate
Natasha Touchstone, Clerk/Magistrate
Steve Garman, City Administrator
Cynthia A. King, Administrative Services/Finance Director

Section 3. That the following be and they are hereby authorized as signatories on the bank and investment accounts and certificates of deposit of the Thomas B. Norton Library Advisory Board Fund accounts for the City of Gulf Shores, with signatures of two (2) authorized individuals required on all checks, one to be from Group A and one to be from Group B:

A. Robert Craft, Mayor
Carolyn M. Doughty, Mayor Pro Tempore
Philip Harris, Councilman

B. Bobbie Rooker, President, Library Advisory Board
Judy A. Watley, Treasurer, Library Advisory Board

Section 4. That the following be and they are hereby authorized as signatories on the City of Gulf Shores Public Education Building Authority Bank Account, with signatures of two (2) authorized persons required on all checks:

Robert S. Malone, PEBA Chairman
Barbara Frerman, PEBA Board Member
Steve Garman, City Administrator
Cynthia A. King, Administrative Services/Finance Director

Section 5. That any resolution or parts thereof that conflict with this Resolution shall be and are hereby rescinded.

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

The motion for the adoption of Resolution No. 4733-09 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. 4733-09 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Jones reminded everyone of the E-Cycling day on January 9.

Councilman Garris reported that he was meeting with Recreation and Cultural Affairs Director Grant Brown in preparation for the meeting with the beach rental companies.

STAFF REPORTS:

Arthur Bourne, Patsy Hollingsworth, and Harold Samples expressed appreciation for their years working for the City, stating it had been a privilege and honor.

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

Ike Williams stated that he was attempting to schedule a meeting with the beach vendors, so they could address the beach issues as a group.

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