

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

OCTOBER 12, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Barry Giles, Gulf Shores Fire/EMS. 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 September 28, 2009, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the work session of October 5, 2009, as presented; seconded by Councilman Doughty. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Harris, who abstained. The Mayor declared the motion carried.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,160,586.70; seconded by Councilman Dyken; 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 Kitty's Café Inc. for a restaurant retail liquor license.

The City Clerk reported the dates on which the required advertising was done and noted the letters of reference. 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 Dyken moved to approve the application of Kitty's Kafe, Inc., dba Kitty's Kafe, located at 3800 Gulf Shores Parkway, Suite 100, Gulf Shores, Alabama, for a 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 Team Magic and the Alabama Gulf Coast Sports Commission.

Councilman Harris moved to approve the Application for Public Assembly Permit of Team Magic and the Alabama Gulf Coast Sports Commission for Half Marathon, 5K and 1 Mile Runs on November 28, 2009, and to waive the permit fee; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to table the Business Application for Rental Property of Gene Thompson Glisson.

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

RESOLUTION NO. 4698-09

**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 OCTOBER 12, 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 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. 4698-09 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. 4698-09 duly and legally adopted.

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

RESOLUTION NO. 4699-09

**A RESOLUTION AMENDING
RESOLUTION NO. 1975-93,
ADOPTING PURCHASING MANUAL
FOR CITY OF GULF SHORES,
AT CHAPTER X, PETTY CASH AND
CASH BOX POLICY, SECTION A**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That Resolution No. 1975-93, adopting the Purchasing Manual for the City of Gulf Shores, be and it is hereby amended at CHAPTER X, PETTY CASH AND CASH BOX POLICY, Section A., by changing certain names and amounts which shall read as follows:

CHAPTER X. PETTY CASH AND CASH BOX POLICY

A. A petty cash fund may be used to purchase small items of immediate need or to reimburse employees for eligible outlay of cash. The following funds are presently authorized for the respective divisions of the City:

<u>FUND</u>	<u>AMOUNT</u>	<u>CUSTODIAN</u>
General Government	\$1,000	Revenue Clerk
Hurricane Decals & Beach Passes	25	Revenue Coordinator
Hurricane Decals & Beach Passes	25	Records Clerk
Beach Parking (Seasonal)	1,400	Director
Municipal Court	500	Court Clerk
Police	300	Police Chief
Fire/EMS	300	Fire Chief
Community Development	500	Administrative Assistant
Building Department	250	Administrative Assistant
Special Events & Programs	2,200	Special Events Coordinator
Library	400	Senior Library Clerk
Parks & Rec.	800	Director
Sims Parks Concessions	400	Director
Sportsplex Concessions	400	Director
Young Adventurers' Club	500	Director

TOTAL \$ 9,000

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

The motion for the adoption of Resolution No. 4699-09 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. 4699-09 duly and legally adopted.

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

RESOLUTION NO. 4700-09

**A RESOLUTION APPOINTING
MARY E. MURCHISON
TO THE POSITION OF
ALTERNATE JUDGE
FOR THE MUNICIPAL COURT
OF THE CITY OF GULF SHORES, ALABAMA**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That Mary E. Murchison be and she hereby is appointed as Alternate Judge for the Municipal Court of the City of Gulf Shores, Alabama, should Municipal Judge Walter B. Chandler be unable to represent the City for any reason.

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

The motion for the adoption of Resolution No. 4700-09 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. 4700-09 duly and legally adopted.

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

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

RESOLUTION NO. 4701-09

**A RESOLUTION ACCEPTING THE BID OF
LED DISASTER AND CONSTRUCTION SPECIALISTS
IN THE AMOUNT OF \$8,475,000.00
FOR DEBRIS CLEARANCE AND SAND RECLAMATION
IN THE EVENT OF A HURRICANE; AND
AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That the bid of LED Disaster and Construction Specialists in the amount of \$8,475,000.00 for debris clearance and sand reclamation in the event of a hurricane, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on September 10, 2009.

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 LED Disaster and Construction Specialists for debris clearance and sand reclamation, with said contract being renewable for a total of three (3) annual and/or extended terms.

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

The motion for the adoption of Resolution No. 4701-09 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. 4701-09 duly and legally adopted.

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

RESOLUTION NO. 4702-09

**A RESOLUTION ESTABLISHING THE
PLACE, DATES, AND TIMES FOR
THE MUNICIPAL COURT OF THE
CITY OF GULF SHORES, ALABAMA,
TO HOLD OPEN SESSION FOR THE PURPOSE OF
HEARING MATTERS WITHIN ITS JURISDICTION
DURING THE PERIOD FROM
JANUARY 7, 2010, THROUGH DECEMBER 16, 2010**

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

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That the place for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, during the year 2010 shall be in the Municipal Court, 203 Clubhouse Drive, Suite A, Gulf Shores, Alabama.

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

Section 3. That the dates for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, are hereby established for the year 2010 as being:

January 7 and 21
February 4 and 18
March 4 and 18
April 1 and 15
May 6 and 20
June 3 and 17
July 1 and 15
August 5 and 19
September 2 and 16
October 7 and 21
November 5 and 18
December 2 and 16

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

The motion for the adoption of Resolution No. 4702-09 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. 4702-09 duly and legally adopted.

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

RESOLUTION NO. 4703-09

**A RESOLUTION
DESIGNATING POSITION OF
RECREATION AND CULTURAL AFFAIRS DIRECTOR
AS UNCLASSIFIED POSITION; AND
SETTING SALARY RANGE FOR SAID POSITION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, AS FOLLOWS:

Section 1. That the position of Recreation and Cultural Affairs Director for the City of Gulf Shores created by Council Resolution No. 4655-09 (created as Recreation and Cultural Arts Director) shall be an Unclassified position, and the employee holding such position shall be appointed by the Mayor and shall be employed at the will of the Mayor.

Section 2. That the Mayor is authorized to fill the position of Recreation and Cultural Affairs Director for the City of Gulf Shores by offering the position to the person of his selection at a starting salary in the range of \$65,000 to \$85,000 as the Mayor may determine in his discretion.

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

The motion for the adoption of Resolution No. 4703-09 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. 4703-09 duly and legally adopted.

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

RESOLUTION NO. 4704-09

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
GRANT AGREEMENT WITH
U. S. DEPARTMENT OF JUSTICE,
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES,
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR POLICE DEPARTMENT COMMUNICATIONS UPGRADES
IN THE AMOUNT OF \$350,000.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, the Grant Agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services, as well as any related documents, to facilitate obtaining financial assistance for police department communications upgrades in the amount of \$350,000.00.

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

The motion for the adoption of Resolution No. 4704-09 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. 4704-09 duly and legally adopted.

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

RESOLUTION NO. 4705-09

**A RESOLUTION
AFFIRMING CITY OF GULF SHORES'
SUPPORT OF AND PARTNERSHIP WITH
2010 CENSUS**

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and,

WHEREAS, our City is committed to ensuring every resident is counted; and,

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and much more; and,

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is often used for the redistricting of state legislatures, county and city councils and voting districts; and,

WHEREAS, the 2010 Census creates hundreds of thousands of jobs across the nation; and,

WHEREAS, every Census Bureau worker takes a lifetime oath to protect confidentiality. And the Census Bureau ensures that the data identifying respondents or their household not be released or shared for 72 years; and,

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That the City of Gulf Shores supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.

Section 2. That the City of Gulf Shores encourages people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

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

The motion for the adoption of Resolution No. 4705-09 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. 4705-09 duly and legally adopted.

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

RESOLUTION NO. 4706-09

**A RESOLUTION
ENDORING BALDWIN COUNTY COMMISSION'S ROUTE
FOR CONSTRUCTION OF COUNTY ROAD 83 THOROUGHFARE
BETWEEN I-10 AND I-65; AND
OPPOSING ROUTE PROPOSED BY
ALABAMA DEPARTMENT OF TRANSPORTATION**

WHEREAS, this year the Baldwin County Commission requested the Congress of the United States to include an appropriation consideration of \$120,000,000 which, if approved by Congress and upon becoming law as part of the Federal Transportation Reauthorization Bill, will be used to construct a 4-lane extension of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65; and

WHEREAS, on April 21, 2009, the Baldwin County Commission committed to the Congress of the United States that if Baldwin County is awarded the \$120,000,000 in federal funding that the Baldwin County Commission will match said award in an additional amount of 20% or up to \$30,000,000 to bring the total funding for said construction project to \$150,000,000; and

WHEREAS, the construction of Baldwin County Road 83 from Interstate 10 north to Interstate 65 will allow for a strengthened and more efficient hurricane evacuation route for the southern, as well as central, portion of the county, relieve traffic congestion on Alabama State Highway 59, and provide for an economic development corridor which will also promote tourism in Baldwin County; and

WHEREAS, the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65 is attached as Exhibit A to this Resolution; and

WHEREAS, the Baldwin County Commission has received the written support for this endeavor from the following Baldwin County municipalities: City of Fairhope, City of Robertsdale, Town of Loxley, Town of Silverhill, City of Daphne, City of Foley, City of Orange Beach, City of Spanish Fort, Town of Elberta, Town of Magnolia Springs, Town of Summerdale and City of Bay Minette; and

WHEREAS, further, the Baldwin County Commission has received the written support for this endeavor from the Baldwin County Mayors' Association and GUMBO; and

WHEREAS, the Baldwin County Commission has already accomplished a feasibility study for the proposed route at an approximate cost of \$70,000; and

WHEREAS, the Baldwin County Commission has set aside approximately \$450,000 in county funds to accomplish an environmental assessment of the proposed route; and

WHEREAS, importantly, the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 as set forth at Exhibit A is situated directly adjacent to the 3,000 acre area comprising the "Mega Site" whereby Hybrid Kinetic Motors Corporation is planning to establish a green automotive manufacturing plant in Baldwin County as announced by the Honorable Bob Riley, Governor of the State of Alabama, on September 24, 2009, at the Alabama State Capitol in Montgomery; and

WHEREAS, it has come to the attention of the City of Gulf Shores that the Alabama Department of Transportation (ALDOT) is proposing to construct a connector route between Interstate 10 and Interstate 65 in Baldwin County which is contrary to the Baldwin County Commission's proposed route; further said ALDOT route is situated farther away from the 3,000 acre area comprising the "Mega Site" whereby Hybrid Kinetic Motors Corporation is planning to establish a green automotive manufacturing plant in Baldwin County; now therefore

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2009, as follows:

Section 1. That the City of Gulf Shores hereby endorses the Baldwin County Commission's proposed route for the construction of Baldwin County Road 83 along the 21 mile span from Interstate 10 north to Interstate 65 attached as Exhibit A to this resolution and OPPOSE the Alabama Department of Transportation's proposal to construct a connector route between Interstate 10 and Interstate 65 in Baldwin County which is contrary to the Baldwin County Commission's proposed route.

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

The motion for the adoption of Resolution No. 4706-09 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. 4706-09 duly and legally adopted.

COMMITTEE REPORTS:

Mayor Craft expressed appreciation to Councilman Jones and City Clerk Renee More for their work on the Shrimp Festival Committee.

Councilman Jones advised that "Auntie Litter" made presentations at the Gulf Shores and Orange Beach Elementary Schools last week.

STAFF REPORTS:

City Clerk Renee More stated that the City received many accolades for the operations of the Public Works Department, Fire/EMS Department and Police Department during the Shrimp Festival.

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.

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

Mayor Craft declared the meeting adjourned.

Robert Craft, Mayor

(SEAL)

ATTEST:

Renee F. More, MMC, City Clerk