

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**MARCH 9, 2009**

Mayor Pro Tem Doughty called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Steve Dumas, Lagoon Baptist Church. The Pledge of Allegiance to the flag was led by Mayor Pro Tem Doughty.

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

Councilman Harris moved to approve the minutes of the regular meeting of February 23, 2009, as presented; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

Councilman Garris moved to approve the minutes of the work session of March 2, 2009, as presented; seconded by Councilman Harris; and the vote of those officials present was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$605,262.89; seconded by Councilman Dyken; and the vote of those officials present 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 from the Alabama Gulf Coast Sports Commission for the Extreme Volleyball Professionals Tour Regional Tournaments.

Councilman Jones moved to approve the Application for Public Assembly Permit from the Alabama Gulf Coast Sports Commission for the Extreme Volleyball Professionals Tour Regional Tournaments on April 3-4, May 1-3, and June 4-6, and to waive the permit fee; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

The City Clerk presented the application for transfer of the restaurant retail liquor license from Fins Ups.

Councilman Harris moved to approve the application for transfer of the Restaurant Retail Liquor License from Mary Christi LLC, dba Fins Up, 15849 Fort Morgan Road, Suite A, and to so notify the ABC Board; seconded by Councilman Jones; and the vote of those officials present was unanimously in favor of the motion.

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

**RESOLUTION NO. 4628-09**

**A RESOLUTION APPROVING SITE PLAN OF  
EDDIE SPENCE  
FOR A DEVELOPMENT TO BE KNOWN AS  
SHRIMPY'S MINIATURE GOLF  
LOCATED AT 204 EAST 2<sup>ND</sup> AVENUE;  
AND SETTING FORTH FINDINGS OF FACT AND  
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS  
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235  
(SP2009-01)**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 9, 2009, as follows:

Section 1. That the Site Plan of Eddie Spence for an 18-hole miniature golf course, to be known as Shrimpy's Miniature Golf, located at 204 East 2<sup>nd</sup> Avenue, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Eddie Spence dated March 9, 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 - BTB-1 (Tourist Business Sub Area 1).

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 landscape plan is inconsistent with the site engineering plans. All plans shall be consistent.
- 2) The engineer's plans indicate the western three (3) parking spaces are less than the required five feet (5') from the property line. This item shall be corrected on the engineering plans.
- 3) The plans shall be revised to delete parking space number 19, so that the three (3) westernmost parking spaces will meet the minimum parking space area and dimensional requirements and can be added back to the site plan for a total of twenty-one (21) spaces.
- 4) The Planning Commission recommended the applicant pave the parking lot.
- 5) Public Works Department -
  - The property owner shall submit a Hold Harmless Agreement to the City releasing the City from liability to any damage created or caused to the owner's property by the

City's infrastructure which lies within the 45-foot drainage easement. This agreement shall be reviewed and approved by the City Attorney.

- All 90-degree curbed areas shall be radiused.
- The applicant's engineer shall confirm the proposed 47 linear feet of 18-inch ADS pipe will not interfere with the existing 36-inch RCP pipe which is in the drainage easement.

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. 4628-09 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 Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Pro Tem Doughty, "aye," Mayor Craft was absent. Whereupon, the Mayor Pro Tem declared Resolution No. 4628-09 duly and legally adopted.

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

**RESOLUTION NO. 4629-09**

**A RESOLUTION AUTHORIZING  
GULF SHORES UTILITIES BOARD  
TO DECLARE CERTAIN PERSONAL PROPERTY  
SURPLUS AND UNNEEDED;  
AND AUTHORIZING DISPOSAL OF SUCH PROPERTY**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 9, 2009, as follows:

Section 1. That the following personal property owned by The Utilities Board of the City of Gulf Shores, Alabama, has been deemed to no longer be needed:

1995 Ford F-150, VIN #1FTEF15NOSNB00104  
1999 GMC Sierra, VIN #1GTEC14V9XE541540

Section 2. That The Utilities Board of the City of Gulf Shores be and they are hereby authorized and directed to dispose of the personal property owned by The Board, described in the attached listing, by appropriate legal methods.

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

The motion for the adoption of Resolution No. 4629-09 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 Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Pro Tem Doughty, "aye," Mayor Craft was absent. Whereupon, the Mayor Pro Tem declared Resolution No. 4629-09 duly and legally adopted.

The Mayor Pro Tem requested and received unanimous consent of those officials present to deviate from the published agenda to consider a Resolution authorizing tax auditing services.

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

**RESOLUTION NO. 4630-09**

**A RESOLUTION AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
AGREEMENT WITH  
RIVERTREE SYSTEMS, INC.  
FOR TAX AUDITING SERVICES**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 9, 2009, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, an Agreement between the City of Gulf Shores and Rivertree Systems, Inc. for tax auditing services; 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. 4630-09 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 Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Pro Tem Doughty, "aye," Mayor Craft was absent. Whereupon, the Mayor Pro Tem declared Resolution No. 4630-09 duly and legally adopted.

STAFF REPORTS:

Mark Acreman, Public Works Director, updated the Council on the projects at Lagoon Park and Gulf Place.

Councilman Harris and Public Works Director Acreman reported on the recent meeting with the Alabama Department of Transportation relative to Lagoon Pass.

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

John McCombs, a resident of West 3<sup>rd</sup> Street, stated that the large rental house on West 4<sup>th</sup> Street has again started bringing large numbers of individuals onto the premises.

The Mayor Pro Tem stated that the City Attorney is currently reviewing the information.

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

Mayor Pro Tem Doughty declared the meeting adjourned.

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Carolyn M. Doughty, Mayor Pro Tem

(SEAL)

ATTEST:

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Renee F. Moore, MMC, City Clerk