

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

MARCH 23, 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 Christopher Coats, Holy Spirit Episcopal 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 Jones moved to approve the minutes of the regular meeting of March 9, 2009, as presented; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the work session of March 16, 2009, as presented; seconded by Councilman Dyken; 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 \$820,041.90; seconded by Councilman Garris; 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.

Mayor Pro Tem Doughty stated that this was the time and place for the public hearing, as advertised, on the application of Stevens Staffing LLC, dba Café Nola, for a restaurant retail liquor license.

The City Clerk reported the dates on which the required advertising was done; and she read 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 Harris moved to approve the application of Stevens Staffing LLC, dba Café Nola, located at 2200 East 2nd Street, Unit E, Gulf Shores, for a restaurant retail liquor license 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.

Mayor Pro Tem Doughty stated that this was the time and place for the public hearing, as advertised, on the application of Cellular South for a Special Use Permit for placement of a telecommunications tower.

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

The Mayor Pro Tem advised that the public hearing would be adjourned and rescheduled to the April 13 City Council Meeting, as it has been determined the Public Works site will probably be feasible for use.

Mayor Pro Tem Doughty read a Proclamation declaring the month of April as Gulf Shores Woman's Club Month. The Mayor Pro Tem presented the Proclamation to the Club's President.

Mayor Pro Tem Doughty presented a Certificate of Commendation to Leonard Kaiser for his many years of service on the Board of Zoning Adjustments and Appeals.

The City Clerk presented the Application for Public Assembly Permit of the Gulf Coast Region of USA Volleyball.

Whereupon, Councilman Dyken moved to approve the Application for Public Assembly Permit of the Gulf Coast Region of USA Volleyball for tournaments on May 30 and 31 and August 1 and 2, 2009, and to waive the application fee; seconded by Councilman Jones; and the vote of those officials present was unanimously in favor of the motion.

The City Clerk presented the Application for Public Assembly Permit of the Flora-Bama.

Whereupon, Councilman Garris moved to approve the Application for Public Assembly Permit of the Flora-Bama for a triathlon on April 18, 2009, and to waive the application fee; seconded by Councilman Dyken; and the vote of those officials present was unanimously in favor of the motion.

Matt Taylor, representing Grant, Sanders & Taylor, PC presented to the Council the report of the auditing of financial statements for Fiscal Year 2008 to include the additional months of October through December 2008, a copy of which is spread in the minutes at the end thereof.

A discussion ensued relative to the City's liability to FEMA.

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

RESOLUTION NO. 4631-09
A RESOLUTION REAPPOINTING
JOE BULLOCK AND
DAVID JONES
TO THE BUILDING BOARD OF
ADJUSTMENTS AND APPEALS
TO EACH SERVE A FULL TERM
ENDING ON JUNE 8, 2012

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 2009, as follows:

Section 1. That Joe Bullock be and he hereby is reappointed to the Building Board of Adjustments and Appeals to serve a full term of four years ending on June 8, 2012.

Section 2. That David Jones be and he hereby is reappointed to the Building Board of Adjustments and Appeals to serve a full term of four years ending on June 8, 2012.

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

The motion for the adoption of Resolution No. 4631-09 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 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. 4631-09 duly and legally adopted.

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

RESOLUTION NO. 4632-09

**A RESOLUTION APPOINTING
JOHNNY FISHER
TO THE ALABAMA GULF COAST
CONVENTION & VISITORS BUREAU BOARD
AS BUSINESS/NON-LODGING REPRESENTATIVE
TO SERVE THE UNEXPIRED TERM OF
GRANT BROWN ENDING ON JUNE 28, 2010**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 2009, as follows:

Section 1. That Johnny Fisher be and he hereby is appointed to the Alabama Gulf Coast Convention & Visitors Bureau Board, as the Business/Non-Lodging representative, to serve the unexpired term of Grant Brown ending on June 28, 2010.

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

The motion for the adoption of Resolution No. 4632-09 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. 4632-09 duly and legally adopted.

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

RESOLUTION NO. 4633-09

**A RESOLUTION AUTHORIZING AND DIRECTING
THE MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
COOPERATIVE AGREEMENT BETWEEN
BALDWIN COUNTY HEALTH DEPARTMENT
AND THE CITY OF GULF SHORES
TO SUPPORT
COMPREHENSIVE MOSQUITO CONTROL PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 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 Cooperative Agreement between the City of Gulf Shores and the Baldwin County Health Department to support a comprehensive mosquito control program in the contract amount of \$10,088.00 per year for

the term of the agreement; 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. 4633-09 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. 4633-09 duly and legally adopted.

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

RESOLUTION NO. 4634-09

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,
AT WORKDAYS/PAY PERIODS/PAYDAYS,
HOLIDAY PAY FOR CITY EMPLOYEES,
WORKER'S COMPENSATION, UNIFORM ALLOWANCES,
VACATION LEAVE, SICK LEAVE, AND
FAMILY MEDICAL LEAVE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 2009, as follows:

Section 1. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at COMPENSATION, Workdays/Pay Periods/Paydays, *Fire Protection Activities*, to read as follows:

COMPENSATION

* * *

Workdays/Pay Periods/Paydays

* * *

Fire Protection Activities.

The City of Gulf Shores has established a 19-day work period for employees engaged in fire protection activities. All Gulf Shores Fire and Rescue Service personnel engaged in fire protection activities shall be subject to a 19-day, 144-hour work schedule with 19.21 work cycles established per year consisting of 19 days per cycle. Employees shall work 144 hours in a work cycle and receive a Kelley Day before overtime is required pursuant to 29 U.S.C. Section 207(k). Employees in this category shall receive compensation for actual time worked during the bi-weekly pay period of the work cycle.

* * *

Section 2. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at COMPENSATION, Holiday Pay for City Employees, to read as follows:

COMPENSATION

* * *

Holiday Pay for City Employees

Classified employees will receive eight (8) hours, and part-time employees will receive four (4) hours of Holiday Pay on officially recognized city holidays.

Considered job assignment pay. "Holiday pay" shall not be considered to be part of an employee's base pay or salary, but rather as merely job assignment pay. Regular Holiday Pay is not considered time worked for purposes of calculating overtime. Holiday pay shall not be supplemented with other paid time off hours. An employee must work the day before and the day after a holiday to be paid holiday pay, unless prior approval is given by the supervisor. Those employees who work shift work, such as Fire and Police, must work the scheduled shift before and the scheduled shift after a holiday in order to receive holiday pay, unless prior approval is given by the supervisor. An employee who is out on FMLA will not be paid holiday pay.

Section 3. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended at COMPENSATION by deleting the section on Uniform Allowances in its entirety from the handbook.

Section 4. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by changing certain language at EMPLOYEE BENEFITS PROGRAMS, Worker's Compensation, to read as follows:

EMPLOYEE BENEFITS PROGRAMS

* * *

Worker's Compensation

The City provides worker's compensation insurance for all employees for job related injuries. If an employee is injured on the job or develops an illness that is directly related to the employee's employment with the City, the employee may be eligible for worker's compensation insurance coverage. When an employee suffers an on-the-job injury (no matter how slight), the employee *must* report the injury to his or her supervisor immediately if the employee is able to do so. The supervisor will ensure that the employee obtains proper medical attention. An accident report must be completed and submitted to the Personnel Officer within twenty-four (24) hours of the illness or injury. This enables the City to complete the necessary reporting and claims procedures for worker's compensation insurance coverage.

If an injured employee is eligible for worker's compensation, worker's compensation insurance generally covers all medical expenses for necessary treatment for covered injuries and provides compensation benefits during the time the employee is unable to work as a result of the injury. The amount and duration of compensation benefits is established under worker's compensation law. Worker's compensation insurance is not available if the injury is caused by the employee's willful misconduct, by the employee's willful failure or refusal to use a safety device provided by the City, or by the employee's intoxication or impairment by alcohol or illegal drugs. Any falsification or misrepresentation of information concerning an accident, injury or illness also may cause a loss of worker's compensation insurance coverage and could result in disciplinary action, up to and including termination.

A return to work slip is required if an employee is off work due to a workers compensation injury from the treating physician.

If an employee suffers an on the job injury or illness that requires three (3) or more days away from work, the injured employee will be eligible to receive compensation equal to 66-2/3% of their normal salary. If an employee has elected to participate in the City's LTD program, he can supplement his income with this benefit after sixty (60) days of disability. If the employee has not elected to participate in the City's LTD program and the employee has accumulated paid sick leave, the employee may elect to use the paid sick leave on an hour for hour basis meaning that for each day the employee is absent from work, eight (8) hours of sick leave will be deducted from the

employee's accumulated sick leave. Employees must sign an acknowledgement form to confirm this election.

Employees who are unable to work as a result of a serious health condition (including an injury or illness covered by worker's compensation) will be placed on Family and Medical Leave for up to twelve (12) weeks, if the employee is eligible for FMLA leave. At the discretion of the Mayor, up to six (6) total months of medical leave may be granted for on-the-job injuries or illness. If the employee is unable to return to work following Family and Medical Leave or the discretionary leave granted by the Mayor, the employee's employment with the City will be terminated. The employee will remain eligible for re-hire and, when released to return to work, should contact the Personnel Officer to apply for open positions.

Section 5. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by changing and adding certain language at EMPLOYEE BENEFITS PROGRAMS, Vacation Leave, to read as follows:

EMPLOYEE BENEFITS PROGRAMS

* * *

Vacation Leave

Classified and unclassified employees with one to nine years of service earn one (1) day of vacation leave per month, with ten to fourteen years of service earn one and one-quarter (1 ¼) days of vacation leave per month, and with 15 years or more of service earn one and two-thirds (1 2/3) days of vacation leave per month. After completing 90 days of service, part-time employees who work at least 20 hours per week on a regular basis earn four (4) hours of vacation leave per month.

Employees may use up to one (1) week of vacation leave after successful completion of a satisfactory 6-month performance evaluation. Employees may use the remaining of their vacation leave after their completion of the one-year probationary period.

Part-time employees may carry over up to 12 days (48 hours) of vacation leave at the end of the calendar year. Classified and unclassified employees with less than ten years of service may carry over up to 15 days of vacation leave at the end of the calendar year, with more than ten but less than 15 years of service may carry over up to 20 days of vacation leave at the end of the calendar year, and with 15 or more years of service may carry over up to 25 days of vacation leave at the end of the calendar year. Accrued vacation leave is paid at termination if the employee has completed their probationary period.

Fire/Rescue Department employees who work a 144-hour 19-day work period will accrue vacation leave at the following rate:

- 1 - 9 years of service - 10.6 hours per month
- 10-14 years of service - 13.25 hours per month
- 15+ years of service - 17.66 hours per month

The use of vacation leave will be approved at the discretion of an employee's Department Head or the Department Head's designated representative. Normally, vacation leave will be approved in advance of each absence, except in unusual circumstances. All requests for vacation leave should be made as far in advance as possible of the time the employee desires the leave. The City expects each employee to take earned vacation, except as permitted by these guidelines. Working in lieu of taking time off defeats the purpose of providing paid time away from the job. Therefore, the City strongly discourages employee from working in lieu of taking vacation time, unless the employee's presence is necessary to meet emergency situations and/or usual work demands. Vacation leave may be taken in one-hour increments, as approved by the employee's Department Head. When an official holiday occurs while an employee is on vacation leave, his or her absence will be charged as a paid holiday and not as vacation leave. Vacation leave will not be advanced to any employee for any reason.

For purposes of vacation leave, one day of vacation leave equals 8 hours of vacation leave. For part-time employees, one (1) day of vacation leave equals four (4) hours of vacation leave.

Section 6. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding and changing certain language at EMPLOYEE BENEFITS PROGRAMS, Sick Leave, to read as follows:

EMPLOYEE BENEFITS PROGRAMS

* * *

Sick Leave

Classified and unclassified employees earn one day of sick leave per month. Part-time employees who work at least 20 hours per week on a regular basis are eligible to earn 4 hours of sick leave per month. Sick leave may be used as it is earned without regard to completion of a probationary period. An employee may accumulate up to one hundred twenty (120) days of sick leave.

Fire Rescue Department employees who work a 144 hour, 19-day work week will accrue sick leave at the rate of 10.6 hours per month.

Employees are encouraged to make doctor, dentist and any other personal appointments before arriving for work or after leaving work, if possible. If time off is required for such appointments, arrangements must be made in advance with the employee's supervisor. If you are absent for three (3) or more consecutive days due to illness or injury, you must provide a doctor's statement that states you are ill or injured, when it began, and when you should be able to return to work. The City may require a similar statement for other sick leave absences of less than three (3) days. Before you can return to work after a sick leave absence of ten (10) business days or more, you must provide a doctor's statement that you may safely return to work. The employee can use accumulated sick leave in conjunction with other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings. An eligible employee will not accrue sick leave when in a non-pay status.

Sick leave may be taken in one-hour increments, as approved by the employee's Department Head. For purposes of sick leave, one day of sick leave equals eight (8) hours of sick leave.

Section 7. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at AUTHORIZED LEAVES OF ABSENCES, Family Medical Leave, to read as follows:

AUTHORIZED LEAVES OF ABSENCES

Family Medical Leave

Eligible employees are entitled to take up to twelve (12 weeks) of leave for four (4) reasons:

- 1) For incapacity due to pregnancy, prenatal medical care or child birth;
- 2) To care for the employee's child after birth, or the placement of a child in the employee's home for adoption or foster care.
- 3) To care for a spouse, child or parent with a serious health condition.
- 4) For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

In determining whether an eligible employee has taken his or her full entitlement to twelve (12) weeks unpaid leave of absence during a 12-month period, the City uses a "rolling" 12-month period measured backward from the date an employee uses FMLA leave. *For example*, if an employee requests FMLA leave beginning September 1st, the City would measure backward to September 1st of the previous year to determine whether the employee has already used (twelve) 12 weeks of FMLA leave during that 12-month period.

Eligibility. To be eligible for family and medical leave under this policy, an employee must meet both of the following conditions: (1) the employee must have worked for the City for at least 12 months (52 weeks), which need not be 12 consecutive months; and (2) the employee must have worked at least 1,250 hours during the 12 months immediately preceding the family and medical leave.

Employment Following Leave. When an employee returns to work following a family and medical leave, the employee will be assigned to the employee's former job or to an equivalent job with the same pay, benefits and working conditions. If the employee does not return to work following a family and medical leave, the employee's employment may be terminated and the employee may be required to reimburse the City for any insurance premiums the City paid during the leave *unless* the failure to return to work is due to circumstances beyond the employee's control, such as a serious health condition continuing or a new serious health condition arising.

Employment Benefits During Leave. During an approved family and medical leave, an employee's health insurance, *if any*, will continue just as if the employee had not taken leave. We will continue to pay any portion of the premium that we would pay if the employee was working, and the employee must make arrangements to pay on time any portion of the premium the employee would pay if he/she were working. If the employee fails to pay any portion of the premium the employee is required to pay on time, the insurance coverage may terminate. Employees do not accrue paid leave or any other benefit while on family and medical leave. An employee on FMLA leave will not accrue holiday pay. Employees may continue other benefits, *if any*, as permitted by the particular benefit plan by making arrangements in advance to make any required contributions or premium payments.

Use of Paid Leave. Employees must use any accumulated paid leave, including any paid vacation, at the beginning of family and medical leave. After the employee exhausts paid leave, the rest of the family and medical leave, if any, will be unpaid.

Intermittent Leave or a Reduced Work Schedule. Intermittent or reduced-schedule leave may be granted, if medically necessary, for a serious health condition. Intermittent leave or a reduced-schedule will *not* be granted for the birth of a child or for child care. Employees should consult with their treating physician to schedule any necessary medical treatment to avoid unnecessary disruption of business operations (for example, scheduling periodic medical treatment for a serious health condition at or near the end of the workday). Leave due to qualifying exigencies may also be taken on an intermittent basis. In all cases, the total family and medical leave will not exceed a total of (twelve) 12 weeks over a 12-month period.

Procedure for Requesting Leave. Except where leave is unforeseeable, employees must request family and medical leave by submitting a completed *Request for Leave* form to the employee's Department Head, who will provide a copy to the Personnel Officer. If possible, employees must give at least thirty (30) days notice prior to the date they want the leave to begin. If this is not possible, employees must provide as much notice as is practicable under the circumstances. While on an approved family and medical leave, employees may be required to report semi-monthly to the City regarding the status of the medical condition and the employee's intent to return to work. If the

City determines that a leave of absence qualifies for Family and Medical Leave, including a leave for serious health condition covered by workers' compensation, the leave may be designated as Family and Medical Leave by the City. If so, the leave will count toward the employee's annual 12-weeks of unpaid leave.

Certification of a Serious Health Condition. If an employee requests leave for a serious health condition, the employee will be required to provide a medical certification of the condition, and, if the leave is requested to care for an immediate family member with a serious health condition, to certify the need for the employee to provide care. The City may require recertification on a reasonable basis during the leave. The certification must be provided on the *Certification of Health Care Provider* form, which is available from the Personnel Department. The City may require you to obtain a second medical opinion from a health care provider chosen by the City at our expense to verify any such certification. If the second opinion differs from the certification provided by the employee, the City may require, at its expense, the opinion of a third provider chosen jointly by the City and the employee. The third opinion will be final and binding. When an employee seeks to return to work following an approved family and medical leave for a serious health condition, the employee must provide a medical certification saying that the employee is able to perform the essential job duties. If not, the medical certification must describe any limitation on the employee's ability to perform the essential job duties so a determination can be made whether a reasonable accommodation can be made that will enable the employee to perform the duties.

Failure to Return From Leave. Employees will be considered to have voluntarily quit their jobs (1) if they do not return to work on or before the fifth (5th) day after an approved leave of absence expires; or (2) if they apply for or engage in other employment while they are on family and medical leave. Employees will be discharged if they give a false reason for a requested leave or provide fraudulent or altered documents in connection with leave.

Section 8. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4634-09 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. 4634-09 duly and legally adopted.

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

RESOLUTION NO. 4635-09
A RESOLUTION AMENDING
RESOLUTION NO. 1975-93,
ADOPTING PURCHASING MANUAL
FOR CITY OF GULF SHORES,
AT APPENDIX A,
PURCHASING AUTHORIZATION LIST

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 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 Appendix A, Purchasing Authorization List, by changing certain names which shall read as follows:

PURCHASING AUTHORIZATION LIST

<u>DEPARTMENT</u>	<u>DEPT. PURCHASING AGENT</u>	<u>DATE</u>
Executive		
Administrative	Steve Garman, City Administrator Renee F. Moore, City Clerk Wanda Parris, Deputy City Clerk	03/23/09
Revenue	Marcia Ward, Revenue Officer	“
Purchasing	Wanda Brantley, Procurement Officer Danny Santa Cruz, Dep. Procurement Offr.	“
Accounting	Shirley Boyer, Financial Mgr. Michelle Mims, Senior Accountant	“
Municipal Court	Kenneth B. McKenzie, Court Clerk Julie M. Jones, Magistrate Natasha Touchstone, Magistrate	“
Personnel	Sandy Carden, Personnel Officer Elizabeth May, Benefits Candy Porter, Payroll	“
Recreation	Harold Samples (Primary), Kathryn Emerson, Leo Arnold, Jean Coberly, Michael Grafe, Jeff Hopkins, Sylvia Lamberth, Walt Norton, Brook Monroe, Bridgette Reynolds	“
Library	Wendy Congiardo, Sherry Hoffman, Terry Moran Martin	“
Special Events	Patsy Hollingsworth, Jerry (Rick) Vines, Teri Westbrook, Bob Fierstos, Lucia Fierstos, Christie Shannon, Joan Augustiniak, Candice Hughes	“
Police	Arthur Bourne, Chief Fred Beaman, Deputy Chief Alicia Talley, Records Clerk Dudley Carlisle Lieutenants on each shift* Sergeants** Criminal Investigators*** Corporals****	“
Fire	Hartly Brokenshaw, Chief Keith Martin, Fire Marshal Senior Officer on each shift*****	“
Community Development	Sherri Smith, Administrative Asst. Andy Bauer, Zoning Administrator Norm Anthony, Code Enforcement	“

	Jennifer Watkins, Planner	
Building Department	Brandan Franklin, Building Official Lance Jones, Building Inspector Kathy George, Receptionist Don Williams, Building Inspector Tamatha Norman, Permit Clerk	“
Information Systems	Diane Brown, Information Systems Mgr. Shana Russell, Network Administrator	“
Public Works	Mark Acreman, Director Noel Hand, Assistant Director Janice Childress, Secretary Kathy Brown, Secretary Paulette Cornell, Secretary Michelle Buskens, Secretary David Barton, PW Inspector	“
Maintenance	David Peleschak, Supervisor Bobby Collins, Mike Collins, Roger Groves, Mike Parker, Mike Zona, Mark Hrabak, Doug White, Charles Phipps	“
Landscape/ Athletic Field	Cliff Collings, Grounds Supervisor Harlan Harrison, Don Turk, Frances Ivey, Brent Etheredge, Jeff Gay, Phyllis Phipps, Jonathan Sellers, Stacy McGregor	“
Custodial	Mike Richardson, Supervisor Barbara Miller, Jacque Mayo	“
Streets/Roads Div.	Jeff Beck, Supervisor Don Hermecz, John Brown, Hi McGaster, Riley Houston, Randy Hastings, Kenny Mink, Tommy McDonald	“

*Police - Lieutenant on each shift:

Steve Day
Alan Carpenter
William Cowan

**Police -Sergeant on each shift:

Darrell Franklin
Brian Potts
Mike Hill

***Criminal Investigator on each shift:

Harry L. “Skip” Callaway
Timothy Knight
Justin Clopton

****Police – Corporals:

Roman Frye
Brian Fillingim
Billy Berrey

Tommy Green

*****Fire -Senior Officer on each Shift:

A - Mitchell Sims, Bo Smith, Evan Ard, Brian Gardner,
Jeffery McWilliams, Mark Fincher

B - George Surry, Fred VanCor, Wayne Redditt, Kevin Tolbert,
Richard Abbott, Mathew Bartl, Michael Lucas

C - Gary Sinak, Charles Ingram, Jeff Kimsey, Brian McMahan,
Robert Rowland, Alex Anagnostopoulos, Nick Sheer

D - Ron West, Steve Lawrence

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

The motion for the adoption of Resolution No. 4635-09 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 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. 4635-09 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. 1538

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989,
AT CHAPTER 7,
BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES,
ARTICLE XV. IMPACT FEES,
BY ADDING AND CHANGING LANGUAGE AT
SECTION 7-502, AUTHORIZATION,
AT SECTION 7-504, DEFINITIONS,
AT SECTION 7-505, PROCEDURE FOR ESTABLISHING
OR INCREASING IMPACT FEES,
AT SECTION 7-506,
CALCULATION AND COLLECTION OF IMPACT FEES,
AND AT SECTION 7-510, PUBLIC BENEFIT CREDITS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MARCH 23, 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 by adding certain language at ARTICLE XV. IMPACT FEES, Section 7-502. Authorization, so the entire Section shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTED AND RELATED ACTIVITIES

* * *

ARTICLE XV. IMPACT FEES

* * *

Sec. 7-502. Authorization.

This article is enacted pursuant to the City's general police power, land use authority, and Alabama Legislative Act No. 2006-300 approved April 4, 2006. This article shall apply within the Corporate Limits of the City of Gulf Shores; it shall not apply within the City Police Jurisdiction nor shall it apply to public utility companies which supply power, water, sewer, or gas to structures within the City of Gulf Shores Corporate Limits. These fees shall go into effect July 1, 2007.

Section 2. That Chapter 7, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by adding certain language at ARTICLE XV. IMPACT FEES, Section 7-504. Definitions, *Impact Review Committee*, so the definition shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTED AND RELATED ACTIVITIES

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ARTICLE XV. IMPACT FEES

* * *

Sec. 7-504. Definitions.

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Impact Review Committee means a committee comprised of the City Administrator and department/office heads from Community Development, Building Official, Parks and Recreation, Financial Manager, Fire, Police, and Public Works. The City Administrator shall act as chair of the committee in an ex-officio capacity.

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Section 3. That Chapter 7, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by adding certain language at ARTICLE XV. IMPACT FEES, Section 7-505. Procedure for establishing or increasing impact fees, Subsection (e), so the entire Subsection shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTED AND RELATED ACTIVITIES

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ARTICLE XV. IMPACT FEES

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Sec. 7-505. Procedure for establishing or increasing impact fees.

* * *

(e) If the City does not agree with the fair estimate and reasonable market value submitted by the applicant, the City may obtain an appraisal by a licensed appraiser or use the assessed value from the Baldwin County Revenue Commissioner. If the value of the development as submitted by the applicant and the value as set forth in the appraisal obtained by the City are within ten percent (10%) of each other, the two values shall be averaged to determine the estimated fair and reasonable market value of the development.

If the two values are not within ten percent (10%) of each other, the applicant and the City shall together select a licensed appraiser that would be binding on both parties. The fee for the third appraisal shall be split evenly (50%/50%) between the applicant and the City.

Section 4. That Chapter 7, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by adding certain language at ARTICLE XV. IMPACT FEES, Section 7-506. Calculation and collection of impact fees, Subsection (d), so the entire Subsection shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTED AND RELATED ACTIVITIES

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ARTICLE XV. IMPACT FEES

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Sec. 7-506. Calculation and collection of impact fees.

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(d) All impact fees shall be paid in cash, by certified cashier's check, or personal check. Any returned checks will be just cause for a cease and desist order on the project until all fees are paid.

* * *

Section 5. That Chapter 7, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at ARTICLE XV. IMPACT FEES, Section 7-510. Public benefit credits, Subsection (e), so the entire Subsection shall read as follows:

CHAPTER 7 BUILDINGS, CONSTRUCTED AND RELATED ACTIVITIES

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ARTICLE XV. IMPACT FEES

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Sec. 7-510. Public benefit credits.

* * *

(e) To determine that portion of need created by the impact of new development, a property owner may be given credit for service units in existence on September 16, 2004, or later by number of units or square footage for similar service units proposed within the same property or merged properties. If the proposed service units are dissimilar, a dollar amount credit in the amount of the number of units or square footage times the fee per unit at the time of the adoption of this article will be applied.

* * *

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 Harris, "aye," Councilman Dyken, "aye,"

Councilman Jones, "aye," and Mayor Pro Tem Doughty, "aye." Mayor Craft was absent. Mayor Pro Tem Doughty then declared the rules suspended.

Councilman Garris then moved for the adoption of Ordinance No. 1538 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1538 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 Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Pro Tem Doughty, "aye." Mayor Craft was absent. Whereupon, the Mayor Pro Tem declared Ordinance No. 1538 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:

The motion for unanimous consent was seconded by Councilman Harris; 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. Mayor Pro Tem Doughty then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1539 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1539 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 Ordinance No. 1539 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Garris commended the Public Works and Recreation Departments for their work before and during the recent large tournament held at the Sportsplex.

Mayor Pro Tem Doughty announced there will be a Special Council Meeting on Monday, March 30, at 5:00 p.m. to consider documents relative to the Colonial project.

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.

An unidentified individual complained of the vehicles parking on the right-of-way in the 1700 block of West Beach Boulevard.

The Police Chief was directed to investigate this situation.

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

Mayor Pro Tem Doughty declared the meeting adjourned.

Carolyn M. Doughty, Mayor Pro Tem

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk