

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

APRIL 27, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Rick Fennig, Grace Fellowship Presbyterian Church. 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 Harris moved to approve the minutes of the regular meeting of April 13, 2009, as presented; seconded by Councilman Dyken; and the vote was unanimously in favor of the motion.

Councilman Garris moved to approve the minutes of the work session of April 20, 2009, as presented; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$573,876.65; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

The Deputy 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 Deputy City Clerk presented the application of Beach Dream, Inc., dba The Pines, for transfer of the retail beer (on or off premises) and retail table wine (on or off premises) licenses.

Councilman Jones moved to approve the application of Beach Dream, Inc., dba The Pines, located at 8818 Highway 180 West, Gulf Shores, Alabama, for transfer of the retail beer (on or off premises) and retail table wine (on or off premises) licenses and to so notify the ABC Board; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

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

RESOLUTION NO. 4646-09

**A RESOLUTION
AMENDING SITE PLANS
OF COBB THEATER, TARGET RETAIL CENTER,
COLONIAL PINNACLE LIFESTYLE CENTER,
AND LONGHORN STEAKHOUSE
RELATIVE TO LANDSCAPE PLANS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That the Site Plans of Cobb Theater, Target Retail Center, Colonial Pinnacle Lifestyle Center, and Longhorn Steakhouse be and they are hereby amended to modify the landscape plans with regard to the required landscape buffer along State Highway 59.

Section 2. That the proposed changes include relocating existing trees within the buffer, replacing dead trees, and removing dead Sycamore trees (where Sycamore trees were credited as required

trees). The proposed changes do not decrease the number of required trees; therefore the revised landscape plan will remain code compliant.

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

The motion for the adoption of Resolution No. 4646-09 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, "abstain." Whereupon, the Mayor declared Resolution No. 4646-09 duly and legally adopted.

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

RESOLUTION NO. 4647-09

**A RESOLUTION ACCEPTING THOSE CERTAIN STREETS
KNOWN AS LAGOON CIRCLE, SHOAL COURT,
JETTY COURT AND RIPTIDE COURT
AS SHOWN ON PLAT OF LAGOON MOBILE HOME SUBDIVISION,
AS RECORDED IN THE OFFICE OF THE
JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA**

WHEREAS, Lagoon Mobile Home Property Owners' Association, Inc. has completed those certain streets known as Lagoon Circle, Shoal Court, Jetty Court and Riptide Court, along with improvements, as shown on plat of Lagoon Mobile Home Subdivision, a subdivision as recorded in Instrument #669519, Slide #2084C, in the records in the Office of the Judge of Probate of Baldwin County, Alabama; and

WHEREAS, Lagoon Mobile Home Property Owners' Association, Inc. is desirous of conveying to the City said streets together with all improvements, including but not limited to street lights and sidewalks; and

WHEREAS, the acceptance of said streets is authorized by and acted upon under Ordinance No. 610, adopted on September 26, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That those certain streets known as Lagoon Circle, Shoal Court, Jetty Court and Riptide Court in Lagoon Mobile Home Subdivision, a subdivision as recorded in Instrument #669519, Slide #2084C, in the records in the Office of the Judge of Probate of Baldwin County, Alabama, having been inspected and approved as meeting the requirements and regulations of the City of Gulf Shores, be and the same hereby are accepted as public rights-of-way and the maintenance and responsibility for the same will, from this date forward, be assumed by the City of Gulf Shores.

Section 2. That the maintenance period and maintenance bond normally required for new streets be waived, inasmuch as these streets have been in use for over two years.

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

The motion for the adoption of Resolution No. 4647-09 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. 4647-09 duly and legally adopted.

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

RESOLUTION NO. 4648-09

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY
SURPLUS AND UNNEEDED; AND AUTHORIZING THE MAYOR
AND CITY CLERK TO DISPOSE OF SUCH PROPERTY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That the following personal property owned by the City of Gulf Shores, Alabama, is not needed for public or municipal purposes:

- 1 ea. 1992 Dodge 150, VIN 1B7HE16Y0NS584421
- 1 ea. 1992 Dodge 250, VIN 1B7JE26XXNS605953
- 1 ea. 1990 Dodge 150, VIN 1B7GE16X7LS751034
- 1 ea. 1999 Ford Crown Victoria, VIN 2FAFP71W8XX172814
- 1 ea. 1999 GMC Knuckleboom Trash Truck, VIN 1GDM7H1C7XJ508423
- 1 ea. 1995 Ford 150, VIN 1FTEF15N555NB47709
- 1 ea. 1994 New Holland Tractor, SN BD83262
- 1 ea. 1998 New Holland Tractor with flail mower attachments,
SN 084422
- 1 ea. 1994 Chevrolet 1500, VIN 1GCDC14H5RE172331
- 1 ea. HP 3015 Fax/Copier
- 1 lot Uniforms and jackets
- 1 lot Various empty containers
- 1 lot Radio and electrical parts
- 1 lot Miscellaneous fire equipment
- 1 ea. Carousel slide projector
- 1 lot Carousel slides
- 1 bank Lockers
- 8 ea. Large 3-ring binders
- 1 ea. Lifepak AED
- 1 ea. Office hutch furniture
- 2 ea. Vacuum cleaners
- 1 ea. Metal Shelf and cabinet
- 1 ea. Washer
- 1 ea. Gas water heater
- 1 ea. Desktop 2-door cabinet
- 1 ea. Adding machine
- 6 ea. 2" binders
- 1 lot Miscellaneous used file folders
- 1 ea. Green leather high back swivel executive chair
- 1 ea. L-shaped metal desk with 2 sets of drawers
- 1 ea. 5' grey laminate desk
- 1 ea. L-shaped formica wood-look desk with 1 set of drawers
- 3 ea. Tiered In/Out boxes
- 1 ea. High back cloth swivel chair
- 1 ea. Rolling 2-tier shelf unit
- 1 ea. Wheelchair
- 1 ea. Tackle box
- 1 ea. Plastic blue box
- 1 ea. Monkey statue
- 1 ea. Shark in bottle
- 1 ea. Mitsumi cordless mouse
- 33 ea. Decks of cards
- 5 ea. Shimano R4000 Reels
- 1 ea. Zippo lighter
- 1 ea. Girl's 15 speed Roadmaster bike, purple
- 1 ea. Men's SKS super sport bike, blue

1 ea. Boy's Mongoose bike, teal
1 ea. Men's Raleigh bike, green
2 ea. Crowbars
1 ea. Audiobahn speaker, 10"
1 ea. P1 punch speaker in gray box
1 ea. Xtreme speaker, black
1 pr. Wrangler pants
1 pr. Lee khaki pants
1 ea. Lee shirt, white
1 ea. Flashlight, yellow
1 ea. Door lock kit drill bit
1 ea. 7/32 drill bit
1 ea. Screwdriver bit
1 ea. Jigsaw blade
1 ea. 1 1/8 drill bit
1 ea. Double end Phillips head bit
1 ea. Jig saw blade
1 ea. Phillips head bit
1 ea. 15/32 drill bit
1 ea. Screwdriver bit
1 ea. 13/16 drill bit
1 ea. Small compressor in red box
1 ea. Con Funk Shun Greatest Hits CD
1 ea. Bar-Kays Greatest Hits CD
1 ea. Muddy Waters CD
1 ea. Kool and the Gang CD
1 ea. Brown wallet with rings
14 ea. Assorted music CDs in canvas case
1 ea. Man's brown wallet
1 ea. Man's black wallet
2 ea. Woman's black wallet
2 ea. Red drink huggies
1 ea. Woman's change purse
1 ea. 4g I-pod green
1 ea. Woman's brown change purse
1 pr. Nike tennis shoes, size 10
1 ea. Woman's black purse
1 ea. Man's watch, green face
1 ea. Woman's multi-color change purse
1 ea. Man's brown wallet, George
1 ea. Man's ring, 14K
1 ea. Man's blue wallet
1 ea. Man's American Eagle wallet
1 ea. Silver cigarette case
1 ea. Siemens phone
1 ea. Man's brown wallet, Relic
1 pr. Prescription glasses
1 ea. Man's black wallet, Fossil
1 ea. Man's Wallet, Geoffrey Bean
1 ea. Woman's gold ring, 20 stone
1 ea. Woman's gold ring, large stone
1 ea. Woman's ring, multi-stones
1 ea. Trading card, John Elway
1 ea. Trading card, Kareem Jabbar
1 ea. Trading card, Eddie George
1 ea. Trading card, Sammy Sosa
2 ea. 1975 Half dollar coin
1 ea. 1976 Dollar coin
1 ea. 1976 Quarter
1 ea. 1972 Half dollar coin
1 ea. 1974 Half dollar coin
1 ea. 1999 Half dollar coin
2 ea. 2000 Dollar coin
4 ea. Black filing cabinets
5 ea. Swivel office chairs
1 ea. Non-swivel office chair
1 ea. Wooden desk
1 ea. Metal desk
1 ea. Large bookcase
1 ea. Small bookcase
6 ea. Office chair mats

1 ea. TV/VCR combo, 12"
1 ea. HP2300 printer
1 ea. HP1150 printer
1 ea. HP2250 printer
1 ea. Canon S300 printer
1 ea. Toughbook laptop
1 ea. GE portable cassette player
1 ea. Lanier micro-cassette recorder
3 ea. Desktop computers, towers only
2 ea. Memorex mini boom box
1 ea. Upright piano
1 ea. Dell computer monitor
1 ea. CTX CPU
1 ea. Computer keyboard
4 ea. Mahogany doors
1 ea. Freezer
1 lot Self-contained breathing apparatus
1 lot Self-contained breathing apparatus air bottles
1 lot Light bars
1 ea. 15000 3-phase generator

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to dispose of the personal property owned by the City of Gulf Shores, Alabama, described in Section 1, above, by appropriate legal methods.

Section 3. That the proceeds derived from such disposal shall be deposited in the General Fund of the City of Gulf Shores.

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

The motion for the adoption of Resolution No. 4648-09 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. 4648-09 duly and legally adopted.

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

RESOLUTION NO. 4649-09

**A RESOLUTION
ADOPTING PURCHASING MANUAL FOR
THE CITY OF GULF SHORES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That the attached City of Gulf Shores Purchasing Manual is hereby adopted.

Section 2. That all resolutions, rules, regulations, or policies in conflict with this resolution, or the City of Gulf Shores Purchasing Manual it adopts, are hereby repealed to the extent of any conflict.

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

The motion for the adoption of Resolution No. 4649-09 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. 4649-09 duly and legally adopted.

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

RESOLUTION NO. 4650-09

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AGREEMENT WITH DMD ENGINEERS, INC.
FOR ENGINEERING SERVICES,
IN AMOUNT NOT TO EXCEED \$38,000.00,
RELATIVE TO GRANT APPLICATION FOR MULTI-USE TRAILS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 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 DMD Engineers, Inc., in an amount not to exceed \$38,000.00, for engineering services relative to the City's grant application for multi-use trails; 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. 4650-09 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. 4650-09 duly and legally adopted.

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

RESOLUTION NO. 4651-09

**A RESOLUTION ENDORSING
SOUTH ALABAMA REGIONAL PLANNING COMMISSION
AS GRANT APPLICANT TO
SOUTHEAST ENERGY EFFICIENCY ALLIANCE**

WHEREAS, the Southeast Energy Efficiency Alliance (SEEA) is an alliance of regional residential consumer organizations, large businesses, several regional utilities, federal and state agencies, and a variety of environmental and other non-profit organizations interested in the promotion and achievement of energy efficiency in the Southeast; and,

WHEREAS, energy alliances have been successful in promoting energy conservation in other regions of the United States by bringing businesses, utilities, governments, public utility commissions, low income energy advocates, large energy consumers and

universities to promote energy efficient policies and practices; and,

WHEREAS, the creation of an energy alliance represents an organizational vehicle and program plan to access federal and other funds with a leveraging potential not otherwise likely; and,

WHEREAS, the SEEA has issued a Request for Proposals for a grant to design and implement a local energy alliance that will promote energy efficiency through public and private partnerships and will conduct energy audits, promote energy conservation, and facilitate the creation of renewable energy through projects accessing funding sources for energy-related projects; and,

WHEREAS, the South Alabama Regional Planning Commission, organized pursuant to applicable Alabama Law, has the regional organization structure, 501(c)(3) status, and the resources to coordinate the formation of a regional Energy Alliance for Baldwin County, Alabama, known as the "Baldwin County Energy Alliance", and,

WHEREAS, participation in a regional Energy Alliance may benefit the citizens of Gulf Shores;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That the City of Gulf Shores endorses the designation of the South Alabama Regional Planning Commission as the grant applicant to the Southeast Energy Efficiency Alliance related to the proposed creation of a "Baldwin County Energy Alliance" and that the City will appoint a representative to participate in the organization of the Alliance.

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

The motion for the adoption of Resolution No. 4651-09 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. 4651-09 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. 1544

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO THE EASTERN SHORE COMPANY, INC.
TO PROVIDE COIN-OPERATED TELESCOPES
OR BINOCULARS FOR PUBLIC USE IN
THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, The Eastern Shore Company, Inc., an Alabama Corporation, has requested a franchise to empower the Corporation to place coin-operated telescopes or binoculars at the Gulf Shores Public Beach; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to The Eastern Shore Company, Inc. to provide such service; and

WHEREAS, The residents of the City will be benefited by the granting of such a franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to The Eastern Shore Company, Inc., an Alabama corporation, for provision of coin-operated telescopes or binoculars within the corporate limits of the City.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and The Eastern Shore Company, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for the provision of such services.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated April 28, 2009.

Section 4. 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 Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Mayor Craft then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1544 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1544 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. 1544 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. 1545

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO LIVEEYE NET, INC.
FOR OPERATION OF BEACH WEB CAMERAS
ON BALDWIN EMC POLES IN GULF PLACE
IN THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, Liveeye Net, Inc., an Alabama corporation, has requested a franchise to empower the Corporation to operate beach web cameras on Baldwin EMC poles in Gulf Place in the City of Gulf Shores; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Liveeye Net, Inc. to accomplish such; and

WHEREAS, The residents of the City will be benefited by the granting of such a franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON APRIL 27, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Liveeye Net, Inc., an Alabama corporation, for operation of beach web cameras on Baldwin EMC poles in Gulf Place within the corporate limits of the City.

Section 2. That the Mayor and City Clerk are hereby directed and authorized to execute and attest, respectively, a Franchise Agreement between the City of Gulf Shores and Liveeye Net, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for operation of beach web cameras.

Section 3. That the subject Franchise Agreement, the full text of which is available for examination in the office of the City Clerk, is dated April 28, 2009.

Section 4. 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 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. 1545 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1545 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 Ordinance No. 1545 duly and legally adopted.

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

Sharon Moore, a resident of West Beach Boulevard, requested a trash can be placed at Lagoon Pass Park.

There being no further business to come before the Council, Councilman Garris 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:

Wanda K. Parris, CMC, Deputy City Clerk