

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JUNE 8, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Jeremy Brown, Youth Minister, Gulf Shores Church of Christ. The Pledge of Allegiance to the flag was led by Mayor Craft.

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

Councilman Doughty moved to approve the minutes of the work session of May 18, 2009, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Garris moved to approve the minutes of the rescheduled regular meeting of May 18, 2009, as corrected; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Garris moved to approve the minutes of the work session of June 1, 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 \$2,084,906.52; 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.

Mayor Craft read the proclamation declaring June 19, 2009 Alabama Firefighters and Emergency Medical Personnel Day. Fire Chief Hartly Brokenshaw accepted the proclamation.

Councilman Harris moved to approve the request of Wal-Mart for ten (10) temporary storage containers for a period not to exceed six months; seconded by Councilman Garris; and the vote was unanimously in favor of the motion

Mayor Craft stated that this was the time and place for the public hearing, as advertised, on the application of Ramp Enterprises, Inc. dba Seaside Package 2, located at 520 W. Beach Boulevard, Gulf Shores, Alabama, for a Lounge Retail Liquor License, Class II (Package).

The Deputy City Clerk reported the dates on which the required advertising was done. 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 Ramp Enterprises, Inc., dba Seaside Package 2, for a Lounge Retail Liquor License, Class II (Package), and to so notify the ABC Board; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The Deputy City Clerk presented the Application for Transfer of Restaurant Retail Liquor License of Legacy Hospitality LLC, dba Nolans Restaurant and Lounge, located at 1140 Gulf Shores Parkway, Suite RL1, Gulf Shores, Alabama.

Whereupon, Councilman Jones moved to approve the application for transfer of the Restaurant Retail Liquor License of Legacy Hospitality LLC, dba Nolans Restaurant and Lounge, and to so notify the ABC Board; seconded by Councilman Dyken. Upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "abstain," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Mayor Craft requested and received unanimous consent of the Council to deviate from the published agenda to table the Resolution relative to the Beach Cite Site Plan at the request of the applicant.

Mayor Craft requested and received unanimous consent of the Council to deviate from the published agenda to table the Resolution relative to authorization of the Quitclaim Deed for the relocation of streets in Bon Secour Village at the request of the applicant.

Councilman Garris moved for the adoption of the following Resolution:

RESOLUTION NO. 4661-09

**A RESOLUTION
AUTHORIZING EXECUTION OF APPLICATION
FOR FUNDING FOR FILING
WITH THE U.S. DEPARTMENT OF JUSTICE
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
THROUGH THE BYRNE JAG GRANT PROGRAM
IN THE AMOUNT OF \$35,000.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 8, 2009, as follows:

Section 1. That the Mayor be and he is hereby authorized and directed to execute an application for funding for filing with the U.S. Department of Justice to facilitate obtaining financial assistance in the amount of \$35,000.00 through the Byrne JAG Grant Program. The City Clerk is hereby authorized to seal and attest said application.

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

The motion for the adoption of Resolution No. 4661-09 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 Harris, "aye," Councilman Dyken, "aye," Councilman Doughty, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4661-09 duly and legally adopted.

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

RESOLUTION NO. 4662-09

**A RESOLUTION
AUTHORIZING EXECUTION OF APPLICATION
FOR FUNDING FOR FILING
WITH THE U.S. DEPARTMENT OF JUSTICE,
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES,
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
IN THE AMOUNT OF \$350,000.00
FOR POLICE DEPARTMENT COMMUNICATIONS UPGRADES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 8, 2009, as follows:

Section 1. That the Mayor be and he is hereby authorized and directed to execute an application for funding for filing with the U.S. Department of Justice, Office of Community Oriented Policing Services, to facilitate obtaining financial assistance in the amount of \$350,000.00 for Police Department communications upgrades. The City Clerk is hereby authorized to seal and attest said application.

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

The motion for the adoption of Resolution No. 4662-09 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 Doughty, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4662-09 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. 1546

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO BEACH BUGGY TAXI, INC.
TO PROVIDE TAXI SERVICE IN
THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE COMPANY**

WHEREAS, Beach Buggy Taxi, Inc. has requested a franchise to empower the Company to provide taxi service in the City of Gulf Shores; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Beach Buggy Taxi, Inc. to provide taxi service in the City; 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 JUNE 8, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Beach Buggy Taxi, Inc. for operation of a taxi service 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 Beach Buggy Taxi, Inc., which sets forth the requirements, covenants and agreements of a franchise to the Company for operation of a taxi service within the City.

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 June 9, 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 Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," Councilman Doughty, "aye" and Mayor Craft, "aye." Mayor Craft then declared the rules suspended. Councilman Jones then moved for the adoption of Ordinance No. 1546 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1546 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," Councilman Doughty, "aye" and Mayor Craft, "aye". Whereupon, Mayor Craft declared Ordinance No. 1546 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Jones reported the library activity report was ready and will be presented to the Council at the next meeting.

STAFF REPORTS:

Mark Acreman, Public Works Director, asked everyone to keep Public Works employee Don Turk in their thoughts and prayers. Mr. Turk was involved in a serious vehicle accident.

Mayor Craft stated Gary Hall, owner of Peppertree Apartments, had requested permission for a directional sign to be erected at the corner of Fort Morgan Road and Boddie Lane.

Andy Bauer, Planning Director, updated the Council regarding the placement of the sign including the requirement of approval from the Alabama Department of Conservation and Natural Resources and the Alabama Department of Transportation before the sign could be erected.

Mr. Hall reiterated his request for Council approval of the erection of the directional sign, in accordance with the franchise agreement with American Sign and Advertising Company.

Following a discussion, the Mayor received unanimous consent from the Council to deviate from the published agenda to consider a Resolution approving an additional location for an American Sign and Advertising sign at the intersection of Fort Morgan Road and Boddie Lane contingent upon written approval from the Alabama Department of Transportation and the Alabama Department of Conservation and Natural Resources.

Councilman Jones moved for the adoption of the following Resolution, contingent upon American Sign and Advertising Company receiving written approval from ALDOT and ADCNR:

RESOLUTION NO. 4663-09

**A RESOLUTION
IDENTIFYING ADDITIONAL
APPROVED LOCATIONS FOR
MUNICIPAL INFORMATION SIGNS
TO BE ERECTED UNDER FRANCHISE AGREEMENT
BETWEEN CITY AND
AMERICAN SIGNS AND ADVERTISING COMPANY**

WHEREAS, Ordinance No. 509 granted a nonexclusive franchise to Bart Greer, dba Americans Signs and Advertising Company; and

WHEREAS, Section C1(b)(viii) of such franchise authorizes identification of additional locations by Resolution of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 8, 2009, as follows:

Section 1. That the following approved location, as defined in the Municipal Information Sign Franchise Agreement authorized by Ordinance No. 509, be and it hereby is authorized contingent upon the applicant gaining approval from the State Department of Conservation and Natural Resources and the Alabama Department of Transportation to construct a sign in the Fort Morgan Road right-of-way:

Corner of Fort Morgan Road and Boddie Lane

Section 2. That this Resolution shall be considered an addendum to the above-described Franchise.

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

The motion for the adoption of Resolution No. 4663-09 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 Doughty, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4663-09 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.

Gerald Carter addressed the Council to ask that consideration be given to amending the present ordinance to require all private swimming pools (residential and duplex) in the city to be fenced.

Mr. Carter was advised that City Building Official would be available to meet with him to discuss his concerns.

Mr. Carter asked about the necessity for hiring a Finance Director and Recreation Director.

Mayor Craft explained the Council's desire to develop a good business plan for the city. This plan will include strategy to "right size" city government, consolidate departments, and become more efficient in the future. The positions are necessary to implement this strategy.

Bob Best asked the Mayor to elaborate on the status of the FEMA appeal.

Mayor Craft gave a brief update and stated that a decision should be forthcoming.

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

Mayor Craft declared the meeting adjourned at 6:05 p.m.

Robert Craft, Mayor

(SEAL)

ATTEST:

Wanda K. Parris, CMC
Deputy City Clerk