

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JUNE 22, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Keith Martin, 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 June 8, 2009, as presented; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the work session of June 15, 2009, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$2,419,747.42; seconded by Councilman Garris; 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 El Rancho Mexican Restaurant 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 El Rancho Mexican Restaurant LLC, dba El Rancho Mexico Restaurant, located at 2420 2nd Street East, 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.

Mayor Craft stated that this was the time and place for the public hearing, as advertised, on the application of Target Store T2154 for retail beer (off premises only) and retail table wine (off premises only) liquor licenses.

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 Dyken moved to approve the application of Target Corporation, dba Target Store T2154, for retail beer (off premises only) and retail table wine (off premises only) liquor licenses and to so notify the ABC Board; 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 Kangaroo Express 1558 for a retail table wine (off premises only) 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 Garris moved to approve the application of The Pantry Inc., dba Kangaroo Express 1558, located at 2021 Gulf Shores Parkway, for a retail table wine (off premises only) liquor license and to so notify the ABC Board; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

The Mayor read a Proclamation declaring June as Gulf Shores Firefighter Appreciation Month and presented the Proclamation to Patrick Beck, representing MDA, and the Gulf Shores Firefighters.

The City Clerk presented the application for transfer of retail beer (off premises only) license of Kangaroo Express 1558.

Councilman Garris moved to approve the application for transfer of the retail beer (off premises only) license of The Pantry, Inc., dba Kangaroo Express 1558, located at 2021 Gulf Shores Parkway, 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 transfer of restaurant retail liquor license of Docs Seafood Shack 2.

Councilman Jones moved to approve the application for transfer of the restaurant retail liquor license of RJs Fish House, Inc., dba Docs Seafood Shack 2, located at 1140 Gulf Shores Parkway, Unit H, and to so notify the ABC Board; seconded by Councilman Doughty. Upon the question, all those Councilmembers present voted in favor of the motion, with the exception of Councilman Harris, who abstained. The Mayor declared the motion carried.

The Mayor advised that the applicant requested the Resolution considering the Site Plan for Beach Cite be tabled.

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. 1547

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO "A" MS MARY TAXI SERVICE
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, "A" Ms Mary Taxi Service 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 "A" Ms Mary Taxi Service 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 22, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to "A" Ms Mary Taxi Service 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 "A" Ms Mary Taxi Service 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 23, 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 Jones then moved for the adoption of Ordinance No. 1547 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1547 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 Ordinance No. 1547 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. 1548

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO ALLIED TAXICABS, LLC
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, Allied Taxicabs, LLC 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 Allied Taxicabs, LLC 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 22, 2009, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Allied Taxicabs, LLC 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 Allied Taxicabs, LLC 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 23, 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. 1548 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1548 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. 1548 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. 1549

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO CATINA ANN HUGHES, DBA CATINA'S ICE CREAM,
TO PROVIDE FOR OPERATION OF
RETAIL ICE CREAM TRUCK ON CERTAIN
NEIGHBORHOOD RIGHTS-OF-WAY AND
PUBLIC PLACES IN THE CITY OF GULF SHORES;
AND AUTHORIZING EXECUTION OF FRANCHISE AGREEMENT
BETWEEN THE CITY AND THE BUSINESS**

WHEREAS, Catina Ann Hughes, dba Catina's Ice Cream, has requested a franchise to empower the business to operate a retail ice cream truck service; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Catina Ann Hughes, dba Catina's Ice Cream, to operate a retail ice cream truck service in the neighborhood rights-of-way and public places in the City of Gulf Shores; 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 22, 2009,

Section 1. That a nonexclusive franchise be and it is hereby granted to Catina Ann Hughes, dba Catina's Ice Cream, a business, for retail operation of not more than one (1) ice cream truck 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 Catina Ann Hughes, dba Catina's Ice Cream, which sets forth the requirements, covenants and agreements of a franchise to the business for retail operation of an ice cream truck on certain neighborhood rights-of-way and public places in the City of Gulf Shores.

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 23, 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 Dyken; 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. 1549 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1549 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 Ordinance No. 1549 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. 1550

**AN ORDINANCE
PROVIDING FOR SALES TAX HOLIDAY
ON CERTAIN ITEMS
DURING FIRST WEEKEND OF AUGUST, 2009**

WHEREAS, the State of Alabama has passed into law Act No. 2006-574, hereinafter referred to as "the Act", creating a sales tax holiday the first weekend in August; and

WHEREAS, the City Council of the City of Gulf Shores wishes to enact a sales tax holiday within the City that coincides with and parallels the terms and limitations of the Act, except that the time period shall only be as specified in Section 1 below and not for all years thereafter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 22, 2009, as follows:

Section 1. That under the authority granted in Section 4 of the Act, there shall be a Sales Tax Holiday commencing August 7, 2009 at 12:01 a.m. and ending August 9, 2009, at twelve midnight during which the payment of the 3% sales tax collected by the City of Gulf Shores will be exempted on the sale of those certain covered items, as defined in Section 1 of the Act.

Section 2. That if a vendor erroneously charges tax during this period, the vendor should refund the tax to its customers. If the vendor fails to refund the tax, the vendor must remit the sales tax

to the City when filing and paying their August tax return. All tax collected becomes city funds at the time of collection.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Gulf Shores, Alabama, and to forward a certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

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 Harris; 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 Jones then moved for the adoption of Ordinance No. 1550 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1550 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 Ordinance No. 1550 duly and legally adopted.

Mayor Craft announced that he would be submitting goals for consideration by the Council Committees within the next couple of weeks.

Councilman Jones stated that the Library Advisory Board report would be presented at the next Council Meeting.

Councilman Doughty asked the Public Works Director if the State would provide the City with any interest on the funds sent to the Alabama Department of Transportation in October for installation of the traffic signal at County Road 8, which still has not been done.

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 Harris 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. Moore, MMC, City Clerk