

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

AUGUST 10, 2009

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Councilman Jones. 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 work session of July 20, 2009, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the regular meeting of July 27, 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 work session of August 3, 2009, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$580,497.40; seconded by Councilman Harris; 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.

The City Clerk presented the Application for Special Events Retail License for Pinkis Pub Inc., dba Pink Pony at the Shrimp Festival.

Councilman Jones moved to approve the application of Pinkis Pub Inc., dba Pink Pony at the Shrimp Festival, located at 127 East Gulf Place, Gulf Shores, Alabama, for a special events retail license and to so notify the ABC Board; seconded by Councilman Dyken; and the vote was unanimously in favor of the motion.

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

RESOLUTION NO. 4672-09

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,
AT DONATION OF EMPLOYEE SICK LEAVE,
EXTENDED MEDICAL LEAVE, AND
BEREAVEMENT LEAVE OF ABSENCE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 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 EMPLOYEE BENEFITS PROGRAM, Donation of Employee Sick Leave, to read as follows:

EMPLOYEE BENEFITS PROGRAM

* * *

Donation of Employee Sick Leave

Only classified and unclassified employees and part time employees working twenty (20) or more hours per week are eligible to donate or receive donations of sick leave.

Employees may only donate the amount of sick leave they have in excess of eighty (80) hours but no more than forty (40) hours may be donated per calendar year (January 1 – December 31).

Donated sick leave given to an employee prior to utilizing the extended medical leave policy can be used by the employee as a paid leave up to the six (6) month extension rule, with prior approval by the Mayor.

Conversion of donated sick leave will be based upon the dollar value of the sick leave.

Example: Employee X wishes to donate 40 hours of sick leave to Employee Y. Employee X makes \$6.00/hr.; Employee Y makes \$12.00/hr. Employee X will make a donation of \$240 (\$6 X 40 hrs.) worth of sick leave. Employee Y receives the equivalent of twenty (20) hours of sick leave (\$12 X 20 hrs. = \$240).

All employee requests to donate sick leave must be reviewed by the employee's Department Head. Department Head requests must be reviewed by the Personnel Officer. Sick leave donations cannot be donated by an employee terminating employment less than thirty (30) days prior to termination date. Once approved, requests will be forwarded to the Personnel Assistant for implementation.

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 AUTHORIZED LEAVES OF ABSENCE, Extended Medical Leave, to read as follows:

AUTHORIZED LEAVES OF ABSENCE

* * *

Extended Medical Leave

Employees who are unable to return to work at the expiration of Family and Medical Leave or who suffer an on-the-job injury prior to becoming eligible for Family and Medical Leave may be granted up to six (6) months of unpaid Extended Medical Leave at the discretion of the Mayor. The combined total of Family and Medical Leave and Extended Medical Leave cannot exceed six (6) months. Employees on Extended Medical Leave generally are not eligible for employee benefits but may be eligible for continued health insurance coverage through COBRA. Employees who have received donated sick leave prior to going on Extended Medical Leave can use this as paid leave up to the Extended Medical Leave coverage period with prior approval of the Mayor.

* * *

Section 3. 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 ABSENCE, Bereavement Leave of Absence, to read as follows:

AUTHORIZED LEAVES OF ABSENCE

* * *

Bereavement Leave of Absence

Employees may be granted up to three (3) days leave with pay in the case of a death in the immediate family. For purposes of bereavement leave, immediate family is defined as husband, wife, child, sister, brother, parents, mother-in-law, father-in-law, brother-in-law, sister-in-law,

grandparents, step-child, step-parent, and grandchildren. The Mayor must approve additional bereavement leave, which generally will be unpaid unless the employee has vacation or comp days available. For purposes of bereavement leave, three (3) days equals twenty-four (24) hours of paid leave.

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

The motion for the adoption of Resolution No. 4672-09 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. 4672-09 duly and legally adopted.

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

RESOLUTION NO. 4673-09
A RESOLUTION APPOINTING
JOHN WALLACE
TO THE LIBRARY ADVISORY BOARD
TO SERVE THE UNEXPIRED TERM
OF RICHARD A. JENDER
ENDING ON NOVEMBER 24, 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2009, as follows:

Section 1. That John Wallace be and he hereby is appointed to the Library Advisory Board to serve the unexpired term of Richard A. Jender ending on November 24, 2010.

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

The motion for the adoption of Resolution No. 4673-09 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. 4673-09 duly and legally adopted.

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

RESOLUTION NO. 4674-09

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR TO EXECUTE FUNDING REQUEST LETTER
TO ALABAMA DEPARTMENT OF TRANSPORTATION
FOR FUNDING OF WEST 2ND STREET DRAINAGE IMPROVEMENTS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2009, as follows:

Section 1. That the Mayor be and he is hereby authorized and directed to execute a funding request letter to the Alabama Department of Transportation for funding of West 2nd Street drainage improvements.

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

The motion for the adoption of Resolution No. 4674-09 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. 4674-09 duly and legally adopted.

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

RESOLUTION NO. 4675-09

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
GRANT AGREEMENT WITH
ALABAMA DEPARTMENT OF TRANSPORTATION
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR TRANSPORTATION ENHANCEMENT GRANT
TO FACILITATE CONSTRUCTION OF MULTI-USE TRAIL
IN THE AMOUNT OF \$555,812.00;
AND AUTHORIZING PAYMENT OF
REQUIRED MATCHING FUNDS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2009, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, the Transportation Enhancement Grant Agreement with the Alabama Department of Transportation, as well as any related documents, to facilitate obtaining financial assistance to facilitate construction of a multi-use trail.

Section 2. That the payment of required matching funds be and it is hereby authorized.

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

The motion for the adoption of Resolution No. 4675-09 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. 4675-09 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to table the Resolution relative to the Safe Routes to School grant until additional information is received.

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

RESOLUTION NO. 4676-09

**A RESOLUTION
OF SUPPORT TO
ALABAMA DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
AND BALDWIN COUNTY COMMISSION
FOR LAND ACQUISITION PROPOSAL
FOR PARK AND BOAT LAUNCH FACILITY**

Whereas, the Lands Division of the Alabama Department of Conservation and Natural Resources and the Baldwin County Commission are reviewing proposals for projects to be included in their respective requests for funding through the Coastal Impact Assistance Program; and,

Whereas, there is a real need for an environmentally friendly park with boating access in the southeastern portion of Mobile Bay to be made available to the public; and,

Whereas, there is a proposal before the Baldwin County Commission for the acquisition of 11.82 acres of land which lies within the Gulf Shores city limits between County Road 6 and the Bon Secour River that is ideally suited for such a park with access to the river.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2009, as follows:

Section 1. That the City of Gulf Shores does hereby request the Alabama Department of Conservation and Natural Resources and the Baldwin County Commission to place this land acquisition proposal on their list of projects to be included in their CIAP Plans.

Section 2. That a copy of this resolution shall be presented to Commissioner Barnett Lawley, Alabama Department of Conservation and Natural Resources, and to the members of the Baldwin County Commission.

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

The motion for the adoption of Resolution No. 4676-09 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. 4676-09 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a Resolution designating the position of Finance and Administrative Services Director as Unclassified and setting the salary range for said position.

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

RESOLUTION NO. 4677-09

**A RESOLUTION
DESIGNATING POSITION OF**

**FINANCE AND ADMINISTRATIVE SERVICES DIRECTOR
AS UNCLASSIFIED POSITION; AND
SETTING SALARY RANGE FOR SAID POSITION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 10, 2009, AS FOLLOWS:

Section 1. That the position of Finance and Administrative Services Director for the City of Gulf Shores created by Council Resolution No. 4655-09 shall be an Unclassified position, and the employee holding such position shall be appointed by the Mayor and shall be employed at the will of the Mayor.

Section 2. That the Mayor is authorized to fill the position of Finance and Administrative Services Director for the City of Gulf Shores by offering the position to the person of his selection at a starting salary in the range of \$75,000 to \$95,000 as the Mayor may determine in his discretion.

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

The motion for the adoption of Resolution No. 4677-09 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. 4677-09 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Jones reported on his attendance at the "Take Pride Statewide" Conference on litter prevention.

Councilman Dyken stated that the Finance Committee met to discuss mid-year revenues and expenditures. Future meetings are to be scheduled with department heads in this regard.

Mayor Craft expressed appreciation to the members of the Finance Committee for their hard work.

The Mayor requested that the Council and Department Heads submit to him a priority list of projects to be accomplished by the end of the year.

STAFF REPORTS:

Police Chief Arthur Bourne reported that his Department had been awarded a \$35,000 ADECA grant to replace four-wheelers.

Public Works Director Mark Acreman stated that repairs to the pool should be completed this week.

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 Dyken 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