

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

MAY 10, 2010

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Ray Reynolds, Senior Minister, Church of Christ of Gulf Shores. 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 Jones moved to approve the minutes of the regular meeting of April 26, 2010, as presented; 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." Whereupon, the Mayor declared the motion carried.

Councilman Harris moved to approve the minutes of an emergency meeting of April 30, 2010, as presented; seconded by Councilman Doughty; and upon the question, the vote thereon was as follows: Councilman Garris, "abstain," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Councilman Dyken moved to approve the minutes of an emergency meeting of May 1, 2010, as presented; seconded by Councilman Jones; and upon the question, the vote thereon was as follows: Councilman Garris, "abstain," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Councilman Doughty moved to approve the minutes of the work session of May 3, 2010, as presented; seconded by Councilman Dyken; and upon the question, the vote thereon was as follows: Councilman Garris, "abstain," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared the motion carried.

Whereupon, Councilman Jones moved to approve the expense vouchers in the amount of \$448,119.65 as presented; 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." Whereupon, the Mayor declared the motion carried.

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 Recreation and Cultural Affairs Director presented the application for Public Assembly Permit for the City's July 4th fireworks display and recommended approval with the following contingencies:

Addendum "A" Rescheduling of Event to July 5th due to weather or conditions in the Gulf;
Postponement to mutually agreeable date due to weather conditions or catastrophic storm, unusable or unsafe loading site, display area site or waterway is not navigable. Cost not to exceed 10% of the contract total.

Addendum "B" Special Conditions due to potentially dangerous oil slick hazards customer can cancel and reschedule show for a period of up to one year including the date of July 4, 2011. In no event will additional charges exceed 5% of the contract.

Councilman Jones moved to approve the application for Public Assembly Permit, including contingencies; seconded by Councilman Doughty; 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 the motion carried.

Mayor Craft read a Proclamation declaring May 22-28, 2010, as National Safe Boating Week. Proclamations were presented to representatives of the U.S. Coast Guard Auxiliary and the U.S. Power Squadron.

At the request of American Legion Auxiliary Post 44, Mayor Craft read a Proclamation declaring Saturday, May 29, 2010 as Memorial Poppy Day to pay tribute to generations of military men and women who have made the ultimate sacrifice in the name of freedom.

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

RESOLUTION NO. 4789-10

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
A CONTRACT WITH PYRO SHOWS
FOR FIREWORKS DISPLAY ON JULY 4, 2010
IN CONTRACT AMOUNT OF \$31,500.00; AND
AUTHORIZING ADDENDUM A TO CONTRACT
TO PROVIDE FOR TERMS AND CONDITIONS
TO CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON May 10, 2010, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Pyro Shows for provision of fireworks display on July 4, 2010, in the amount of \$31,500.00; and

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Addendum A to said contract between the City of Gulf Shores and Pyro Shows outlining terms and conditions for the fireworks display on July 4, 2010; including a cancellation clause beneficial for the City as it relates to the oil spill situation and in substantially the form presented to Council this date.

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

The motion for the adoption of Resolution No. 4789-10 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. 4789-10 duly and legally adopted.

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

RESOLUTION NO. 4790-10

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
A CONTRACT WITH
WALTER MARINE**

**FOR DECK BARGE AND EQUIPMENT
TO BE USED
FOR JULY 4TH FIREWORKS DISPLAY
IN CONTRACT AMOUNT OF \$12,000.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 10, 2010, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Contract between the City of Gulf Shores and Walter Marine for a deck barge to be used for the July 4 fireworks display in the amount of \$12,000.00; including a cancellation clause beneficial for the City as it relates to oil spill situation and 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. 4790-10 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. 4790-10 duly and legally adopted.

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

RESOLUTION NO. 4791-10

**A RESOLUTION ACCEPTING THE BID OF
GULF SHORES POWER SPORTS
IN THE TOTAL AMOUNT OF \$27,013.94
FOR TWO (2) SIDE BY SIDE
ATV 4WD UTILITY VEHICLES FOR
RECREATIONAL AND CULTURAL AFFAIRS DEPARTMENT
BEACH PATROL PROGRAM;
AND AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 10, 2010, as follows:

Section 1. That the bid of Gulf Shores Power Sports in the total amount of \$27,013.94 for two (2) side by side 4WD all terrain vehicles including extended warranty for the Recreation and Cultural Affairs Department Beach Patrol Program be and the same is hereby accepted, being the most conforming and responsible, among sealed bids, opened on April 27, 2010.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Gulf Shores Power Sports for purchase of two (2) all terrain vehicles including extended warranty for the Recreation and Cultural Affairs Department, Beach Patrol Program.

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

The motion for the adoption of Resolution No. 4791-10 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. 4791-10 duly and legally adopted.

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

RESOLUTION NO. 4792-10

**A RESOLUTION
AMENDING RESOLUTION NO. 3975-05,**

**EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES
BY ADDING APPENDIX D
TO THE SUBSTANCE ABUSE POLICY AND PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 10, 2010, 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 Appendix D at SAFETY AND SECURITY to the City of Gulf Shores Substance Abuse Policy and Program, to read as follows:

* * *

APPENDIX D:

PROCEDURAL CHANGE FOR RETURN-TO-DUTY AND FOLLOW-UP TEST
ON ALDOT DRUG AND ALCOHOL PROGRAMS SUBJECT TO
REQUIRMENTS OF 49 CFR 40

OBSERVED COLLECTIONS:

Observed collections are required in the following circumstances:

- All return-to-duty tests (second chance policy)
- All follow-up tests (second chance policy)
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F – 100° F
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device.

TEST REFUSALS:

The following behaviors constitute a test refusal:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer
- Failure to remain at the testing site until the testing process is complete
- Failure to provide a urine specimen for any required drug test
- Failure to permit the observation or monitoring of the specimen collection when required to do so
- Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure
- Failure to take a second test when directed to do so by the employer or collector

- Failure to undergo a medical examination when directed to do so by the MRO or employer
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector)
- Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen

NEGATIVE DILUTE RESULTS

Following a negative dilute result the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

* * *

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

The motion for the adoption of Resolution No. 4792-10 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 Resolution No. 4792-10 duly and legally adopted.

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

RESOLUTION NO. 4793-10

**A RESOLUTION
AFFIRMING THE MAYOR'S
APPOINTMENT OF THE FIRE CHIEF,
AND CITY CLERK**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 10, 2010, as follows:

Section 1. That the Mayor of the City of Gulf Shores hereby appoints Hartly Brokenshaw to the position of Fire Chief and Wanda Parris to the position of City Clerk for the City of Gulf Shores with all the duties, rights and privileges associated therewith; and

Section 2. That these positions shall be and hereby are affirmed by the City Council, at the same status, under the same position descriptions, and for the same compensation as presently existing with said compensation being within the parameters established by the City Council.

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

The motion for the adoption of Resolution No. 4793-10 was seconded by Councilman Doughty; 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. 4793-10 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. 1609

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE
TO BLUE DOLPHIN TAXI, 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, Blue Dolphin Taxi, 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 Blue Dolphin Taxi, 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 MAY 10, 2010, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Blue Dolphin Taxi, 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 Blue Dolphin Taxi, 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 May 11, 2010.

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 Doughty then moved for the adoption of Ordinance No. 1609 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1609 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. 1609 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. 1610

**AN ORDINANCE GRANTING A
NONEXCLUSIVE FRANCHISE TO
DREAMCATCHER SHUTTLE SERVICE, INC.
TO PROVIDE SHUTTLE SERVICE
IN THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, Dreamcatcher Shuttle Service, Inc. has requested a franchise to empower the company to provide shuttle service in the City of Gulf Shores; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to Dreamcatcher Shuttle Service, 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 May 10, 2010, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Dreamcatcher Shuttle Service, Inc. for shuttle 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 Dreamcatcher Shuttle Service, Inc. which sets forth the requirements, covenants and agreements of a franchise to the Company.

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 May 11, 2010.

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 Harris then moved for the adoption of Ordinance No. 1610 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1610 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. 1610 duly and legally adopted.

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

RESOLUTION NO.4794-10

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
SLAVIN MANAGEMENT CONSULTANTS
TO PROCEED WITH THE LABOR MARKET SURVEY
AND ADOPT THE CITY COMPENSATION PHILOSOPHY
AS RECOMMENDED**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 10, 2010, as follows:

Section 1. That Slavin Management Consultants are hereby authorized and directed to proceed with the detailed selection of the Labor Market Survey selected cities as recommended by the Finance Committed in a memo dated April 22, 2010 and for the adoption of the proposed City Compensation Philosophy; 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. 4794-10 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. 4794-10 duly and legally adopted.

STAFF REPORTS:

Grant Brown reported that the Alabama High School Athletic Association Regional Softball Championship event, held at the Sportsplex last weekend, was very successful.

Scott Smothers, Beach Patrol Supervisor, was introduced.

COMMITTEE REPORTS:

Mayor Craft presented an update on the Transocean Deepwater Horizon Oil Spill Response.

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

Chris Schley, Boudreaux's Seafood, expressed his concern for local businesses that were unable to participate, for various reasons, in the upcoming Music Festival.

Mayor Craft explained that the festival should bring new customers to most local business and hopefully kickoff the summer season a little early.

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.