

**MINUTES
OF A
RESCHEDULED REGULAR COUNCIL MEETING**

CITY OF GULF SHORES, ALABAMA

JUNE 21, 2010

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Bo Smith, Assistant Pastor of Lagoon Baptist 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 Garris moved to approve the minutes of the regular meeting of May 24, 2010, as presented; seconded by Councilman Harris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "abstain," 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 a special meeting of May 25, 2010, as presented; seconded by Councilman Jones; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "abstain," 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 a special meeting of June 4, 2010, as amended; 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." Whereupon, the Mayor declared the motion carried.

Councilman Garris moved to approve the minutes of the work session of June 7, 2010, as presented; 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.

Whereupon, Councilman Dyken moved to approve the expense vouchers in the amount of \$2,372,021.29 as presented; seconded by Councilman Jones; 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 City Clerk presented a Public Assembly Permit application for Hands Across the Sand for a peaceful demonstration whose mission is to "say no to offshore drilling and yes to clean energy." The date of this assembly, if approved, would be Saturday, June 26, 2010.

Councilman Jones moved to approve the application for a Public Assembly Permit for Hands Across the Sand, as presented; 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." Whereupon, the Mayor declared the motion carried.

The City Clerk then presented an application for a Public Assembly Permit on behalf of the Alabama Gulf Coast Area Chamber of Commerce for the 39th Annual National Shrimp Festival set for October 7 through October 10, 2010.

Councilman Jones moved to approve the application for Public Assembly Permit for the 39th Annual National Shrimp Festival as presented; 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." Whereupon, the Mayor declared the motion carried.

The Recreation and Cultural Affairs Director presented an application for a Public Assembly Permit for HO MF, LLC on behalf of the Alabama Gulf Coast Convention and Visitors Bureau for an summer concert series to promote the Gulf Coast on various dates beginning July 1, 2010 through September 10, 2010.

Councilman Doughty moved to approve the application for Public Assembly Permit as presented; seconded by Councilman Jones; 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 presented an application for transfer of a restaurant retail liquor license from Gulf Shores C Y Hotel Associates, LLC d/b/a Courtyard Gulf Shores Craft Farms, to Crescent Hotels and Resorts, LLC located at 3750 Gulf Shores Parkway, Gulf Shores, Alabama.

Councilman Jones then moved to approve the application of Crescent Hotels and Resorts, LLC for the transfer of the existing Restaurant Retail Liquor License from Gulf Shores C Y Hotel Associates, LLC to Crescent Hotels and Resorts, LLC located at 3750 Gulf Shores Parkway, Gulf Shores, Alabama as presented; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

Whereupon, Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4799-10

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
A CONTRACT WITH
ALABAMA GULF COAST AREA CHAMBER OF COMMERCE
FOR 2010 ANNUAL NATIONAL SHRIMP FESTIVAL**

WHEREAS, under Section 11-47-19 of the *Code of Alabama*, the City Council of the City of Gulf Shores is authorized to provide music and other exhibitions for the amusement of inhabitants of the City; and

WHEREAS, the Alabama Gulf Coast Area Chamber of Commerce is experienced in the annual production of the National Shrimp Festival, an event that has historically featured music and other exhibitions for the amusement of the inhabitants of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN RESCHEDULED REGULAR SESSION ON JUNE 21, 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 for the Provision of Music and Other Exhibitions for the Amusement of the Inhabitants of the City of Gulf Shores between the City of Gulf Shores and the Alabama Gulf Coast Area Chamber of Commerce; 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. 4799-10 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. 4799-10 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. 1611

AN ORDINANCE PROVIDING FOR SALES TAX HOLIDAY ON CERTAIN ITEMS DURING FIRST WEEKEND OF AUGUST, 2010

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 RESCHEDULED REGULAR SESSION ON JUNE 21, 2010, as follows:

Section 1. That under the authority granted in Section 4 of the Act, there shall be a Sales Tax Holiday commencing August 6, 2010 at 12:01 a.m. and ending August 8, 2010, 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 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. 1611 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1611 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. 1611 duly and legally adopted.

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

RESOLUTION NO. 4800-10

**A RESOLUTION
RESCHEDULING THE
COUNCIL WORK SESSION MEETING OF
JULY 5,2010,TO JULY 6,2010,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN RESCHEDULED REGULAR SESSION ON JUNE 21, 2010, as follows:

Section 1. That the regular Council Work Session Meeting of July 5, 2010, be and it is hereby rescheduled to July 6, 2010, at 4:00 p.m. because of the Independence Day holiday.

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

The motion for the adoption of Resolution No. 4800-10 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. 4800-10 duly and legally adopted.

COMMITTEE REPORTS:

Mayor Craft stated that the Declaration of Period of Local Disaster pursuant to Section 8-16 of the Code of Ordinances dated June 7, 2010 had been amended to address the needs of those first securing a license to engage in the business of the provision of disaster recovery services within the City of Gulf Shores on or after June 9, 2010, any person or entity who was duly licensed to operate any business involving the operation of a vessel by any other municipality located in Baldwin County, Alabama on June 8, 2010 may secure a Gulf Shores license to conduct such business as if this Declaration were not in effect.

STAFF REPORTS:

Noel Hand, Assistant Public Works Director, reported that the emergency berm project was almost complete.

Cindy King, Finance and Administration Director, reported that BP claims had been filed on behalf of the City, including a claim for lost tax revenue.

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.

At this time, Geoff Gaberino voiced his concern regarding the timeframe of the claims process, loss of income, and the inevitable possibility of foreclosure and de-valuation of property.

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

Mayor Craft declared the meeting adjourned.