

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**AUGUST 9, 2010**

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Keith Martin, Deputy Fire Chief for the City 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 Garris moved to approve the minutes of the regular meeting of July 26, 2010, as amended; 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, "abstain," Councilman Jones, "aye," and Mayor Craft, "abstain." Whereupon, the Mayor declared the motion carried.

Councilman Doughty moved to approve the minutes of the work session of August 2, 2010, as presented; seconded by Councilman Harris; 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 \$379,994.90 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 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.

Grant Brown, Recreation and Cultural Affairs Director, presented a proposal for the 2010-2011 Entertainment Series Performances and contract authorization.

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

**RESOLUTION NO. 4814-10**

**A RESOLUTION  
AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
CONTRACTS FOR  
ENTERTAINMENT SERIES PERFORMANCES  
FOR 2010 AND 2011;**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 9, 2010, as follows:

Section 1. That the Recreation and Cultural Affairs Department – Special Events Division has planned the upcoming 2010 – 2011 Entertainment Series;

Section 2. That the program will include eighteen (18) shows performed by a variety of artists and three (3) free school outreach performances for Gulf Shores Elementary School, Gulf Shores Middle School and Gulf Shores High School; and

Section 3. That the City Council desires to authorize the Director of Recreation and Cultural Affairs Department to determine the performance lineup and secure the contracts as proposed; and

**Section 4.** That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, contracts between the City of Gulf Shores and various performers for Entertainment Series 2010 – 2011, for a total of twenty one (21) performances at a cost not to exceed \$170,000.00 and in substantially the form presented to Council this date.

Section 5. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4814-10 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. 4814-10 duly and legally adopted.

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

**RESOLUTION NO. 4815-10**

**A RESOLUTION  
TO AMEND RESOLUTION NO. 4810-10  
PERMITTING PORTABLE BUILDINGS  
FOR THE BUSINESS SUPPORT CENTER  
AT FAULKNER STATE COMMUNITY COLLEGE  
TO INCLUDE WAIVER OF PERMIT FEES**

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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,  
ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 9, 2010, as follows:**

**Section 1.** That Resolution No. 4810-10, authorizing placement of two temporary buildings at Faulkner State Community College to house the Business Support Center for a period of one year be and it is hereby amended to include waiver of the permit fees(\$250.00); and

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

The motion for the adoption of Resolution No. 4815-10 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. 4815-10 duly and legally adopted.

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

**RESOLUTION NO. 4816-10**

**A RESOLUTION  
AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
A SERVICE AGREEMENT WITH  
CLEARVIEW  
FOR CLEANING SERVICES AT THE  
BODENHAMER RECREATION CENTER  
IN AMOUNT NOT TO EXCEED \$8,000.00**

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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA,  
WHILE IN REGULAR SESSION ON AUGUST 9, 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 Service Agreement between the City of Gulf Shores and Clearview for cleaning the Bodenhamer Recreation Center, in an amount not to exceed \$8,000.00 and for a term ending December 31, 2010; 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. 4816-10 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. 4816-10 duly and legally adopted.

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

**RESOLUTION NO. 4817-10**

**A RESOLUTION  
AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
CHANGE ORDER NO. 2  
BETWEEN  
THE CITY OF GULF SHORES AND  
MANSFIELD INDUSTRIAL, INC.  
FOR SPORTSPLEX STADIUM PAINTING**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 9, 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 change order to the contract between the City of Gulf Shores and Mansfield Industrial, Inc. for Sportsplex stadium painting, in substantially the form presented to Council this date, and more particularly described as:

Change Order No. 2 – Add \$20,000.00

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

The motion for the adoption of Resolution No. 4817-10 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. 4817-10 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. 1617**

**AN ORDINANCE  
APPROVING THE MASTER PLAN OF  
A PLANNED UNIT DEVELOPMENT,  
TO BE KNOWN AS MIDTOWN GULF SHORES,  
A MIXED USE COMMERCIAL DEVELOPMENT  
TO BE LOCATED ON 4.67 ACRES,  
GULF SHORES ALABAMA,  
IN ACCORDANCE WITH SECTION 15  
OF ZONING ORDINANCE NO. 1584,  
ADOPTED JANUARY 1, 2010  
(PUD2010-01)**

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WHEREAS, WAS Design has submitted to the City Council documentation which satisfies the requirements of Article 15 of Gulf Shores Zoning Ordinance No. 1584, pertaining to the Midtown Gulf Shores Master Plan, Planned Unit Development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON

August 9, 2010, as follows:

Section 1. That the Master Plan of Midtown Gulf Shores (Lots 1 and 2, LAK South Subdivision), a Planned Unit Development, has been reviewed by Staff and the Gulf Shores Planning Commission, and is hereby approved by the City Council as submitted in accordance with Article 15, of Zoning Ordinance No. 1584, as adopted, January 1, 2010, CONTINGENT UPON:

- 1) Submission and approval of plan design drawings prior to construction of each phase.
- 2) Submittal of a letter of service from a trash provider.

Section 2. That the decision of the City Council is that the Planned Unit Development is in the public interest, based on the following findings of fact and conclusions:

- A. The Plan is consistent with the statement and purpose of Planned Unit Developments and the City's development plan.
- B. The Plan is consistent with zoning and subdivision regulations.
- C. The purpose, location, amount of common open space, and the reliability of the proposal for maintenance and conservation of the common open space are adequate as related to the proposed density and type of development.
- D. The design of the Plan adequately provides for public services, control of vehicular traffic and parking, and furthers the amenities of light, air, and visual enjoyment.
- E. The relationship of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established is beneficial.

Section 3. PUD Master Plan approval, with or without special conditions, shall represent the zoning of that area contained within the Plan. Construction shall commence within five (5) years of Master Plan approval or the PUD zoning designation shall expire and the property shall revert to the base zoning classification.

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 Harris then moved for the adoption of Ordinance No. 1617 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1617 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, "abstain," and Mayor Craft, "aye." Whereupon, the Mayor declared Ordinance No. 1617 duly and legally adopted.

STAFF REPORTS:

None

COMMITTEE REPORTS:

Councilman Jones reported the Public Safety Committee met with Chief of Police Delmore on Friday, August 6, 2010 to obtain an update on the restructuring of the police department. Positive and constructive changes are being made including an increased officer presence on the beachfront. The committee was encouraged and impressed by the changes and the outcome of the meeting.

Councilman Jones also announced a public meeting of the Baldwin County Education Coalition on Thursday, September 9, 2010 at 5:30 p.m. in the Gulf Shores Council Chambers to discuss how to keep the energy from the "Vote Yes" Campaign going to include future plans for our community and schools.

Mayor Craft presented a BP update as it relates to the beach cleaning program, Feinberg claims process and monitoring of work on community survival plan. An economic and environmental recovery program will be presented to Secretary of the Navy, Ray Mabus.

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

Mayor Craft declared the meeting adjourned.

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Robert Craft, Mayor

(SEAL)

ATTEST:

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Wanda Parris, CMC  
City Clerk