

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**FEBRUARY 8, 2010**

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Deputy Fire Chief Keith Martin. 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 Doughty moved to approve the minutes of the work session of January 25, 2010, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the regular meeting of January 25, 2010, as presented; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the work session of February 1, 2010, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the special meeting of February 1, 2010, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Mayor Craft presented a Proclamation to the Beautification Board declaring February 27 as Arbor Day in the City.

The Mayor presented to Dorris Hoffman a Certification of Appreciation for her years of service on the Beautification Board.

The City Clerk presented the Application for Special Events Retail Liquor License from The Hangout Music Festival.

Councilman Jones moved to approve the application of HO MF LLC, dba The Hangout Music Festival, located at 101 East Beach Boulevard, for a Special Events Retail Liquor License and to so notify the ABC Board; seconded by Councilman Dyken; and the vote was unanimously in favor of the motion.

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. 1587**

**AN ORDINANCE GRANTING A  
NONEXCLUSIVE FRANCHISE TO  
MARDI GRAS TAXI  
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**

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WHEREAS, Mardi Gras Taxi 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 Mardi Gras Taxi 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 FEBRUARY 8, 2010, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to Mardi Gras Taxi for 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 Mardi Gras Taxi 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 February 9, 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 Jones then moved for the adoption of Ordinance No. 1587 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1587 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. 1587 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. 1588**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,  
ADOPTED JULY 24, 1989,  
AT CHAPTER 4, ALCOHOLIC BEVERAGES,  
ARTICLE I. IN GENERAL,  
SECTION 4-1. DEFINITIONS,  
BY CHANGING CERTAIN LANGUAGE AT THE  
DEFINITION FOR THE *PUBLIC BEACH*; AND  
AT SECTION 4-7,  
POSSESSION OR CONSUMPTION ON PUBLIC BEACH,  
TO CHANGE CERTAIN LANGUAGE**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 8, 2010, as follows:

Section 1. That Chapter 4, ALCOHOLIC BEVERAGES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Article I. In General, Section 4-1, Definitions, *Public Beach*, so the new definition shall read as follows:

CHAPTER 4 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

\* \* \*

*Public beach:* All portions of the city public beach, including all public streets, alleys, parking areas, and any other public place located within the areas described as follows:

- (1) An area bounded on the north by the south right-of-way line of Alabama Highway 182, on the east by the east right-of-way line of East First Street, on the south by the Gulf of Mexico, and on the west by the west right-of-way line of West 2nd Street.
- (2) An area two hundred (200) feet wide extending southward from the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico, bounded on the east by a line which lies one hundred (100) feet west of and parallel to the west right-of-way line of West 2nd Street and bounded on the west by a line which lies three hundred (300) feet west of and parallel to the west right-of-way line of West 2nd Street.
- (3) The public parking areas on East First Street between the north right-of-way line of Alabama Highway 182 and East First Avenue and also between East First Avenue and East Second Avenue.
- (4) The public parking areas on West First Street between the north right-of-way line of Alabama Highway 182 and West First Avenue, and also between West First Avenue and West Second Avenue.
- (5) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 4<sup>th</sup> Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (6) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 5th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (7) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 6th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (8) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 10th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (9) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 12th Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico.
- (10) An area bounded on the east and west, respectively, by the east and west rights-of-way lines of West 13<sup>th</sup> Street, on the north by the south right-of-way line of Alabama Highway 182, and on the south by the Gulf of Mexico and including the public parking areas on West 13<sup>th</sup> Street.
- (11) The public area at Little Lagoon Pass north of the north right-of-way line of Alabama Highway 182 to Little Lagoon and south of the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico, being a strip approximately one hundred (100) feet wide on the south side of Alabama Highway 182, centered on the centerline of the channel, and on the north side of Alabama Highway 182, a strip approximately two hundred (200) feet wide centered on the extended centerline of the channel, and extending in a northerly and southerly direction from the Gulf of Mexico to Little Lagoon.
- (12) An area north of the north right-of-way line of Alabama Highway 182 (three hundred thirty (330) feet frontage on West Beach Boulevard) extending to Little Lagoon, bounded on the west by the pass from Little Lagoon into the Gulf of Mexico, the shape being irregular and containing approximately 4.1 acres; and an area south of the south right-of-way line of Alabama Highway 182 to the Gulf of Mexico consisting of Lots 3 and 4 of Resubdivided Lots 24, 25, and 26 of Unit 6.
- (13) An area consisting of 3.83 acres more or less bounded on the north by the south right-of-way line of Alabama Highway 182, on the south by the Gulf of Mexico, on the west by East 1st Street, and consisting of part of Lots 1 and 2, and all of Lots 3, 4, 5, and 6, Block 9, Unit 1 adjacent on the west to land occupied by Pink Pony Pub and Phoenix All Suites.
- (14) An area consisting of Lots 1-20, Block 6, Unit 1, and twenty-foot-wide strip of land, being a vacated alley, all bounded on the north by the south right-of-way line of Alabama Highway 182 between West 1st and West 2nd Streets.

Section 2. That Chapter 4, ALCOHOLIC BEVERAGES, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Article I. In General, Section 4-7, Possession or consumption on public beach, so the entire Section shall read as follows:

## CHAPTER 4 ALCOHOLIC BEVERAGES

### ARTICLE I. IN GENERAL

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**Sec. 4-7. Possession or consumption on public beach.**

It shall be unlawful for any person to possess or to consume any malt or brewed beverage, any wine or liquor, or any alcoholic or intoxicating beverages within the limits of the city public beach area, unless permitted by state law; provided, however, that the provisions of this section shall not apply to the possession and consumption of malt or brewed beverages, wine or liquor, or other alcoholic or intoxicating beverages legally possessed and/or consumed within the private residences, restaurants, cafes, clubs or other business establishments located within the city public beach areas as defined in this chapter; and, further, provided that the provisions of this section shall not apply to the possession of malt or brewed beverages, wine or liquor, or other alcoholic or intoxicating beverages within the portion of the city public beach area defined in subsection (1) of the definition of "public beach" in section 4-1, if and only if: (a) such beverages are contained intact within their original unopened container; (b) such original unopened container is completely enclosed within an opaque outer container so that such original unopened container is not visible; and (c) such beverages were purchased from a licensee of the Alabama Alcoholic Beverage Control Board duly licensed to sell such beverages at retail for off-premises consumption; and, further, provided that the provisions of this section shall not apply to the following special annual events for the times and purposes as specified:

- (1) The National Shrimp Festival held annually each October, for the four-day period officially designated by the Alabama Gulf Coast Area Chamber of Commerce, the sponsoring agency.
- (2) Events held at the public beach with prior approval by the City Council.
- (3) The annual Mardi Gras Tuesday, occurring in February of each year.

Section 3. 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. 1588 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1588 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. 1588 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. 1589**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,  
ADOPTED JULY 24, 1989,  
AT CHAPTER 21, TRAFFIC,  
ARTICLE II. PARKING,  
DIVISION 2. PARKING ON PUBLIC BEACH,  
TO REWRITE THE ENTIRE DIVISION**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 8, 2010, as follows:

Section 1. That Chapter 21, TRAFFIC, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended at ARTICLE II. PARKING, DIVISION 2. PARKING ON PUBLIC BEACH, by rewriting the entire Division to read as follows:

CHAPTER 21 TRAFFIC

\* \* \*

ARTICLE II. PARKING

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DIVISION 2. PARKING ON PUBLIC BEACH

Sec. 21-41. Definitions.

As used in this division:

(a) *Controlled beach parking area* shall mean the following public rights-of-way and municipally-owned parking areas:

- (1) Gulf Shores Parkway south of Alabama Highway 182 (Beach Boulevard);
- (2) East Gulf Place;
- (3) West Gulf Place;
- (4) West 1<sup>st</sup> Street located south of Alabama Highway 182 (West Beach Boulevard)
- (5) East 1<sup>st</sup> Street located south of Alabama Highway 182 (East Beach Boulevard)
- (6) West 2<sup>nd</sup> Street located south of Alabama Highway 182 (West Beach Boulevard)
- (7) West 6<sup>th</sup> Street located south of Alabama Highway 182 (West Beach Boulevard)
- (8) Such other locations as may be designated from time to time by resolution of the city council.

(b) *Controlled beach parking season* shall mean the following periods:

- (1) The period during the months of March, April, May, June, July, August and September;
- (2) Such other periods as may be designated from time to time by resolution of the city council.

(c) *Controlled beach parking hours* shall mean the following hours occurring during the controlled beach parking season:

- (1) The hours from 9:00 a.m. to 2:00 a.m.
- (2) Such other hours as may be designated from time to time by resolution of the city council.

(d) *Hours of entry for parking only* shall mean the following controlled beach parking hours during which vehicular access to the controlled beach parking area is limited to entry solely for the purpose of parking:

- (1) The hours from 9:00 a.m. to 2:00 a.m.
- (2) On any day during controlled beach parking seasons, such other hours as shall be designated on such day by the chief of police or deputy chief of police by notice posted at the controlled beach parking area, such designation to be made when, in the judgment of the chief of police or deputy chief of police, vehicular access to the controlled beach parking area should be limited to entry solely for the purpose of parking in order to prevent or alleviate traffic congestion in the controlled beach parking area.

(e) *Controlled beach parking permit* shall mean:

- (1) A daily nontransferable permit issued to a vehicle by the city at the controlled beach parking area during the controlled beach parking seasons upon payment of the appropriate daily controlled beach parking fee; or
- (2) A valid City of Gulf Shores Hurricane Evacuation Decal or a valid Gulf Shores Resident Beach Parking Pass, affixed to the front windshield, driver's side.
- (3) A daily nontransferable permit shall expire at 2:00 a.m. on the day following the day of its issuance.

(f) *Daily controlled beach parking fee* shall mean the fee payable for issuance of a daily controlled beach parking permit as established by City Council resolution.

(g) *Annual controlled beach parking pass* shall mean: A valid City of Gulf Shores Hurricane Evacuation Decal or a valid Gulf Shores Resident Beach Parking Pass. No controlled beach parking fee shall be charged to any vehicle with a valid City of Gulf Shores Hurricane Evacuation Decal or a valid Gulf Shores Resident Beach Parking Pass affixed to the front windshield, driver's side.

(h) *Beach parking fee resolution* shall mean a resolution of the city council fixing the amounts of the daily controlled beach parking fee, a weekly controlled beach parking fee and annual controlled beach parking fee for the duration of the time period or periods specified in such resolution.

Sec. 21-42. Unlawful to park in controlled beach parking area without permit during certain hours.

It shall be unlawful for any person to park any vehicle or motor driven cycle subject to his ownership or control on the controlled beach parking area during controlled beach parking hours without paying a daily controlled beach parking fee, or having a valid City of Gulf Shores Hurricane Evacuation Decal or a valid Gulf Shores Resident Beach Parking Pass affixed to the front windshield, driver's side.

Sec. 21-43. Unlawful to enter controlled beach parking area except to park during certain hours.

It shall be unlawful for any person to drive any vehicle or motor-driven cycle onto the controlled beach parking area during hours of entry for parking only except for the purpose of lawfully parking such vehicle or cycle on the controlled beach parking area or on private property abutting the controlled beach parking area; provided, however, that this provision shall not apply in the case of police, fire, emergency and city-operated vehicles when employed for police, fire, emergency, or operation and maintenance functions.

Sec. 21-44. Parking inspections.

The mayor may authorize the employment or appointment of a sufficient number of parking inspectors to ensure proper enforcement of the provisions of this division under the supervision of the chief of police. Such parking inspectors shall not be law enforcement officers or peace officers within the meaning of the state law and shall not have authority as officers of the city to make arrests. Such parking inspectors shall be authorized only to issue citations for the municipal parking offenses defined in this division. A parking inspector shall be compensated only as an employee of the city or as an employee of the city's independent contractor on a fixed compensation basis and shall not be compensated on any basis directly or indirectly determined by the volume of citations issued by the officer.

Sec. 21-45. Fines for offenses.

Any person violating any provision of this division shall be guilty of a municipal parking offense and, upon conviction, shall be punished for each offense by a fine fixed as follows:

Parking a vehicle or motor driven cycle not exceeding nineteen  
(19) feet in overall length in violation of section 21-42 of  
this division . . . . . \$25.00

Parking a vehicle or motor driven cycle exceeding nineteen (19) feet in overall length in violation of section 21-42 of this division . . . . . \$50.00

Driving a vehicle or motor driven cycle onto the controlled beach parking area in violation of section 21-43 of this division . . . . . \$10.00

In addition, costs of two dollars (\$2.00) shall be taxed for each contested disposition of a municipal parking offense defined in this division. Such offenses and fine and cost amounts are hereby made a part of the schedule of municipal offenses, fines, and costs authorized under Alabama Rules of Judicial Administration 19(B) and 20(c).

Section 2. 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. 1589 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1589 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. 1589 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to table consideration of the Ordinance relative to tents on the beach.

COMMITTEE REPORTS:

Councilman Jones reported on the beach recycling initiative being pursued by the Clean Coast Partnership.

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

Baldwin County School Board member Angie Swiger and Gulf Shores High School Principal Ernie Rosado addressed the Council relative to the upcoming school tax referendum on March 23.

County Commissioner David Ed Bishop stated that he was seeking re-election and, if elected, would work closely with cities to address problems. Mayor Craft suggested that a delegation of city and county leaders visit Montgomery regarding issues being faced in the area.

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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Renee F. Moore, MMC, City Clerk