

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

FEBRUARY 22, 2010

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Assistant Pastor Ronnie Maroner, Gulfway Church Assemblies of God. 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 Dyken moved to approve the minutes of the regular meeting of February 8, 2010, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the work session of February 15, 2010, as presented; seconded by Councilman Doughty. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Garris, who abstained. The Mayor declared the motion carried.

Councilman Harris moved to approve the minutes of the special meeting of February 15, 2010, as presented; seconded by Councilman Doughty. Upon the question, all those officials present voted in favor the motion, with the exception of Councilman Garris, who abstained. The Mayor declared the motion carried.

Councilman Jones moved to approve the payroll vouchers in the amount of \$700,567.44; seconded by Councilman Garris; 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.

Mayor Craft stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to the single family and duplex tourist rental overlay district.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Andy Bauer, Planning Director, noted the recommendations of his Department and the Planning Commission, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment.

Gil Griggs, a property owner in the area proposed to become the overlay district, stated his only concern was that the area not be overwhelmed by 6 and 8 bedroom homes.

The Planning Director presented to the Council petitions in support of the overlay district.

The City Clerk stated no written communications had been received in this regard.

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. 1591

**AN ORDINANCE TO AMEND ORDINANCE NO. 1584
(ZONING ORDINANCE), ADOPTED JANUARY 1, 2010,
AT ARTICLE 10, OVERLAY DISTRICTS,
SECTION 10-8, SINGLE FAMILY AND DUPLEX TOURIST
RENTAL OVERLAY DISTRICT,
SUBSECTION B.1., APPLICABILITY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA,
WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That Ordinance No. 1584 (Zoning Ordinance), adopted January 1, 2010, be and it is hereby amended at ARTICLE 10, OVERLAY DISTRICTS, Section 10-8. Single Family and Tourist Rental Overlay District, Subsection B.1. Applicability, so that said Subsection shall read as follows:

ARTICLE 10 OVERLAY DISTRICTS

* * * *

10-8. Single Family and Duplex Tourist Rental Overlay District

* * * *

B. Applicability.

1. The boundary of the Single Family and Duplex Tourist Rental Overlay District includes all R-1 and R-2 zoned land west of Highway 59 and south of Stanton Creek and/or West 2nd Avenue, and south of Little Lagoon west of West 7th Street (extending west to and including Laguna Key Subdivision) and all waterfront R-1 zoned properties which abut the north side of the Little Lagoon and Highway 180 (Fort Morgan Road) west of West Brigadoon Trail and east of the boundary of the Bon Secour Wildlife Refuge.

* * * *

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 Garris then moved for the adoption of Ordinance No. 1591 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1591 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. 1591 duly and legally adopted.

Councilman Jones read the Proclamation declaring February through April as Alabama Reads Month in the City of Gulf Shores. The Proclamation was presented to Library Director Wendy Congiardo.

The City Clerk presented the Application for Public Assembly Permit from Kaiser Realty, Inc. for a bike ride to raise funds for the American Cancer Society.

Councilman Harris moved to approve the Application for Public Assembly Permit from Kaiser Realty, Inc. for a bike ride on April 3, 2010, and to waive the permit fee; seconded by Councilman

Garris. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Jones, who abstained. The Mayor declared the motion carried.

Dennis Hatfield briefed the Council on the proposed Legislative Bill relative to the prohibition of red clay materials in certain areas.

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

RESOLUTION NO. 4751-10
A RESOLUTION RATIFYING AND
CONFIRMING THE ACTION
OF THE MAYOR IN
REAPPOINTING CAROLYN BROWN
AND JEAN MORELAND
TO THE BEAUTIFICATION BOARD
EACH TO A FULL TERM
ENDING ON APRIL 9, 2013

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That the action of the Mayor in reappointing Carolyn Brown and Jean Moreland to the Beautification Board of the City of Gulf Shores each for a three-year period ending April 9, 2013, be and it is hereby ratified and confirmed.

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

The motion for the adoption of Resolution No. 4751-10 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. 4751-10 duly and legally adopted.

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

RESOLUTION NO. 4752-10
A RESOLUTION
AMENDING RESOLUTION NO. 4742-09
AND RESOLUTION NO. 4748-10
RELATIVE TO
HEALTH INSURANCE COVERAGE
FOR RETIREES COVERED BY SAID RESOLUTIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That Resolution No. 4742-09, adopted November 23, 2009, Authorizing Incentive Retirement Benefits, is hereby amended relative to health insurance coverage, with said paragraph to read:

Continuation of coverage under the City's health insurance plan as in effect from time to time hereafter for the employee and the employee's spouse on December 31, 2009, if any, until each reaches age 65 or is eligible for Medicare coverage, with the total premium cost of such coverage to be paid by the employee.

Section 2. That Resolution No. 4748-10, adopted February 1, 2010, Retroactively Electing City Clerk, Providing for Salary and Benefits, and Authorizing Incentive Retirement Benefits, is hereby amended relative to health insurance coverage, with said paragraph to read:

Continuation of coverage under the City's health insurance plan as in effect from time to time hereafter for the employee and the employee's spouse on April 15, 2010, if any, until each reaches age 65 or is eligible for Medicare coverage, with the total premium cost of such coverage to be paid by the employee.

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

The motion for the adoption of Resolution No. 4752-10 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. 4752-10 duly and legally adopted.

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

RESOLUTION NO. 4753-10

**A RESOLUTION AUTHORIZING
MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
A MEMORANDUM OF AGREEMENT WITH
AUBURN UNIVERSITY AND
ALABAMA DEPARTMENT OF HOMELAND SECURITY
FOR COLLECTION AND SHARING OF GIS UTILITY DATA
ALONG THE ALABAMA GULF COAST**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 22, 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 Memorandum of Agreement with Auburn University and the Alabama Department of Homeland Security, as well as any related documents, for collection and sharing of GIS utility data along the Alabama Gulf Coast, 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. 4753-10 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. 4753-10 duly and legally adopted.

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

RESOLUTION NO. 4754-10

**A RESOLUTION AUTHORIZING APPROPRIATION TO
RECREATION DEPARTMENT
FOR BEACH PATROL EQUIPMENT
IN AMOUNT NOT TO EXCEED \$65,000.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That an appropriation in an amount not to exceed \$65,000.00 is hereby authorized to the Recreation Department for the start-up equipment for the Gulf Shores Beach Patrol.

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

The motion for the adoption of Resolution No. 4754-10 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. 4754-10 duly and legally adopted.

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

RESOLUTION NO. 4755-10

**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 INFRASTRUCTURE RELATIVE TO
SAFE ROUTES TO SCHOOL PROGRAM
IN THE AMOUNT OF \$150,520.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,
ALABAMA, WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, relating to a Safe Routes to School project with total funding by the Federal Highway Administration, which agreement is before this Council.

Section 2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.

Section 3. That it be attested by the Clerk and the seal of the City affixed thereto.

Section 4. Be it further resolved, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

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

The motion for the adoption of Resolution No. 4755-10 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. 4755-10 duly and legally adopted.

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

RESOLUTION NO. 4756-10

**A RESOLUTION
CANCELING MUNICIPAL COURT DATE
OF MAY 20, 2010**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA,
WHILE IN REGULAR SESSION ON FEBRUARY 22, 2010, as follows:

Section 1. That the scheduled Municipal Court Date of May 20, 2010, be and it is hereby canceled.

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

The motion for the adoption of Resolution No. 4756-10 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. 4756-10 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:

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 Garris then moved for the adoption of Ordinance No. 1592 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1592 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 Ordinance No. 1592 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a proposal for emergency pipe repair to Plash Island Road.

Councilman Dyken moved to award the contract to Strickland Construction Company in the amount of \$19,618.52 for emergency repairs to pipe on Plash Island Road; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

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

Tucker Grau suggested that signs be posted around town on Council Meeting days so the public is aware and can attend.

Citing problems with Mediacom, Wayne Howard suggested that another cable company be solicited to do business in the City.

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.

Robert Craft, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk