



AGENDA
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
OCTOBER 12, 2020
4:00 P.M.

1. Call To Order

2. Invocation

A. Councilman Stephen E. Jones

3. Pledge Of Allegiance

4. Roll Call

5. Approval Of Minutes

- a. September 28, 2020 - Rescheduled Council Work Session & Regular Council Meeting
- b. October 5, 2020 - Special Council Meeting
- c. October 5, 2020 - Council Work Session Meeting

6. Approval Of Expense Vouchers

7. Public Hearing

A. Resolution - CUP Request - Waterways Cottage Subdivision

Documents:

[RESO - WATERWAYS COTTAGE MARINA CUP.PDF](#)

8. New Business

A. Resolution - Award Contract - Beach Walking District Phase I

Documents:

[RESO - AWARD CONTRACT - BEACH WALKING DISTRICT PHASE I.PDF](#)

B. Resolution - Award Bid - Backstop Netting

Documents:

[RESO - AWARD BID - BACKSTOP NETTING.PDF](#)

C. Ordinance - Approve Franchise - Residential Refuse & Recycling Collection / Disposal

Documents:

[ORD - FRANCHISE - REPUBLIC SERVICES.PDF](#)

D. Ordinance - BancorpSouth Line Of Credit

Documents:

[ORD - BANCORPSOUTH LOC.PDF](#)

[AGENDA ITEM SUMMARY FORM 2020 D BANCORPSOUTH LOC.PDF](#)

- 9. Mayor Updates**
- 10. Committee Reports**
- 11. Staff Reports**
- 12. Hearing Of Persons Not Listed On Formal Agenda**
- 13. Adjourn**

RESOLUTION NO. -20

**A RESOLUTION
APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT
TO CONSTRUCT A 44-SLIP MARINA AND BOAT RAMP
LOCATED IN THE 800 BLOCK OF WATERWAY WEST BOULEVARD
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 3 OF ZONING ORDINANCE NO. 1584
(ZA20-000039)**

WHEREAS, the applicant seeks Conditional Use Permit (CUP) approval to construct a 44-slip private marina and boat ramp. The site is located in the 800 block of Waterway West Boulevard and is a vacant wooded lot. The marina and boat ramp are an amenity for the approved 60-lot, "Waterways" Cottage Subdivision.

WHEREAS, in accordance with the Zoning Ordinance, a facility for the docking of 10 or more boats is considered a marina, and marinas are only allowed by a CUP.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2020 as follows:

Section 1. That the Conditional Use Permit to construct a 44-slip private marina and boat ramp located in the 800 block of Waterway West Boulevard and is a vacant wooded lot is hereby approved.

Section 2. That the decision of the City Council to recommend approval with conditions for the construction of a 44-slip private marina and boat ramp, based on the Standards for Approval in Articles 3-3E and 3-4 C of the Zoning Ordinance.

1. The plan is in accordance with applicable requirements of this Ordinance, including that the proposed use is designated as a Conditional Use within the Applicable District.
2. The development plan has received all required state and federal approvals and permits.
3. The proposed site development plan is compatible with the goals and stated plans of the City and other governmental agencies for the area, as applicable
4. The proposed use provides economic benefits and enhances the economic vitality of the surrounding area.
5. The proposed use, if granted, will not burden the infrastructure and street system of the City.
6. The proposed use will not diminish environmental quality of natural resources.
7. The proposed use and Site Plan is compatible with surrounding uses and buildings by virtue of its massing, height, relationship to the street, and architectural character.
8. The use will not cause any injury to the value of other property in the vicinity.

9. The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected from any noise, vibration, odor, glare, traffic, or other impact that may be caused by the use.
10. The existing building meets the architectural standards of the City and design guidelines, as applicable.
11. Adequacy of landscaping and screening is provided to protect neighboring properties from any visual intrusions, activities or structures that would detract from the enjoyment of neighboring property.
12. Adequacy of parking and loading arrangement, including whether ingress and egress is so designed as to cause minimum interference with traffic on Abutting streets and that heavy traffic is not introduced on residential streets.

Section 3: Therefore, in accordance with the Zoning Ordinance, the City Council hereby approves the issuance of a Conditional Use Permit for ZA20-000039 to construct a 44-slip private marina and boat ramp located in the 800 block of Waterway West Boulevard and is a vacant wooded lot with the following conditions:

1. Prior to the issuance of construction approvals for the marina, all marina criteria as referenced on the applicant's response to city staff's review comments dated August 6, 2020 (educational components, waste management, cleaning of vessels, and operational regulations) shall be included in The Waterways Subdivision covenants and restrictions and approved by the City.
2. Prior to the issuance of construction approvals for the marina, all required State and Federal approvals shall be obtained.

Section 4. That this Resolution shall become effective upon its adoption.

ADOPTED this 12th day of October, 2020.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -20 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on October 12, 2020.

City Clerk

RESOLUTION NO. -20

**A RESOLUTION
ACCEPTING THE BID OF MCELHENNEY CONSTRUCTION
FOR THE BEACH WALKING DISTRICT, PHASE I
IN AN AMOUNT NOT TO EXCEED \$5,310,000.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2020 as follows:

Section 1. That the bid of McElhenney Construction to enhance the Beach Walking District, Phase I by constructing new transportation, drainage and landscaping improvements, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on September 30, 2020.

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 McElhenney Construction to enhance the Beach Walking District, Phase 1 by constructing new transportation, drainage and landscaping improvements in an amount not to exceed \$5,310,000.00; and in substantially the form presented to Council this date.

Section 3. That there is \$2,000,000 budgeted in Account #43-879-65540 for FY 2020. The remaining costs are being budgeted in FY 2021.

Section 4. That this Resolution shall become effective upon its adoption.

ADOPTED this 12th day of October, 2020.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify the foregoing is a true and correct copy of Resolution No. -20 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on October 12, 2020.

City Clerk

RESOLUTION NO. - 20

**A RESOLUTION
ACCEPTING THE BID OF
CONTAINMENT SYSTEMS, LLC
FOR INSTALLATION OF NEW BACKSTOP NETTING AND POLES
AT THE SPORTSPLEX SOFTBALL AND BASEBALL FIELDS
IN THE TOTAL AMOUNT OF \$55,000.00; AND
AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES,
ALABAMA, WHILE IN REGULAR SESSION ON OCTOBER 12, 2020, as follows:

Section 1. That the bid of Containment Systems, LLC in the amount of \$55,000.00, is to provide and install new backstop netting and poles for the Varsity Softball and Baseball fields at the Sportsplex, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on September 30, 2020. Staff recommends awarding contract not to exceed \$55,000.00.

Section 2. That this project is being funded from the City School Appropriation, via account #01-679-60093. This portion of the project is included in the overall estimated renovation project cost of \$290,000.00.

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

ADOPTED this 12th day of October, 2020.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC, City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. -20 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on October 12, 2020.

City Clerk

ORDINANCE NO.

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO
BFI WASTE SERVICES, LLC D/B/A REPUBLIC SERVICES
OF MAGNOLIA SPRINGS
TO PROVIDE FOR THE COLLECTION AND DISPOSAL
OR RECYCLING OF PAPER, PLASTIC, CANS, GARBAGE,
TRASH, AND OTHER SOLID WASTE FROM
RESIDENTIAL PROPERTIES IN
THE CITY OF GULF SHORES; AND AUTHORIZING
THE EXECUTION OF A FRANCHISE AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

WHEREAS, BFI Waste Services, LLC d/b/a Republic Services of Magnolia Springs has requested a franchise to empower the Corporation to provide for collection and disposal or recycling from residential properties; and

WHEREAS, the City is desirous of granting a nonexclusive franchise to Republic Services 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 OCTOBER 12, 2020, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to BFI Waste Services, LLC d/b/a Republic Services of Magnolia Springs, a corporation, for collection and disposal or recycling of paper, plastic, cans, garbage, trash, and other solid waste generated in public places or private residential premises 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 BFI Waste Services, LLC d/b/a Republic Services of Magnolia Springs which sets forth the requirements, covenants and agreements of a franchise to the Corporation for such services.

Section 3. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 12TH day of October, 2020.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on October 12, 2020 and the same was duly published as required by law.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF THE CITY'S \$9,800,000 PRINCIPAL AMOUNT GENERAL OBLIGATION WARRANT, SERIES 2020-D, TO BE DATED THE DATE OF DELIVERY, TO BANCORPSOUTH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA AS FOLLOWS:

Section 1. Findings and Representations.

The City of Gulf Shores (the "City") by and through the City Council, its governing body, does hereby find and determine and represent and warrant as follows:

(a) The City has found and determined that it is in the best public and financial interest of the City to acquire a tax-exempt revolving line of credit, the proceeds of which will be used for capital public and municipal purposes within the City.

(b) The obligation will be evidenced by a General Obligation Warrant, Series 2020-D, to be dated the date of delivery (the "Warrant"), which will be executed and delivered to BancorpSouth (the "Bank") on or about October 15, 2020.

(c) The net assessed valuation of taxable property in the corporate limits of the City, as assessed for municipal taxation and on which taxes were due and payable on October 1, 2020, including motor vehicles, is not less than \$790,117,460, and the total indebtedness of the City following the issuance of the Warrant chargeable against the debt limitation for the City prescribed by the Constitution of Alabama of 1901, as amended, will not be more than twenty percent of said assessed valuation.

Section 2. Authorization and Description of Warrant; Payments of Warrant.

(a) The City shall borrow an aggregate amount not exceeding \$9,800,000 in such amounts and at such times as shall be necessary for the purposes set forth in Section 1 hereof, and the City shall issue the aforesaid Warrant therefor to the Bank, to evidence a revolving line of credit extended thereby to the City for such purposes.

(b) The Warrant shall (1) be dated the date of initial delivery and payment, (2) bear interest at the fixed per annum interest rate of 1.99%, (3) be payable in quarterly installments of interest only with the principal due at maturity on October 31, 2025, (4) be subject to redemption prior to maturity at any time, without premium or penalty, and (5) be registered and transferred, all as provided therefor in the form of the Warrant in Section 4 herein.

(c) The principal of and interest on the Warrant shall be payable in lawful money of the United States of America, at the designated office of the registered owner thereof at par and without discount, exchange or deduction or charge therefor.

Section 3. Authorization of Advances and Payments.

The Mayor Pro Tempore and the Director of Finance and Administration are authorized and directed to request advances under the Warrant at such times and in such amounts as directed by the Council in order to carry out the purposes of this Ordinance.

Section 4. Form of Warrant.

The Warrant shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF GULF SHORES
GENERAL OBLIGATION WARRANT
SERIES 2020-D**

No. R-1

\$9,800,000

THE CITY OF GULF SHORES, a municipal corporation organized and existing under and by virtue of the laws of the State of Alabama (the "City"), for value received, hereby acknowledges itself indebted to and does hereby order and direct the Finance and Administration Director of the City to pay, solely out of the special warrant fund hereinafter described, to BancorpSouth (herein called the "Payee"), its successors and assigns, the principal sum of

**NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS
(\$9,800,000)**

or so much thereof as may be advanced or paid and re-advanced hereunder, as hereinafter provided, and to pay solely from said warrant fund interest on the unpaid balance of said principal amount advanced and outstanding hereunder from time to time, from the date advanced until payment in full, at a fixed per annum rate of interest equal to 1.99% (computed on the basis of the actual number of days elapsed over a 360-day year), said principal and interest being payable as follows:

- (a) On October 31, 2020 and on the last business day of each January, April, July, and October thereafter, through and including October 31, 2025, the interest accrued on the outstanding principal balance of this Warrant to each such date of payment; and
- (b) On October 31, 2025, the entire outstanding principal balance of this Warrant plus all accrued interest thereon.

Payment of the principal hereof and interest hereon shall be made at the office of the Payee or at such other place as shall be designated to the City in writing by the Payee, provided the final payment of principal of and interest on this Warrant shall be made only upon presentation and surrender of this Warrant to the City for cancellation.

The City may, on any date, pay in advance the entire unpaid principal balance of this Warrant or any lesser portion or portions thereof by paying to the Payee the principal amount to be prepaid, plus interest accrued on such principal amount to the date of such prepayment, without premium or penalty.

This Warrant is a master Warrant under a revolving line of credit extended by the Payee to the City, and it is contemplated that the proceeds of the loan evidenced hereby will be advanced, or paid and re-advanced, by the Payee to the City in installments, as requested by the City (as to amount and date), and it is further contemplated that by reason of prepayments hereon there may be times when no indebtedness is owing hereunder; notwithstanding any such occurrence, this Warrant shall remain valid and shall be in full force and effect as to each principal advance made hereunder subsequent to each such occurrence. Each principal advance and each payment made on this Warrant shall be reflected by the notations made by the Payee on its internal records (which may be kept by computer or by other means determined by the Payee) and the Payee is hereby authorized so to record thereon all such principal advances and payments. The aggregate unpaid principal amount of this Warrant reflected on the internal records of the Payee (whether by computer or otherwise) shall be rebuttably presumptive evidence of the principal amount of this Warrant outstanding and unpaid. No failure of the Payee so to record any advance or payment shall limit or otherwise affect the obligation of the City hereunder with respect to any advance, and no payment of the principal by the City shall be affected by the failure of the Payee so to record the same.

THIS WARRANT SHALL BE VALID AND ENFORCEABLE AS TO THE AGGREGATE PRINCIPAL AMOUNT ADVANCED AT ANY TIME HEREUNDER, WHETHER OR NOT THE FULL FACE AMOUNT HEREOF IS ADVANCED.

This Warrant is issued pursuant to the Constitution and laws of the State of Alabama, including the provisions of Section 11-47-2 et seq. of the CODE OF ALABAMA 1975, as amended, and an Ordinance and proceedings of the governing body of the City (the "Authorizing Proceedings") for the purposes described in the Authorizing Proceedings.

The principal of and interest on this Warrant is a general obligation of the City and the full faith and credit of the City are pledged to the payment of the principal of and interest on the Warrant.

The City has established in the Authorizing Proceedings a special fund designated "Series 2020-D General Obligation Warrant Fund" for the payment of the principal of and interest on the Warrant, and has obligated itself to pay or cause to be paid into said Fund from the taxes and revenues of the City sums sufficient to provide for the payment of the principal of and interest on this Warrant as the same matures and comes due.

This Warrant and the interest hereon constitutes a charge on the general credit of the City and an indebtedness of the City within the meaning of state constitutional provisions and or statutory limitations.

This Warrant is recorded and registered as to principal and interest in the name of the owner on the book of registration maintained for that purpose by the City. The person in whose name this Warrant is registered shall be deemed and regarded as the absolute owner hereof for all purposes and payment of the principal of and interest on this Warrant shall be made only to or upon the order of the registered owner hereof or its legal representative, and neither the City nor any agent of the City shall be affected by any notice to the contrary. Payment of principal of and interest on this Warrant shall be valid and effectual to satisfy and discharge the liability of the City upon this Warrant to the extent of the amounts so paid.

This Warrant may be transferred only upon written request of the registered owner or its legal representative addressed to the City, such transfer to be recorded on said book of registration and endorsed hereon by the City. Upon presentation to the City for transfer, this Warrant must be accompanied by a written instrument or instruments of transfer satisfactory to the City, duly executed by the registered owner or its attorney duly authorized in writing, and the City shall endorse on the schedule

attached hereto for such purpose the principal amount of this Warrant unpaid and the interest accrued hereon to the date of transfer. No charge shall be made for the privilege of transfer, but the registered owner of this Warrant requesting any such transfer shall pay any tax or other governmental charge required to be paid with respect thereto.

It is hereby recited, certified and declared that the indebtedness evidenced and ordered paid by this Warrant is lawfully due without condition, abatement or offset of any description and that all acts, conditions and things required by the Constitution and laws of the State of Alabama to happen, exist and be performed precedent to and in the execution, registration and issuance of this Warrant and the adoption of the Authorizing Proceedings have happened, do exist and have been performed in time, form and manner as so required.

IN WITNESS WHEREOF, the City, acting by and through its governing body, has caused this Warrant to be executed in its name and on its behalf by its Mayor Pro Tempore and its municipal seal to be hereunto affixed and attested by its City Clerk, and has caused this Warrant to be dated October 15, 2020.

CITY OF GULF SHORES

SEAL

Philip Harris, Mayor Pro Tempore

Attest: _____
City Clerk/Treasurer



SMALL TOWN, BIG BEACH

COUNCIL AGENDA SUMMARY

TO: Mayor Craft & Members of the City Council
FROM: Cindy King, Finance & Administration Director
SUBJECT: 2020-D \$9.8 Million Principal General Obligation Warrant
DATE: October 8, 2020

ISSUE: An opportunity exists with funds fronted for Hurricane Sally expenses to lower the interest rate to 1.99% on a \$9.8 million nontaxable Line of Credit with BancorpSouth.

BACKGROUND: In January 2019, a nontaxable Line of Credit with BancorpSouth for \$9.8 million was issued for 5 years at 4.54%. Since that time, interest rates have dropped substantially. The Finance Committee requested BancorpSouth be contacted and asked if the rate could be reduced and the terms extended. BancorpSouth offered a new \$9.8 million Line of Credit at 1.99% for five years. Recommend acceptance of the new Line of Credit with BancorpSouth.

PREVIOUS COUNCIL ACTION: None

BUDGET IMPLICATIONS: If the full \$9.8 million were borrowed, annualized interest expense savings would be \$245,980.

RELATED ISSUES: None

ATTACHMENTS: Minutes Gulf Shores 2020-D which includes the Ordinance

DEPARTMENT: Finance & Administration

STAFF CONTACT: Cindy King