

**A G E N D A**  
**REGULAR COUNCIL MEETING**  
**CITY OF GULF SHORES, ALABAMA**  
**MAY 8, 2006**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Regular Meeting of April 24, 2006  
Work Session of April 26, 2006  
Work Session of May 1, 2006
6. Proclamation - National Safe Boating Week - May 20-26, 2006
7. Public Hearing
  - A. Amend Zoning Ordinance No. 235  
  
Ordinance - Amend Articles 4,5,6,7,8,9,12,13 and 15 -  
BG District
  - B. Amend Zoning Ordinance No. 235  
  
Ordinance - Rezone Gulf Shores Marina - RD-FM, BG-1 FM and  
BTB FM to BTB FM
  - C. Amend Zoning Ordinance No. 235  
  
Ordinance - Rezone McNeil Place - R-1A to R-1B
9. Presentation of Petitions, Requests and Communications
  - A. Request for Site Plan Extension - Patel Condominium
10. Hearing of Persons Not Listed on Formal Agenda
11. New Business
  - A. Resolution - Approve Site Plan - Delphino Resort, Phase I
  - B. Resolution - Approve Amended Site Plan - Murphy Oil
  - C. Resolution - Amend BFI Franchise - Delinquent Accounts
  - D. Resolution - Award Negotiated Contract - Minnow Lane  
Paving
  - E. Resolution - Award Bid - Public Works Shop Generator
  - F. Resolution - Establish Corporate Memberships and Holidays  
to be Observed - David L. Bodenhamer Recreation Center
  - G. Ordinance - Assent to Annexation - E. Gaylon McCollough -  
21635 Cotton Creek Drive
12. Committee Reports
  - A. Garris
  - B. Doughty
  - C. Harris
  - D. Craft
  - E. Jones
13. Staff Reports
14. Adjourn

**MINUTES OF REGULAR COUNCIL MEETING**  
**CITY OF GULF SHORES, ALABAMA**

**MAY 8, 2006**

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Deral Rollings, St. Jude's by the Sea Lutheran Church. The Pledge of Allegiance to the flag was led by Mayor Duke.

Upon roll call, the following officials answered "present": Councilmen Garris, Doughty, Harris, Craft, Jones, and Mayor Duke. The Mayor declared a quorum present.

Councilman Craft moved to approve the minutes of the regular meeting of April 24, 2006, as presented; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the work session of April 26, 2006, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the work session of May 1, 2006, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Mayor Duke read a Proclamation declaring May 20-26, 2006, as National Safe Boating Week. The Proclamation was presented to representatives of the Perdido Bay Power Squadron and the United States Coast Guard District 8, Coastal Region, Division 3, Flotilla 2.

Mayor Duke 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 General Business and Commercial Zoning Districts.

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



Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Whereupon, 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 Doughty; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Doughty then moved for the adoption of Ordinance No. 1430 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1430 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, "nay," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1430 duly and legally adopted.

Mayor Duke 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 rezoning of the Gulf Shores Marina property.

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



Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

Mr. Foote further advised that the conditions as outlined in the day after Planning Commission memo should be inserted into the Rezoning Ordinance.

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment and advised that each speaker would be allowed 5 minutes to express their opinions. The Mayor further advised that only the rezoning issue would be addressed at this time.

Martin Rollins, whose property abuts the marina site, stated he was opposed to the rezoning as the property does not need to be rezoned to be developed. Mr. Rollins also felt there were several procedural issues with regard to this application. He further stated that the property will not meet the impervious area requirements when joined and the whole purpose for the rezoning is to increase the density.

Chuck Browdy, a Fort Morgan resident, stated he was opposed to the rezoning as it is all about increasing density and no other purpose. Mr. Browdy suggested that the property not be rezoned and be allowed to be developed according to the City's Zoning conversion chart.

George Sanders advised that he was tired of the Fort Morgan residents, who were not citizens of Gulf Shores, opposing the redevelopment of property on the peninsula and suggested that instead of opposing everything they should be trying to help the developers.

Jeff Boyd, one of the Waters Edge owners, stated that when the property was annexed into the City it was zoned as General Business with a density of 42 units per acre.

Bonnie Lowery, a Fort Morgan resident, advised that Fort Morgan residents are not against development as evidenced by their having no objection to the 8-story condominium development located across the road from the Gulf Shores Marina. Ms. Lowery stated that the residents are trying to prevent the overdevelopment of the peninsula; there is no objection to building, but to overbuilding.

Jimmy Boyd, an investor in the Gulf Shores Marina project, stated that this is actually a dezoning rather than an increase in density. He encouraged the Council to approve the rezoning.

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

Mayor Duke stated that this has been a long process and not easy for anyone. The applicant has decreased the initial density request and reduced the height of the building.

Councilman Doughty stated that when the initial annexation was done of the Gulf Shores Parkway it was never the City's intention to allow 42 units per acre. At the meeting at which the moratorium was lifted, it again was never the City's intent to allow that much density. Ms. Doughty advised that she felt there was no need to rezone this property and thereby increase the density.

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. 1431

AN ORDINANCE AMENDING ORDINANCE NO. 235  
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,  
BY CHANGING THE ZONING CLASSIFICATION  
OF AN APPROXIMATE 8.2-ACRE PARCEL  
DESCRIBED HEREIN IN REZONING CASE Z2005-18,  
FROM RD-FM, BG-1 FM, AND BTB FM  
TO BTB/FM

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows:

Lots 62, 63, 64, 65, 66, 67, 68, and 69, Plat of Re-Subdivision A of Gulf Beach, as recorded in Map Book 1, Page 142, in the Office of the Probate Court Records, Baldwin County, Alabama, consisting of approximately 8.2 acres.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from RD-FM (duplex residential Fort Morgan), BG-1 FM (general business Fort Morgan), and BTB FM (tourist business Fort Morgan) to BTB/FM (tourist business Fort Morgan)  
CONTINGENT UPON:

1. A minimum 100 foot building setback shall apply to the east boundary of this development (which covers most if not all of Lot 52). The only development permitted within this setback shall be a parking lot, subject to City approval through the site plan review process. The minimum setback for parking lots shall be thirty feet (30'), said thirty feet consisting of natural and new landscaping and appropriate fencing as determined by the City Council. All existing trees and vegetation shall be preserved in the thirty foot (30') buffer.
2. A minimum 50 foot building setback shall apply to the west boundary of this development (which covers approximately one-half of Lot 69). No development, including but not limited to buildings and parking lots, shall be permitted within this setback. The 50-foot area shall consist of natural and new landscaping and appropriate fencing as determined by the City Council. All existing trees and vegetation shall be preserved in the 50-foot buffer.
3. Structures on Lots 63, 64, and 65 shall be limited to a maximum height of fifty feet (50') from grade.
4. The installation of a marina facility acceptable to the City Council is an express condition to the new rezoning of the property. Any site plan application submitted for City review for newly proposed construction on the subject site shall include all information and plans necessary for improving the marina site, including but not limited to bringing the marina into compliance with all zoning regulations (i.e., parking, landscaping, building facades), to the extent practicable as determined by the City Council. All determined marina improvements required by the City shall be completed prior to the issuance of a certificate of occupancy for any new construction on the site.
5. The marina improvements and site plan request for new construction shall be processed through the CUP process as required in the Zoning Ordinance.
6. A site plan request (CUP) shall be submitted to and approved by the City and construction initiated as contemplated herein

within three (3) years of the date of this Ordinance. Failure to complete the construction within five (5) years of the date of this Ordinance shall cause this rezoning to become null and void and for the rezoning of the site to automatically revert to its previous zoning classifications.

7. The applicant shall submit joinder of title documentation combining all of the lots into a single parcel to the satisfaction of the City Attorney after receiving CUP approval as outlined in Items 4 and 5 above.
8. The marina operations shall be operated consistent with the Clean Marina requirements and the certification as a Blue Marina shall be obtained within two (2) years.

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 Craft; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1431 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1431 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, "abstain," Councilman Doughty, "nay," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1431 duly and legally adopted.

Mayor Duke 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 rezoning of the McNeil Place property.

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



Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Craft 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. 1432**

**AN ORDINANCE AMENDING ORDINANCE NO. 235  
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,  
BY CHANGING THE ZONING CLASSIFICATION  
OF A 15.1 ACRE PARCEL DESCRIBED HEREIN  
IN REZONING CASE Z2006-02,  
FROM R-1A TO R-1B**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows: 61-09-38-0-000-073.000 - Situated in Baldwin County, Alabama, to-wit; Commencing at the easternmost corner of the Euphrasia Lamy Grant Section 38, Township 8 South, Range 4 East, St. Stephens Meridian and run thence north 45 degrees 13'19" west, a distance of 10808.40 feet to a point; thence run south 30 degrees 46'41" west, a distance of 42.15 feet to a crimp top iron pipe marker at the northeast corner of Summerwood Subdivision, as shown by map or plat thereof recorded at Slide File No. 2043-C and Slide File 2043-D, Probate Records, Baldwin County, Alabama for a point of beginning of the property herein described; continue thence South 30 degrees 46'41" west, along said Subdivision, a distance of 561.76 feet to a crimp top iron pipe marker at the southeast corner of said Subdivision; thence run south 44 degrees 52'45" east, a distance of 228.61 feet to an old 1½" open end iron pipe marker at the northeast corner of Lot 12, Block 3, Oak View Subdivision, as shown by map or plat thereof recorded in Map Book 1, page 10, Probate Records, Baldwin County, Alabama; thence run south 45 degrees 18'13" east, continuing along said Oak View Subdivision, a distance of 211.98 feet to the southwest corner of Lands heretofore conveyed to Lindsey by that instrument recorded at Real Property Book 870, Page 1368, et. seq, Probate Records, Baldwin County, Alabama; thence run north 31 degrees 13'29" east, along said lands of Lindsey, a distance of 561.62 feet to a crimp top iron pipe marker on the south right of way of Baldwin County Highway No. 6; thence run north 45 degrees 12'06" west, along said right of way, a distance of 444.87 feet to the point of beginning. Tract contains 5.55 acres, more or less, and lies in the Euphrasia Lamy Grant Section 38, Township 8 South, Range 4 East, Baldwin County, Alabama.

61-09-38-0-000-077.003 - Lots 12 and 13, Block 3, in Oak View, a Resubdivision of Lots 2 and 3 and the Durant Survey of the Lamy Grant, Section 38, Township 8 South, Range 4 East, according to plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 10.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from R-1A (low density single family residential) to R-1B (medium density single family residential) CONTINGENT UPON:

1. If building permits are not pulled within two (2) years of the date of City Council approval, the property will revert back to its original zoning.
2. The following comments from Public Works must be addressed:
  - Traffic Circulation - The rezoning and proposed 40-50 lot subdivision will not require a traffic study, however the rezoning should be contingent upon the developer participating in the City's project to improve County Road 6. This development will participate, as will others in the area, based on their portion of traffic generated by developments in the area.

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 Jones; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Garris then moved for the adoption of Ordinance No. 1432 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1432 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1432 duly and legally adopted.

The City Clerk presented the request of Ken Patel for a 24-month extension to his site plan approval for the Patel Condominium.

After a brief discussion, Councilman Craft moved to grant the request of Ken Patel for a 24-month extension to his site plan approval for the Patel Condominium contingent upon the building official determining that the existing building is less than 50% damaged and it being reopened as a hotel within one year; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Mayor Duke asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda. There was no response.

Planning Director Steve Foote presented the recommendations of his Department and the Planning Commission relative to the Site Plan for Delphino Resort, Phase I.

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

**RESOLUTION NO. 4074-06**

**A RESOLUTION APPROVING SITE PLAN OF  
PRAETORIAN DEVELOPMENT AND ACQUISITIONS  
FOR A DEVELOPMENT TO BE KNOWN AS  
DELPHINO RESORT, PHASE I,  
LOCATED SOUTH OF GULF SHORES  
BUSINESS AND INDUSTRIAL PARK;  
AND SETTING FORTH FINDINGS OF FACT AND  
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS  
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235  
(SP2006-05)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That the Site Plan of Praetorian Development and Acquisitions for one 13-story, 191-unit condominium building with retail area, pool, amenity area, and Intracoastal Waterway pedestrian pathway, to be known as Delphino Resort, Phase I, located south of the Gulf Shores Business and Industrial Park between Mildred Casey Drive and the Intracoastal Waterway, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Praetorian Development and Acquisitions dated May 8, 2006.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - ICW East/PUD (Intracoastal Waterway East/Planned Unit Development).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, CONTINGENT UPON:

1. A letter from the Jack Edwards Airport Manager or the Federal Aviation Administration is required to be submitted approving the height of the building prior to the commencement of any construction activities or the issuance of further City permits.
2. It appears the applicants will be filling wetlands in order to construct Phase I. All state and federal permits shall be submitted prior to the commencement of construction activities, including but not limited to, land disturbing activity, tree removal permits, and building permits. The failure to obtain all required permits or approvals within one (1) year of site plan approval shall void the approved site plan. At the discretion of the Zoning Official, modifications to the approved site plan necessitated by outside agency review that are deemed to be significant may; 1) be approved administratively, 2) require approval by the City approving authority, or 3) be resubmitted and processed as a new application.
3. Public Works comments:
  - Traffic Circulation - The traffic study for this project was submitted and approved when the property was rezoned. The developer will be required to contribute to the relocation of Mildred Casey Drive and later improvements that may be required in proportion to the increase in traffic they will generate as outlined in the traffic study.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

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

The motion for the adoption of Resolution No. 4074-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4074-06 duly and legally adopted.

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

**RESOLUTION NO. 4075-06**

**A RESOLUTION  
AMENDING RESOLUTION NO. 3470-03  
ADOPTED JUNE 23, 2003,  
WITH REGARD TO  
AMENDMENT TO SITE PLAN  
OF WAL-MART SUPERCENTER**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That Resolution No. 3470-03, adopted June 23, 2003, approving the Site Plan of Wal-Mart Real Estate Business Trust for a 186,800 square foot structure, to be known as Wal-Mart Supercenter, be and it is hereby amended to add 96 square feet to the existing Murphy Oil USA station on the site, CONTINGENT UPON:

1. Building elevations shall be submitted for the proposed addition (including awning) and are subject to final approval by the City. The addition shall be of similar architectural character and design as the existing Murphy Oil Station.

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

The motion for the adoption of Resolution No. 4075-06 was seconded by Councilman Craft; 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4075-06 duly and legally adopted.

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

**RESOLUTION NO. 4076-06**

**A RESOLUTION  
AMENDING FRANCHISE AGREEMENT WITH  
BROWNING-FERRIS INDUSTRIES OF  
NORTH AMERICA, INC.  
FOR COLLECTION AND DISPOSAL OR RECYCLING  
OF SOLID WASTE FROM RESIDENTIAL  
AND COMMERCIAL PROPERTIES AT  
SECTION 12.04. DELINQUENT ACCOUNTS**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That the franchise agreement with Browning-Ferris Industries of North America, Inc. for collection and disposal or recycling of solid waste from residential and commercial properties is hereby amended at Section 12.04 Delinquent Accounts, to read as follows:

12.04 Delinquent Accounts

The Franchisee shall notify a delinquent customer when the account is thirty (30) days past due. When the account is sixty (60) days past due, Franchisee may pick up the cart(s) of the delinquent customer. Once the delinquent account has been paid in full, the cart(s) will be returned upon payment by the customer of a \$25.00 reinstatement fee, and the Franchisee shall resume refuse collection on the next regularly scheduled collection day after the payment.

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

The motion for the adoption of Resolution No. 4076-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4076-06 duly and legally adopted.

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

RESOLUTION NO. 4077-06

A RESOLUTION  
REJECTING SINGLE RESPONSIVE BID  
FOR MINNOW LANE IMPROVEMENTS;  
AUTHORIZING EXECUTION OF  
NEGOTIATED CONTRACT WITH SOLE BIDDER,  
B & C CONSTRUCTION,  
IN AN AMOUNT NOT TO EXCEED \$160,000.00; AND  
AUTHORIZING PAYMENT OF CONTRACT AMOUNT  
FROM CAPITAL IMPROVEMENTS FUND BUDGET

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That the single responsive bid received on April 20, 2006, for paving of Minnow Lane be and the same is hereby rejected.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a negotiated contract between the City of Gulf Shores and B & C Construction, the single responsive bidder, in an amount not to exceed \$160,000.00 to accomplish said project.

Section 3. That the funds for payment for such contract amount be drawn from the Capital Improvements Fund Budget for Fiscal Year 2006.

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

The motion for the adoption of Resolution No. 4077-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4077-06 duly and legally adopted.

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

RESOLUTION NO. 4078-06

A RESOLUTION ACCEPTING THE BID OF  
CUMMINS MID-SOUTH, LLC  
IN THE AMOUNT OF \$34,077.00  
FOR PUBLIC WORKS SHOP GENERATOR; AND  
AUTHORIZING PAYMENT OF AMOUNT FROM  
THE GENERAL FUND BUDGET

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That the bid of Cummins-Mid South, LLC in the amount of \$34,077.00 for provision, delivery and installation of Public Works Shop 100KW emergency generator, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on April 25, 2006.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Maintenance Division for Fiscal Year 2006, as amended at mid-year.

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

The motion for the adoption of Resolution No. 4078-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4078-06 duly and legally adopted.

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

**RESOLUTION NO. 4079-06**

**A RESOLUTION  
ESTABLISHING CORPORATE MEMBERSHIPS  
AND HOLIDAYS TO BE OBSERVED  
FOR DAVID L. BODENHAMER RECREATION CENTER**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That effective immediately, a Corporate Membership category is hereby established for the David L. Bodenhamer Recreation Center as reflected by the attached documents.

Section 2. That the David L. Bodenhamer Recreation Center shall observe the following holidays and be closed:

New Year's Day  
Independence Day (close at 6:00 p.m.)  
Thanksgiving Day  
Christmas Eve and Christmas Day  
New Year's Eve

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

The motion for the adoption of Resolution No. 4079-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4079-06 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. 1433**

**AN ORDINANCE ASSENTING TO THE ANNEXATION  
OF CERTAIN PROPERTY DESCRIBED HEREIN TO  
THE CITY OF GULF SHORES, ALABAMA, AND  
EXTENDING THE CORPORATE LIMITS OF THE CITY  
TO INCLUDE SUCH PROPERTY**

WHEREAS, on the 21st day of April, 2006, E. Gaylon McCollough, on behalf of McCollough Enterprises, LLC, owner of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Gulf Shores; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Gulf Shores; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the City of Gulf Shores and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON MAY 8, 2006, as follows:

Section 1. That the Council of the City of Gulf Shores, Alabama, finds and declares that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Gulf Shores.

Section 2. That the boundary lines of the City of Gulf Shores, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretobefore encompassed by the corporate limits of the City of Gulf Shores, Alabama, and in addition thereto the following described territory, to-wit:

Situated in Baldwin County, Alabama, to-wit: 61-08-34-0-001-008.000 - Approximately 30+ acres on County Road 4 between Highway 59 and Foley Beach Express. 21635 Cotton Creek Drive

Section 3. That this ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Baldwin County, Alabama.

Section 4. That the territory described in this ordinance shall become a part of the corporate limits of the City of Gulf Shores, Alabama, upon publication of this ordinance as set forth in Section 3, above.

The motion for unanimous consent was seconded by Councilman Craft; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Jones then moved for the adoption of Ordinance No. 1433 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1433 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1433 duly and legally adopted.

#### COMMITTEE REPORTS:

Councilman Jones reported on the ferry demonstration he attended on Friday.

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

Mayor Duke declared the meeting adjourned.

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George W. Duke, III, Mayor

(SEAL)

ATTEST:

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Renee F. Moore, MMC, City Clerk