

**A G E N D A**  
**REGULAR COUNCIL MEETING**  
**CITY OF GULF SHORES, ALABAMA**  
**JULY 24, 2006**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Regular Meeting of July 10, 2006  
Work Session of July 10, 2006  
Work Session of July 17, 2006
6. Approval of Payroll and Expense Vouchers
7. Public Hearing
  - A. Amend Zoning Ordinance No. 235  
  
Ordinance - Rezone The Sanctuary and Approve Outline Development Plan
8. Presentation of Petitions, Requests and Communications
  - A. Request for Temporary Building - The Academy of Arts & Sciences
  - B. Request for Site Plan Extension - Surf Rider Condominium
  - C. Application for Special Events Retail Liquor License - Pink Pony Pub
9. Hearing of Persons Not Listed on Formal Agenda
10. New Business
  - A. Resolution - Approve Final Plan - Seashell Planned Unit Development
  - B. Resolution - Ratify Contract - Adams and Reese, LLP - Legal Services
  - C. Resolution - Ratify Contract - South Alabama Regional Planning Commission - South Baldwin County Transit Initiative
  - D. Resolution - Authorize Land Lease Agreement - Verizon Wireless
  - E. Resolution - Contract for Purchase of Real Estate - The Landing, LLC
  - F. Resolution - Authorize Agreement - Alabama Department of Transportation - Transportation Grant
  - G. Resolution - Authorize Appropriation - Mobile Bay National Estuary Program - Stormwater Management Authority Planning
  - H. Resolution - Consent to Annexation Boundary with City of Orange Beach
  - I. Resolution - Amend Employee Handbook - Fire Rescue Department Vacation and Sick Leave
  - J. Ordinance - Grant Nonexclusive Franchise - C.Q.C., Inc. - Soft Drink Vending Machines and Vending Cart in Approved Locations
11. Committee Reports
  - A. Garris
  - B. Doughty
  - C. Harris
  - D. Craft
  - E. Jones
12. Staff Reports

13. Adjourn

**MINUTES OF REGULAR COUNCIL MEETING**

**CITY OF GULF SHORES, ALABAMA**

**JULY 24, 2006**

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Rick Fennig, Grace Fellowship Presbyterian 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 Harris moved to approve the minutes of the regular meeting of July 10, 2006, 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 Council work session of July 10, 2006, as presented; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Councilman Doughty moved to approve the minutes of the Council work session of July 17, 2006, as presented; seconded by Councilman Garris. Upon the question, all those officials present voted in favor of the motion, with the exception of Mayor Duke, who abstained. The Mayor declared the motion carried.

Councilman Craft moved to approve the payroll and expense vouchers in the amount of \$1,578,823.90; seconded by Councilman Jones; 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 Duke stated that this was the time and place for the public hearing, as advertised, on the proposed rezoning of The Sanctuary project.

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, Zoning Administrator, noted the recommendations of his Department and the Planning Commission in support of the rezoning, as reflected by the following communications:

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

Chuck Browdy, Robert Adair, Russell Shackelford, Manny Hahn, Ralph Gilges, Ian Mills, Vickie & Joseph Matranga, Bonnie Lowery, Barbara Pounds and Dr. Ward spoke in opposition to the rezoning based on: proposed pathway along Veterans Road, parking issues and overuse of public beach at the end of Veterans Road, bird, beach mouse and sea turtle issues, highway crossing to transition the bike path from the north side of Fort Morgan Road to the south side, and the negative impact on the neighborhood.

Rick Fine, Stan Zack, Michael Waldheim and Barry Skerrit spoke in favor of the project.

After a lengthy discussion the Council determined that while access to the public beach is a problem, the Baldwin County Commission must approve any improvements to the public parking area and pathways along Veterans Road. The Council further advised that the property was previously County zoned to allow a hotel and transitioned into the City with the same zoning. The purpose of the rezoning is to provide more open space on the site through a planned unit development.

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. 1445**

**AN ORDINANCE AMENDING ORDINANCE NO. 235  
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,  
BY CHANGING THE ZONING CLASSIFICATION  
OF A 12-ACRE PARCEL DESCRIBED HEREIN  
IN REZONING CASE PUD2006-03,  
FROM BG-2FM TO BG-2FM/PUD; AND  
APPROVING OUTLINE DEVELOPMENT PLAN OF  
PLANNED UNIT DEVELOPMENT TO BE KNOWN AS  
SANCTUARY HOTEL  
IN ACCORDANCE WITH SECTION 13-6  
OF ZONING ORDINANCE**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 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:

That certain property located in Section 22 and Section 27, Township 9 South, Range 2 East, Baldwin County, Alabama, and being more particularly described as follows: Commencing at the northeast corner of said Section 27, said point also being the southeast corner of said Section 22, Township 9 South, Range 2 East, Baldwin County; thence run north 89 degrees 33'15" west, along the north line of Section 27 and the south line of Section 22, a distance of 1426.65 feet to the point of beginning of the property herein described; thence run South 00 degrees 08'25" east, a distance of 199.71 feet to a point; thence run north 89 degrees 33'53" west, a distance of 1166.41 feet to a point; thence run north 00 degrees 09'35" west, a distance of 199.93 feet to a point on the said north

line of Section 27 and the south line of Section 22, said point bears north 89 degrees 33'15" west, 1166.53 feet from the point of beginning; thence run north 89 degrees 33'15" west, a distance of 60.00 feet to a point; thence run north 00 degrees 06'42" west, a distance of 139.21 feet to a point on the south right-of-way of Dixie Graves Parkway; thence run north 78 degrees 31'16" east along said right-of-way, a distance of 164.65 feet to the P.C. of a curve to the right; thence run eastwardly along the south right-of-way of said curve to the right and having a radius of 5564.65 feet, a delta angle of 11 degrees 02'04", an arc length of 1071.67 feet (chord bears north 84 degrees 15'37" east, 1070.00 feet to a point; thence run south 00 degrees 08'25" east, a distance of 288.50 feet to the point of beginning.

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 BG-2FM (general business-2 Ft. Morgan) to BG-2FM/PUD (general business-2 Fort Morgan/planned unit development).

Section 2. That the outline development plan of the Planned Unit Development to be known as Sanctuary Hotel, be and the same is hereby approved as submitted, in accordance with Section 13-6 of the Zoning Ordinance, contingent upon:

1. The applicant shall work with staff to save as many of the protected trees (live oak, sand live oak, and sand pine) on the site as possible. These trees are required to be preserved by the Tree Preservation Ordinance.
2. The wetlands shall be placed in a conservation easement so that they may be preserved in perpetuity.
3. The applicant shall request from the Alabama Department of Conservation and Natural Resources the ability to plant the state property located between the site and the right-of-way in order to screen the proposed development from surrounding properties.
4. The applicant shall work with staff to ensure that the building is in conformance with the Beach Area Overlay District design guidelines.
5. All outside agency approvals and permits (federal, state, county, or other) shall be submitted to the Community Development Department prior to the initiation of any 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.
6. The applicant shall provide accessible signed public parking for the proposed public amenities.
7. The applicant shall contribute \$250,000 to the City of Gulf Shores for the City's use in extending the Ft. Morgan multi-use pathway west from its current terminus near The Peninsula. If the City is unsuccessful in acquiring a state/federal grant to extend the pathway to a point north of the driveway for the Sanctuary site, the applicant shall pay the additional amount required to complete this extension to the Sanctuary. In no case shall the total amount to be contributed by the applicant exceed one million dollars. All required monies shall be paid to the City prior to the certificate of occupancy being issued. The applicant may choose to construct said pathway to the City's standards or make an escrow deposit to the City for such improvements.
8. The applicant shall construct on the south side of Fort Morgan Road, within the Dixie Graves Parkway, a multi-use

pathway consistent with the design criteria for the Fort Morgan pathway, from the driveway for the Sanctuary to Veteran's Road. The applicant may choose to construct these improvements to the City's standards or make an escrow deposit to the City for such improvements. This pathway shall be extended, subject to the approval of Baldwin County, south on Veteran's Road to the terminus of the right-of-way.

9. Public Works comments:

➤ Traffic Circulation - The traffic study has been reviewed and approved. The developer will need to obtain a permit from ALDOT for the deceleration lanes and center turn lanes to be constructed on Highway 180. The driveways shown to be constructed between the Highway 180 right-of-way and the property line may not be approved by the Alabama Department of Conservation. Such driveways are usually limited to straight line accesses between the right-of-way and the property being served. If approved, the proposed traffic controls at the two (2) "Y" intersections will need to be addressed during the site plan process. The developer will need to obtain easements for them from the Alabama Department of Conservation.

Section 3. That the decision of the City Council is that the Planned Unit Development is in the public interest, based on the following findings of fact and conclusions:

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

Section 4. Outline Development Plan approval, with or without special conditions, shall represent the zoning of that area contained within the Plan. Application for final Planned Unit Development of the Sanctuary Hotel shall be filed within six (6) months from the date of approval of the Outline Development Plan. Development shall be completed within five (5) years of final approval of the Planned Unit Development.

Section 5. That this Ordinance shall become effective upon its adoption and publication as required by law.

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 Jones then moved for the adoption of Ordinance No. 1445 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1445 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, "nay," Councilman Doughty, "aye," Councilman

Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1445 duly and legally adopted.

The City Clerk presented the letter request of The Academy of Arts & Sciences for a one-year permit for a temporary building.

Councilman Harris moved to approve the request of The Academy of Arts & Sciences for a one-year permit for a temporary building; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

The City Clerk presented the letter request of Surf Rider, LLC for a one year extension to their site plan approval.

Councilman Jones moved to approve the request of Surf Rider, LLC for a one year extension to their site plan approval to expire on July 18, 2007; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

The City Clerk presented the application of Pinki's Pub, Inc., dba Pink Pony Pub, located at 137 East Gulf Place, Gulf Shores, Alabama, for a special events retail liquor license.

Whereupon, Councilman Craft moved to approve the application of Pinki's Pub, Inc., for a special events retail liquor license and to so notify the ABC Board; seconded by Councilman Garris; 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.

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

**RESOLUTION NO. 4116-06**

**A RESOLUTION APPROVING FINAL PLAN OF  
PLANNED UNIT DEVELOPMENT,  
TO BE KNOWN AS SEASHELL,  
A SUBDIVISION TO BE LOCATED  
ON 22.5 ACRES ON NORTH SIDE  
OF FORT MORGAN ROAD  
ADJACENT TO THE PENINSULA,  
GULF SHORES ALABAMA,  
IN ACCORDANCE WITH SECTION 13-6  
OF ORDINANCE NO. 235, AS AMENDED,  
ADOPTED MAY 10, 1982  
(S338)**

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WHEREAS, the R & D Group, LLC has submitted to the City Council documentation which satisfies the requirements of Article 13 of Gulf Shores Zoning Ordinance No. 235, as amended, pertaining to the Final Development Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the final plan of Seashell, a Planned Unit Development, has been reviewed by Staff and the Gulf Shores Planning Commission, is found to be in substantial conformance with the Outline Development Plan approved by the City Council on April 24, 2006, and is hereby approved as submitted in accordance with Article 13, Section 13-6 of Ordinance No. 235, as amended, adopted May 10, 1982.

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

The motion for the adoption of Resolution No. 4116-06 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 4116-06 duly and legally adopted.

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

**RESOLUTION NO. 4117-06**

**A RESOLUTION AUTHORIZING, RATIFYING, AND  
CONFIRMING EXECUTION OF CONTRACT  
WITH ADAMS AND REESE, LLP  
FOR LEGAL SERVICES; 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 JULY 24, 2006, as follows:

Section 1. That the contract for legal services with Adams and Reese, LLP is hereby authorized, approved and ratified.

Section 2. That the Mayor is hereby authorized to execute, in the name and on behalf of the City of Gulf Shores, the described contract. The City Clerk is hereby authorized to seal and attest said contract. Any prior approval and execution of said contract is hereby ratified and approved.

Section 3. That the funds for payment for such contract be drawn from the General Fund Budget, Administration Division Legal Fees Account, as reflected by the Fiscal Year 2006 Budget.

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

The motion for the adoption of Resolution No. 4117-06 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 4117-06 duly and legally adopted.

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

**RESOLUTION NO. 4118-06**

**A RESOLUTION AUTHORIZING, RATIFYING, AND  
CONFIRMING EXECUTION OF CONTRACT  
WITH SOUTH ALABAMA REGIONAL PLANNING COMMISSION  
TO ADMINISTER PREPARATION OF  
SOUTH BALDWIN COUNTY TRANSIT INITIATIVE FOR  
CITY OF GULF SHORES; AND  
AUTHORIZING PAYMENT OF AMOUNT FROM  
THE GENERAL FUND BUDGET**

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WHEREAS, the Cities of Gulf Shores, Orange Beach and Foley wish the South Alabama Regional Planning Commission to render administrative and professional services to oversee a selected consultant to develop a Transit Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the contract for administering preparation of the South Baldwin County Transit Initiative with South Alabama Regional Planning Commission is hereby authorized, approved and ratified.

Section 2. That the Mayor is hereby authorized to execute, in the name and on behalf of the City of Gulf Shores, the described contract. The City Clerk is hereby authorized to seal and attest said contract. Any prior approval and execution of said contract is hereby ratified and approved.

Section 3. That the funds for payment for such contract in the amount of \$45,540.00, which represent one-third of the total amount of the project, be drawn from the General Fund Appropriations Budget, Transit Plan Development, for Fiscal Year 2007.

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

The motion for the adoption of Resolution No. 4118-06 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 Resolution 4118-06 duly and legally adopted.

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

**RESOLUTION NO. 4119-06**

**A RESOLUTION AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
LAND LEASE AGREEMENT WITH  
VERIZON WIRELESS PERSONAL COMMUNICATIONS LP,  
DBA VERIZON WIRELESS,  
CONTINGENT UPON SUCCESSFUL LEASE NEGOTIATIONS**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Land Lease Agreement between the City of Gulf Shores and Verizon Wireless Personal Communications LP, dba Verizon Wireless, contingent upon successful lease negotiations; 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. 4119-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4119-06 duly and legally adopted.

Councilman Jones introduced and moved for the adoption of the following Resolution, subject to receipt of an environmental assessment and the City Attorney's opinion of such:

**RESOLUTION NO. 4120-06**

**A RESOLUTION AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
CONTRACT FOR PURCHASE OF REAL ESTATE  
WITH THE LANDING, LLC  
FOR PURCHASE OF PROPERTY;  
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM  
THE 2006-B G.O. WARRANT PROCEEDS**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Contract for Purchase of Real Estate between the City of Gulf Shores and The Landing, LLC for purchase of the property formerly known as Mo's Landing on the Highway 180 West, subject to environmental assessment and City Attorney's opinion of such; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be drawn from the 2006-B G.O. Warrant Proceeds as reflected by the Fiscal Year 2006 Budget.

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

The motion for the adoption of Resolution No. 4120-06 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 4120-06 duly and legally adopted. Councilman Doughty introduced and moved for the adoption of the following Resolution:

**RESOLUTION NO. 4121-06**

**A RESOLUTION AUTHORIZING AND DIRECTING THE  
MAYOR AND CITY CLERK TO EXECUTE  
AND ATTEST, RESPECTIVELY,  
AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION  
FOR PASS THROUGH OF FEDERAL FUNDS  
FOR TRANSPORTATION FOR YOUTH PROGRAMS  
AND SENIOR CITIZENS**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, an Agreement between the City of Gulf Shores and Alabama Department of Transportation relative to pass through of federal funds for a capital assistance project for transportation for youth programs and

senior citizens; 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. 4121-06 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 4121-06 duly and legally adopted.

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

**RESOLUTION NO. 4122-06**

**A RESOLUTION AUTHORIZING APPROPRIATION TO  
MOBILE BAY NATIONAL ESTUARY PROGRAM  
IN AMOUNT OF \$1,300.00  
FOR STORMWATER MANAGEMENT AUTHORITY PLANNING;  
AND AUTHORIZING PAYMENT OF SUCH 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 JULY 24, 2006, as follows:

Section 1. That an appropriation in the amount of \$1,300.00 is hereby authorized to the Mobile Bay National Estuary Program for the stormwater management authority planning.

Section 2. That the funds for payment for such appropriation be drawn from the General Fund Appropriations Budget for Fiscal Year 2006, and amending such.

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

The motion for the adoption of Resolution No. 4122-06 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 Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4122-06 duly and legally adopted.

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

**RESOLUTION NO. 4123-06**

**A RESOLUTION CONSENTING TO  
ANNEXATION BOUNDARY AGREEMENT  
WITH THE CITY OF ORANGE BEACH**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That the City of Gulf Shores does hereby agree to not annex any property on the east side of the Foley Beach Express;

in exchange the City of Orange Beach agrees to not annex any additional property on the west side of the Foley Beach Express.

Section 2. That in relation to the two islands situated between the north and southbound lanes of the Foley Beach Express, the City of Gulf Shores agrees that in the future it will only annex the northern most of the islands in exchange for the City of Orange Beach annexing only the southern most of the islands in the future.

Section 3. That the City of Gulf Shores understands that the City of Orange Beach agrees it will not sell or lease any property in the Orange Beach 80-acre Business Park adjacent to the Foley Beach Express, except for the northern most 20 acres of the park, for the purpose of establishing a medical facility or office.

Section 4. That the City of Gulf Shores understands that the City of Orange Beach will furnish all Police, Fire and EMS Services to the north and southbound lanes of the Foley Beach Express to the intersection of Russian Road.

Section 5. That the City of Gulf Shores commits to the City of Orange Beach that it will actively support and work for modifications to the Foley Beach Express agreement to allow for road improvements including intersections at either the intersection of County Road 6 and/or County Road 10.

The motion for the adoption of Resolution No. 4123-06 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 4123-06 duly and legally adopted.

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

**RESOLUTION NO. 4124-06**

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,  
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,  
RELATIVE TO FIRE DEPARTMENT  
VACATION AND SICK LEAVE**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JULY 24, 2006, as follows:

Section 1. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at VACATION LEAVE, to read as follows:

VACATION LEAVE

\* \* \*

Fire Rescue Department employees who work a fifty-three (53) hour work week will accrue vacation leave at the following rate:

1-9 years of service - 10.6 hours per month  
10-14 years of service - 13.25 hours per month  
15+ years of service - 17.66 hours per month

\* \* \*

Section 2. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by adding certain language at SICK LEAVE, to read as follows:

SICK LEAVE

\* \* \*

Fire Rescue Department employees who work a fifty-three (53) hour work week will accrue sick leave at the rate of 10.6 hours per month.

\* \* \*

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

The motion for the adoption of Resolution No. 4124-06 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 4124-06 duly and legally adopted.

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. 1446**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE  
TO C.Q.C., INC.  
TO PROVIDE SOFT DRINK VENDING MACHINES  
AND VENDING CART  
FOR USE IN APPROVED LOCATIONS  
IN THE CITY OF GULF SHORES;  
AND AUTHORIZING  
THE EXECUTION OF A FRANCHISE AGREEMENT  
BETWEEN THE CITY OF GULF SHORES AND THE CORPORATION**

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WHEREAS, C.Q.C., Inc. (the Corporation) has requested a franchise to empower the Corporation to provide soft drink vending machines and a vending cart in approved locations; and

WHEREAS, The City is desirous of granting a nonexclusive franchise to the Corporation; 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 JULY 24, 2006, as follows:

Section 1. That a nonexclusive franchise be and it is hereby granted to C.Q.C., Inc., a corporation, for placement of soft drink vending machines at approved locations within the corporate limits of the City. That additionally the nonexclusive franchise shall grant to C.Q.C., Inc. use of one vending cart at an approved location 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 C.Q.C., Inc., which sets forth the requirements, covenants and agreements of a franchise to the Corporation for such venture.

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 July 25, 2006, which Franchise succeeds the Franchise Agreement to C.Q.C., Inc., dated August 28, 2001.

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 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 Jones then moved for the adoption of Ordinance No. 1446 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1446 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 Ordinance No. 1446 duly and legally adopted.

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 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