

A G E N D A
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
AUGUST 14, 2006

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Regular Meeting of July 24, 2006
Work Session of July 31, 2006
6. Approval of Payroll and Expense Vouchers
7. Public Hearing
 - A. Amend Zoning Ordinance No. 235
Ordinance - Amend Article 6 - Telecommunications Towers -
Special Use Permit
 - B. Amend Zoning Ordinance No. 235
Ordinance - Rezone The River - R-1A to BTL/PUD
8. Presentation of Petitions, Requests and Communications
 - A. Request for Site Plan Extension - Laguna Cay Condominium
9. Hearing of Persons Not Listed on Formal Agenda
10. New Business
 - A. Resolution - Authorize Agreement for Services - KPS Group,
Inc. - Comprehensive Plan
 - B. Resolution - Authorize Agreement for Services - KPS Group,
Inc. - Zoning Ordinance Rewrite
 - C. Resolution - Application for Grant - Alabama Department of
Conservation and Natural Resources - Public Access Site
Planning and Design
 - D. Resolution - Award Bid - Christmas Street Decorations
 - E. Resolution - Amend Employee Handbook - Termination
Processing Procedure, Overtime Pay/Compensatory Time,
Unused Sick Leave, Accident Reporting, and Automobile
Usage
 - F. Resolution - Reappointments - Airport Authority
 - G. Resolution - Reappointments - Beautification Board
 - H. Ordinance - Approve Conveyance of Lot 17 - Airport
Authority
 - I. Ordinance - Approve Conveyance of Lot 18 - Airport
Authority
11. Committee Reports
 - A. Garris
 - B. Doughty
 - C. Harris
 - D. Craft
 - E. Jones
12. Staff Reports
13. Adjourn

MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA

The City Council of the City of Gulf Shores, Alabama, met in regular public session at City Hall in the City of Gulf Shores, Alabama, at 5:00 o'clock P.M. on August 14, 2006.

The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: George W. Duke, III
Joe Garris
Carolyn M. Doughty
Philip Harris
Robert Craft
Stephen E. Jones

Absent: None

The Mayor stated the meeting was open for the transaction of business.

The invocation was delivered by The Reverend Craig Bowyer, Grace Lutheran Church. The Pledge of Allegiance to the flag was led by Mayor Duke.

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

Councilman Jones moved to approve the minutes of the Council work session of July 31, 2006, as presented; seconded by Councilman Harris; and the vote in favor of the motion was unanimous.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$2,402,545.78; seconded by Councilman Garris; and the vote in favor of the motion was unanimous.

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 amendment to the Zoning Ordinance relative to Special Use Permits for telecommunications towers and telecommunications support.

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

Upon the request of Mayor Duke, Zoning Administrator Andy Bauer informed the Council of the background on this request, and presented the following recommendations of his Department and the Planning Commission:

Mayor Duke asked if anyone present wished to express support or opposition to the request. No one responded. The Mayor asked if there was any written comment received; and the City Clerk reported there was none.

Councilman Garris 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. 1447

AN ORDINANCE TO AMEND ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982
AT ARTICLE 6 - DISTRICT REGULATIONS,
SECTION 6-1. USE REGULATIONS FOR AGRICULTURAL DISTRICT,
BY ADDING A NEW SUBSECTION C.
USES PERMITTED BY SPECIAL USE PERMIT;
AT SECTION 6-8. TABLE OF PERMITTED USES,
BY CHANGING CERTAIN LANGUAGE
AT SUBSECTION 1; AND
AT THE TABLE OF PERMITTED USES,
BUSINESS AND INDUSTRIAL DISTRICTS,
BY CHANGING CERTAIN LANGUAGE AT SUBSECTION D.
INSTITUTIONAL, PUBLIC AND PRIVATE,
IN THE BR, BG, BG-1, BG-2, BTL, BTL-1,
BTL-2, BTL-3, BTL-4, BTB, BTB-1, BTB-2,
BTB-3, BTB-4, CD, I-1, AND OS-1 DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That Ordinance No. 235 (Zoning Ordinance, adopted May 10, 1982) be and it is hereby amended at ARTICLE 6 - DISTRICT REGULATIONS, at Section 6-1. - Use Regulations for Agricultural District, by adding a new Subsection C. Uses Permitted by Special Use Permit, and subsequently renumbering the Subsections that follow to read as follows:

ARTICLE 6 - DISTRICT REGULATIONS

* * * *

6-1. Use Regulations for Agricultural District

* * * *

- C. Uses Permitted By Special Use Permit. Telecommunications towers and telecommunications support apparatus.
- D. Animal Regulations. No corral, stable, pen, hive, or other enclosure intended for the confinement of any animal allowed herein shall be located within 200 feet of the residence of any other person other than the owner, nor shall such confinement facilities be located within the front or side yard. Livestock shall be allowed at the rate of one (1) animal per every 6,000 square feet of gross lot area.
- E. Animals Permitted Within the AG District.
1. Livestock: Shall mean cattle, oxen, horses, mules, burros, llama, donkeys, pigs, hogs, sheep, and goats.
 2. Fowl: Shall mean chickens, ducks, geese, quail, pigeons, and peacocks, ostriches, emu, and pheasants.

* * *

Section 2. That Ordinance No. 235 (Zoning Ordinance, adopted May 10, 1982) be and it is hereby amended at ARTICLE 6 - DISTRICT REGULATIONS, at Section 6-8. - Table of Permitted Uses, Subsection 1, by adding certain language so that said Subsection shall read as follows:

ARTICLE 6 - DISTRICT REGULATIONS

* * * *

6-8. Table of Permitted Uses.

1. The following Table contains a list of land uses permitted in the business and industrial districts. Opposite each land use, in the appropriate district column or columns, the letter "R" identifies those districts in which a particular land use is permitted by right and the letters "SE" identifies those districts in which a particular land use is permitted only by special exception, the letters "SUP" identifies those districts in which a particular land use is permitted only by a Special Use Permit as required by the City's Code of Ordinances, Chapter 7. Buildings, Construction and Related Activities, Article IX. Wireless Telecommunications Facilities Siting.

* * *

Section 3. That Ordinance No. 235 (Zoning Ordinance, adopted May 10, 1982) be and it is hereby amended at ARTICLE 6 - DISTRICT REGULATIONS, at TABLE OF PERMITTED USES, BUSINESS AND INDUSTRIAL DISTRICTS, by changing certain language at Subsection D. Institutional, Public and Private, in the BR, BG, BG-1, BG-2, BTL, BTL-1, BTL-2, BTL-3, BTL-4, BTB, BTB-1, BTB-2, BTB-3, BTB-4, CD, I-1, and OS-1 Districts so that said Subsections shall read as follows:

ARTICLE 6 - DISTRICT REGULATIONS

* * * *

TABLE OF PERMITTED USES
BUSINESS AND INDUSTRIAL DISTRICTS

BR - RESTRICTED BUSINESS DISTRICT

* * * *

D. Institutional, Public and Private

Assembly hall, convention center, coliseum owned by non-profit organization or by the State, City or County governments	SE	
Charitable and philanthropic organizations	SE	
Churches and other places of worship including Sunday School buildings, parish houses and other residences of clergy	SE	
Convalescent and nursing homes and homes for the aged	SE	
Children's home		
SE Child care facilities		SE
Essential service facilities		SE
Essential services installations (when properly screened from public view)	R	

Hospitals	SE
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Lodges, fraternal and social organizations, head- quarters for scout and other youth organizations	SE
Medical and dental offices and clinics, excluding veterinarians	SE
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Radio and television stations excluding transmission towers	SE
Telecommunications towers and telecommunications support apparatus	SUP

* * *

BG, BG-1, and BG-2 - GENERAL BUSINESS DISTRICTS

* * *

D. Institutional, Public and Private

Charitable and philanthropic organizations	R*
Child care facilities	R
Churches and other places of worship including Sunday school buildings, parish houses and other residences of clergy,	R
Convalescent and nursing homes and homes for the aged	R*
Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards	R
Essential service facilities	SE
Essential services installations (when properly screened from public view)	R
Hospitals	R*
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations	R*
Medical and dental offices and clinics, excluding veterinarians	R
Public schools and private or parochial elementary and high schools having a curricula approximately the same as ordinarily given in public elementary and high schools and meeting all standards of the State Board of Education for instruction and site size	SE
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Public and semipublic buildings used exclusively for public purposes including open storage of materials and equipment as an accessory use when screened from public view (Uses in this category will be permitted by right in the BG, CD, I-1 and I-2 Districts.)	R
Radio and television stations excluding transmission towers	R
Telecommunications towers and telecommunications	SUP

support apparatus

* * *

BTL - TOURIST LODGING DISTRICT

* * *

D. Institutional, Public and Private

Assembly Hall, convention center, coliseums owned by nonprofit organizations or by the State, City or County governments	SE
Convalescent and nursing homes and homes for the aged	SE
Essential service facilities	SE
Essential services installations (when properly screened from public view)	R
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Radio and television stations excluding transmitting towers	SE
Telecommunications towers and telecommunications support apparatus	SUP

* * *

BTL-1, BTL-2, BTL-3, AND BTL-4 - TOURIST LODGING DISTRICTS

* * *

D. Institutional, Public and Private

Essential service facilities	CUP
Essential services installations (when properly screened)	R
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Radio and television stations excluding transmitting towers	CUP
Telecommunications towers and telecommunications support apparatus	SUP

* * *

BTB - TOURIST BUSINESS DISTRICT

* * * *

D. Institutional, Public and Private

Churches and other places of worship including Sunday School buildings, parish houses and other residences	SE
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of clergy		
Convalescent and nursing homes and homes for the aged	SE	
Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards	R	
Essential service facilities		SE
Essential services installations (when properly screened from public view)	R	
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R	
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations	R*	
Medical and dental offices and clinics, excluding veterinarians	R	
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R	
Radio and television stations excluding transmission towers	SE	
Telecommunications towers and telecommunications support apparatus	SUP	

* * *

BTB-1, BTB-2, BTB-3 AND BTB-4 - TOURIST BUSINESS DISTRICTS

* * * *

D. Institutional, Public and Private

Churches and other places of worship including Sunday School buildings, parish houses and other residences of clergy	CUP	
Day nurseries and kindergartens meeting all requirements of appropriate State regulations and standards	R	
Essential service facilities		CUP
Essential services installations (when properly screened from public view)	R	
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R	
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations	R	
Medical and dental offices and clinics, excluding veterinarians	R	
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R	
Radio and television stations excluding transmission towers	CUP	
Telecommunications towers and telecommunications support apparatus	SUP	

* * *

CD - COMMERCIAL DISTRICT

* * *

D. Institutional, Public and Private

Assembly Hall, convention center, coliseums	R*
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owned by nonprofit organizations or by the State, City or County governments	
Charitable and philanthropic organizations	R*
Churches and other places of worship including Sunday School buildings, parish houses and other residences of clergy	R
Essential service facilities	SE
Essential services installations (when properly screened from public view)	R
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations	R*
Medical and dental offices and clinics excluding veterinarians	R
Municipal garages, repair and storage yard	R
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Public and semipublic buildings used exclusively for public purposes including open storage of materials and equipment as an accessory use when screened from public view (Uses in this category will be permitted by right in the BG, CD, I-1 and I-2 Districts.)	R
Radio and television stations and transmitting towers	SE
Radio and television stations excluding transmission towers	R
Telecommunications towers and telecommunications support apparatus	SUP

* * *

I-1 - LIGHT INDUSTRIAL DISTRICT

D. Institutional, Public and Private

Assembly Hall, convention center, coliseums owned by nonprofit organizations or by the State, City or County governments	R*
Charitable and philanthropic organizations	R*
Churches and other places of worship including Sunday School buildings, parish houses and other residences of clergy	R
City incinerators, dumps and landfills	SE
Essential service facilities	SE
Essential services installations (when properly screened from public view)	R
Libraries, community centers, public or private parks, playgrounds, museums, art galleries, legitimate theaters, artistic programs or events	R
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations	R
Penal and correctional institutions	SE
Public and semipublic buildings used exclusively for public purposes but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, buildings used as correctional institutions and industrial type operations of any kind	R
Public and semipublic buildings used exclusively for public purposes including open storage of	R

materials and equipment as an accessory use when screened from public view (Uses in this category will be permitted by right in the BG, CD, I-1 and I-2 Districts.)

Public utility storage yard		R
Radio and television stations and transmitting towers	SE	
Radio and television stations excluding transmission towers	R	
Telecommunications towers and telecommunications support apparatus	SUP	

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OS-1 - OPEN SPACE AND PRESERVATION DISTRICT

* * *

B. Institutional, Public and Private

Essential service facilities		SE
Essential services installations (when properly screened from public view)		R
Telecommunications towers and telecommunications support apparatus		SUP

* * *

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 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. 1447 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1447 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 Ordinance No. 1447 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the application of Celestial Enterprises for rezoning of The River project from R-1A to BTL/PUD.

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

Zoning Administrator Andy Bauer noted the recommendations of his Department and the Planning Commission in favor of this rezoning, as reflected by the following communication:

Mayor Duke asked if anyone present wished to express support or opposition to the request. The Council had a brief discussion of road improvements and dry boat storage issues.

The Mayor asked if there was any written comment received; and the City Clerk reported there was none.

Councilman Doughty 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. 1448

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 11.25-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE PUD2006-06,
FROM R-1A TO BTL/PUD; AND
APPROVING OUTLINE DEVELOPMENT PLAN OF
PLANNED UNIT DEVELOPMENT TO BE KNOWN AS
THE RIVER
IN ACCORDANCE WITH SECTION 13-6
OF ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 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:

Being in Section 4, Township 9 South, Range 3 East, Baldwin County, Alabama, and being more particularly described as follows: Commence at the intersection of the south line of Section 1 and the east line of John Cook Grant; thence north 38 degrees 49'10" East, 3,111.80 feet to a point; thence north 43 degrees 00'00" West, 2,509.15 feet to an iron pin on the northwest right-of-way of County Road No. 6 (80 foot ROW) and the point of beginning; thence south 37 degrees 35'50" West, 99.44 feet along said right-of-way of County Road No. 6 to an iron pin; thence south 37 degrees 37'42" West, 99.34 feet along said right-of-way of County Road No. 6 to an iron pin; thence north 42 degrees 59'55" West, 1644 feet, more or less, to a point on the southeast margin of Bon Secour River; thence northeasterly along said margin of Bon Secour River 331 feet, more or less, to a point on the said margin of Bon Secour River; thence south 42 degrees 56'43" East, 7 feet, more or less, to an iron pin; thence south 42 degrees 56'43" East, 1665.32 feet to an iron pin on the said right-of-way of County Road No. 6; thence south 37 degrees 22'54" West, 99.51 feet along said right-of-way of County Road No. 6 to an iron pin and the point of beginning. Said tract of land containing 11.25 acres, more or less.

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 BTL/PUD (tourist lodging/planned unit development).

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

- 1.The wet slips shall only be used for private purposes by the owners/occupants of the condominium units and customers at the restaurant and shall at no time be leased or sold to the public.
- 2.Numerous protected trees exist on the site as indicated by the tree survey. The applicant shall work with staff to preserve as many of these trees as possible.

3. One of the condominium buildings is in excess of fifty feet (50') in height; as such the developer is required to submit the proper forms with the FAA for an official determination as to whether or not the proposed structure will be a hazard to air navigation and result in any detrimental action toward the airport.
4. The dry boat storage building and use shall be removed from the plans. Parking for boat trailers may be required at the time of site plan review. The remote parking lot may also be subject to relocation during a formal review of the site plan.
5. The minimum vegetative buffers shall be as provided on the plans (30 feet along the southern property line and 6 feet along the northern property line). The landscape and development setbacks shown along the north property line are minimums and increases may be required at the time of site plan review. In addition to the vegetative buffers, an opaque fence shall be provided along the northern property line to buffer this development from the adjacent properties. All boardwalks, parking areas, pools and driveways shall be removed/relocated from the southern thirty foot (30') buffer.
6. The applicant shall incorporate the initiatives of the Clean Marina regulations at the wet boat slips as required in Article 8-23 of the Zoning Ordinance.
7. The applicant shall place the wetlands in a conservation easement.
8. Public Works comments-
 - Traffic Circulation - A traffic study has been submitted and is under review. The developer will need to obtain a permit from Baldwin County for the deceleration lane and center turn lane to be constructed on County Road 6. Ten feet (10') of additional right-of-way needs to be dedicated. The developer will be required to contribute to the later improvements required on County Road 6 in proportion to the increase in traffic they will generate as outlined in the traffic study.

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 River 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 Garris; 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. 1448 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1448 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 Ordinance No. 1448 duly and legally adopted.

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

Gerald Garner, a property owner on County Road 6, addressed the Council relative to his opposition to a City school system citing increased taxes relative to senior citizens.

The City Clerk presented the request of WHL Architecture for a six month extension to the site plan approval for the Laguna Cay Condominium project.

Whereupon, Councilman Jones moved to approve the request of WHL Architecture for a six month extension to the site plan approval for Laguna Cay Condominium to expire on July 18, 2007; seconded by Councilman Harris; and the vote in favor of the motion was unanimous.

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

RESOLUTION NO. 4125-06

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AGREEMENT FOR SERVICES WITH KPS GROUP, INC.
FOR COMPREHENSIVE PLAN
IN AMOUNT NOT TO EXCEED \$72,000.00;
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM
THE CAPITAL IMPROVEMENTS FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 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 for Services between the City of Gulf Shores and KPS Group, Inc. for formulation of a comprehensive plan in an amount not to exceed \$72,000.00; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be drawn from the Capital Improvements Funds Budget for Fiscal Year 2007.

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

The motion for the adoption of Resolution No. 4125-06 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 4125-06 duly and legally adopted.

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

RESOLUTION NO. 4126-06

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AGREEMENT FOR SERVICES WITH
KPS GROUP, INC. FOR ZONING ORDINANCE REWRITE
IN AMOUNT NOT TO EXCEED \$68,500.00;
AND AUTHORIZING PAYMENT OF SUCH AMOUNT FROM
THE CAPITAL IMPROVEMENTS FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 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 for Services between the City of Gulf Shores and KPS Group, Inc. for the zoning ordinance rewrite in an amount not to exceed \$68,500.00; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be drawn from the Capital Improvements Fund Budget for Fiscal Years 2006 and 2007.

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

The motion for the adoption of Resolution No. 4126-06 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 4126-06 duly and legally adopted.

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

RESOLUTION NO. 4127-06

A RESOLUTION
AUTHORIZING EXECUTION OF APPLICATION
FOR FUNDING FOR FILING WITH THE
ALABAMA DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR MO'S LANDING PUBLIC ACCESS SITE
PLANNING AND DESIGN

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 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 application for funding for filing with the Alabama Department of Conservation and Natural Resources, State Lands Division, Coastal Section, to facilitate obtaining financial assistance for Mo's Landing public access site planning and design.

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

The motion for the adoption of Resolution No. 4127-06 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 4127-06 duly and legally adopted.

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

RESOLUTION NO. 4128-06

A RESOLUTION ACCEPTING THE BID OF
DIXIE DECORATIONS
IN THE AMOUNT OF \$28,160.00
FOR CHRISTMAS STREET DECORATIONS;
AND AUTHORIZING PAYMENT OF AMOUNT FROM
THE GENERAL FUND BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That the bid of Dixie Decorations in the amount of \$28,160.00 for sixty-four Christmas street decorations, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on July 25, 2006.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Special Events & Programs Division for Fiscal Year 2006.

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

The motion for the adoption of Resolution No. 4128-06 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 4128-06 duly and legally adopted.

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

RESOLUTION NO. 4129-06

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,
RELATIVE TO TERMINATION PROCESSING PROCEDURE,
OVERTIME PAY/COMPENSATORY TIME
UNUSED SICK LEAVE, EDUCATIONAL ASSISTANCE PROGRAM,
ACCIDENT REPORTING, AND AUTOMOBILE USAGE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 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 TERMINATION PROCESSING PROCEDURE, 4. Retirement, to read as follows:

TERMINATION PROCESSING PROCEDURE

* * *

4. Retirement. Retirement is a voluntary retirement by the employee from City employment. An employee is eligible to receive retirement benefits if he or she has at least 10 years of service credit and has attained the age of 60, or after accumulating 25 years of service credit at any age.

An eligible employee is able to retire on the first day of the month following attainment of age 60 with 10 years of creditable service or the first day of the month following attainment of 25 years of service credit. Employees can only retire on the first day of the month in which they are eligible. Eligible employees can convert a maximum of 960 hours of unused sick leave to service credit to meet the minimum requirement for service retirement. (See Unused Sick Leave)

* * *

Section 2. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by changing and adding certain language at OVERTIME PAY/COMPENSATORY TIME, Compensatory Time, (1) Non-exempt (hourly) employees, to read as follows:

OVERTIME PAY/COMPENSATORY TIME

* * *

Compensatory Time. When a non-exempt (hourly) employee has worked overtime, he or she may elect to receive compensatory time in lieu of monetary overtime compensation. Compensatory time is one and a half times the actual hours of time worked.

- (1) Non-exempt (hourly) employees. All non-exempt employees may accrue up to 120 hours of compensatory time. All excess hours worked beyond these limits will be paid as overtime. Compensatory time may be accumulated for a period of one year from the date worked. If accrued compensatory time

hours are unused and still credited to an employee after one year has elapsed from the date such hours were worked, the hours will automatically be paid as described above, using the pay rate in effect at the time the hours were worked and applying the hours being remunerated against the oldest hours (those worked at the earliest date).

An employee who has accrued compensatory time and requests use of the time will be permitted to utilize the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the City. The City reserves the right, depending upon the circumstances in any department, to require the use of accrued compensatory time or to substitute payment, in whole or in part, for compensatory time. Such a substitution will not affect subsequent granting of compensatory time in the future.

Employees must utilize all accumulated compensatory time prior to requesting/using vacation leave, unpaid time off, or unpaid leave of absence.

* * *

Section 3. 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 UNUSED SICK LEAVE to read as follows:

UNUSED SICK LEAVE

Accrued sick leave is not paid at termination. However, employees who are eligible for retirement (See Termination Processing Procedure, Retirement) may use their accumulated sick leave balance up to 960 hours at the time of retirement to extend their effective retirement date beyond their last actual day at work. At the discretion of the Mayor, a deceased employee's designated beneficiary may be paid for up to sixty days of unused accrued sick leave.

Section 4. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by changing certain language at EDUCATIONAL ASSISTANCE PROGRAM to read as follows:

EDUCATIONAL ASSISTANCE PROGRAM

* * *

Employees who receive educational assistance from the City are required to continue employment with the City for two years after completion of the course. Employees who do not meet this requirement will be required to reimburse the City for any financial assistance received.

* * *

Section 5. 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 ACCIDENT REPORTING to read as follows:

ACCIDENT REPORTING

Should an injury occur while on the job, the injured employee must report his/her injury to his/her supervisor immediately. The supervisor must immediately notify the Personnel Officer, or in his/her absence, the City Clerk. An Accident/Injury Investigation Report must be submitted within 24 hours to the Personnel Officer to comply with Worker's Compensation requirements. It is the

employee's responsibility to ensure that the accident report is promptly completed. Failure to report or file an Accident/Injury Report will be considered a violation of City policy and could result in appropriate discipline up to and including termination and could affect worker's compensation coverage.

Any accident involving a motor vehicle should also be reported to the City Clerk with a copy of the Accident/Injury Investigation Report and police report provided to the Clerk.

As provided in the Drug and Alcohol Testing Program Procedures, alcohol and controlled substance post-accident testing of employees may be required in certain circumstances.

Should an on the job injury result in medical treatment, the employee's supervisor, if present at the time, should accompany the employee for treatment. Day shift workers should seek treatment at the Orange Beach Family Practice, 4223 Orange Beach Boulevard, Suite B, Orange Beach, AL. Night shift workers should seek treatment at the South Baldwin Regional Medical Center Emergency Room.

Should the injury occur on a weekend or at some time that the approved medical provider is not available, you may report to the South Baldwin Regional Medical Center Emergency Room.

Failure to report to the approved medical providers may jeopardize your worker's compensation benefits.

Section 6. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended by changing and adding certain language at AUTOMOBILE USAGE to read as follows:

AUTOMOBILE USAGE

* * *

City-owned vehicles are to be used only in connection with an employee's work for the City and should not be utilized for personal purposes, such as trips to the grocery store, church, a movie, a restaurant, etc. Some employees who are on 24-hour duty status, however, will be allowed use of their assigned vehicle for personal purposes when it is deemed in the City's best interest to do so. As a rule, City-owned vehicles will not be assigned to employees whose residence is more than ten miles from the corporate limits of the City of Gulf Shores, with the exception of essential emergency personnel who will be designated by the City Administrator.

* * *

Section 7. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4129-06 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 4129-06 duly and legally adopted.

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

RESOLUTION NO. 4130-06

**A RESOLUTION REAPPOINTING
JOE GARRIS,
LAWRENCE T. HOPKINS,
AND LARRY POWELL
TO THE AIRPORT AUTHORITY
TO EACH SERVE A FULL TERM OF SIX YEARS
ENDING ON JUNE 1, 2012**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That Joe Garris be and he hereby is reappointed to the Airport Authority to serve a full term of six years ending on June 1, 2012.

Section 2. That Lawrence T. Hopkins be and he hereby is reappointed to the Airport Authority to serve a full term of six years ending on June 1, 2012.

Section 3. That Larry Powell be and he hereby is reappointed to the Airport Authority to serve a full term of six years ending on June 1, 2012.

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

The motion for the adoption of Resolution No. 4130-06 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 4130-06 duly and legally adopted.

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

RESOLUTION NO. 4131-06

**A RESOLUTION RATIFYING AND
CONFIRMING THE ACTION
OF THE MAYOR IN
REAPPOINTING
DORRIS HOFFMAN, RODNEY POWELL AND
JUDY SMITH
TO THE BEAUTIFICATION BOARD OF THE
CITY OF GULF SHORES EACH FOR 3-YEAR TERMS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That the action of the Mayor in reappointing Dorris Hoffman, Rodney Powell and Judy Smith to the Beautification Board of the City of Gulf Shores each to a three-year period ending September 6, 2009, be and it is hereby ratified and confirmed.

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

The motion for the adoption of Resolution No. 4131-06 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 4131-06 duly and legally adopted.

Councilmember 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. 1449

**AN ORDINANCE APPROVING THE CONVEYANCE
OF CERTAIN REAL PROPERTY TO THE
AIRPORT AUTHORITY OF THE CITY OF GULF SHORES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES as follows:

Section 1. The City Council (the "Council") of the City of Gulf Shores (the "City"), upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to Quitclaim Deed dated November 23, 1977 recorded in Book 528 at Page 381 et seq. in the Office of the Judge of Probate of Baldwin County, Alabama, the United States of America has conveyed certain properties and interests in properties more particularly described therein (the "Airport") to the State of Alabama, Department of Aeronautics,

(b) Pursuant to Quitclaim Deed dated October 17, 1983 recorded in Book 159 at Page 517 et seq. in said office the State of Alabama, Department of Aeronautics, has conveyed the Airport to the City of Gulf Shores without extension of credit, assumption or incurrence of pecuniary obligation, or payment of money or other thing of value by the City in connection therewith except for the payment of certain amounts by the City in reimbursement to the Department of Aeronautics for capital improvements to the Airport consisting of air traffic control and air navigation facilities,

(c) Pursuant to Lease, Assignment and Operating Agreement dated as of July 1, 1988 recorded in Book 418 at Page 669 et seq. in said office (the "Lease") the City has leased the Airport and granted certain rights and privileges therein to The Airport Authority of the City of Gulf Shores (the "Authority"),

(d) That portion of the real property of the Airport described on Exhibit A hereto (the "Subject Real Property") is not now and will not be needed for the public purposes of the Airport and is not now and will not be needed for any other public or municipal purposes (within the meaning of Section 11-47-20 of the Code of Alabama 1975),

(e) It is necessary and desirable and in the public interest to release the Subject Real Property from the demise and provisions of the Lease and to convey the Subject Real Property to the Authority for use thereby for purposes set forth in Article 2 of Chapter 3 of Title 4 of the Code of Alabama 1975, pursuant to which the Authority was incorporated and now exists (as such law may be in effect from time to time), subject to existing encumbrances thereon and to all requirements with respect thereto of any federal or state governmental or regulatory body (including without limitation the Federal Aviation Administration) of competent jurisdiction.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm

(1) the release of the Subject Real Property from the Lease and the conveyance of the Subject Real Property to the Authority for use for purposes set forth in Article 2 of Chapter 3 of Title 4 of the Code of Alabama 1975 (as in effect from time to time) subject to existing encumbrances thereon and to all requirements with respect thereto of any federal or state governmental or regulatory body (including without limitation the Federal Aviation Administration) of competent jurisdiction, and

(2) the terms and provisions of and the transactions to be undertaken pursuant to, the following documents:

(a) Twelfth Amendment of Lease, Assignment and Operating Agreement between the City and the Authority, with respect to the Subject Real Property, to be dated the date of execution and delivery thereof,

(b) Deed from the City to the Authority, with respect to the Subject Real Property, to be dated the date of execution and delivery thereof.

Section 3. The documents described in Section 2 of this Ordinance are approved in substantially the form and of substantially the content as presented to and considered by the Council, with such changes or additions thereto or deletions therefrom as the officer of the City executing such documents shall approve,

which approval shall be conclusively evidenced by his executing the documents as hereinafter provided. Each of said documents shall be filed in the permanent records of the City.

Section 4. Pursuant to Section 11-47-20 of the Code of Alabama 1975 the Council does hereby direct the disposal of the Subject Real Property and direct the Mayor to make title thereto, in accordance with the foregoing sections of this Ordinance.

Section 5. The Mayor of the City is hereby authorized and directed to execute and deliver the Twelfth Amendment of Lease, Assignment and Operating Agreement and the Deed referenced in Section 2 and the City Clerk is hereby authorized to affix the official corporate seal of the City to such documents and attest the same. Any prior execution and delivery of such documents is hereby ratified and confirmed.

Section 6. The Council does hereby approve, adopt, authorize, direct, ratify and confirm the making of all agreements with, and the delivery of all notifications and filings to, the Federal Aviation Administration and any other federal or state governmental or regulatory body which may be requested or required thereby in order to obtain such approvals and authorizations as may be required therefrom in order to fully comply with all laws, rules, regulations, orders or other authority of the Federal Aviation Administration or such other federal or state governmental or regulatory body in connection with the transfer of the Subject Real Property to the Authority.

Section 7. The officers of City are hereby authorized and directed to take all such actions and execute and deliver all such agreements, documents, instruments and notices as may be necessary or desirable to carry out the purposes of this Ordinance. All prior actions of any officers of the City with respect thereto are hereby ratified and confirmed.

Section 8. All ordinances, resolutions, orders, and any other proceedings of the City, in conflict or inconsistent with the provisions of this Ordinance, are, to the extent of such conflict or inconsistency, hereby repealed.

Section 9. This Ordinance shall take effect immediately upon adoption.

EXHIBIT A

TO
ORDINANCE
OF
THE CITY OF GULF SHORES

DESCRIPTION FOR LOT 17 OF GULF SHORES BUSINESS AND INDUSTRIAL PARK, PHASE 2 AS RECORDED ON SLIDES 1653-A AND 1654-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA

COMMENCE AT THE NORTHEAST CORNER OF LOT 17 OF GULF SHORES BUSINESS AND INDUSTRIAL PARK, PHASE 2 AS RECORDED ON SLIDES 1653-A & 1653-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA FOR THE POINT OF BEGINNING; RUN THENCE SOUTH 65 DEGREES 24 MINUTES 01 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 17 FOR 140.30 FEET; RUN THENCE SOUTH 30 DEGREES 52 MINUTES 42 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 17 FOR 112.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 17; RUN THENCE SOUTH 59 DEGREES 30 MINUTES 24 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 17 FOR 254.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17 AND THE NORTH RIGHT-OF-WAY OF COMMERCE LOOP; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTH RIGHT-OF-WAY OF SAID COMMERCE LOOP ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET FOR AN ARC DISTANCE OF 91.14 FEET, A CHORD OF NORTH 50 DEGREES 53 MINUTES 39 SECONDS EAST FOR 90.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; RUN THENCE NORTH 24 DEGREES 35 MINUTES 59 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 17 FOR 250.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 17 AND THE POINT OF BEGINNING AND CONTAINING 1 ACRE.

SUBJECT TO A 20' UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS AND A 10' DRAINAGE AND UTILITY EASEMENT ALONG ALL SIDE LOT LINES.

The motion for unanimous consent was seconded by Councilmember Garris and upon the question, the vote thereon was as follows:

Ayes: George W. Duke, III

Joe Garris
Carolyn M. Doughty
Philip Harris
Robert S. Craft
Stephen E. Jones

Nays: None

Mayor Duke declared the motion carried and the rules suspended.

After said ordinance had been discussed and considered in full by the Council, Councilmember Garris then moved for the adoption of Ordinance No. 1449 and to waive the reading of said ordinance at length. The motion was seconded by Councilmember Doughty. The motion was regularly put and, upon roll call, the vote thereon was as follows:

Ayes: George W. Duke, III
Joe Garris
Carolyn M. Doughty
Philip Harris
Robert S. Craft
Stephen E. Jones

Nays: None

The Mayor thereupon declared said ordinance passed and adopted as introduced.

Councilmember 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. 1450

**AN ORDINANCE APPROVING THE CONVEYANCE
OF CERTAIN REAL PROPERTY TO THE
AIRPORT AUTHORITY OF THE CITY OF GULF SHORES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES as follows:

Section 1. The City Council (the "Council") of the City of Gulf Shores (the "City"), upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to Quitclaim Deed dated November 23, 1977 recorded in Book 528 at Page 381 et seq. in the Office of the Judge of Probate of Baldwin County, Alabama, the United States of America has conveyed certain properties and interests in properties more particularly described therein (the "Airport") to the State of Alabama, Department of Aeronautics,

(b) Pursuant to Quitclaim Deed dated October 17, 1983 recorded in Book 159 at Page 517 et seq. in said office the State of Alabama, Department of Aeronautics, has conveyed the Airport to the City of Gulf Shores without extension of credit, assumption or incurrence of pecuniary obligation, or payment of money or other thing of value by the City in connection therewith except for the payment of certain amounts by the City in reimbursement to the Department of Aeronautics for capital improvements to the Airport consisting of air traffic control and air navigation facilities,

(c) Pursuant to Lease, Assignment and Operating Agreement dated as of July 1, 1988 recorded in Book 418 at Page 669 et seq. in said office (the "Lease") the City has leased the Airport and granted certain rights and privileges therein to The Airport Authority of the City of Gulf Shores (the "Authority"),

(d) That portion of the real property of the Airport described on Exhibit A hereto (the "Subject Real Property") is not now and will not be needed for the public purposes of the Airport and is not now and will not be needed for any other public or municipal purposes (within the meaning of Section 11-47-20 of the Code of Alabama 1975),

(e) It is necessary and desirable and in the public interest to release the Subject Real Property from the demise and provisions of the Lease and to convey the Subject Real Property to the Authority for use thereby for purposes set forth in Article 2 of Chapter 3 of Title 4 of the Code of Alabama 1975, pursuant to which the Authority was incorporated and now exists (as such law may be in effect from time to time), subject to existing encumbrances thereon and to all requirements with respect thereto of any federal or state governmental or regulatory body (including without limitation the Federal Aviation Administration) of competent jurisdiction.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm

(1) the release of the Subject Real Property from the Lease and the conveyance of the Subject Real Property to the Authority for use for purposes set forth in Article 2 of Chapter 3 of Title 4 of the Code of Alabama 1975 (as in effect from time to time) subject to existing encumbrances thereon and to all requirements with respect thereto of any federal or state governmental or regulatory body (including without limitation the Federal Aviation Administration) of competent jurisdiction, and

(2) the terms and provisions of and the transactions to be undertaken pursuant to, the following documents:

(a) Twenty-Fourth Amendment of Lease, Assignment and Operating Agreement between the City and the Authority, with respect to the Subject Real Property, to be dated the date of execution and delivery thereof,

(b) Deed from the City to the Authority, with respect to the Subject Real Property, to be dated the date of execution and delivery thereof.

Section 3. The documents described in Section 2 of this Ordinance are approved in substantially the form and of substantially the content as presented to and considered by the Council, with such changes or additions thereto or deletions therefrom as the officer of the City executing such documents shall approve, which approval shall be conclusively evidenced by his executing the documents as hereinafter provided. Each of said documents shall be filed in the permanent records of the City.

Section 4. Pursuant to Section 11-47-20 of the Code of Alabama 1975 the Council does hereby direct the disposal of the Subject Real Property and direct the Mayor to make title thereto, in accordance with the foregoing sections of this Ordinance.

Section 5. The Mayor of the City is hereby authorized and directed to execute and deliver the Twenty-Fourth Amendment of Lease, Assignment and Operating Agreement and the Deed referenced in Section 2 and the City Clerk is hereby authorized to affix the official corporate seal of the City to such documents and attest the same. Any prior execution and delivery of such documents is hereby ratified and confirmed.

Section 6. The Council does hereby approve, adopt, authorize, direct, ratify and confirm the making of all agreements with, and the delivery of all notifications and filings to, the Federal Aviation Administration and any other federal or state governmental or regulatory body which may be requested or required thereby in order to obtain such approvals and authorizations as may be required therefrom in order to fully comply with all laws, rules, regulations, orders or other authority of the Federal Aviation Administration or such other federal or state governmental or regulatory body in connection with the transfer of the Subject Real Property to the Authority.

Section 7. The officers of City are hereby authorized and directed to take all such actions and execute and deliver all such agreements, documents, instruments and notices as may be necessary or desirable to carry out the purposes of this Ordinance. All prior actions of any officers of the City with respect thereto are hereby ratified and confirmed.

Section 8. All ordinances, resolutions, orders, and any other proceedings of the City, in conflict or inconsistent with the provisions of this Ordinance, are, to the extent of such conflict or inconsistency, hereby repealed.

Section 9. This Ordinance shall take effect immediately upon adoption.

EXHIBIT A

TO
ORDINANCE
OF

THE CITY OF GULF SHORES

LOT 18, Gulf Shores Business and Industrial Park, Phase II, as recorded on Slides 1653A and 1653B in the Office of the Judge of Probate of Baldwin County, Alabama.

The motion for unanimous consent was seconded by Councilmember Craft and upon the question, the vote thereon was as follows:

Ayes: George W. Duke, III
Joe Garris
Carolyn M. Doughty
Philip Harris
Robert S. Craft
Stephen E. Jones

Nays: None

Mayor Duke declared the motion carried and the rules suspended.

After said ordinance had been discussed and considered in full by the Council, Councilmember Doughty then moved for the adoption of Ordinance No. 1450 and to waive the reading of said ordinance at length. The motion was seconded by Councilmember Garris. The motion was regularly put and, upon roll call, the vote thereon was as follows:

Ayes: George W. Duke, III
Joe Garris
Carolyn M. Doughty
Philip Harris
Robert S. Craft
Stephen E. Jones

Nays: None

The Mayor thereupon declared said ordinance passed and adopted as introduced.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a Resolution authorizing the demolition of an unsafe structure.

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

RESOLUTION NO. 4132-06

**A RESOLUTION
AUTHORIZING DEMOLITION OF STRUCTURE
DEEMED TO BE UNSAFE**

WHEREAS, the City has adopted Section 110 of the International Property Maintenance Code, 2003 Edition, which provides for the demolition of structures determined to be unsafe after written notice to the owners of such; and

WHEREAS, the City has provided proper written notice to the owners of structures made unsafe by Hurricane Ivan; and

WHEREAS, certain owners have not complied with the City's directive to either make the structures safe or demolish such within a stipulated time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That the below-listed structure has been deemed unsafe by the City Building Official and Morgan Excavating is hereby authorized to demolish such structure at a cost not to exceed the specified amount:

House Trailer at East Ridge Road - \$3,800.00

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

The motion for the adoption of Resolution No. 4132-06 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 4132-06 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the published agenda to consider a Resolution rejecting the bids received for fiber infrastructure.

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

RESOLUTION NO. 4133-06

**A RESOLUTION REJECTING BIDS
FOR FIBER INFRASTRUCTURE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON AUGUST 14, 2006, as follows:

Section 1. That all bids received on August 8, 2006, for fiber infrastructure to interface with City WAN and traffic signal communications system be and the same are hereby rejected.

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

The motion for the adoption of Resolution No. 4133-06 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 4133-06 duly and legally adopted.

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

George W. Duke, III, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk