

A G E N D A
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
SEPTEMBER 25, 2006

1. Call to Order
2. Invocation - Rev. Jeff Dumond, Gulfway Church Assemblies of God
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Council Work Session - September 11, 2006
Regular Meeting - September 11, 2006
Council Work Session - September 18, 2006
6. Approval of Payroll and Expense Vouchers
7. Public Hearing
 - A. Amend Zoning Ordinance No. 235
Ordinance - Rezone Park Place - BTB-1 & BNCR to BTB-1/PUD
 - B. Amend Zoning Ordinance No. 235
Ordinance - Rezone HMR, LLC - BG-1 to RPC
8. Presentation of Petitions, Requests and Communications
 - A. Presentation - Nehemiah Recovery Ministries
 - B. Request for Site Plan Extension - Sea Oats Condominium
 - C. Request for Site Plan Extension - Hampton Village PUD
9. Hearing of Persons Not Listed on Formal Agenda
10. New Business
 - A. Resolution - Approve Site Plan - Aberdeen Villas
 - B. Resolution - Approve Site Plan - William Street Apartments
 - C. Resolution - Approve Site Plan - Sanders Condotel
 - D. Resolution - Approve Final PUD & Site Plan - Land's End
 - E. Resolution - Approve Site Plan - Bon Secour Village Marina
 - F. Resolution - Approve Site Plan - Ribs & Reds Restaurant
 - G. Resolution - Approve Site Plan - Holiday Inn Express
 - H. Resolution - Amend Final Plan - Defino Resort, Phase I
 - I. Resolution - Authorize Lease Purchase Agreement - Public Safety Software
 - J. Resolution - Award Bid - AED Devices
 - K. Resolution - Award Bid - All Terrain Vehicle
 - L. Resolution - Authorize Contract - Total Lawn Care, LLC
 - M. Resolution - Authorize Grant Agreement - Public Outreach Enhancements and Wetlands Ordinance Preparation
 - N. Resolution - Establish 2007 Municipal Court Dates
 - O. Resolution - Amend Employee Handbook - Health/Dental Insurance and Substance Abuse Policy and Program
 - P. Resolution - Adopt Fiscal Year 2007 General Fund Budget
 - Q. Resolution - Adopt Fiscal Year 2007 Capital Improvements Fund Budget
 - R. Ordinance - Amend Code of Ordinances - Vehicle Impounding
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

SEPTEMBER 25, 2006

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Steve Foote. 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 Doughty moved to approve the minutes of the Council Work Session of September 11, 2006, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Harris moved to approve the minutes of the regular meeting of September 11, 2006, as presented; seconded by Councilman Jones; and the vote was unanimously in favor of the motion.

Councilman Craft moved to approve the minutes of the Council Work Session of September 18, 2006, as presented; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,014,990.50; seconded by Councilman Craft; 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 amendment to the Zoning Ordinance as it relates to the rezoning of the Park Place 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 zoning amendment, as reflected by the following communications:

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

Ray Hix, representing the developer, stated that the two issues with which the Council had problems - the kitchen/laundry facilities and gross floor area - can be addressed at Site Plan approval and is so indicated in the Ordinance.

Richard Carmack, Charmaine Oats, Jason Pepperman, and Howard White spoke in favor the project's rezoning.

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 with changes indicated in the Ordinance:

ORDINANCE NO. 1455

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 2.3-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE PUD2006-04,
FROM BTB-1 AND BNCR
TO BTB-1/PUD; AND
APPROVING OUTLINE DEVELOPMENT PLAN OF
PLANNED UNIT DEVELOPMENT TO BE KNOWN AS
PARK PLACE
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 SEPTEMBER 25, 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:

Parcel A - Beginning at the southwest corner of Lot 13, Resurvey of Blocks 8,9,10,11,12,28,29 and 30, Unit One, Gulf Shores Subdivision, as per the map or plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Map Book 3, Page 85, and being on the east right-of-way of Alabama State Highway No. 59 (100' ROW); thence along said right-of-way of Alabama State Highway No. 59 North 07 degrees 45'28" East, 154.74 feet to an iron pin; thence continuing along Alabama State Highway No. 59, North 07 degrees 27'30" East to an iron pin; thence continuing along Alabama State Highway6 No. 59, North 07 degrees 46'37" East, 134.28 feet to an iron pin; thence North 83 degrees 31'09" East, 283.33 feet to an iron pin; thence South 06 degrees 34'30" East, 130.09 feet to an iron pin; thence South 06 degrees 06'00" East, 60.10 feet to an iron pin; thence South 83 degrees 32'28" West, 250.00 feet to an iron pin; thence South 06 degrees 27'32" East, 25.00 feet to an iron pin; thence South 83 degrees 32'28" West, 119.09 feet to an iron pin and the point of beginning. Said tract of land contains 104,728 sq.ft./2.404 acres, more or less.

Parcel B - Beginning at the southwest corner of Lot 3, Sea Breeze Subdivision, as per map or plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on Slide 1354-B, being on the north right-of-way of East Second Avenue (60' R/W); thence North 06 degrees 27'16" West, 124.28 feet to an iron pin; thence

thence North 83 degrees 14'18" East, 100.09 feet to an iron pin; thence North 83 degrees 41'02" East, 50.05 feet to an iron pin; thence South 06 degrees 28'05" East, 9.58 feet to an iron pin; thence South 40 degrees 20'37" East, 89.65 feet to an iron pin; thence South 06 degrees 26'49" East, 40.90 feet to an iron pin on the north right-of-way of East Second Avenue (60' R/W); thence along said right-of-way of East Second Avenue, South 83 degrees 33'01" West, 150.12 feet to an iron pin; thence continuing along said right-of-way of East Second Avenue, South 83 degrees 25'41" West, 49.98 feet to an iron pin and the point of beginning. Said tract of land contains 22,652 sq. ft./0.520 acres more or less.

Parcel C - A portion of Tax ID 66-04-20-1-000-077.002 being more particularly described as follows: Beginning at the northwest corner of Lot 1 of Sea Breeze Subdivision, as per map or plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, on Slide 1354-B, being on the East right-of-way of Alabama State Highway No. 59 (100' R/W); thence North 83 degrees 39'39" East, 126.38 feet to an iron pin; thence North 07 degrees 55'55" West, 50.30' to an iron pin; thence North 83 degrees 16'38" East, 117.00 feet to an iron pin; thence South 59 degrees 20'04" East, 36.61 feet to an iron pin; thence South 06 degrees 37'31" East, 73.39 feet to an iron pin; thence South 83 degrees 31'09" West, 283.33 feet to an iron pin on the east right-of-way of Alabama State Highway No. 59 (100' R/W); thence along said right-of-way of Alabama State Highway No. 59, North 08 degrees 16'41" East, 46.56 feet to an iron pin and the point of beginning. Said tract of land contains 19,463 sq. ft./0.447 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 BTB-1 (tourist business district-1) and BNCR (North Central Resort Business District) to BTB-1/PUD (tourist business district-1/planned unit development).

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

1. The architectural design of the building shall comply with Article 15-9.I. of the Zoning Ordinance and the sidewalks shall comply with the Envision Gulf Shores Design Guidelines.
2. The structure exceeds fifty feet (50') in height and is within five (5) miles of the Jack Edwards Airport. The applicant 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. A building permit will not be issued until this documentation has been provided to the Community Development Department.
3. The amount of deviation allowed for the project from the condotel definition shall be determined at site plan review.
4. The maximum gross floor area shall be no more than 320,000 square feet; the specific amount of gross floor area shall be determined at site plan review.
5. Public Works comments -
 - Traffic Circulation - Since this development directly interfaces with the relocation of Highway 182, the developer must employ Skipper & Associates to prepare an interim traffic study based on the possible configurations of the adjacent roadways prior to PUD approval.
 - Site Utility Plans - The utility relocation plan for the site needs to be reviewed by the utility providers and new easements need to be provided.

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 Park Place 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. 1455 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1455 was seconded by Councilman Craft; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1455 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to the rezoning of the HMR, LLC property.

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 zoning amendment, as reflected by the following communications:

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

Councilman 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. 1456

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 4.74-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE Z2006-07,
FROM BG-1 TO RPC**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 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:

Beginning at a point on the north right-of-way line of Baldwin County Road 4 that is 1.68 feet West and 40.40 feet North of the southwest corner of Section 34, Township 8 South, Range 4 east, Baldwin County, Alabama; thence run North 00 degrees 10'14" East, 55.31 feet to a point; thence run northwesterly along a curve to the right, having a radius of 134.34 feet, a delta angle of 18 degrees 08'32", a chord of which bears North 01 degrees 36'38" West, 42.36 feet, an arc distance of 42.54 feet to a point; thence run northeasterly along a curve to the right, having a radius of 243.28 feet, a delta angle of 36 degrees 46'38", a chord of which bears North 31 degrees 26'03" East, 153.49 feet, an arc distance of 156.16 feet to a point; thence run South 84 degrees 17'05" East, 24.29 feet to a point; thence run South 87 degrees 08'07" East, 90.88 feet to a point; thence run South 88 degrees 46'01" East, 65.07 feet to a point; thence run south 84 degrees 41'20" East, 65.17 feet to a point; thence run North 88 degrees 44'18" East, 54.93 feet to a point; thence run North 42 degrees 37'37" East, 14.92 feet to a point; thence run North 47 degrees 03'12" East, 40.17 feet to a point; thence run North 86 degrees 12'24" East, 35.71 feet to a point; thence run North 89 degrees 49'31" East, 55.16 feet to a point; thence run South 67 degrees 11'23" East, 11.00 feet to a point; thence run North 88 degrees 10'50" East, 23.61 feet to a point; thence run North 84 degrees 27'50" East, 65.21 feet to a point; thence run North 82 degrees 16'23" East, 65.61 feet to a point; thence run South 88 degrees 40'41" East, 32.56 feet to a point; thence run South 76 degrees 15'25" East, 36.87 feet to a point; thence run South 58 degrees 56'15" East, 18.82 feet to a point; thence run South 39 degrees 36'28" East, 95.06 feet to a point; thence run South 43 degrees 11'27" East, 62.85 feet to a point; thence run South 00 degrees 24'05" West, 101.93 feet to a point on said North right-of-way line of Baldwin County Road 4; thence run south 89 degrees 51'28" West along said right-of-way line, 927.84 feet to the point of beginning containing 4.74 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 BG-1 (general business-1) to RPC (residential planned community) CONTINGENT UPON:

1. The applicant shall maintain the characteristic white fence along County Road 4 East (Cotton Creek Drive) so as to continue the look of Craft Farms RPC in a manner which is acceptable to staff.

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

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

Councilman Garris then moved for the adoption of Ordinance No. 1456 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1456 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, "abstain," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1456 duly and legally adopted.

Tyson Reed of Nehemiah Recovery Ministries presented information to the Council relative to the services provided by their organization.

The City Clerk presented the request of Gregory B. Saad for a one year extension to the site plan approval of Sea Oats Condominium.

Whereupon, Councilman Doughty moved to approve the request of Gregory B. Saad for a six month extension to the site plan approval for Sea Oats Condominiums to expire on October 10, 2007; seconded by Councilman Garris; and the vote in favor of the motion was unanimous.

The City Clerk presented the request of Jay Dickson for a one year extension to the PUD/site plan approval of Hampton Village.

Whereupon, Councilman Garris moved to approve the request of Jay Dickson for a one year extension to the PUD/site plan approval for Hampton Village to expire on September 12, 2007; seconded by Councilman Doughty; and the vote in favor of the motion was unanimous.

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

RESOLUTION NO. 4154-06

**A RESOLUTION APPROVING SITE PLAN OF
HMR, LLC
FOR A DEVELOPMENT TO BE KNOWN AS
ABERDEEN VILLAS
LOCATED ON NORTH SIDE OF COUNTY ROAD 4
EAST OF COTTON CREEK BOULEVARD;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-21)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of HMR, LLC for thirty single family residential homes, to be known as Aberdeen Villas, located on the north side of County Road 4 just east of Cotton Creek Boulevard, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by HMR, LLC dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - RPC (residential planned community).

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

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

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

- 1) The applicant shall maintain the characteristic white fence along County Road 4, in a manner which is acceptable to staff, so as to continue the look of Craft Farms.
- 2) Public Works -
 - Drainage - The drainage calculations need to show the expanded lake volume proposed. The typical cross section for the proposed lake expansion should note that the side slopes of the lake must have an established stand of grass or must be sodded prior to receipt of a certificate of occupancy. The drainage maintenance plan must be conveyed to the appropriate property maintenance organization.
 - Parking and Driveways - The typical cross section for the pavement needs to indicate a minimum of eight inches (8") of red sand/clay base or six inches (6") of crushed limestone. A sidewalk detail including concrete thickness, strength and expansion joint and contraction joint spacing needs to be added to the plans. A detail for any required ADA compliant ramp sections needs to be shown on the plans.

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

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening

- and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
 - 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

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

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

The motion for the adoption of Resolution No. 4154-06 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, "abstain," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4154-06 duly and legally adopted.

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

RESOLUTION NO. 4155-06

**A RESOLUTION APPROVING SITE PLAN OF
BRUNO NERI
FOR A DEVELOPMENT TO BE KNOWN AS
WILLIAM STREET APARTMENTS
LOCATED AT 20197 WILLIAM STREET;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-01)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of Bruno Neri for a six-unit apartment building, to be known as William Street Apartments, located at 20197 William Street, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Bruno Neri dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - BG-1 (general business/limited multi-family and mixed use).

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

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

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

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

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

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

The motion for the adoption of Resolution No. 4155-06 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 4155-06 duly and legally adopted.

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

RESOLUTION NO. 4156-06

**A RESOLUTION APPROVING SITE PLAN OF
GEORGE SANDERS
FOR A DEVELOPMENT TO BE KNOWN AS
SANDERS DEVELOPMENT CONDOTEL
LOCATED ON WEST CANAL DRIVE;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-11)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of George Sanders for a mixed use condotel, to be known as Sanders Development Condotel, located on West Canal Drive, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by George Sanders dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - ICWS (intracoastal waterway south).

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

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

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

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

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

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

The motion for the adoption of Resolution No. 4156-06 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 4156-06 duly and legally adopted.

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

RESOLUTION NO. 4157-06

A RESOLUTION APPROVING FINAL PLAN
OF PLANNED UNIT DEVELOPMENT,
TO BE KNOWN AS LAND'S END,
TO BE LOCATED ON 2.85 ACRES ON
NORTH SIDE OF ALABAMA HIGHWAY 180
JUST EAST OF GULF SHORES MARINA,
GULF SHORES ALABAMA,
IN ACCORDANCE WITH SECTION 13-6
OF ORDINANCE NO. 235, AS AMENDED,
ADOPTED MAY 10, 1982;
APPROVING SITE PLAN OF RYAN CHARRIER
FOR A DEVELOPMENT TO BE KNOWN AS
LAND'S END,
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-20)

WHEREAS, Ryan Charrier 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 SEPTEMBER 25, 2006, as follows:

Section 1. That the final plan of Land's End, 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 March 6, 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 the Site Plan of Ryan Charrier for a planned unit development, to be known as Land's End, located on the north side of Alabama Highway 180 just east of the Gulf Shores Marina, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Ryan Charrier dated September 25, 2006.

Section 3. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - RD-FM/PUD (residential duplex/Fort Morgan/Planned Unit Development).

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

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

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

- 1) The applicant shall submit utility letters from water, trash, and gas (if applicable) stating availability of service.
- 2) The applicant shall obtain an easement from the Alabama Department of Conservation and Natural Resources granting access to Dixie Graves Parkway prior to construction of the access road.

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

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

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

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

The motion for the adoption of Resolution No. 4157-06 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 4157-06 duly and legally adopted.

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

RESOLUTION NO. 4158-06

**A RESOLUTION APPROVING SITE PLAN OF
BON SECOUR VILLAGE, LLC
FOR A DEVELOPMENT TO BE KNOWN AS
BON SECOUR VILLAGE MARINA
LOCATED ALONG COUNTY ROAD 4 WEST;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-22)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of Bon Secour Village, LLC for a marina, to be known as Bon Secour Village Marina, located along County Road 4 West in the Bon Secour Village Residential Planned Community, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Bon Secour Village, LLC dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - RPC (residential planned community).

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

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

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

1) The marina shall comply with the requirements of Ordinance No. 1453, Safety Standards for New and Existing Marinas.

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

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

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

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

The motion for the adoption of Resolution No. 4158-06 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

Mayor declared Resolution 4158-06 duly and legally adopted.

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

RESOLUTION NO. 4159-06

**A RESOLUTION APPROVING SITE PLAN OF
DON STAFFORD
FOR A DEVELOPMENT TO BE KNOWN AS
RIBS & REDS RESTAURANT
LOCATED AT 128 EAST FIRST AVENUE;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-23)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of Don Stafford for a restaurant, to be known as Ribs & Reds Restaurant, located at 128 East First Avenue, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Don Stafford dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - BTB-1 (tourist business district-1).

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

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

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

- (1) Pursuant to Article 12-1.A.32.(Modifications for the Beach Area Parking Requirements), the City Council granted the applicant a reduction of nine (9) parking spaces, therefore the applicant shall contribute to the City a parking modification fee of \$13,500 for the nine (9) modified parking spaces (based on the September 2002 policy requiring \$1500 per space).
- (2) Public Works comments -
 - Drainage - The revised drainage calculations need to be stamped by the engineer.
 - Erosion Control - An erosion control plan indicating the required locations of all erosion control devices needs to be submitted.

- Parking and Driveways - Curbs at driveway entrances must transition to grade at the property line. The typical cross section for the pavement needs to indicate the compressive strength of the proposed concrete pavement and the base compaction requirements. The sidewalk detail needs to include concrete strength and expansion joint and contraction joint spacing.

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

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

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

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

The motion for the adoption of Resolution No. 4159-06 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, "abstain," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4159-06 duly and legally adopted.

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

RESOLUTION NO. 4160-06

**A RESOLUTION APPROVING SITE PLAN OF
KEN PATEL
FOR A DEVELOPMENT TO BE KNOWN AS
HOLIDAY INN EXPRESS
LOCATED ON WEST COMMERCE DRIVE;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2006-25)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Site Plan of Ken Patel for a 4-story, 87-unit hotel, to be known as Holiday Inn Express, located on West Commerce Drive, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Ken Patel dated September 25, 2006.

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

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - BG (general business).

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

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

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

- 1) The applicant shall record the recently approved subdivision of this property and provide the City a conservation easement on the wetland portion of the site prior to the issuance of any further City permits.
- 2) The boundary survey which was submitted indicates the property still subdivided into two (2) lots. The two lots were recently joined together as one (1) lot. The boundary survey shall also identify the size of the property in square footage and acreage. A corrected survey shall be submitted.
- 3) The site shall have a 5 foot 8 inch by 8 feet 8 inch (5'8" X 8'8") monument sign with reader board, with the materials to match the architectural style of the building. The sign shall have a maximum height of twelve feet (12').
- 4) Pole mounted flood lights are not allowed on the site.
- 5) The following items shall be addressed on the landscape plan:
 - Required plantings shall be calculated at the rate of one (1) tree for every twenty-five feet (25') of lineal street frontage. Required tree plantings shall be divided evenly between large/medium and small trees. The size of trees species shall comply with Article 15-9 of the Zoning Ordinance.
 - Street trees and shrubs should be chosen to provide variety in landscape materials, coloration and to accentuate seasonal changes. A minimum of two (2) different tree and three (3) shrub species shall be planted within the landscape setback.
 - All landscape islands within the parking lot shall be planted with large or medium trees.
- 6) The following comments from Public Works must be addressed:
 - Drainage - Additional spot elevations on the north side of the wetland detention area needs to be shown. The conservation easement for the wetlands needs to be executed prior to issuing a building permit. A detail showing all stormwater pipe joints under pavement wrapped with filter cloth must be added to the plans. The

The drainage maintenance plan must be conveyed to the appropriate property maintenance organization.

- Parking and Driveways - The typical cross section for the pavement needs to indicate the minimum 165 lbs/sy surface course and a minimum of eight inches (8") of red sand/clay base and specify the minimum compaction requirements. The ESAL range for the 429 surface course needs to be specified.
- Parking Lot and Driveway Lighting - A detail showing the fixture type, mounting height and wattage for proposed parking lights needs to be added to the plan. Lighting must be arranged so as not to intrude on neighboring properties.

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

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

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

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

The motion for the adoption of Resolution No. 4160-06 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 4160-06 duly and legally adopted.

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

RESOLUTION NO. 4161-06

**A RESOLUTION
AMENDING RESOLUTION NO. 4074-06,
ADOPTED MAY 8, 2006,
WITH REGARD TO
AMENDMENT TO FINAL PLAN AND SITE PLAN
OF PLANNED UNIT DEVELOPMENT
TO BE KNOWN AS DELFINO RESORT, PHASE I
(SP2006-28)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That Resolution No. 4074-06, adopted May 8, 2006, approving the Final Plan and Site Plan of the Planned Unit Development to be known as Delfino Resort, Phase I, be and it is hereby amended as follows:

1. The at grade parking located beneath the AcQua building has been eliminated and surface parking has been added around the perimeter of the parking structure.
2. The at grade parking formerly located beneath the AcQua building has been replaced with thirteen (13) condominium units. The addition of the condominium units beneath the building was offset by a reduction of the footprint of the building which, in turn, eliminated condominium units on each floor.
3. The applicant has eliminated the temporary parking lot which was located along the west side of the site.

Section 2. That approval of the Final Plan/Site Plan modification is CONDITIONED UPON:

1. A letter from the Jack Edwards Airport Manager or the Federal Aviation Administration is required to be submitted approving the height of the building prior to the commencement of any construction activities or the issuance of further City permits.
2. It appears the applicants will be filling wetlands in order to construct Phase I. All state and federal permits shall be submitted prior to the commencement of construction activities; including but not limited to land disturbing activity, tree removal permits, and building permits. The failure to obtain all required permits or approvals within one (1) year of Site Plan approval shall void the approved site plan. At the discretion of the Zoning Official, modifications to the approved site plan necessitated by outside agency review that are deemed to be significant may: (1) be approved administratively, (2) require approval by the City approving authority, or (3) be resubmitted and processed as a new application.
3. Pursuant to the Fee Schedule established by the City of Gulf Shores, the applicants shall submit a fee of \$750.00 for the PUD modification and a PUD Modification Application.
4. Public Works comments: The plans are currently under review.

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

The motion for the adoption of Resolution No. 4161-06 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 4161-06 duly and legally adopted.

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

RESOLUTION NO. 4162-06

A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
LEASE PURCHASE AGREEMENT WITH
DIVERSIFIED LENDERS, INC.
FOR PROCUREMENT OF PUBLIC SAFETY SOFTWARE SYSTEM;
AND AUTHORIZING PAYMENT OF SUCH 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 SEPTEMBER 25, 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 Lease Purchase Agreement between the City of Gulf Shores (lessee) and Diversified Lenders, Inc. for procurement of the public safety software system; in substantially the form presented to Council this date.

Section 2. That the Lease Purchase Agreement between the City and Diversified Lenders, Inc. is designated by the Lessee as a qualified tax exempt obligation for the purposes of Section 2565(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the funds for payment for such lease purchase be drawn from the General Fund Capital Outlay Budget of Information Systems as reflected by the Fiscal Year 2007 Budget.

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

The motion for the adoption of Resolution No. 4162-06 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 4162-06 duly and legally adopted.

The City Clerk read into the record the following bid tabulation:

BID TABULATION

ITEMS TO BE PROCURED: Automatic External Defibrillators
NUMBER OF SOURCES SOLICITED: 5
ADDITIONAL SOLICITATION: Posted at City Hall
BID OPENING DATE: August 29, 2006
NUMBER OF RESPONSES: 5

<u>BIDDERS</u>	<u>11 AED UNITS</u>	<u>STAND ALONE TRAINER</u>
Affinity Home Med.	\$19,506.40	-0-
Zoll	14,723.00	-0-
Stop Heart Attack	13,484.50	\$289.00
Southeastern Emergency	12,998.50	-0-
Medtronics	17,995.30	275.00

Present: Marcia Ward, Revenue Officer
Wanda Brantley, Procurement Officer
George T. Blakemore, Fire Chief

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

RESOLUTION NO. 4163-06

**A RESOLUTION ACCEPTING THE BID OF
SOUTHEASTERN EMERGENCY EQUIPMENT
IN THE AMOUNT OF \$12,998.50
FOR ELEVEN PHILLIPS HEART START AED DEVICES
AND STAND ALONE TRAINER;
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 SEPTEMBER 25, 2006, as follows:

Section 1. That the bid of Southeastern Emergency Equipment in the amount of \$12,998.50 for eleven Phillips Heart Start AED Devices and stand alone trainer, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on August 29, 2006.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Recreation Department for Fiscal Year 2006.

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

The motion for the adoption of Resolution No. 4163-06 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 4163-06 duly and legally adopted.

The City Clerk read into the record the following bid tabulation:

BID TABULATION

ITEMS TO BE PROCURED:	All Terrain Vehicle
NUMBER OF SOURCES SOLICITED:	3
ADDITIONAL SOLICITATION:	Posted at City Hall
BID OPENING DATE:	September 12, 2006
NUMBER OF RESPONSES:	1
<u>BIDDERS</u>	<u>BID PRICE</u>
Grady Marine	\$11,675

Present: Marcia Ward, Revenue Officer

Wanda Brantley, Procurement Officer
Donna Marable, Revenue Clerk

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

RESOLUTION NO. 4164-06

**A RESOLUTION ACCEPTING THE BID OF
GRADY MARINE
IN THE AMOUNT OF \$11,675.00
FOR ALL TERRAIN VEHICLE;
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 SEPTEMBER 25, 2006, as follows:

Section 1. That the bid of Grady Marine in the amount of \$11,675.00 for an all terrain vehicle for use of the Community Development Department, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on September 12, 2006.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Community Development Department for Fiscal Year 2006.

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

The motion for the adoption of Resolution No. 4164-06 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 4164-06 duly and legally adopted.

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

RESOLUTION NO. 4165-06

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONTRACT WITH TOTAL LAWN CARE, LLC
FOR FERTILIZER, CHEMICAL AND
OVERSEEDING APPLICATIONS;
AND AUTHORIZING PAYMENT OF SUCH 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 SEPTEMBER 25, 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 between the City of Gulf Shores and Total Lawn Care, LLC for fertilizer, chemical and overseeding applications; in substantially the form presented to Council this date.

Section 2. That the funds for payment for such contract be drawn from the General Fund Budget of the Public Facilities-Landscaping Division, for Fiscal Year 2007.

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

The motion for the adoption of Resolution No. 4165-06 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 4165-06 duly and legally adopted.

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

RESOLUTION NO. 4166-06

**A RESOLUTION AUTHORIZING
THE MAYOR AND CITY CLERK
TO EXECUTE AND ATTEST, RESPECTIVELY,
GRANT AGREEMENT WITH
ALABAMA DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
FOR PUBLIC OUTREACH ENHANCEMENTS
AND WETLANDS ORDINANCE PREPARATION
FOR THE AMOUNT OF \$6,250.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Mayor and City Clerk of the City of Gulf Shores be and they hereby are authorized and directed to execute and attest, respectively, the necessary grant agreement with the Alabama Department of Conservation and Natural Resources, State Lands Division, as well as any related documents, to facilitate obtaining financial assistance for public outreach enhancements and preparation of the wetlands ordinance in the amount of \$6,250.00.

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

The motion for the adoption of Resolution No. 4166-06 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 4166-06 duly and legally adopted.

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

RESOLUTION NO. 4167-06

**A RESOLUTION ESTABLISHING THE
PLACE, DATES, AND TIMES FOR
THE MUNICIPAL COURT OF THE
CITY OF GULF SHORES, ALABAMA,
TO HOLD OPEN SESSION FOR THE PURPOSE OF
HEARING MATTERS WITHIN ITS JURISDICTION
DURING THE PERIOD FROM**

JANUARY 4, 2007, THROUGH DECEMBER 20, 2007

WHEREAS, Section 12-14-13, CODE OF ALABAMA, 1975, provides that the municipal court shall hold court only at the times and place provided by the municipal governing body; and,

WHEREAS, the City Council has determined the place, dates, and times at which Court shall be held, as set forth below;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the place for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, has been and shall continue to be during the year 2007 in the Council Chambers in City Hall, 1905 West 1st Street, Gulf Shores, Alabama.

Section 2. That the time for holding Plea Docket Court (the first court date of each month) shall be at 3:30 p.m. The time for holding Trial Docket Court (the second court date of each month) shall be at 3:30 p.m.

Section 3. That the dates for holding open court by the Municipal Court of the City of Gulf Shores, Alabama, are hereby established for the year 2007 as being:

January 4 and 18
February 1 and 15
March 1 and 15
April 19
May 3 and 17
June 7 and 21
July 19
August 2 and 16
September 6 and 20
October 4 and 18
November 1 and 15
December 6 and 20

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

The motion for the adoption of Resolution No. 4167-06 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 4167-06 duly and legally adopted.

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

RESOLUTION NO. 4168-06

**A RESOLUTION AMENDING RESOLUTION NO. 3975-05,
EMPLOYEE HANDBOOK FOR THE CITY OF GULF SHORES,
RELATIVE TO EMPLOYEE BENEFITS PROGRAM,
HEALTH INSURANCE/DENTAL INSURANCE
AND SUBSTANCE ABUSE POLICY AND PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 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 EMPLOYEE BENEFITS PROGRAM, Health Insurance/Dental Insurance, to read as follows:

EMPLOYEE BENEFITS PROGRAM

* * *

Health Insurance/Dental Insurance

The City currently offers health insurance coverage to all full-time employees and their dependents. Coverage is provided for the employees and dependents, effective the first day of the calendar month following 30 days of continuous employment. Part-time employees who work at least 30 hours per week on a regular basis are eligible to participate in the health insurance program on a single-coverage only basis—no coverage is available for dependents (*i.e.*, spouses, children or other family members) of part-time employees.

* * *

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 in the City of Gulf Shores Substance Abuse Policy and Program, Article III. Drug and Alcohol Testing, Section B. Safety Sensitive Positions, Subsection 3. Random Testing, to read as follows:

III. Drug and Alcohol Testing

* * *

B. Safety Sensitive Positions

* * *

3. Random Testing. The City shall select a percentage of the pool of employees in Safety Sensitive Positions to be tested annually for abuse or misuse of controlled substances and alcohol utilizing a random number table or a computer-based random number generator matched to employees' ID number.

* * *

Section 3. That Resolution No. 3975-05, adopting the Employee Handbook for the City of Gulf Shores, be and it is hereby amended at City of Gulf Shores Substance Abuse Policy and Program by adding Appendix A, List of Designated Safety-Sensitive Positions, to read as follows:

APPENDIX A

LIST OF DESIGNATED SAFETY-SENSITIVE POSITIONS

- a. All sworn police officers in law enforcement or corrections, including the Chief, Captains, Lieutenants, Sergeants, Corporals, Patrol and Corrections Officers, and any other employees who are required to carry a firearm as part of their jobs for the City.
- b. Any position where the duties of the position involve the public trust, safety, or security.
- c. Employees engaged in firefighting and rescue duties.
- d. Employees who operate heavy equipment, motorized vehicles, or other electrical or motorized equipment that if misused could cause serious injury or property damage.
- e. Employees whose duties include manual labor and working near or on heavy equipment, motorized vehicles, or other electrical or motorized equipment that if misused could cause serious personal injury or property damage.
- f. Employees who regularly handle hazardous chemicals.
- g. Employees who have unsupervised exposure to small children and minors.
- h. Mechanics who regularly maintain the City's motor vehicles and heavy equipment.
- i. Employees who may be required to drive City-owned vehicles for the City.
- j. Employees who inspect the safety of property and buildings.
- k. Employees who handle or account for City Funds.
- l. Employees who have access to sensitive governmental or court records.

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

The motion for the adoption of Resolution No. 4168-06 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 4168-06 duly and legally adopted.

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

The motion for the adoption of Resolution No. 4169-06 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 4169-06 duly and legally adopted.

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

The motion for the adoption of Resolution No. 4170-06 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 4170-06 duly and legally adopted.

Councilman Jones moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1457

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 21, TRAFFIC,
BY ADDING A NEW SECTION, VEHICLE IMPOUNDING**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That Chapter 21, TRAFFIC, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by adding a new Section, Vehicle Impounding, so the entire Section shall read as follows:

1. A motor vehicle is subject to impounding as a nuisance if it is driven on the highway or other public roadway in the City by a person who without having first obtained a valid driver's license, or whose license or license privilege is suspended, revoked, or cancelled at the time he or she was stopped or involved in an accident.
2. If a driver is unable to produce a valid driver's license on the demand of a law enforcement officer, the vehicle shall be impounded regardless of ownership, unless the officer is reasonably able, by other means, to verify that the driver is properly licensed. Before the vehicle is impounded, the law enforcement officer shall make a reasonable attempt to verify the license status of the driver who claims to be properly licensed, but who is unable to produce the license on demand of the officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be placed on the impound report. The driver and the occupants of the vehicle will be transported to a place of safety by the impounding officer and an impound report made with a full inventory of items in the vehicle.
3. A law enforcement officer shall not impound a vehicle pursuant to this section if the driver's license expired within the preceding ninety (90) days and the driver would otherwise have been properly licensed.
4. If the owner of the vehicle or another family member of the owner is present in the vehicle and has a valid driver's license, the vehicle shall not be impounded or towed.
5. If there is a medical necessity jeopardizing life or limb, the law enforcement officer may elect to not impound the vehicle.
6. A vehicle impounded pursuant to this section shall be released if:
 - A. The registered owner or a representative with a written notarized authorization from the registered owner appears at the Gulf Shores Police Department and presents a valid driver's license, a copy of the title, tag receipt or

- tag receipt or notarized bill of sale.
- B. If the registered owner does not have a valid driver's license, he or she may bring someone with them who has a valid license and the vehicle may be released without written authorized permission.
 - C. Any owner of a vehicle who suffers any loss due to the impounding of any vehicle pursuant to this section may recover the amount of the loss from the unlicensed, suspended, or revoked driver.
 - D. The person redeeming the vehicle at the wrecker lot will be responsible for paying the set towing and storage fee.
 - E. Any vehicle impounded that is not redeemed within sixty (60) days, pursuant to this section, may be sold by the wrecker company for the fees according to state law.

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

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

Councilman Garris then moved for the adoption of Ordinance No. 1457 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1457 was seconded by Councilman Doughty; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1457 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to deviate from the printed agenda to consider a Resolution authorizing application for a grant for the Gulf State Park Bike Trail.

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

RESOLUTION NO. 4171-06

**A RESOLUTION
AUTHORIZING EXECUTION OF APPLICATION
FOR FUNDING FOR FILING
WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION
TO FACILITATE OBTAINING FINANCIAL ASSISTANCE
IN THE AMOUNT OF \$385,000.00
FOR GULF STATE PARK BIKE TRAIL**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON SEPTEMBER 25, 2006, as follows:

Section 1. That the Mayor be and he is hereby authorized and directed to execute an application for funding for filing with the Alabama Department of Transportation to facilitate obtaining financial assistance in the amount of \$385,000.00 for Gulf State Park Bike Trail. The City Clerk is hereby authorized to seal and attest said application.

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

The motion for the adoption of Resolution No. 4171-06 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 4171-06 duly and legally adopted.

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

Mayor Duke declared the meeting adjourned.

George W. Duke, III, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk