

A G E N D A
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
JUNE 26, 2006

1. Call to Order
2. Invocation -
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Regular Meeting of June 12, 2006
Work Session of June 19, 2006
6. Approval of Payroll and Expense Vouchers
7. Public Hearing
 - A. Amend Zoning Ordinance No. 235
Ordinance - Rezone City Parks - R-1A to OS-1
 - B. Amend Zoning Ordinance No. 235
Ordinance - Rezone Acadian Village - BG to BG/PUD
8. Presentation of Petitions, Requests and Communications
 - A. Request for Site Plan Extension - Graceful Palms
Condominium
 - B. Request for Temporary Building - Academy of Arts & Science
9. Hearing of Persons Not Listed on Formal Agenda
10. New Business
 - A. Resolution - Amend Site Plan - Emerald Greens
 - B. Resolution - Conditional Use Permit - Gulf Shores Marina
 - C. Resolution - Award Bid - Debris Clearance & Sand
Reclamation
 - D. Resolution - Authorize Contract - Barter & Associates, Inc.
- Post-Hurricane Residential Structural Inspection
 - E. Resolution - Authorize Contract - Thompson Engineering,
Inc. - Post-Hurricane Debris Clearance Monitoring & Code
Enforcement
 - F. Resolution - Authorize Inter-Local Agreement with City of
Orange Beach - Request for Proposals for Healthcare
Services
 - G. Resolution - Ratify Contract - Tischler-Bise - Impact Fee
Study
 - H. Resolution - Ratify Contract - McCollough Architecture,
Inc. - Tennis Pavilion
 - I. Resolution - Reappoint Carleton McCurry - Building Board of
Adjustments and Appeals
 - J. Ordinance - Amend Code of Ordinances - Chapter 7,
Buildings; Construction and Related Activities - Article
IX. Wireless Telecommunications Facilities Siting - Sec.
7-176. Special Use Permit Application and Other
Requirements
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

JUNE 26, 2006

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Fire Chief Tim Blakemore. The Pledge of Allegiance to the flag was led by Mayor Duke.

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

Councilman Doughty moved to approve the minutes of the regular meeting of June 12, 2006, as presented; seconded by Councilman Garris; and the vote of those officials present was unanimously in favor of the motion.

Councilman Jones moved to approve the minutes of the work session of June 19, 2006, as presented; seconded by Councilman Doughty; and the vote of those officials present was unanimously in favor of the motion.

Councilman Harris moved to approve the payroll and expense vouchers in the amount of \$2,004,552.99; seconded by Councilman Jones; and the vote of those officials present 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 Meyer Park, Sims Park, Gulf State Park, and the Fort Morgan Parkway.

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

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

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

Jim Egbert, a local resident, expressed concern that the Open Space zoning designation contained no sub-categories to ensure the parks remain public in nature.

Councilman Craft entered the meeting at 5:08 p.m.

After a brief discussion, it was determined that the Planning Department would be asked to review the Open Space zoning designation and determine if sub-categories need to be established.

The City Clerk stated no written communications had been received relative to the rezoning.

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. 1439

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF THREE PARCELS DESCRIBED HEREIN
IN REZONING CASE Z2006-03,
FROM R-1A TO OS-1**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 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:

Meyer Park - Consisting of approximately 9.2 acres bounded on the north by East 24th Avenue, on the east by East 4th Street, on the south by East 22nd Avenue, and on the west by East 3rd Street. (All Block Section 9, Township 9 South, Range 4 East, DD Book 291, pages 72-73).

Sims Park - Consisting of approximately 28 acres bounded on the north by West 22nd Avenue, on the east by West 2nd Street, on the south by West 19th Avenue, and on the west by West 3rd Street. Beginning at the intersection of the south right-of-way of Dogwood Drive and the east right-of-way of Camellia Lane, run east 1262 feet, south 985 feet, thence west 1292 feet, thence north 970 feet to the point of beginning.

Gulf State Park - All portions of the Gulf State Park located within the corporate limits of the City of Gulf Shores as of May 1, 2006, including the Fort Morgan or Dixie Graves Parkway.

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 OS-1 (open space and preservation district).

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

Councilman Jones then moved for the adoption of Ordinance No. 1439 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1439 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. 1439 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 Acadian Village project.

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

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

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

John Graves, representing the developer, requested Council consideration relative to the Public Works Department's recommendation for the proposed boulevard.

After a brief discussion, it was determined that this issue would be addressed during the site plan process.

The City Clerk stated no written communications had been received relative to the rezoning.

Councilman Harris 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. 1440

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 38.29-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE Z2006-02,
FROM BG TO BG/PUD; AND
APPROVING OUTLINE DEVELOPMENT PLAN OF
PLANNED UNIT DEVELOPMENT TO BE KNOWN AS
ACADIAN VILLAGE
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 JUNE 26, 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: Commence at the southeast corner of Section 29, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence north 00 degrees 48'44" west for 40.00 feet; run thence south 89 degrees 40'01" west for 37.37 feet to the west right-of-way of Alabama Highway No. 59; run thence north 00 degrees 47'53" west for 660.00 feet; run thence north 00 degrees 47'53" west for 2,750.00 feet to the southwest corner of Lot 1, Unit 2 of Gulf Shores Parkway as recorded on slide 1860B Probate Records, Baldwin County, Alabama; run thence north 88 degrees 57'31" east along the south line of Lot 1 of said Unit 2 of Gulf Shores Parkway for 169.57 feet to the northwest corner of Lot 2, Unit 2 of said Gulf Shores Parkway; run thence south 45 degrees 03'37" east along the west line of said Lot 2 for 477.72 feet; run thence south 11 degrees 28'04" east along the west line of said Lot 2 for 276.02 feet to the southwest corner of said Lot 2 of Gulf Shores Parkway; run thence north 88 degrees 57'31" east along the south line of said Lot 2 for 105.90 feet to the southeast corner of said Lot 2 being on the west right-of-way of said Alabama Highway No. 59; run thence south 00 degrees 47'53" east along the west right-of-way of said Alabama No. 59 for 2135.00 feet to the point of beginning. Containing 38.29 acres.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from BG (general business) to BG/PUD (general business/planned unit development).

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

1. The signs on the property shall be monument signs and located at the entrances as shown on the plans.
2. If any filling of wetlands will take place, the applicant shall provide a current wetland fill permit from the Army Corps of Engineers and the Alabama Department of Environmental Management.
3. The applicant shall provide a turnout permit from the Alabama Department of Transportation (ALDOT) prior to obtaining a building permit.
4. All outside agency approvals and permits (federal, state, county, or other) shall be submitted to the Community Development Department prior to the initiation of any construction activities; including but not limited to, land disturbing activity, tree removal permits and building permits. The failure to obtain all required permits or approvals within one (1) year of site plan approval shall void the approved site plan. At the discretion of the Zoning Official, modifications to the approved site plan necessitated by outside agency review that are deemed to be significant may: 1) be approved administratively, 2) require approval by the City approving authority, or 3) be resubmitted and processed as a new application.
5. Unless any zoning requirements are specifically modified or requested to be modified by the outline development plan or by the final PUD plan, all zoning requirements shall be met.
6. The applicant shall preserve the trees located within the ten (10) foot buffer along the south, west, and north property lines. A tree survey shall be submitted reflecting this requirement.
7. Public Works comments:
 - Traffic Circulation - A traffic study has been submitted and reviewed. Based on its findings and the traffic study for Colonial Traditions, we recommend that the proposed boulevard leading from the existing median cut continue west to allow a more direct access from Colonial Traditions through the site.

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

Councilman Doughty then moved for the adoption of Ordinance No. 1440 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1440 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. 1440 duly and legally adopted.

The City Clerk presented the request of Graceful Palms, LLC for a one-year extension to the site plan approval of Graceful Palms Condominium which was granted July 18, 2005.

Councilman Doughty moved to approve the request of Graceful Palms, LLC for a one-year extension to their site plan approval for Graceful Palms Condominium to expire on July 18, 2007; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

The City Clerk presented the request of The Academy of Arts and Science for a temporary portable building on their campus.

Councilman Jones moved to approve the request of The Academy of Arts and Science for a temporary portable building on their campus for a period of six months; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

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

Gulf Shores High School Coach Davis presented to the Council information with regard to the summer programs being provided to area youth. Coach Davis expressed appreciation to the Council for their contributions to this program.

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

RESOLUTION NO. 4102-06

**A RESOLUTION
AMENDING RESOLUTION NO. 3996-06
ADOPTED JANUARY 23, 2006,
WITH REGARD TO
AMENDMENT TO SITE PLAN
OF EMERALD GREENS
(AKA THE LINKS OF GULF SHORES)
(SP2006-15)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That Resolution No. 3996-06, adopted January 23, 2006, approving the Site Plan of Lindsey Management Company for planned unit development, to be known as Emerald Greens (aka The Links of Gulf Shores), be and it is hereby amended to allow:

1. Changing buildings numbers 1-5, 21 and 30-33 from two (2) habitable floors to three (3) habitable floors; reducing the number of units from 492 to 490.

Section 2. That the site plan amendment be allowed CONTINGENT UPON:

1. The subdivision into tracts indicated on the plans is not part of the Planned Unit Development amendment and will require additional approval by the Planning Commission.
2. The applicant shall submit a Community Development Department application along with the required \$100.00 fee.

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

The motion for the adoption of Resolution No. 4102-06 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 4102-06 duly and legally adopted.

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

RESOLUTION NO. 4103-06

**A RESOLUTION APPROVING
CONDITIONAL USE PERMIT FOR
WATERS EDGE, LLC
FOR A DEVELOPMENT TO BE KNOWN AS
GULF SHORES MARINA
LOCATED ON NORTH SIDE OF
HIGHWAY 180 WEST;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ZONING ORDINANCE NO. 235
(CUP2006-01)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That the Conditional Use Permit for Waters Edge, LLC, for a marina and mixed use development project to be known as Gulf Shores Marina, located on the north side of Highway 180 west, 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 Waters Edge, LLC dated June 26, 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-FM (tourist business-Fort Morgan).

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

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

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

- 1) A proposed marina layout for the 155 boat slips and architectural elevations which attempt to bring the dry storage building into conformity to the architectural regulations shall be provided. All marina improvements required by the City shall be completed prior to the issuance of a certificate of occupancy for any new construction on the site. Improvements to the dry boat storage building shall include a façade along the south side, changes in colors and materials, and offsets to the building planes.
- 2) Vertical modulation shall be incorporated into the building through changes in building colors and building materials.
- 3) Handicap parking spaces in the building shall be located for convenient accessibility to walkways/elevators. The plans shall be revised to reflect this comment.
- 4) A revised landscape plan shall be submitted showing the new layout. The landscape plan shall clearly indicate all of the trees which are proposed to be saved. The applicant shall save all existing vegetation in the east and west landscape buffer areas.
- 5) All outside agency approvals and permits (federal, state, county, or other) shall be submitted to the Community Development Department prior to the initiation of any construction activities; including but not limited to, land disturbing activity, tree removal permits, and building permits. The failure to obtain all required permits or approvals within one (1) year of site plan approval shall void the approved site plan. At the discretion of the Zoning Official, modifications to the approved site plan necessitated by outside agency review that are deemed to be significant may: 1) be approved administratively, 2) require approval by the City approving authority, or 3) be resubmitted and processed as a new application. A Corps and ADEM permit is required for the filling of the wetlands and construction of the marina and an ALDOT permit is required for the modification of the existing driveway.
- 6) The applicant shall clearly explain how trash service will be provided to the condominium building. The dumpsters are located forty feet (40') from the building and these

dumpsters appear to be for the use of the restaurant and retail uses.

- 7) A minimum ten foot (10') landscape strip is required to be provided between the Fort Morgan right-of-way and the parking lot in front of the marina. The plans shall reflect this requirement.
- 8) The fifty foot (50') setback along the western property line shall consist of natural and new landscaping and appropriate fencing as determined by the City Council. All existing trees and vegetation shall be preserved in the fifty foot (50') buffer. The site plan shall address this comment.
- 9) The applicant shall submit joinder of title documentation combining all of the lots into a single parcel to the satisfaction of the City Attorney.
- 10) The applicant shall preserve the wetlands in a permanent conservation easement.
- 11) Clean Marina status shall be achieved within two (2) years of approval of the Conditional Use Permit.
- 12) Public Works Department -
 - Traffic Circulation - A traffic study was reviewed for the previous PUD plan. The study needs to be revised to reflect the reduced number of proposed units and the new proposed retail uses. A deceleration lane and left turn lane need to be provided in accordance with the City's Development Impact Policy, Resolution No. 2919-99. The developer will need to obtain a permit from the Alabama Department of Transportation for the deceleration lane and center turn lane to be constructed on Highway 182.

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 Article 8-23, Marina and Marina Facilities Development Criteria, Section P, of Zoning Ordinance No. 235, provides that the Planning Commission and City Council may waive or modify marina requirements through the Conditional Use Permit process. In accordance with the request of the applicant, the following waivers are allowed:

- A. A maximum of forty-four percent (44%) of impervious coverage will be allowed on the site.
- B. Thirteen percent (13%) of the gross floor area of the development will be dedicated to retail and commercial uses.

- C. The fueling of boats will be allowed between the hours of 5:00 a.m. and 9:00 p.m.; however the fueling, stocking, and pumping out of commercial fishing vessels will not be subject to time limitations provided no complaints are received by the City in this regard. Hours of marina operations may be extended by the City for fishing tournaments approved by Public Assembly Permit.
- D. The dry storage building shall be a maximum height of forty-six feet (46').

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

The motion for the adoption of Resolution No. 4103-06 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, "abstain," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 4103-06 duly and legally adopted.

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

RESOLUTION NO. 4104-06

**A RESOLUTION ACCEPTING THE BID OF
D & J ENTERPRISES, INC.
IN THE AMOUNT OF \$10,661,175.00
FOR DEBRIS CLEARANCE AND SAND RECLAMATION
IN THE EVENT OF A HURRICANE; AND
AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That the bid of D & J Enterprises, Inc. in the amount of \$10,661,175.00 for debris clearance and sand reclamation in the event of a hurricane, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on May 25, 2006.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and D & J Enterprises, Inc. for debris clearance and sand reclamation, with said contract being renewable after the first and second years.

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

The motion for the adoption of Resolution No. 4104-06 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 4104-06 duly and legally adopted.

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

RESOLUTION NO. 4105-06

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONTRACT WITH BARTER AND ASSOCIATES, INC.
FOR POST HURRICANE RESIDENTIAL
STRUCTURAL INSPECTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 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 Barter and Associates, Inc. for post hurricane residential structural inspection; in substantially the form presented to Council this date.

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

The motion for the adoption of Resolution No. 4105-06 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 4105-06 duly and legally adopted.

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

RESOLUTION NO. 4106-06

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONTRACT WITH THOMPSON ENGINEERING, INC.
FOR POST HURRICANE DEBRIS CLEARANCE
MONITORING AND CODE ENFORCEMENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 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 Thompson Engineering, Inc. for post hurricane debris clearance monitoring and code enforcement; in substantially the form presented to Council this date.

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

The motion for the adoption of Resolution No. 4106-06 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 4106-06 duly and legally adopted.

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

RESOLUTION NO. 4107-06

**A RESOLUTION AUTHORIZING
INTER-LOCAL AGREEMENT WITH
CITY OF ORANGE BEACH
TO ISSUE A REQUEST FOR PROPOSALS
FOR HEALTHCARE SERVICES**

WHEREAS, the Cities of Gulf Shores and Orange Beach desire to offer their residents quality healthcare services in their respective communities; and,

WHEREAS, the Cities of Gulf Shores and Orange Beach desire to jointly work together to address common healthcare concerns in both communities; and,

WHEREAS, the Cities of Gulf Shores and Orange Beach desire to jointly issue a Request for Proposals to healthcare providers in an effort to improve the level of healthcare services offered.

NOW, THEREFORE, be it resolved that the City Councils of the City of Gulf Shores and Orange Beach jointly enter into this Inter-Local Agreement to issue a Request for Proposals for healthcare services and hereby authorize the City of Orange Beach to issue the Request for Proposals on behalf of both cities.

The motion for the adoption of Resolution No. 4107-06 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 4107-06 duly and legally adopted.

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

RESOLUTION NO. 4108-06

**A RESOLUTION AUTHORIZING, RATIFYING, AND
CONFIRMING EXECUTION OF A CONTRACT BETWEEN
THE CITY OF GULF SHORES AND
TISCHLER-BISE
FOR IMPACT FEE STUDY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That the contract for an impact fee study in the contract amount of \$68,100.00 with TischlerBise is hereby authorized, approved and ratified.

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

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

The motion for the adoption of Resolution No. 4108-06 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 4108-06 duly and legally adopted.

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

RESOLUTION NO. 4109-06

**A RESOLUTION AUTHORIZING, RATIFYING, AND
CONFIRMING EXECUTION OF A CONTRACT BETWEEN
THE CITY OF GULF SHORES AND
MC COLLOUGH ARCHITECTURE, INC.
FOR ARCHITECTURAL SERVICES
WITH REGARD TO TENNIS PAVILION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That the contract for architectural services with regard to the tennis pavilion with McCollough Architecture, Inc., in an amount not to exceed \$18,000.00 is hereby authorized, approved and ratified.

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

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

The motion for the adoption of Resolution No. 4109-06 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 4109-06 duly and legally adopted.

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

RESOLUTION NO. 4110-06

**A RESOLUTION REAPPOINTING
CARLETON G. MC CURRY
TO THE BUILDING BOARD OF
ADJUSTMENTS AND APPEALS
TO SERVE A FULL TERM OF FOUR YEARS
ENDING ON JUNE 8, 2010**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That Carleton G. McCurry be and he hereby is reappointed to the Building Board of Adjustments and Appeals to serve a full term of four years ending on June 8, 2010.

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

The motion for the adoption of Resolution No. 4110-06 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 4110-06 duly and legally adopted.

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

ORDINANCE NO. 1441

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ADOPTED JULY 24, 1989, AT CHAPTER 7,
BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES,
ARTICLE IX. WIRELESS TELECOMMUNICATIONS
FACILITIES SITING,
SECTION 7-176. SPECIAL USE PERMIT APPLICATION
AND OTHER REQUIREMENTS,
BY CHANGING CERTAIN LANGUAGE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 26, 2006, as follows:

Section 1. That Chapter 7, Buildings; Construction and Related Activities, Article IX. Wireless Telecommunications Facilities Siting, of the Code of Ordinances, adopted July 24, 1989, be and it is hereby amended by changing certain language at Section 7-176. Special Use Permit Application and Other Requirements, Subsection (a), so the entire Subsection shall read as follows:

CHAPTER 7 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

* * *

Article IX. Wireless Telecommunications Facilities Siting

* * *

Sec. 7-176. Special use permit application and other requirements.

- (a) All applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Section. Applications shall be made to the Planning Director and include all required information, plans, and documentation as specified herein. The Gulf Shores City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking of Special Use Permits for wireless telecommunications facilities. The Planning Director may delegate or designate other officials of the City to accept, review, analyze, evaluate and make recommendations to the City Council with respect to the

granting or not granting, recertifying or not recertifying
or revoking Special Use Permits for wireless
telecommunications facilities.

* * *

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

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

Councilman Jones then moved for the adoption of Ordinance No. 1441
and to waive the reading of said Ordinance at length. The motion
for the adoption of Ordinance No. 1441 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. 1441
duly and legally adopted.

There being no further business to come before the Council,
Councilman Craft moved to adjourn; seconded by Councilman Doughty;
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