



A G E N D A
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
JANUARY 24, 2022
4:00 P.M.

1. Call to Order
2. Invocation – Councilman Steve Jones
3. The Pledge of Allegiance
4. Roll Call
5. Approval of Minutes
 - A. January 10, 2022 – Regular Council Meeting
 - B. January 18, 2022 – Special Meeting
 - C. January 18, 2022 – Rescheduled Council Work Session Meeting
6. Presentation of Petitions, Requests and Communications
 - A. Public Assembly Permit Application – Sweetheart 5K & 1 Mile / Sea Turtle Half Marathon
7. Public Hearing
 - A. ABC License Application – Bywater Beachside, LLC
8. New Business
 - A. Motion – Reconsider Introducing the Application to Approve Site Plan / CUP for Island Villas
 - B. Resolution – Approve Site Plan / CUP – Island Villas
 - C. Resolution – Exchange of Services – Safe Harbor Animal Coalition
 - D. Resolution – Accept Professional Services Proposal – EMS Billing Services
 - E. Resolution – Surplus & Donation of Property – Elberta High School
9. Committee Reports
10. Staff Report
11. Hearing of Persons Not Listed on Formal Agenda
12. Adjourn

**MINUTES OF
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
JANAURY 24, 2022**

Mayor Robert Craft called the meeting to order at 4:00 p.m. at the Gulf Shores City Hall Council Chambers.

The invocation was delivered by Councilman Stephen E. Jones.

Upon roll call, the following officials answered "present": Councilman Joe Garris, Jr., Councilman Gary M. Sinak, Councilman Philip Harris, Councilman Jason Dyken, M.D., Councilman Stephen E. Jones and Mayor Robert Craft.

Councilman Stephen E. Jones moved to approve the minutes of the Regular Council Meeting of January 10, 2022, as presented; seconded by Councilman Joe Garris, Jr.; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "abstain", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D. "abstain", Councilman Stephen E. Jones, "aye" and Mayor Robert Craft, "aye". Whereupon, Mayor Robert Craft declared the motion carried.

At this time, Councilman Philip Harris moved to approve the minutes of the Special Meeting of January 18, 2022, as presented; seconded by Councilman Jason Dyken M.D.; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "aye", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D., "aye", Councilman Stephen E. Jones, "aye" and Mayor Robert Craft, "aye". Whereupon, Mayor Robert Craft declared the motion carried.

Furthermore, Councilman Gary M. Sinak moved to approve the minutes of the Rescheduled Council Work Session Meeting of January 18, 2022, as presented; seconded by Councilman Stephen E. Jones; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "aye", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D. "aye", Councilman Stephen E. Jones, "aye" and Mayor Robert Craft, "aye". Whereupon, Mayor Robert Craft declared the motion carried.

At this time, Director of Recreation and Cultural Affairs Grant Brown introduced a Public Assembly Permit Application from the Lower Alabama Fleet Feet to host the Sweetheart 5K & 1 Mile / Sea Turtle Half Marathon on February 12, 2022.

Following a brief discussion, Councilman Gary M. Sinak moved to approve the Assembly Permit Application from Lower Alabama Fleet Feet to host the Sweetheart 5K & 1 Mile / Sea Turtle Half Marathon on February 12, 2022 as presented; seconded by Councilman Philip Harris; and the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "aye", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D., "aye", Councilman Stephen E.

Jones, “aye” and Mayor Robert Craft, “aye”. Whereupon, Mayor Robert Craft declared the motion carried.

Mayor Robert Craft stated that this was the time and place for the public hearing, as advertised, on the application from Bywater Beachside, LLC for a 020 – Restaurant Retail Liquor License.

The City Clerk reported the dates on which the required advertising was done. The Departmental preliminary review is complete, there were no written objections received and no citizens appeared at the hearing to oppose the issuance of the license.

Whereupon, Councilman Stephen E. Jones moved to approve the application from Bywater Beachside, LLC for a 020 – Restaurant Retail Liquor License and to so notify the ABC Board; seconded by Councilman Philip Harris; and the vote of those officials present was as follows: Councilman Joe Garris, Jr., Councilman Gary M. Sinak, “aye”, Councilman Philip Harris, “aye”, Councilman Jason Dyken, M.D., “aye”, Councilman Stephen E. Jones, “aye”, and Mayor Robert Craft, “aye”. Whereupon, Mayor Robert Craft declared the motion carried.

At this time, Mayor Robert Craft explained that the City Attorney had been consulted regarding the 3 to 1 vote on the approval of the issuance of a Site Plan/Conditional Use Permit for Island Villas following the January 12, 2022 Council Meeting. The City Attorney confirmed that where a quorum of only four Councilmembers was present, a motion to approve a Conditional Use Permit did not pass because it received only three affirmative votes rather than the statutorily required four affirmative votes. If any of the three who voted in favor of the issuance of the CUP motion wants the motion reconsidered, he should make a motion to reconsider at the next Council Meeting. The motion to reconsider can be seconded at the meeting by any member of the Council. If the Council agrees, either by unanimous consent or by passing the formal motion to reconsider with four votes to reconsider the motion, it is agreeing to reopen the matter as though it had not been decided in the first place. The motion being reconsidered is taken up again is at the point at which public comment had been concluded and the motion had been moved and seconded for Council action. The motion is open to Council debate, amendment and any other action or disposition that would ordinarily be proper after a motion has been made and seconded. The matter under reconsideration must eventually come to closure by voting on it again either in its original or some modified form.

Whereupon, Councilman Joe Garris made a motion to reconsider the application to approve the issuance of a Site Plan/Conditional Use Permit for Island Villas; the motion was seconded by Councilman Jason Dyken, M.D. was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., “aye”, Councilman Gary M. Sinak, “aye”, Councilman Philip Harris, “aye”, Councilman Jason Dyken, M.D., “aye”, Councilman Stephen E. Jones, “aye” and Mayor Robert Craft, “aye”. Whereupon, Mayor Robert Craft declared the Motion passed.

Furthermore, Councilman Jason Dyken, M.D. introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 6505-22

A RESOLUTION

APPROVING THE ISSUANCE OF A SITE PLAN/CONDITIONAL USE PERMIT FOR ISLAND VILLAS AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS OF ARTICLE 3 OF ZONING ORDINANCE NO. 1584 (ZA21-000062)

WHEREAS, the applicant seeks Site Plan/ Conditional Use Permit (CUP) approval to allow dwelling units licensed for vacation rental within an existing 16-unit multifamily complex in accordance with Article 6- 18, Dwelling Units Licensed for Vacation Rental regulations; and

WHEREAS, Island Villas is a 16-unit multifamily complex constructed in 1974 and located at 325 East 22nd Avenue in Gulf Shores, Alabama. The complex is currently zoned R-4 Residential/High Density Multiple- Family District, and is within the Waterway Village Overlay District; and

WHEREAS, dwelling units licensed for vacation rental require a Conditional Use Permit within the R-4 Zoning District. Island Villas is located within the Waterway Village Overlay District, which is envisioned to become a secondary tourist district. Island Villas, if approved, will be the first development allowed to rent short-term in Waterway Village and can become a catalyst for the redevelopment of similar properties in this area of the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 24, 2022, as follows:

Section 1. That the decision of the City Council to approve the Site Plan/CUP for Island Villas with express conditions set out below is in the public interest, based on the Standards for Approval in Article 3-4 C. of the Zoning Ordinance.

If, and only if, the express conditions set out below are at all times materially complied with:

1. The plan is in accordance with applicable requirements of the Zoning Ordinance, including that the proposed use is designated as a Conditional Use within the Applicable District.
2. The development plan shall receive all applicable state and federal approvals and permits.
3. The proposed site development plan is compatible with the goals and stated plans of the City and other governmental agencies for the area, as applicable.
4. The proposed use provides economic benefits and enhances the economic vitality of the surrounding area.
5. The proposed use, if granted, will not burden the infrastructure and street system of the City.
6. The proposed use will not diminish environmental quality of natural resources.
7. The proposed use and Site Plan is compatible with surrounding uses and buildings by virtue of its massing, height, relationship to the street, and architectural character.
8. The use will not cause any injury to the value of other property in the vicinity.
9. The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected from any noise, vibration, odor, glare, traffic, or other impact that may be caused by the use.
10. The existing building meets the architectural standards of the City and design guidelines, as applicable.
11. Adequacy of landscaping and screening is provided to protect neighboring properties from any visual intrusions, activities or structures that would detract from the enjoyment of neighboring property.

12. Adequacy of parking and loading arrangement, including whether ingress and egress is so designed as to cause minimum interference with traffic on abutting streets, and that heavy traffic is not introduced on residential streets.

Section 2: Therefore, in accordance with the Zoning Ordinance, the City Council hereby approves the issuance of a Site Plan/Conditional Use Permit for ZA21-000062 for Island Villas, located at 325 East 22nd Avenue in Gulf Shores, Alabama, to allow dwelling units licensed for vacation rental with the following express conditions:

1. The applicant shall construct 5 on-street parallel parking spaces along East 22nd Avenue.
2. In lieu of the \$9,600 sidewalk fee, the applicant shall construct a sidewalk from the Foam Coffee entrance to the Island Villas entrance within the East 22nd Avenue right-of-way, including curb, gutter, and subsurface drainage.
3. The applicant's proposed Parking Plan, shall be implemented and continuously maintained and complied with and shall include, but not be limited to, parking passes, parking management, and any agreements for shared parking with surrounding property owners.
4. The existing dumpster shall be screened as required by the Zoning Ordinance.
5. At no time shall the use or occupancy of the property in whole or in part for vacation rentals be allowed to have a materially adverse impact on neighboring property in terms of noise or other activity of any kind that is disruptive of the reasonable enjoyment of such neighboring property for residential use.
6. In the event of any material violation of any of the foregoing conditions as determined by the City Council after public hearing, the City Council shall have the right in its sole and absolute discretion to revoke the Conditional Use Permit hereby approved. Such revocation shall be effective upon thirty (30) days notice sent to the current owners of the property as reflected on the tax assessment records of the Baldwin County Revenue Department.

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

The motion for the adoption of Resolution No. 6505-22 was seconded by Councilman Philip Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "aye", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D., "aye", Councilman Stephen E. Jones, "nay" and Mayor Robert Craft, "aye". Whereupon, Mayor Robert Craft declared Resolution No. 6505-22 duly and legally adopted.

At this time, Councilman Stephen E. Jones introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 6506-22

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
AN EXCHANGE OF SERVICES AGREEMENT
BETWEEN THE CITY OF GULF SHORES AND
SAFE HARBOR ANIMAL COALITION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 24, 2022 as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, an Exchange of Services Agreement between the City of Gulf Shores and Safe Harbor Animal Coalition in an annual amount not to exceed \$17,500.00; and in substantially the form presented to Council this date.

Section 2. That Safe Harbor Animal Coalition will continue to operate a cost effective trap, neuter and return program and limited lifesaving and public health veterinary services for the unowned feline animals located within Gulf Shores' corporate limits and police jurisdiction.

Section 3. That the \$17,500 annual appropriation will be paid from the Executive Department's budget line 01-679-60003 Outside Agencies.

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

The motion for the adoption of Resolution No. 6506-22 was seconded by Councilman Joe Garris, Jr. was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., "aye", Councilman Gary M. Sinak, "aye", Councilman Philip Harris, "aye", Councilman Jason Dyken, M.D., "aye", Councilman Stephen E. Jones, "nay" and Mayor Robert Craft, "aye". Whereupon, Mayor Robert Craft declared Resolution No. 6506-22 duly and legally adopted.

Councilman Gary M. Sinak introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 6507-22

**A RESOLUTION
AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO
EXECUTE AND ATTEST, RESPECTIVELY,
A PROFESSIONAL SERVICES CONTRACT BETWEEN
THE CITY OF GULF SHORES AND PPS, INC.
FOR EMS BILLING SERVICES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 24, 2022, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a professional service contract between the City of Gulf Shores and PPS, Inc. for EMS Billing Services; in substantially the form presented to Council this date.

Section 2. That the initial term for the contract is one year. There is no yearly cost to the city for this service.

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

The motion for the adoption of Resolution No. 6507-22 was seconded by Councilman Joe Garris, Jr. was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., “aye”, Councilman Gary M. Sinak, “aye”, Councilman Philip Harris, “aye”, Councilman Jason Dyken, M.D., “aye”, Councilman Stephen E. Jones, “aye” and Mayor Robert Craft, “aye”. Whereupon, Mayor Robert Craft declared Resolution No. 6507-22 duly and legally adopted.

At this time, Councilman Joe Garris, Jr. introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 6508-22

**A RESOLUTION
DECLARING CERTAIN ITEMS SURPLUS AND UNNEEDED
BY THE CITY OF GULF SHORES AND
AUTHORIZING DONATION OF
UNNEEDED PROPERTY TO ELBERTA HIGH SCHOOL**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 24, 2022 as follows:

Section 1. That the following athletic equipment owned by the City of Gulf Shores, Alabama is hereby declared surplus and unneeded for public or municipal purposes:

Hammer and Discus Cage Equipment

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to donate such property owned by the City of Gulf Shores, Alabama, described in Section 1 above, to Elberta High School for use in their athletic program

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

The motion for the adoption of Resolution No. 6508-22 was seconded by Councilman Gary M. Sinak was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Joe Garris, Jr., “aye”, Councilman Gary M. Sinak, “aye”, Councilman Philip Harris, “aye”, Councilman Jason Dyken, M.D., “aye”, Councilman Stephen E. Jones, “aye” and Mayor Robert Craft, “aye”. Whereupon, Mayor Robert Craft declared Resolution No. 6508-22 duly and legally adopted.

COMMITTEE REPORTS:

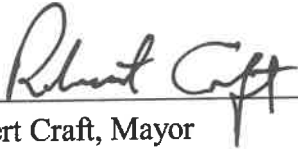
Councilman Stephen E. Jones gave a report of the recently held Coastal Alabama Annual E-Cycling & Shred event. Over 6500 pounds of e-cycle material and 8,000 pounds of shred materials were processed.

Director of Planning & Zoning Lee Jones gave a brief summary of what would be on the upcoming Planning Commission Meeting Agenda.


STAFF REPORT:

There being no further business to come before the Council, Councilman Stephen E. Jones moved to adjourn; seconded by Councilman Joe Garris, Jr.; and the vote of those officials present was unanimously in favor of the motion.

Mayor Robert Craft declared the meeting adjourned at 4:30 p.m.


Robert Craft, Mayor




Wanda Parris, MMC
City Clerk