

**CITY OF DAPHNE
CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JANUARY 2, 2007
6:30 P.M.**

1. CALL TO ORDER

**2. ROLL CALL/INVOCATION:
PLEDGE OF ALLEGIANCE:**

- 3. APPROVE MINUTES:** Work Session Minutes meeting Held December 14, 2006 {Amended}
Council minutes meeting held December 18, 2006

PUBLIC HEARING: Rezoning: Eastern Shore Knights of Columbus / Property located off the corner of Main Street and Ryan Avenue / Proposed Zoning from R-1, Low Density Single Family Residential District to B-2, General Business District

PUBLIC HEARING: Adopting Certain Technical Codes by Reference / Fire Code

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Scott*
- B. BUILDINGS & PROPERTY - Lake*
- C. PUBLIC SAFETY - Burnam*
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry*
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding*

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady*
- B. Downtown Redevelopment Authority - Barnette*
- C. Industrial Development Board - Yelding*
- D. Library Board - Lake*
- E. Planning Commission - Barnette*
- F. Recreation Board - Palumbo*
Review minutes meeting held December 20th
- G. Utility Board - Scott*

6. REPORTS OF OFFICERS:

- A. Mayors Report*
 - a.) Retreat Date / Wednesday, January 24th 4:00 – 8:00 p.m.*
 - b.) Pay Exceptions:*
 - 1.) Deputy Director of Community Development*
 - 2.) Administrative Assistant to Fire Chief*

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Acceptance of Streets & Drainage / Rolling Hills Place Subdv. /Resolution 2007-01**
- b.) **Support a Road Being Built for Mobile Infirmiry Hospital
North of I-10 /Resolution 2007-02**

ORDINANCES:

2nd READ

- a.) **Erosion and Sediment Control. /Ordinance 2007-03**
- b.) **Adopting the Capital Budget. /Ordinance 2007-04**

1ST READ

- a.) **Rezoning: Eastern Shore Knights of Columbus /
Property located off the corner of Main Street
and Ryan Avenue / R-1, Low Density Single Family
Residential District to B-2, General Business District. /Ordinance 2007-01**
- b.) **Adopting the International Fire Code. /Ordinance 2007-02**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**DECEMBER 18, 2006
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman Mr. Lake gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry arrived at 6:37 p.m.; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Kim Briley, Finance Director; Ashley Campbell, Site Containment Specialist; Arthur Witherington, Firefighter; Scott Hutchinson, City Engineer; Rob McElroy, Utility Director; Melinda Immel, Volkert & Associates; John Coulter, IDB; Lon Johnston, Utility Board.

Absent: Richard Merchant, Building Official.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the amended Work Session minutes meeting held November 16, 2006. Seconded by Mr. Scott.

AYE Barnette, Scott, Palumbo, Burnam

ABSTAINED Lake, Palumbo

NAY NONE OPPOSED

MOTION CARRIED

NOTE: Ms. Landry arrived at 6:37 p.m.

MOTION BY Mr. Scott to approve the Council Meeting minutes meeting held December 4, 2006. Seconded by Mr. Scott.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The minutes for the December 11th meeting are in the packet.

MOTION BY Mr. Scott accept the Treasurers Report as of November 30, 2006 with an ending balance of \$24,206,414.10. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

SALES & USE TAX

Mr. Scott stated that tax collected was \$956,000 for the 1st month of the fiscal year, and it was \$4,000 above budget.

LODGING TAX

Mr. Scott stated that \$43,874 was collected and this was down from last year, which was the height of Hurricane Katrina.

Mr. Scott reported that the assessed value of property owned by the city went up to \$32 million. He said that this is due to annexations and appreciated property value.

B. Buildings and Property Committee – Lake

Mr. Lake stated that the minutes for the December 1st meeting were in the packet. He stated that the Committee sent the land swap with Mr. Irvine to Finance for review, but there was a glitch with the deed, and that they authorized the Mayor to resolve the problem with the deed. Mr. Lake stated that the committee voted to waive half of the fees at the Civic Center for Spanish Fort High School to hold their prom.

C. PUBLIC SAFETY – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Ms. Landry stated that there were several Resolutions and one ordinance that the committee reviewed and are on the agenda. She stated that a change to the minutes needed to be made to reflect that Mr. Palumbo called the meeting to order.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be December 22nd at 8:00 a.m. in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The Board will meet Thursday December 7th at 6:00 p.m. with 2 appeals, a church on Wilson Avenue and a Daycare and both were approved.

B. Downtown Redevelopment Authority – Barnette

Mrs. Barnette stated that there will not be a meeting in December, but the Architectural Review Committee will meet tomorrow at 5:15 p.m. in the Council Chambers.

C. Industrial Development Board – Yelding

Council discussed a resume that had been submitted for nomination to the board. Several Council members stated that they had someone that they would like to nominate.

Council agreed to wait until the next meeting to vote on a new member.

D. Library Board – Lake

Mr. Palumbo stated that at the previous meeting they discussed that the Mayor, working with Jo Bonners office, had requested aid for the Library to help with engineering costs of \$180,000 and there has been a request for \$2,000,000 in aid from Jeff Session's office which are Federal funds that may or may not be available. Mr. Palumbo stated that the next meeting of the board will be January 8th at 4:30 p.m.

E. Planning Commission – Barnette

Mrs. Barnette stated that the minutes for the October meeting are in the packet. She stated that the Site Preview meeting Wednesday at 8:00 a.m. and the regular Planning Commission meeting will be December 28th at 6:00 p.m. Mrs. Barnette stated that there is an annexation on the agenda, which is a 2nd read.

F. Recreation Board – Palumbo

No report. The meeting has been rescheduled for December 20th at 6:00 p.m.

G. Utility Board – Scott

Mr. Scott stated that there were not any minutes to report on. He stated that Mr. Segalla sent a letter that stated at the next meeting they will be discussing a rate increase of \$1.20 per household. He stated after the last big jump in rates they decided to do increases all along in smaller increments so that the impact will not be so hard on citizens.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) Parade Permit / Shadow Barons / Mardi Gras Parade / February 17, 2007 / Rain Date February 18, 2007 in the afternoon after church

**MOTION BY Mrs. Barnette to approve the Parade Permit for the Shadow Barons / Mardi Gras Parade / February 17, 2007 / Rain Date February 18, 2007 in the afternoon after church.
*Seconded by Ms. Landry.***

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

b.) Accepting Lots from Lake Forest

MOTION BY Ms. Landry to accept lots 102, 103 and 104 in the Lake Forest Subdivision by Quitclaim deed. Seconded by Mr. Palumbo.

Mrs. Barnette stated that she thinks this should be done by ordinance, since they are buying property. She feels that something more formal should be done.

AYE Yelding, Lake, Scott, Landry, Palumbo, Burnam

NAY Barnette

MOTION CARRIED

c.) MOTION: Authorize providing gravity sanitary sewer services in lieu of low pressure force main sewer service under the existing contract with R&B Contracting Co., Inc. to the residents on Camellia Court that were not previously serviced.

MOTION BY Mrs. Barnette to authorize providing gravity sanitary sewer services in lieu of low pressure force main sewer service under the existing contract with R&B Contracting Co., Inc. to the residents on Camellia Court that were not previously serviced. Seconded by Mr. Yelding.

AYE Yelding, Barnette, Lake, Burnam

NAY Scott, Landry, Palumbo

MOTION CARRIED

d.) Yancey Branch / Scott Hutchinson

Mr. Hutchinson, with Hutchinson Moore and Rauch, answered questions Council had regarding the Yancey Branch project. Some of the questions were: why it did not come before the Planning Commission, about permitting and mats, the width of the project and NRCS projects going before the Commission. He stated that the project did not go to the Planning Commission because there was not any infrastructure put into place. Mr. Hutchinson stated that they had all the right permits and in lieu of using the mats that some people use, the big creosote post hooked together with big chains or cable, they just used trees that they had to take down, they just laid them over and used those as mats. He stated that the Corp came out and told them they had rather they use mats. He said that they were not issued a violation. He commented regarding the width of the project saying that when you take down one or two big trees down and some of the brush it makes the 20 foot path look a lot bigger. He said that it cost more money the wider you go, so they tried to keep it down. Mr. Hutchinson stated that NRCS projects do not go before the Planning Commission.

Mrs. Barnette stated that there were two things where they fell short. One thing is, that they should have gotten an individual permit instead of a nation wide permit, because the scope of the project receives more scrutiny, and there would have been more opportunity for people to play a larger role in what was going on. She said that in the future they should get an individual permit as opposed to nationwide permits to make sure that there is enough opportunity for public participation. She stated the second

thing is that in the future, for large projects like this, the more on the ground role that HMR can play with the contractors, because there was the rutting in areas where they were not driving or where there were not logs, this would prevent erosion problems. She stated that they need to play a larger role and have a little bit more oversight in these projects that are on a large scope. She said that she feels they have learned lessons on how to do a better job. Mrs. Barnette stated with all the negativity about this project there is some good that is coming from it, and that is spearheaded by Mrs. Campbell who has arranged several community groups to get involved with the restoration of the area.

Mayor Small gave thanks to all the agencies that helped out with the tragedy with detective Scott Bidwell, all the way to Miami to Troy King's office that helped get things done quickly. He wanted to thank all these organizations publicly, and he has sent thank you notes to them, but they really helped them do things quickly and comfort people at that time.

B. City Attorney's Report

No report.

C. Department Head Comments

David Carpenter – Police Chief – thanked the city workers that were involved with Scott Bidwell's funeral, and all the prayers and thoughts of everyone. He stated that Captain Wilson will be leaving to be the Police Chief of Foley.

Sandra Morse – Civic Center Director – thanked everyone that came out to the Winter Wonderland Concert by the Baldwin Pops. She said that there were over 1,000 people who attended.

Ken Eslava – Public Works Director – stated that they are continuing the sidewalk efforts in Park City and they will be moving from Park City to Dauphine Acres. He reminded everyone that the new ADA compliant boardwalk in May Day Park is open.

Tonja Young – Library Director – reminded everyone that there is Christmas events going on at the Library this week. She stated that Santa will be at the Library tomorrow from 4:00 – 6:30 p.m., and they will have the Southside singers from the area schools

7. PUBLIC PARTICIPATION

Mr. Stan Weise – 906 Camellia Court – thanked the Council for their decision to approve gravity sewer for his street.

Mr. Allen Bates – Camellia Court - thanked the Council for the gravity sewer.

Mrs. Charlotte Fromhafer – Creekside Subdivision – spoke against the proposed zoning of the proposed annexation of property on Whispering Pines and Pollard Road.

Mr. Jim Chandler – Creekside Subdivision – spoke against the proposed zoning of the proposed annexation of property on Whispering Pines and Pollard Road.

Mrs. Diane O'Connor Page – Daphne – spoke regarding spot zoning, and giving a raise to the Public Works workers, and the Fire and Police Departments.

Mrs. Leona Boler – 7563 Whispering Pines Road – spoke against proposed zoning of the proposed annexation of property on Whispering Pines and Pollard Road.

Mr. Craig Hollis – with Architectural firm for the proposed apartment complex to be build on Whispering Pines and Pollard Road – stated that there was a need for apartments in this area, and that they have done a traffic study that will be presented at the site preview meeting Wednesday. He also stated that they are barricading the apartments so they will not be an eyesore to the area.

Ms. Lazery – spoke in favor of the annexation and zoning, and that the apartments are needed in the area.

Mrs. Charlotte Fromhafer – Creekside Subdivision – spoke regarding an adjoining subdivision that was supposed to be upscale, but they sold out to Adams Homes.

Mrs. Diane O'Connor page – Daphne – reminded everyone about Apalachee.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Amend Personnel Polices and Procedures Handbook /
Entry Level Pay and Benefits for Former Employees. /Resolution 2006-102**
- b.) **Prepaid Travel / Ken Royal. /Resolution 2006-103**
- c.) **Amend Personnel Polices and Procedures Handbook /
Vacation Carry Over. /Resolution 2006-104**
- d.) **Scheduling a Public Hearing to Consider Adoption of
Certain Technical Codes by Reference. /Resolution 2006-105**
- e.) **Bid Award: 2007-C-FD/Extracation Equipment / NAFECO, Inc. . . . /Resolution 2006-106**

MOTION BY Mr. Scott to wave the reading of Resolution 2006-102, 2006-103, 2006-104, 2006-105, 2006-106. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolutions 2006-103 and 2006-106. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolutions 2006-102, 2006-104, 2006-105. *Seconded by Mr. Scott.*

After discussion Mrs. Landry withdrew her motion.
Mr. Scott withdrew his second.

MOTION BY Ms. Landry to adopt Resolution 2006-102. *Seconded by Mr. Palumbo.*

Discussion was held and Council agreed that one year was too long a period to allow someone to be re-hired by the city and the same wages.

Ms. Landry withdrew her motion.
Mr. Palumbo withdrew his second.

MOTION BY Mr. Palumbo to adopt Resolution 2006-102 amending all places where it states one year and replace it with 180 days. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Landry to adopt Resolution 2006-104. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-105. *Seconded by Mr. Palumbo.*

Mr. Palumbo asked the City Clerk to send a letter to the Baldwin County Builders Association and representatives regarding the date of the Public Hearing.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

a.) Annexation: Arthur Keller Property/Ordinance 2006-80

1ST READ

b.) Erosion and Sediment Control...../Ordinance 2006-82

c.) Adopting the Capital Budget...../Ordinance 2006-83

MOTION BY Ms. Landry to waive the reading of Ordinance 2006-80. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Ordinance 2006-80. *Seconded by Mrs. Barnette.*

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Nay
Lake	Aye	Burnam	Nay
Scott	Aye		

AYE Yelding, Barnette, Lake, Scott, Landry Nay Palumbo, Burnam

MOTION CARRIED

ORDINANCE 2006-82 WAS MADE A FIRST READ.

Mrs. Barnette stated that he asked that the Erosion Control Ordinance be sent to the Planning Commission as a courtesy and to be included in the Land Use Ordinance at the next meeting.

ORDINANCE 2006-83 WAS MADE A FIRST READ.

9. COUNCIL COMMENTS

Mrs. Barnette thanked everyone at the Daphne Museum for the open house. She also thanked the Beautification Committee for getting the Christmas spirit up. She mentioned the two possible dates for the Council retreat which are January 23rd or 24th. She mentioned to the Council that they will receive an e-mail regarding the dates and to be thinking about which date they want.

Mr. Lake mentioned that January 23rd was a bad day form him. He stated that it had been a hard two weeks for Chief Carpenter with losing one of his officers tragically and losing another to Foley. He wished everyone a joyous holiday.

Mr. Scott wished everyone a merry Christmas. He echoed the sentiments of Mr. Lake about the tough time for the Police Department. He stated that it was a positive thing about Captain Wilson, he hates to loose him but he will be bettering himself.

Ms. Landry wished everyone a happy holiday season.

Mr. Palumbo stated that he noticed three (3) economic indicators in the finance report: 1.) Revenue taxes just skimmed above the projected budget, 2.) Hotel taxes were below last year and 3.) building permits were down from 250 per month to seven (7). He stated that this points out that they need to be cautious and keep in mind their fiscal responsibilities. He offered condolences to the Police Department and the family of detective Bidwell. He stated that this was a loss for the whole community. He wished everyone a merry Christmas and that 2007 will be great for all.

Mr. Eady stated that the Site Review meeting will be tomorrow.

10. ADJOURN

MOTION BY Mr. Yelding to adjourn. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:40 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Date & Time Signed: _____

DECEMBER 14, 2006
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.

1

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Greg Burnam; Regina Landry; August Palumbo.

ABSENT: John Lake; Ron Scott.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Sandra Morse, Civic Center Director; Ken Eslava, Public Works Director; Melinda Immel, Volkert & Associates.

1. CALL TO ORDER

Council Vice President Lake called the meeting to order at 6:30 p.m.

2. DISCUSS: DAUPHINE ACRES SEWER

2. DISCUSS: DAUPHINE ACRES SEWER

Melinda Immel, Volkert & Associates, reported to Council that there is a modification to the bid for the gravity system due to not resurfacing the street and shallower gravity system provided Mr. Lambert grants a new easement that he has indicated he will grant. The cost has been reduced significantly as charted below:

<u>Bid Costs:</u>		<u>Estimated Costs:</u>	
Gravity	\$68,000	Cost of Gravity	\$51,000
Low Pressure	<u>\$11,000</u>	Low Pressure	<u>\$11,000</u>
Difference	\$57,000	Difference	\$40,000

Mrs. Immel stated that the contractor has requested a decision by the end of the month. She stated that \$40,000 is the net cost difference between the approved value for the low pressure system and the revised gravity system estimated costs to take care of the three (3) houses.

Mr. Yelding stated that he and Mr. Eslava met with them that morning and feels that it will be in the best interest of the city to do this project.

3. DISCUSS: CAPITAL BUDGET

Council discussed the capital budget and made the following cuts to the budget:

American Red Cross	Requested	\$ 4,500	Cut to \$ 0.00
Branding (Opportunity for Community)	Requested	\$25,000	Cut to \$15,000
Bay Rivers Art Guild	Requested	\$20,000	Cut to \$12,000
Police Admin Master Plan	Requested	\$20,000	Cut to \$ 0.00
Civic Center – Electronic Signs	Requested	\$35,000	Cut to \$15,000

TOTAL CUTS \$62,500

Council President Burnam instructed that a motion be on the agenda for the Dauphine Acres sewer project, and to also put the capital budget on the agenda.

DECEMBER 14, 2006
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.

2

Mrs. Barnette asked that the Clerk's office check with Mr. Hart to see if his schedule is open for January 23rd or 24th for a retreat. She also mentioned the city gave the Mobile Bay NEP \$3000 to be part of the Stormwater Working Group. The completion of that

report is being finalized and I wanted to know if the Council wanted NEP to come and present the findings. They will be asking for a resolution supporting enabling legislation to set up a Stormwater Authority. So, someone from the Mobile Bay NEP will come and present the findings, answer questions, etc. She stated that she would like to form an environmental committee to be a watch dog for the city.

9. ADJOURN

There being no further business to discuss, the meeting adjourned at 8:35 p.m.

Respectfully submitted by

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam,
Council President
Date & Time Signed:_____

PUBLIC HEARINGS:

JANUARY 2, 2007

PUBLIC HEARING

- 1.) REZONING: Eastern Shore Knights of Columbus / Property located off the corner of Main Street and Ryan Avenue / Proposed Zoning from R-1, Low Density Single Family Residential District to B-2, General Business District**

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Zoning Amendment - Eastern
Shore Knights of Columbus

MEMORANDUM

Date: November 30, 2006

At the regular meeting of the City of Daphne Planning Commission on November 21, 2006, eight members were present and the motion carried for the negative recommendation of the above-mentioned ordinance.

The property owner is requesting a zoning amendment from R-1, Low Density Single Family Residential, to a B-2, General Business, zone.

If you should have any questions, please do not hesitate to contact the undersigned.

Thank you,

WHE/jd

cc: file

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 206-12 Date Plat Submitted: Nov. 21, 2006

Date Presented: October 23, 2006

Name of Owner: Eastern Shore Knights of Columbus Association

Address: Post Office Box 1587 Daphne AL 36526 Telephone #251-621-1337
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Starke Irvine

Address: Post Office Box 2497 Daphne AL 36526 Telephone #251-621-1337
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Columbus Way

Lot(s): 1 Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 10/23/2006).

Meeting Dates:

Planning Commission: Nov. 21, 2006

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Request B-2 to allow the construction of office space and cabinet shop for a home builder

Starke Irvine
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address Vacant parcel on Ryan Avenue East of Knights of Columbus and West of Mazda
- b) Name of Subdivision Columbus Way
- c) Lot numbers involved in change 1
- d) Total acreage of change .57
- e) Recorded in Map Book Slide 22960 Page _____
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R1
- b) Reclassification desired B2
- c) Character of neighborhood B2 to East R1 to N & W

3) Certifications:

- a) Owner's Name Eastern Shore Knights of Columbus Association
- b) Address Post Office Box 1587, Daphne, AL 36526
- c) Telephone Number 251-621-1337
- d) Date October 16, 2006

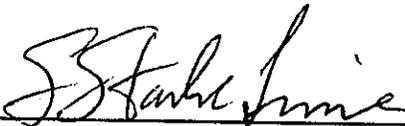
SS Stanke Jones
Signature of Property Owner, Agent

Signature of Property Owner

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

October 23, 2006
Date


Signature of Property Owner, Agent

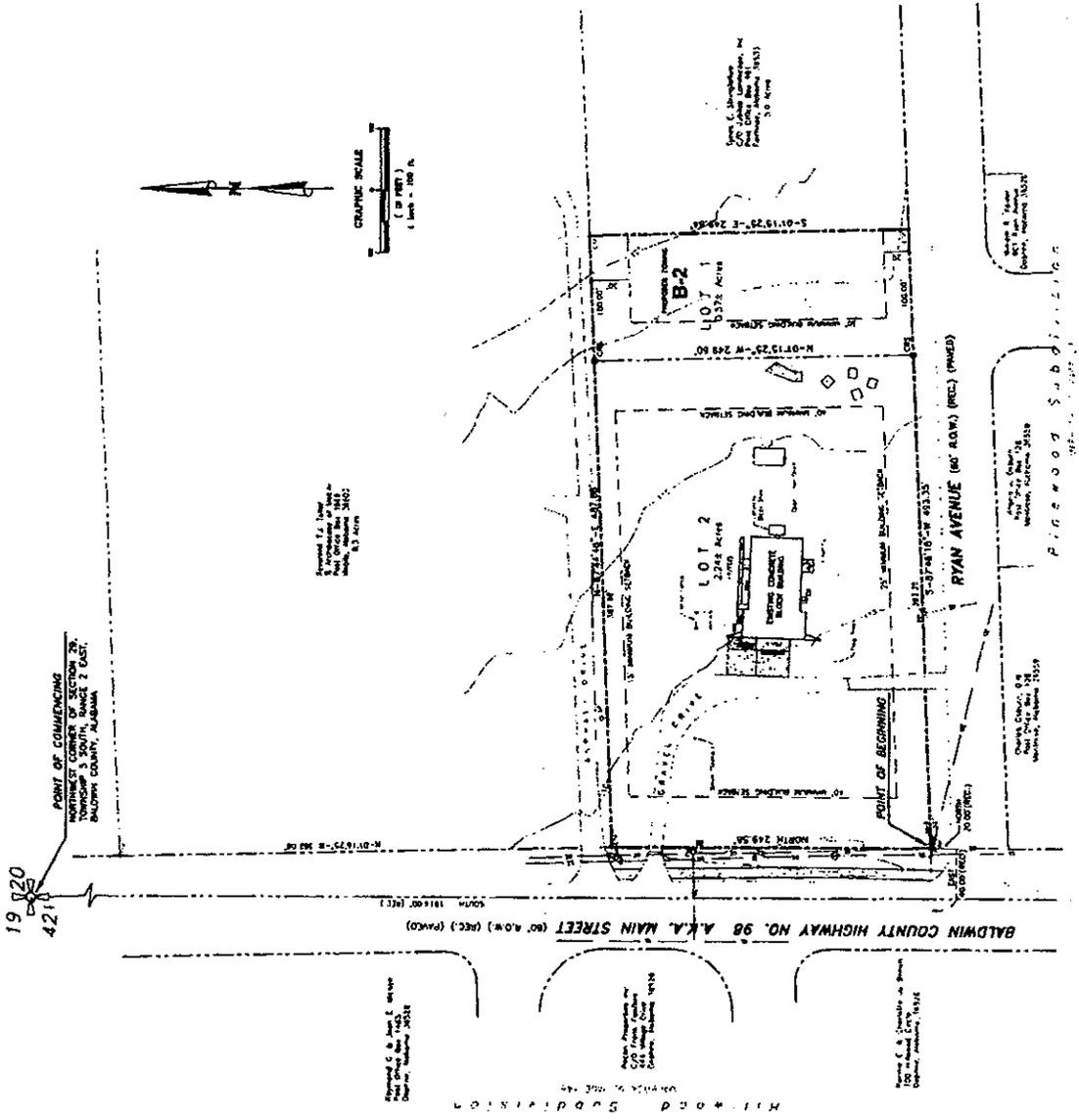
**EASTERN SHORE KNIGHTS OF
COLUMBUS ASSOCIATION
ZONING AMENDMENT**

EXHIBIT "A"

Legal Description:

Lot 1, Columbus Way Subdivision as recorded on Slide 2296C in the Judge of Probate, Baldwin County, Alabama. Located in Section 29, Township 5 South, Range 2 East. Said parcel containing 0.57 Acres more or less.

Reference: Lot 1, Columbus Way Subdivision



ZONING ILLUSTRATION MAP
 SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST
 KNIGHTS OF COLUMBIUS

Scale: 1" = 100'

DATE: OCTOBER, 2006

Sheet: 248

of 1

HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 DAPHNE, ALABAMA

2019 MAIN STREET
 DAPHNE, ALABAMA
 36526

TEL (251) 626-2626
 FAX (251) 626-6934
 dmr@hmr-engineers.com

JMR

Adjacent Property Owners' List

Eastern Shore Knights of Columbus
PO Box 1587
Daphne, AL 36526

Archdiocese of Mobile
PO Box 1966
Mobile, AL 36603

Enterprises of WBB Inc.
24674 US Hwy 98
Daphne, AL 36526

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

*Draft (for Reference
only)*

The Vice Chairman stated the next order of business is zoning amendment review for the Eastern Shore Knights of Association.

PETITIONS:

ZONING AMENDMENT REVIEW:

File Z06-12: Eastern Shore Knights of Association

Location: Ryan Avenue East of Knights of Columbus and West of Mazda
Area: 0.57 Acres ±
Owner: Eastern Shore Knights of Columbus Association
Agent: Irvine Co., Inc. - Starke Irvine

Present Zoning: R-1 Proposed Zoning: B-2

Mr. Chason stated Mr. Chairman if you would not mind Mr. Thomas and I have questioned ourselves as to whether or not we should abstain. Could we have five minutes to consult with Mr. Ross as to whether or not Mr. Thomas and I should vote?

Mr. Ross asked do you want to go into recess for a minute.

The Vice Chairman stated the Planning Commission shall convene for a five minute break at 6:42 p.m.

The meeting was reconvened at 6:47 p.m.

An introductory presentation was given by Mr. Irvine, representing the Irvine Co., Inc., requesting the rezoning of parcel located on Ryan Avenue East of Knights of Columbus and West of Mazda from R-1, Low Density Single Family Residential, to a B-2, General Business, zone. We are asking for the rezoning of this parcel which is contiguous to B-2 for the construction of office space and a cabinet shop for a home builder. He will not have any more than three to four employees at one time. They do not work daily. They only work when he has a project to build. The drawing that I handed out shows the style of building and location of the building. He is going to place the building as far back on the property as he can. A six-foot privacy fence will be placed along the street and a natural buffer along the front.

Mr. Irvine stated I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments.

Mr. Chason asked how can you ensure this layout if the property is sold.

Mr. Irvine stated only that the owner said that is what he will do.

Mr. Chason stated if he sold the property a year from now, it would be imperative that we knew the improvements would remain.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Mr. Irvine stated that is an essential item. The only way that you could accomplish that is you would have to create an easement for a green belt. The owner is here to ask any questions in this regard.

Ms. Barnette stated we have a legal opinion from the attorney and at the work session we talked about what constitutes spot zoning. It is a difficult decision because in residential you can go from an R-2, Medium Density Single Family Residential, to an R-3, High Density Single Family Residential, zone and it is not spot zoning. Yet in this instance, we cannot go from a B-2, General Business, to a B-1, Local Business, zone. I am not really comfortable with that. I think we need to research that a little further. I do not see it being consistent with the neighborhood across the street because once we rezone it, then it is forever B-2. I would like to figure out a way to rezone the property to a B-3, Professional Business, or B-1, Local Business, zone.

An adjacent property owner asked why does it have to be B-2 forever.

Mr. Irvine stated I think you have to be and I do not want to use the word fair. I think that we have to recognize that this property was brought into the City of Daphne along with a lot of other properties a long time ago as R-1, Low Density Single Family Residential. The corner of Ryan Avenue and U. S. Highway 98 is a B-2 use, the Mazda dealership, and always will be. The use for this property, if it is legal, the owner has agreed to a self-imposed restriction. If the property were to be sold, he would sell it as a B-3, Professional Business, use. To be quite honest, Mr. Eady is not in favor of that. I think that is an area you have to decide on. This property is currently not an R-1 use. I cannot help what is located across the street.

Mr. Irvine stated there is a lot of commercial property across the street from residential property in the City of Daphne. That is just the way it is. When you have one thorough fare going to another, you are going to have mixed uses in an area. I hope you will consider the B-2 zoning. If you will, then he will do a self-imposed restriction on the property of B-3 when he goes to resell the property.

Mr. Eady stated Mr. Chairman I believe that an arrangement like that constitutes contract zoning and that is illegal.

Mr. Ross stated moreover I think if you are going to B-2 you cannot agree to B-3 without the Planning Commission's approval.

Mr. West stated so you are saying that it is illegal to do that.

Mr. Eady stated yes sir.

Mr. West asked Mr. Ross do you agree.

Mr. Ross stated I do because it is contract zoning. That is the problem. Mr. Irvine has a good idea, but it would not legally stand up.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Ms. Barnette stated I have definition of spot zoning that might help. She read, "The rezoning of a lot or parcel to benefit an owner for a use that is incompatible with surrounding land uses and that does not further the comprehensive zoning plan." This is what the City Council adopted in the City of Daphne Land Use and Development Ordinance.

The Vice Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. The main concerns were encroachment and vulnerability to further commercial development, noise, traffic, character of parcel appears to be residential in nature, and affect on property values in adjacent subdivisions.

A member of the Knights of Columbus commented on the use of the land for commercial or rental property rather than residential. He commented that the Knights had given the right-of-way several years back for the connection from Ryan Avenue to U.S. Highway 98 and at that time, the developer chose to place the subdivision in this location. If at anytime we chose to rezone the remainder of the property, the petition would have to be approved by this board.

A member or the Knights of Columbus and an adjacent property owner requested further research of the zoning regulations in order to find a way to approve the application since Mr. Irvine's request was minimally evasive to the neighborhood. Could a new zoning designation be created to solve the problem?

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

The Vice Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. It appears to me that if this project gets rezoned that the type of zone is the major issue. If we could get a better answer to the zoning question, and we had more time maybe we could come up with a solution that is acceptable. We do not decide the zoning. We make a recommendation to the City Council and they make the decision. Tonight at best we may need to table it or get on with it.

Mr. Eady stated you only have three choices and they are B-1, Local Business, B-2, General Business, or B-3, Professional Business.

Mr. Chason stated a cabinet shop is permitted by right in B-2.

Mr. Irvine stated I was just speaking with my client and he would consider deed-restricting the parcel. If he deed-restricted the front part of the property to remain in a natural state that would address what they brought up earlier.

The Vice Chairman stated that sounded like an improvement.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Ms. Barnette stated I would like for us to come up with the fact that a B-2 has so many inherent uses, but are subject to the review of this Commission. If he sells in order to move to another location, then the property would be forever B-2. All of the effort they are willing to put forward would be lost, and that is my problem with this project.

The Vice Chairman stated do any of the Commissioners have any further questions or comments. I think we are at a point where we need to make a decision. Do we want to take this and study it further to try to find an answer that is more compatible or are we ready to proceed? We should keep in mind that whatever we vote on here is not the end of it. It still goes to the City Council with a recommendation.

Mr. Chason stated are our options to favorably recommend, unfavorable to recommend, or do we have a third option to recommend something other than this.

Mr. Eady stated I suppose.

Mr. Ross stated you could table it and come by with an idea of different another way to handle it.

Ms. Barnette stated if we did that would not we have to do something to for the Commission to consider regarding the use.

Mr. Ross stated you would have to come up with a concept which would limit the uses in B-2.

Mr. Kirby stated if we do not make a decision, then the zoning would be automatically approved in thirty days.

Mr. Ross stated you have to vote it up, down, or table it. I not suggested it. If you table it to come up with a solution, they need to consent to waive the thirty-day requirement.

Mr. Kirby stated if it is denied, then you cannot come back.

Mr. Ross stated they cannot come back for twelve months or one year.

The Vice Chairman stated if you wish for us to table it tonight, then we would not vote on it.

Mr. Ross stated or you could withdraw it.

Mr. Irvine stated I do not see any reason to withdraw it given that we have given you everything.

Mr. Chason stated I disagree that this was denied by the Planning Commission so B-3 is not longer an option.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Mr. Irvine stated it only helps if you wish to sell the property to someone else. It does not benefit the gentleman which wants to buy it now. Is it fair to the Knights of Columbus who were denied? The suggestion was offered to be to do a PUD.

The Vice Chairman stated do any of the Commissioners have any further questions or comments.

Mayor Small stated we could create a more restrictive B-2 zone. We have a problem with B-2 because we have so many uses available in that zone.

Mr. Chason stated I think we need to do something. I do not see it quite that defined. I can see for myself that we need to move this forward. I hear that you could not sell it residential for years because you have a car dealership next to it, and I can understand that. We can offer to resolve this for everybody, but if they do not want to do that, then we need to vote. We cannot table it without them agreeing to a thirty-day extension.

The Vice Chairman stated if there is no objection, the Chair would entertain a motion. Do you agree to waive the thirty days if we table it?

Mr. Irvine asked what would take more than thirty days.

Mr. Chason stated if we table it and something happens like we do not have a meeting during Christmas, then it would not be automatically approved. This would give us a chance to work out some type of solution that would be in accord with the neighbors.

Mr. Eady stated the December meeting will be on December 28, 2006 so it will be more than thirty days.

Mr. Irvine stated I think if it is going to be tabled to work out B-3. Let me ask this question. If the new owner's business does not qualify for B-3 is he entitled to go to the Board of Zoning Adjustment for a variance.

Mr. Eady stated he cannot go to the Board.

Mr. Ross stated I do not think you can go to the Board of Zoning Adjustment.

Mr. Irvine stated now you are taking the proposed owner out of the equation. I do want to interject something. If the Knights sell this property, then they will no longer have to rent out the hall. There have been some parties which have been better suited to have been held somewhere else. Another thing in the making is a request to extend the Olde Towne District to encompass the Judge Roy Bean's property. We are at the same time working on architectural design standards for Olde Towne Daphne.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 21, 2006
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

A Motion was made by Mr. Kirby and Seconded by Ms. Barnette for the negative recommendation by the Planning Commission to the City Council of Daphne for the rezoning for the Eastern Shore Knights of Association property located on Ryan Avenue East of Knights of Columbus and West of Mazda from R-1, Low Density Single Family Residential, to a B-2, General Business, zone.

Upon roll call vote, the Motion was carried.

Mayor Small	Aye
Ms. Phelps	Aye
Mr. Thomas	Abstain
Mr. Terry	Nay
Mr. West	Nay
Mr. Chason	Aye
Ms. Barnette	Aye
Mr. Kirby	Aye

PUBLIC HEARINGS:

JANUARY 2, 2007

PUBLIC HEARING

2.) Adopting the International Fire Code

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

DRAFT

City of Daphne Recreation Board Minutes 1705 Main Street Daphne, AL. December 20, 2006

Members Present: Chairman Ed Nelson, Secretary Eric Smith, Kit Smith, Rick Cleveland and John Peterson

Members Absent: James Foster and Matt Cunningham

Advisory Staff Present: David McKelroy, Recreation Director, Councilman Gus Palumbo, Councilman Greg Burnam and Coach Glenn Vickery

Others Present: Scott Hutchinson and Brandon Adams from HMR Engineering and Ken Jacobs

1. Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:05 p.m.

2. Review and Approval of Minutes

The Board reviewed the minutes from the September 13th meeting. Rick Cleveland made a motion to approve, seconded by Eric Smith and the motion carried.

3. Business

A. Election of Officers. Kit Smith made a motion and seconded by John Peterson to retain the same officers as last year. Motion carried.

B. Centennial Park. Information was shared about the new Playground equipment proposed for Centennial Park to replace the old equipment that has been removed due to safety concerns. Funds for the new equipment are in the Capital budget, due for approval at the January 2 Council meeting.

C. Mayor Small request to review Attachment. Mayor Small requested that the Recreation Board review a request of appropriation from Senator Jeff Sessions.

D. Dog Park. The board reviewed cost estimates for a Dog Park to be located at Trione Sports Complex. The board requested that David McKelroy, Recreation Director, Ken Eslava, Public Works Director, and Ken Jacobs meet and establish the location and the desired size. Upon the Boards approval of location and cost breakdown, recommendation for appropriation for funds would be forwarded to the Finance Committee.

E. Master Plan – New Recreation Complex. Brandon Adams and Scott Hutchinson from HMR Engineering presented a preliminary scheme at the new site. Ideas and concerns were expressed with regard to the number of fields available for growth and location. Mr. Adams will continue to develop schemes for the most appropriate locations for facilities with growth in mind.

4. Adjourn

There being no further business, the meeting was adjourned.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING
Memorandum

To: Mayor Small
From: Human Resource Department
Date: 12-20-06
Re: Requested pay exception for Frank Breaux
Deputy Director of Community Development

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):

- 14 years with Gulf Shores Planning Department
 - Served as Planning Project Manager
 - Code Enforcement Officer
- 1.5 years with Escambia County Planning and Zoning
 - Chief of Short Range Planning (Development Services) Division

Educational level:

- B.S. Geography and Planning
- Member of American Institute of Certified Planners (AICP)
- Member of American Planning Association (APA)
- Certified by Southern Building Code Congress International (SBCCI), Zoning and Property Standards Inspector

Requested pay grade, pay step, hourly rate:

- Pay Grade 27, Pay Step 20, \$62,441 annually

Pay and experience levels of current City employees in same job classification:

- No other employees in this classification

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
	12-22-06
Mayor's Signature	Date

<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Council President's Signature	Date

PLEASE RETURN TO HUMAN RESOURCES FOR PROCESSING

Memorandum

To: Mayor Small

From: Human Resource Department

Date: 12-21-06

**Re: Requested pay exception for Melanie Johnson
Administrative Assistant to Fire Chief**

The following data is furnished in reference to the request stated above:

Years related experience (indicate if exp was with the City):
3.5 years as PC Applications Specialist with Mobile Infirmary
1 year as Project Manager, Southern Data Solutions, Inc.
2.5 years as Senior Applications Specialist, American Red Cross
6 years as Trainer and Software Support, Keathley Aviation, Inc.

Educational level:
A.S. in Accounting

Requested pay grade, pay step, hourly rate:
Pay Grade 13, Step 8, \$15.38 per hour

Pay and experience levels of current City employees in same job classification:

\$17.96	Admin Asst	3-26-90
\$15.38	Admin Asst	1-21-97
\$15.38	Admin Asst	1-14-99
\$15.38	Admin Asst	7-16-01

APPROVAL AUTHORITY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
	
_____ Mayor's Signature	_____ Date

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
_____	_____
_____ Council President's Signature	_____ Date

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2006-01

**Acceptance of Streets and Drainage
located in Rolling Hill Place Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Rolling Hill Place Subdivision on November 21,2006 and the City of Daphne hereby recommends acceptance of said street located in Rolling Hill Place Subdivision; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, the Division of Public Works has accepted said streets and storm water drainage of Rolling Hill Place Subdivision; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Rolling Hill Place Subdivision; and,

Whereas, the developer has provided to the City a two-year construction warranty bond as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Rolling Hill Place Subdivision according to the plat by Hutchinson, Moore & Rauch as recorded in the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Rolling Hill Circle and Rolling Hill Drive is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____ 2006.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**GREG BURNAM
COUNCIL PRESIDENT
DATE AND TIME SIGNED: _____**

**FRED SMALL
MAYOR
DATE AND TIME SIGNED: _____**

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

SUBDIVISION NAME: Rolling Hill Place

LOCATION: Off Rolling Hills Drive between Hope Dr and
 Calverdale Circle

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 20th day of February, 2006 by Friday Construction Company, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Rolling Hill Place to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$32,562.51) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of NOVEMBER 21, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named Rolling Hill Circle, Rolling Hill Drive

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Mike Commiskey
Mike Commiskey
Friday Construction

By: *Mike Commiskey*
Its: Member

STATE OF ALABAMA)
COUNTY OF BALDWIN)

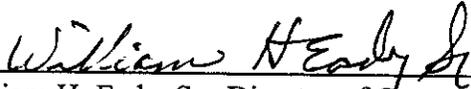
I, the undersigned Notary Public in and for said State and County, hereby certify that Mike Commiskey whose name as Member of Friday Construction an Alabama corporation or as owner of ROLLING HILL PL SUBDIVISION is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 7th day of December, 2006.

Louis Howard (NOTARY SEAL)
NOTARY PUBLIC NOTARY PUBLIC STATE OF ALABAMA AT LARGE
My commission expires: MY COMMISSION EXPIRES: Oct 20, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

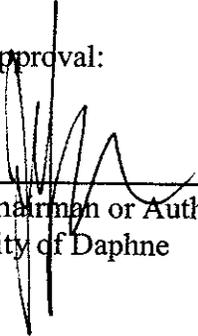
CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:



William H. Eady, Sr., Director of Community Development
City of Daphne

Approval:



Chairman or Authorized Representative
City of Daphne

CITY OF DAPHNE

RESOLTUION 2007-02

**Support A Road Being Built for Mobile Infirmmary Hospital
North of I-10**

WHEREAS, THE City of Daphne is committed to the health and welfare of its citizens and;

WHEREAS, with the rapid growth and the need to provide health care for Daphne residents and;

WHEREAS, Mobile Infirmmary has proposed to build a hospital in Daphne.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City of Daphne gives its backing that at the beginning of construction of the hospital a road will be installed from the County Road 13 interchange to their property north of I-10 which adjoins Timbercreek subdivision.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ day of _____, 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE NO. 2007 - 01

**Ordinance to Rezone Property Located off of the corner of
Main Street and Ryan Avenue
Eastern Shore Knights of Columbus**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District, to B-2, General Business District, said property is located off of corner of Main Street and Ryan Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

Lot 1, Columbus Way Subdivision as recorded on Slide 2296C in the Judge of Probate, Baldwin County, Alabama. Located in Section 29, Township 5 South, Range 2 East. Said parcel containing 0.57 Acres more or less.

WHEREAS, the Planning Commission of the City of Daphne on November 21, 2006 has considered said request and set forth negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, January 2, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day _____ day of _____, 2007.

Greg Burnam
Council President
Date & Time Signed:_____

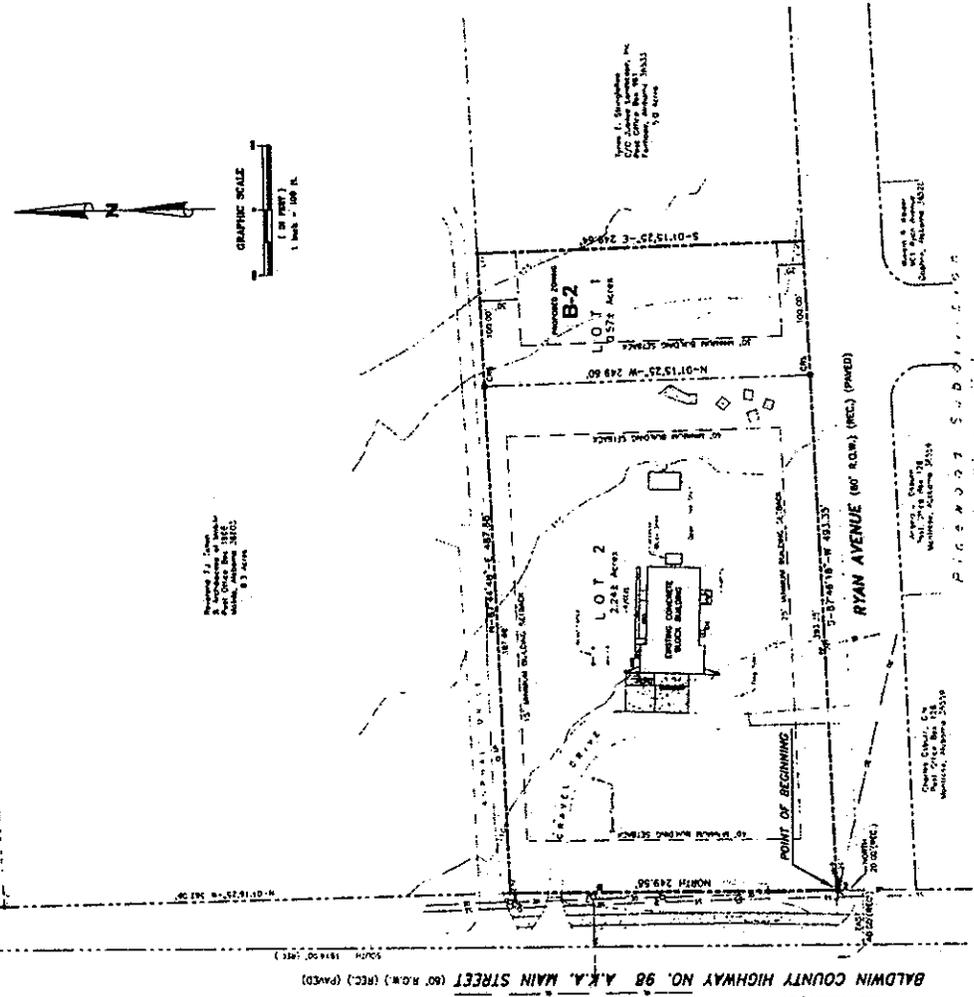
Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

19 120
421

POINT OF COMMENCING
NORTHWEST CORNER OF SECTION 29,
TOWNSHIP 5 SOUTH, RANGE 2 EAST,
BALDWIN COUNTY, ALABAMA.



Prepared by J. J. Moore
Professional Engineer
No. 10000
P.O. Box 1000
Daphne, Alabama 36526

Prepared by J. J. Moore
Professional Engineer
No. 10000
P.O. Box 1000
Daphne, Alabama 36526

Prepared by J. J. Moore
Professional Engineer
No. 10000
P.O. Box 1000
Daphne, Alabama 36526

Prepared by J. J. Moore
Professional Engineer
No. 10000
P.O. Box 1000
Daphne, Alabama 36526



HUTCHINSON, MOORE & RAUCH, LLC

ENGINEERS & SURVEYORS
DAPHNE, ALABAMA

2039 MAIN STREET
DAPHNE, ALABAMA
36526

ZONING ILLUSTRATION MAP
SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST
KNIGHTS OF COLUMBUS

SCALE	1" = 100'	DATE	OCTOBER, 2008	SHEET NO.	1	TOTAL SHEETS	1
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ORDINANCE NO. 2007-02

FIRE PREVENTION CODE FOR THE CITY OF DAPHNE

AN ORDINANCE TO REPEAL ORDINANCE NO. 2002-10 AND TO ADOPT *THE INTERNATIONAL FIRE CODE 2006* WITH AMENDMENTS THERETO FOR THE CITY OF DAPHNE, ALABAMA BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THAT:

The International Fire Code 2006, copyright by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama, pursuant to Resolution No. 2006-101 adopted by the City Council of the City of Daphne, Alabama, on the 4th day of December, 2006, is hereby adopted as the "Fire Prevention Code of the City of Daphne".

SECTION 1: AMENDMENTS

A.

Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as "this code."

B.

Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

C.

Section 103.2 Appointment. Of the International Fire Code shall be removed in its entirety.

D.

Section 105.6.30 of the International Fire Code shall be repealed in its entirety and a new section 105.6.30 shall be added to read as follows.

Open Burning

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. No waste materials, rubbish, trees, bushes or brush cleared for construction or demolition of buildings or structures shall be disposed of by burning on the premises or in the immediate vicinity by the owner, the contractor, or any other person, unless a permit or other proper authorization has been obtained to burn said waste materials in an approved waste burner/incinerator.

The permit for each approved waste burner/incinerator shall be \$75.00

E.

Section 105.7.1 of the International Fire Code shall be repealed in its entirety and a new section 105.7.1 shall be added to read as follows:

Servicing Fixed Fire Extinguishing Systems

No person shall engage in the business of servicing or inspecting fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service or inspect a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to service or inspect fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing or inspecting the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

A permit is not required for follow up inspection or service, if a permit was received for that system in the same year. However a report shall be furnished to the Bureau of Fire Prevention upon completion of work being done.

The permit fee for servicing a fixed fire extinguisher system shall be \$75.00

Section 105.7.1.1

Fixed Fire Extinguishing Systems Installation

No person shall engage in the business of installing fixed fire extinguishing systems without obtaining a permit from the Bureau of Fire Prevention.

No person shall install a fixed fire extinguishing system without obtaining a current City of Daphne business license.

No person shall be issued a permit to install fixed fire extinguishing equipment who does not possess a manufacturers certification for installation and servicing for the type system being installed and have a Certificate of Insurance, General Liability for \$ 1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

The technician who actually performs the installation of the fixed fire extinguishing systems shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The Fire Code Official shall require certain operational tests upon final inspection.

The permit fee for each fire extinguisher system installation shall be \$75.00

F.

Section 105.7.4 of the International Fire Code shall be repealed in its entirety and a new section 105.7.4 shall read as follows:

Servicing Fire Alarm Systems

No person shall engage in the business of fire alarm system without obtaining a permit from the Fire Code Official. The permit is good only for that calendar year of which it is issued. There is excepted from the requirements of Section 105.7.4 installations of the following types:

- (1) One and two family dwellings
- (2) Any buildings with single station detectors only.
- (3) Owners of buildings may maintain their own systems as long as their maintenance person is certified by the manufacturer of the installed equipment or has National Institute for Certification in Engineering Technologies (NICET) level II in fire alarms.

No person shall be issued a permit to modify, repair, test or service fire alarm systems who does not possess a then-current manufacturer's certification of training from the manufacturer of the equipment to be modified, repaired, tested or serviced, or be certified by the National Institute of Certification in Engineering Technologies (NICET) in the field of fire alarm systems – minimum level II.

A service tag or sticker shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the company's name, address, phone number, name of the technician performing the service, date and the type of service performed.

The permit fee to service a fire alarm system shall be \$75.00

Section 105.7.4.1

Fire Alarm System Installation

No person shall install a fire alarm system without having the plans reviewed by the Fire Code Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.7.4.1 installations in any building with single station detectors only.

Installer must possess written evidence from the manufacture of the equipment to be installed, certifying that the installer is qualified to install such equipment or the installer must be NICET fire alarm certified – minimum level II.

Any person or entity who designs fire alarm systems must possess written evidence from the manufacture of the equipment to be installed, certifying that the designer is qualified to design fire alarm systems or be NICET certified in fire alarms level III.

Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make and connections to the fire alarm system.

Upon final inspection, the NFPA Fire Alarm System Record of Completion form must be properly filled out and submitted to the Fire Code Official and a fire alarm system test must be performed in the presence of the Fire Code Official.

All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

The permit fee for installing a fire alarm system shall be \$75.00

G.

Section 105.7.5 of the International Fire Code shall be repealed in its entirety and a new section 105.7.5 shall be added to read as follows:

Fire Pumps

Any person who installs, repairs or services fire pumps(hereinafter called in this Section 105.7.5 "installer") must be a licensed Alabama sprinkler contractor and be certified by the stat Fire Marshal's office and approved by the Fire Code Official on an annual basis renewable.

No person shall install a fire pump without first obtaining a permit from the Bureau of Fire Prevention.

All testing of the fire pump shall comply with NFPA 25. The Fire Code Official may require certain operational test upon final inspection.

The permit fee to install a fire pump shall be \$75.00

H.

Section 105.7.14 shall be added to read as follows:

Portable Fire Extinguisher Service

No person shall engage in the business of servicing portable fire extinguishers without obtaining a permit from the Bureau of Fire Prevention. The permit is good only for that calendar year of which it is issued.

No person shall service portable fire extinguishers without obtaining a current City of Daphne business license.

No person shall be issued a permit to service a portable fire extinguisher that does not posses a manufactures service manual for the type of extinguisher being serviced, and have the proper training. They shall have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400 Daphne, AL 36526 listed as a Certificate Holder.

The technician who actually performs the work of servicing the portable fire extinguishers shall legibly sign and date the service tag verifying that all work was done in compliance with current NFPA standards.

The annual permit fee for portable fire extinguisher service shall be \$75.00

I.

Section 105.7.15 shall be added to read as follows:

Servicing Fire Sprinkler Systems

No person shall service or inspect an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

No person shall perform maintenance or testing on fire sprinkler systems unless that person is certified by the Alabama State Fire Marshal's office and approved by the Fire Code Official.

Installer must possess a current City of Daphne business license.

The permit fee for servicing a fire sprinkler system shall be \$75.00

The permit is good only for that calendar year of which it is issued.

Section 105.7.15.1

Install Automatic Fire Sprinkler Systems

No person shall install, modify or repair an automatic fire sprinkler system without obtaining a permit from the Bureau of Fire Prevention.

Any person who installs or maintains fire sprinkler systems (hereinafter called in Section 402.35 "installer") must be certified by the Alabama State Fire Marshal's Office, and have a Certificate of Insurance, General Liability for \$1,000,000 with the City of Daphne, Bureau of Fire Prevention, P.O. Box 400, Daphne AL. 36526 listed as a Certificate Holder.

Installer must possess a current City of Daphne business license.

Installer must have sprinkler plans reviewed by the Fire Code Official before commencing installation.

Upon final inspection, the National Fire Protection Association (NFPA) Contractor's Material and Test Certificate for Aboveground Piping must be properly completed and submitted to the Bureau of Fire Prevention.

The Fire Code Official shall be present during the final inspection of the sprinkler system.

Relocating more than three (3) sprinkler heads in an existing fire sprinkler system shall require a permit from the Bureau of Fire Prevention.

The permit fee for each automatic fire sprinkler system installation shall be \$75.00

J.

Section 105.7.16 shall be added to read as follows:

Additional Permits

Where work for which a permit is required by this code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

All checks and money orders shall be made out to the City of Daphne.

All certifications whether they are manufacture or NICET must be current and not have expired.

General requirements for a permit are as followed:

1. Current city of Daphne Business license.
2. Current one million dollar (\$1,000,000) general liability insurance policy with the City of Daphne listed as a certificate holder, P.O. Box 400 Daphne AL 36526.
3. Approved by the Fire Code Official.
4. Current Training certificates.
5. Permit fee of \$75.00

K.

Section 505.1 of the International Fire Code that reads “Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches” shall be repealed and shall read “numbers shall be a minimum of 5 inches high with a minimum stroke of 0.5 inches”.

L.

Section 506.1 of the International Fire Code shall be repealed in its entirety and a new section 506.1 shall be added to read as follows:

Key boxes. Key boxes shall be installed in all buildings having an automatic fire sprinkler system or a fire alarm system. The Fire Code Official shall also have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security. The key box shall be of and approved type and shall contain keys to gain necessary access as required by the Fire Code Official.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day ____ day of _____, 2007.

Greg Burnam
Council President
Date & Time
Signed:_____

Fred Small
Mayor
Date & Time
Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE ORDINANCE NO. 2007-03

AN ORDINANCE REGULATING EROSION AND SEDIMENT CONTROL FOR RESIDENTIAL DWELLINGS AND NON-COMMERCIAL LAND DISTURBANCE

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, general welfare and for the benefit of its citizens to establish regulations for erosion and sedimentation control; and,

WHEREAS, it is in the best interest of the citizens of the City of Daphne and the continued development of the area to implement satisfactory controls for sedimentation and erosion for residential dwellings or non-commercial land disturbance activity within the City of Daphne; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I: PURPOSE

This ordinance is intended to provide minimum standards to ensure effective storm water management, drainage management, and erosion and sediment control measures for either residential dwellings or any non-commercial land disturbing activity.

SECTION II: DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance:

- 1). **Best Management Practices** means a wide range of methods and procedures to control the addition of pollutants in the environment and to effectively control the quality and/or quantity of storm water runoff and which are implemented and maintained in accordance with established industry standards, good engineering practices, and the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us).
- 2). **City** means the City of Daphne, Alabama
- 3). **City Planner** means the city planner of the City, or his or her designee
- 4). **Contractor** means a person or his designee who is responsible for construction or any other type of land disturbing activity

- 5). **Erosion** means the process by which land surface is worn away by the action of wind, water, ice and/or gravity
- 6). **Erosion and Sediment Control Plan** means a plan for the control of soil erosion and sediment resulting from a land disturbing activity
- 7). **Land Disturbing Activity** means any activity that results in a change to the existing storm water drainage characteristics of land
- 8). **Permittee means** any person who obtains a Land Disturbance Permit
- 9). **Sedimentation** means the process by which eroded material is transported and deposited by the action of wind, water, ice and/or gravity
- 10). **Stabilize** means installing structural measures or soil cover to reduce soil erosion by storm water runoff, wind, ice, gravity or mechanical activity
- 11). **Storm Water Management** means all natural and man-made elements used to convey storm water from the first point of impact within the construction site to a suitable outlet location

SECTION III: APPLICABILITY EXCEPTIONS

This ordinance shall apply to residential dwellings and any non-commercial, land disturbing activity undertaken by any person on any land within the City of Daphne's city limits except for the following:

- 1). Such minor land-disturbing activities as home gardens and individual home landscaping, maintenance, repairs, fences and other related activities which result in minor soil erosion.
- 2). Construction or maintenance of above ground public utilities.
- 3). Residential accessory structures including, but not limited to, outbuildings, sheds, pools, and the like.
- 4). Emergency repairs.
- 5). Agricultural and silvicultural operations.
- 6). Any land disturbance which requires a Right of Way Permit from the Public Works Department of the City of Daphne.

- 7). Any land disturbance activity which has a Land Disturbance Permit from the City of Daphne's Community Development Director or his designee.

SECTION IV: EROSION AND SEDIMENT CONTROL: MINIMUM REQUIREMENTS

- 1). Best Management Practices shall be required for all land disturbing activities. It shall be the sole responsibility of the contractor/or permittee to promptly implement effective Best Management Practices in accordance with the contractor's building permit and submitted Construction Best Management Practices Plan prior to commencing the land disturbing activity. The contractor/or permittee shall be solely responsible for ensuring that all Best Management Practices are implemented and maintained for the entire duration of the land disturbing activity. The contractor/or permittee shall also be solely responsible for ensuring that the Best Management Practices are in accordance with established industry standards, good engineering practices, and all standards as set out in the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas (www.swcc.state.al.us).
- 2). In the event the Best Management Practices are found to be in need of maintenance or improvements, the contractor/or permittee shall commence and implement all necessary maintenance to the Best Management Practices within 48 hours of notice or as soon as practical as conditions may allow.
- 3). That in addition to implementing all necessary maintenance or improvements to the Best Management Practices Plan, the contractor/or permittee shall clean up any sedimentation which results from erosion relating to the construction.
- 4). The contractor/or permittee shall stabilize any roadside ditches or embankments in right-of-ways to prevent erosion caused by their land disturbing activity.
- 5). The contractor/or permittee shall provide the necessary measures to ensure that drainage structures important to overall storm water management and control are not adversely affected by clearing, grading, or any other land disturbing activities.
- 6). The contractor/or permittee shall ensure proper implementation, regular inspection and continual maintenance of effective Best Management Practices to protect the physical, chemical and biological integrity of groundwater and surface waters.

- 7). The contractor/or permittee shall design, implement and regularly maintain Best Management Practices in order to provide effective treatment of discharges of pollutants in storm water resulting from runoff generated by storm events during the land disturbing activity.

**SECTION V: CONSTRUCTION SITE SOLID WASTE MANAGEMENT;
MINIMUM REQUIREMENTS**

The contractor/or permittee shall ensure proper onsite containment and disposal of all construction site trash, debris and any other solid waste, including concrete and brick mortar, in any way resulting from the land disturbing activity.

SECTION VI: PERMIT REQUIRED; APPLICATION

- 1). A permit for any non-commercial or residential dwelling land disturbing activity shall be required. No person, business or corporation shall engage in any land disturbing activity prior to obtaining a land disturbance permit from the City of Daphne. For new construction and remodels, the land disturbance permit is incorporated into the building permit and the building permit must be obtained prior to land disturbance.
- 2). A permit shall be issued to either the title owner of the real property or the general contractor/or permittee charged with the contractual obligation of the construction activity.
- 3). A fee of fifty dollars (\$50.00) shall be charged and collected by the City for the issuance of the land disturbing permit.
- 4). When constructing a residential single-family dwelling, all applications for land disturbing permits shall be accompanied by a Best Management Practices Plan. It is not required that the Best Management Practices Plan be prepared by an engineer, but the plan shall meet all minimum requirements set out in the Alabama Handbook for Erosion and Sediment Control.

SECTION VII: ENFORCEMENT

- 1). Failure or refusal to implement and maintain Best Management Practices shall be sufficient cause for the City of Daphne, through either a site containment inspector or code enforcement officer, to issue an order suspending all work on the land disturbing site until satisfactory measures are taken to comply with the city code.

- 2). **Penalties:** Any person found to be in violation of any provision of this ordinance shall be punished by a fine of not less than fifty dollars, but not more than five hundred dollars, or imprisonment not to exceed one-hundred and eighty days, or both.
- 3). This ordinance may also be subject to enforcement by the issuance of a summons and complaint pursuant to Ordinance No. 1993-02, as amended from time to time.
- 4.) That each day constitutes a separate violation of this Ordinance.

SECTION VIII: INJUNCTIVE RELIEF

In addition to the other remedies so provided herein, the city retains the right to bring an action for injunctive relief to require the payment of damages for, and/or removal from the City or its police jurisdiction, all sediment which has migrated off-site as a result of erosion due to land disturbing activities or has the potential to migrate off-site.

SECTION IX: SEVERABILITY

Should any section or provision of this article be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

SECTION X: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2006.

GREG BURNAM,
CITY COUNCIL PRESIDENT
 Date & Time Signed: _____

FRED SMALL,
MAYOR
 Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

ORDINANCE 2007-04

An Ordinance Appropriating Funds

WHEREAS, Ordinance 2006-75 approved and adopted the Fiscal Year 2007 Budget October 2, 2006; and

WHEREAS, such Fiscal Year 2007 budget includes \$ 694,463 Revenues in excess of Appropriations; and

WHEREAS, the projected September 30, 2006 Financial Statements report a \$ 1,770,000 increase to the Unreserved Fund Balance of the General Fund; and

WHEREAS, the City Council has considered certain personnel, operating, and capital appropriation requests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2007 General Fund Budget is hereby amended to include:

Appropriations totaling \$ 1,694,463, which includes a \$ 1,000,000 scheduled fund balance draw for capital appropriations, as per the attached schedule and summarized below:

- \$ 387,188 Personnel
- \$ 89,465 Operating
- \$ 1,217,810 Capital

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

I. FY 2007: Personnel

Fire:	111,931	3 Firefighters
	<u>30,000</u>	Promote 6 Firefighters to Lieutenant
	141,931	
Building Inspections:	41,000	Site Containment Inspector
Mowing:	35,726	PSW Sr
Parks (Sports):	71,452	2 PSW Sr
Library:	63,274	2 Library Services Tech
Civic Center	33,806	Events Services Supervisor

TOTAL: Personnel 387,189

II. FY 2007: Operating

Legislative:	2,000	Ecumenical Ministries (Note: \$ 10,000 is appropriated by the dept)
	2,000	Lake Forest Yacht Club: Dauphin Island Race 2007
	12,000	Bay Rivers Art Guild
	<u>15,000</u>	"2007 Opportunity for Community"
	31,000	
Patrol:	7,592	(4) Lap Top computers & mounting eqpt
Fire: (New Personnel Costs)	9,975	Training
	7,500	Turn Out gear
	4,065	Uniforms
	885	Uniform Cleaning
	816	Wellness Program
	405	Immunizations
	<u>252</u>	Pagers
	23,898	
Fire:	20,000	Advanced Life Support Eqpt
Bldg Inspect: (New Pers Costs)	2,500	Eqpt Purchased
	1,500	Vehicle Fuel
	275	Vehicle Insurance
	750	Cell phone
	700	Training
	500	Vehicle Maintenance
	<u>750</u>	Computer Maintenance
	6,975	

TOTAL: Operating 89,465

III. FY 2007: Capital

Human Resources:	45,000	Computerized Time-Keeping System
Building Inspections:	18,000	(1) Truck

Patrol:	87,035	(3) Replacement cars & eqpt
Detectives:	27,358	(1) Replacement SUV's and eqpt
Communications:	114,640	Computer System
Street:	43,000	14' Flat Bed Truck with Dump Body (Replaces '90 model)
Infrastructure:	30,000	Sidewalks: Connect all areas of Dauphine Acres
	<u>500,000</u>	Paving
	530,000	
Grounds:	20,000	Beautification Committee
Garbage:	180,000	Automated Garbage Truck
Parks-Sports:	52,500	(3) #1545 Front Deck Mowers
	<u>1,750</u>	Trailer 8' X 12'
	54,250	
Recreation:	30,000	Boundless Play Ground: Centennial Park
Civic Center:	47,230	Dance Floor
	15,000	Additional Funds: Electronic Signage
	<u>6,297</u>	40 X 40 Tent
	68,527	

TOTAL: Capital	1,217,810
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TOTAL	1,694,463
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FY 07 Rev>Appropriations	694,463
Fund Balance "Draw"	<u>1,000,000</u>
Available for Appropriation	1,694,463
Available for Appropriation Over/(Under)	
Requests	(0)