

**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**FEBRUARY 5, 2007**  
**6:30 P.M.**

**1. CALL TO ORDER**

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

- 3. APPROVE MINUTES:** Council Work Session Minutes meeting held January 11, 2007  
Council minutes meeting held January 16, 2007

**PROCLAMATION:** Arbor Day / February 24, 2007

**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**  
Review minutes meeting held January 26<sup>th</sup>

**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**  
Review minutes meeting held January 8<sup>th</sup>  
Presentation by Library Board
- E. Planning Commission - Barnette**  
Review minutes meeting held December 28, 2006
  - a.) Set Public Hearing date for March 5, 2007 to consider:
    - 1.) Rezoning - Vilai Marino/The Marino Family Trust / Property located on Pinehill Drive, 13 Acres / R-3, High Density Single Family Residential District to R-4, Multi-Family Residential District
    - 2.) Amending the Land Use & Development Ordinance / Eastern Shore Park Overlay District
    - 3.) Amending the Zoning Map
- F. Recreation Board - Palumbo**  
Review minutes meeting held January 9<sup>th</sup>
- G. Utility Board - Scott**

**6. REPORTS OF OFFICERS:**

- A. Mayors Report**
  - a.) Parade Permit / Loyal Order of the Fire Truck / March 3, 2007
  - b.) Parade Permit / S.E.E.D.S. / 5K & Fun Run / March 3, 2007
  - c.) ABC License / Veteran's Pointe / 070 – Retail Table Wine – Off Premise / 050 – Retail Beer - Off Premise
  - d.) Discuss: Education Committee / Cathy Barnette
  - e.) Highway 90 Sewer/ Set Public Hearing Date / Ordinance 2007-05

- B. City Attorney's Report**
- C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) Adoption of Revised Street Map. .... /Resolution 2007-05**

**ORDINANCES:**

- a.) Set Public Hearing Date for Highway 90 Sewer Assessment. .... /Ordinance 2007- 05**

**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

**JANUARY 11, 2007**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**6:30 P.M.**

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**COUNCIL MEMBERS PRESENT:** Bailey Yelding Cathy Barnette; John Lake arrived at 8:55 p.m.; Greg Burnam; Ron Scott Regina Landry; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Ken Eslava, Public Works Director; Mund Hanson, Fire Chief; Captain Scott Taylor, Police Dpt. Captain Randy Bishop; Lt. Danny Bell, Police Dpt. Captain Kenny Hanak, Fire Dpt.; Captain Joey Holasz, Fire Dpt. and other Public Safety employees.

**1. CALL TO ORDER**

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

**2. DISCUSS: INTERNATIONAL BUILDING CODE**

Richard Merchant gave a presentation stating that the city has to adopt a new code to keep the ISO rating from getting higher.

Members from the Baldwin County Homebuilders Association were present and spoke to the Council as listed below:

Mr. George Roberts, Mr. Tripp Pitman, Mr. Jason Reed, Mr. John Eckenstaler, asked the Council to wait and see what the Alabama Legislature adopts for the state. They asked for a grace period in order to be trained, and so that they can get with the inspectors and study the code.

Council asked questions of the builders regarding insurability for existing homes.

Council does not have to make a decision until June.

**2. DISCUSS: PUBLIC SAFETY**

Captain Randy Bishop made a presentation to Council regarding starting salaries coming up to be compensatory with the surrounding municipalities.

Council discussed the information provided by Public Safety. The consensus was that they know that the starting salaries need to come up, but most of Council felt that they need to look at the city as a whole and bring every position up, not just the Public Safety. They felt that this is just a piece meal effort and it needs to be done comprehensively. They agreed that this needs to be done rapidly. Council had a problem with this being brought to them right after they adopted the capital budget. They said it should have been included in the budget so they could have taken a different approach to the budget.

Mrs. Cureton stated that it was critical that this be brought before Council at this time because Foley, Orange Beach and Gulf Shores are getting ready to hire 20-30 police officers and

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firemen, and that this could wipe out the Fire Department and put a big dent in the Police Department. She stated that these cities are not hiring large numbers of accountants, public service workers, etc. at \$4.00 to \$5.00 above what Daphne pays. She stated that if they were hiring just one (1) or two (2) she would not be worried. Mrs. Cureton stated that she wanted to work as a team to do what is best for the city.

Mayor Small stated that Public Safety just wants the Council to understand, that they are not trying to forget the other employees. He stated that some of them may some day want to better themselves and apply to be a fireman or policeman. He stated that Daphne is well known for have a notch Public Safety program, and he does not want to loose that. He wants to come together as a team and work together and work this out.

Council commented on the suggestion of Public Safety of increasing sales tax ½% and most were not in favor of raising the sales tax.

Council President Burnam stated that they cannot control what other cities do, but they will have to do what needs to be done to keep up with the surrounding cities. He stated that Council will discuss this along with the other necessary topics at the retreat. He feels that there is fat in the budget that can be trimmed. He promised Public Safety that they will deal with this in a timely fashion.

**3. DISCUSS: PAY EXCEPTIONS / DEPUTY PLANNING DIRECTOR /  
ADMINISTRATIVE ASSISTANT TO THE FIRE CHIEF**

The consensus of the Council was not to approve either of the pay exceptions. They felt at this time with Mr. Eady still the Director and since he is not planning to retire that this position is fat in the budget. Council suggested hiring another planner and search for a Director when Mr. Eady retires. Council was not in favor of granting these exceptions because it creates morale problems with the other employees. They feel that they need to work on the whole pay scale and stop the pay exceptions.

**9. ADJOURN**

There being no further business to discuss, the meeting adjourned at 9:14 p.m.

Respectfully submitted by

Certification of Presiding Officer

\_\_\_\_\_  
David L. Cohen,  
City Clerk, MMC

\_\_\_\_\_  
Greg Burnam,  
Council President  
Date & Time Signed:\_\_\_\_\_

**JANUARY 16, 2007  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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**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:** Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

**ABSENT:** Bailey Yelding

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Jane Robbins, Assistant to the Mayor; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; Tonja Young, Library Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Kim Briley, Finance Director; Captain Andy Ray, Fire Department; Rob McElroy, Utility Director; Lon Johnston, Utility Board; Willie Robison, BZA; Joe Bonner, Mayor, Spanish Fort.

Absent: David McKelroy, Recreation Director; Mund Hanson, Fire Chief; Sandra Morse, Civic Center Director.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the Council meeting minutes meeting held January 2, 2007. *Seconded by Ms. Landry.***

**AYE ALL INF FAVOR NAY NONE OPPOSED MOTION CARRIED**

**CHANGE FEBRUARY 19, 2007 COUNCIL MEETING**

**MOTION BY Mr. Lake to change the February 19, 2007 Council meeting to February 22, 2007. *Seconded by Ms. Landry.***

Council discussed the motion.

Mr. Lake withdrew his motion.

Ms. Landry withdrew her second.

**MOTION BY Ms. Landry to change the February 19, 2007 Council meeting to February 26, 2007. *Seconded by Mrs. Barnette.***

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

**PUBLIC HEARING:** Adopting the International Building Code

*Richard Merchant, Building Official*, gave a presentation stating that you cannot alter anything structural, but you can change the high wind shingle requirement. He said that you can supersede the code, but you could not do less. He said that it would not affect existing structures, but if they do any work on the structure it will come under these standards.

*Council President Burnam* opened the Public Hearing at 6:40 p.m.

*Mr. John Eckenstaler – Home Builders Association* - spoke regarding letting the government take care of what is in their own back yard. He wondered what the Council was trying to accomplish by adopting the code. He stated that the new code favored the tract home builder instead of the custom home builder. He said that it leaves out the middle guy. He stated that the Council needs to remember for whom they were elected to vote. He asked are you voting for the citizens of Daphne or representing the insurance companies?

*Mr. Bob Segalla – Daphne* – spoke regarding having stronger building codes, and hopes the Council will take the leadership roll. He said that other cities are looking to Daphne's lead to see what they are going to do. He suggested that they have to think about the person footing the bill.

*Mr. Christian August* – stated that the IBC does not produce affordable insurance rates. He asked Council not to adopt because of insurance.

The consensus of Council was to wait to see what the Legislature will do since they do not have to make a decision until June 9<sup>th</sup>.

*Mrs. Barnette* stated that they should have another work session in March and have Bradley Byrne come and discuss the issue with Council. She stated that people were leaving Daphne and moving north of I-10 for cheaper insurance. She would like to have monthly updates.

*Mrs. Karen Nady – Captain O'Neal* – thanked the Council for going slow in this issue.

*Mr. Louis Nady – 1301 Captain O'Neal* – spoke regarding affordable insurance and suggested that the Council have further discussions with actual numbers as to what those cost are so that they can be checked, because right now numbers are thrown out and there is not any basis for them. He has trouble believing that having high impact shingles will add many thousands of dollars.

*Council President Burnam* closed the Public Hearing at 7:09 p.m.

*Council President Burnam* recognized Mayor Joe Bonner of Spanish Fort.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

The minutes for the January 8<sup>th</sup> meeting are in the packet.

**Insurance Renewal**

*Council President Burnam* asked Mrs. Briley to check on the wind coverage for city buildings.

MOTION BY Ms. Landry to approve the renewal of insurance. Seconded by Mr. Scott.

Mrs. Briley stated that the three year option needs to be part of the motion.

**Mrs. Landry amended the motion as reads below.**

**Mr. Scott seconded the amendment as reads below.**

**MOTION BY Ms. Landry to approve the Property and Liability Insurance Renewal submitted by John A. Roberson Insurance Agency, Inc. with the three year option from AMIC for the Comprehensive General Liability, Public Officials Liability, and Law Enforcement Liability. Seconded by Mr. Scott.**

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**Treasurers Report / December 31, 2006**

MOTION BY Mr. Scott to accept the Treasurers report as of December 31, 2006 in the amount of \$25,265,047.05. *Seconded by Ms. Landry.*

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**Sales & Use Tax**

*Mr. Scott* stated that last month it was reported that there was approximately \$4,000 collected above budget, but after some corrections and adjustments that number was actually \$6,744.64 under budget. He stated that this month it was \$705.05 under budget. He said that the businesses of Daphne have actually had an increase in actual collections over 2006 in the amount of about \$30,000, and the difference of why it is behind is that there is an increased budget over last year. He said that it is running approximately \$7,000 behind budget. Mr. Scott stated that they are anticipating that December will not reflect as greatly as they have in the past because more people are giving gift cards, and those sales are not recorded until they are used, so this will be spread out of the holiday sales between the month of December and January. He stated that sales tax is the same way, they don't charge sales tax until the cards are used.

**Lodging Tax**

*Mr. Scott* stated that the lodging tax for November was \$41,028.15 down from \$52,326 last year, and here again, as he has been pointing out, 2006 was the benefactor of Katrina influx of people in the hotels. He stated that it is anticipated that in three (3) or four (4) months there will be some modification of that and will be back to normal.

*Mr. Palumbo* stated that he wanted to be clear on something. He asked if the two previous months the \$6,744 and the \$705 that ran below projection was for October and November?

*Mr. Scott* stated that is correct.

*Mr. Palumbo* stated that this means for this fiscal year so far, technically the city is operating in the red.

*Mr. Scott* stated that according to budget they are operating in the red.

*Mr. Palumbo* stated that considering this it is stated in the Finance Committee minutes and the Public Safety Committee minutes, that they had some department heads bring to them a very serious item which is a pay scale revision that is being requested by the two Public Safety Departments, and have asked them to look at it very closely and look at it very seriously, and he thinks they should. He stated that they need to take a look at this and see if there is a recurring source of funding of \$750,000 per year. He stated that the figures show that the city does not have any money for additional recurring expenses, however, it was brought up that if the Council had received the information before they adopted the Capital Budget a few weeks ago, they could have taken this into consideration.

MOTION BY Mr. Palumbo that the Council freeze the hiring of the ten 10 additional employees that was approved in the Capital Budget which amount to \$387,000 a year in increased salaries. Seconded by Mrs. Barnette.

Council President Burnam asked for clarification asking if the rules needed to be suspended to consider this motion.

The City Clerk said yes they should suspend the rules.

Council discussed procedure for this motion.

The City Clerk stated that although they adopted the budget at the last meeting, this is entirely a different subject. He said that now you are wanting to come back and suspend the hiring of these people, which is fine if you suspend the rules. Mr. Cohen stated that they are proposing a motion that no one had a clue that it was going to be made, and according to the rules of procedure, a substantial nature as far as money wise, and although you are not spending money, but at the same time it is a financial decision that you are going to make, you need to make a suspension of the rules or put it in writing and submit it at the next Council meeting.

Mr. Palumbo disagreed stating that Mr. Cohen just admitted that it was in the minutes and this was something that was brought to them after the budget, and he still doesn't understand why. He said it was brought to them as a very time dated matter as if this is a financial emergency, something that they have to look at right away, it involves a lot of money, and he doesn't see how they can possibly continue with the process of hiring new employees when the employees now are telling them that they do not have enough money to pay them properly now.

*Mrs. Barnette* suggested taking five (5) minutes and let the City Clerk and City Attorney do some research and decide how to move forward, because they have used the minutes and that is part of Roberts Rules of Order for whether or not a motion is acceptable on the floor, but considering what Mr. Cohen stated she is not sure what the correct procedure is, but they could spend 20 minutes talking about whether they should entertain the motion or not.

*Council President Burnam* stated that they will move on and come back to this motion later.

**B. Buildings and Property Committee – Lake**

The minutes for the January 5<sup>th</sup> meeting are in the packet. Mr. Lake stated that the committee recommended a change to the sign ordinance.

*Mrs. Barnette* stated that this should go to the Planning Commission, because it is amending the Land Use Ordinance.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

*Council President Burnam* stated that the minutes for the January 2<sup>nd</sup> meeting are in the packet. He stated that the committee recommended the installation of a traffic calmer on Deer Avenue.

**MOTION BY Mrs. Barnette to approve the installation of a traffic calmer on Deer Avenue.  
Seconded by Ms. Landry.**

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

*Council President Burnam* stated that the next meeting will be February 6<sup>th</sup> at 4:30 p.m.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

*Ms. Landry* stated that the committee met on January 2<sup>nd</sup> and the minutes will be in the next packet, and the next meeting will be February 6<sup>th</sup> right after the Public Safety meeting.

**E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding**

*Mrs. Barnette* stated that the committee discussed establishing an environmental committee to report to the Public Works Committee. She stated that the Beautification minutes for the January 5<sup>th</sup> meeting are in the packet. She said that the next meeting will be January 26<sup>th</sup> at 8:00 a.m.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Eady**

*Mr. Eady* stated that the board will meet February 1<sup>st</sup> at 6:00 p.m. with two (2) appeals. One appeal is a setback and the other is a storage shed violation.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that the Authority met January 8<sup>th</sup> and recommended several reappointments and one new appointment to the Authority.

**MOTION BY Mrs. Barnette to reappoint Glenn Glass to the Authority with the term May 2006 – April 2009. *Seconded by Ms. Landry.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**MOTION BY Mrs. Barnette to reappoint CeAnn Wachter, Dr. Chris Donald and Jackie Ward to the Authority with the term May 2006 – April 2008. *Seconded by Ms. Landry.***

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**Mrs. Barnette** stated that the members continue to look for ways of funding. She stated that the City Clerk and City Attorney are researching to see if the city can require the phone company and Riviera to put their lines underground at their expense. She stated that they needed \$15,000 per month to repay a 20 year loan. She also reported that the Architectural Review Committee has been meeting and will bring forth their findings.

**BACK TO FINANCE COMMITTEE REPORT**

**Mr. Ross** stated that according to Ordinance 2004-33, the Rules of Procedure adopted by this Council, there are two provisions that are applicable, the first one says ordinance, resolutions or propositions to Council which will require expenditure of money will lie over until the next meeting unless there is a unanimous suspension of the rules. He said that there is also the section that says motions, resolutions, ordinances or other business has to be in writing and submitted to the other Council members by 12:00 noon one (1) full city work day before the Council meeting if it is going to be presented. He stated that the Capital Budget envisioned a large multitude of issues and dealt with a lot of different things, he thinks the intent of the Rules of Procedure Ordinance was to prevent surprise issues that would come before Council, and the members did not have time to reflect on it prior to Council meeting, i.e. why your notice in advance, unless there is a unanimous suspension of the rules. He stated that based on that and, in particular Ordinance 2004-33, it is his opinion that the prospective motion by Mr. Palumbo and or Mrs. Barnette should be considered a first reading unless there is a suspension of the rules. He said it was not the focus of any material debate at the time the capital budget was presented and thus his opinion, and the City Clerk concurred. Mr. Ross said that it is his opinion that the rules should be suspended to consider the proposal by Councilmember Palumbo.

**Mr. Palumbo** stated that he took exception to the City Attorney's opinion, in fact, he could site a very specific instance where they did exactly this, however, time does not permit. Mr. Palumbo made a motion to suspend the rules.

MOTION BY Mr. Palumbo to suspend the rules for the purpose of discussing the motion as previously stated.  
Seconded by Mrs. Barnette.

Council discussed the motion.

Mayor Small stated that he will voluntarily freeze the hiring of the ten (10) new employees approved in the Capital Budget until the January 24<sup>th</sup> retreat.

Mr. Palumbo withdrew his motion.

Mrs. Barnette withdrew her second of the motion.

**C. Industrial Development Board – Yelding**

The next meeting will be Thursday at 6:00 p.m.

**D. Library Board – Lake**

*Mr. Lake* reported that total circulation was up over 49%, wireless use was up 100% and stationary computer use was up 64%. Mr. Lake stated that the Library is a valuable asset to the community.

**E. Planning Commission – Barnette**

*Mrs. Barnette* stated that a Public Hearing date needed to be set for the following:

- 1.) Annexation – The Woodland Bay Group / Property located on the NW side of the intersection of Whispering Pines and County Road 13 / 49 acres / Requested Zoning R-1, Low Density Single Family
- 2.) Annexation - The Mitchell Company / Property located on the E side of AL Hwy 181 approximately one half mile N of Higbee Road / 162 acres / Requested Zoning R-1, Low Density Single Family / R-2, Medium Density Single Family Residential / R-3, High Density Single Family Residential / R-4, High Density Single Family
- 3.) Annexation - Myron Henry Miner, II / Property located at the SW corner of Gabel Street and US Hwy 98 / 0.61 acre / Requested Zoning B-2, General Business

**MOTION BY Mrs. Barnette to set a Public Hearing date of February 26, 2007 to consider the following:**

- 1.) Annexation – The Woodland Bay Group / Property located on the NW side of the intersection of Whispering Pines and County Road 13 / 49 acres / Requested Zoning R-1, Low Density Single Family
- 2.) Annexation - The Mitchell Company / Property located on the E side of AL Hwy 181 approximately one half mile N of Higbee Road / 162 acres / Requested Zoning R-1, Low Density Single Family / R-2, Medium Density Single Family Residential / R-3, High Density Single Family Residential / R-4, High Density Single Family
- 3.) Annexation - Myron Henry Miner, II / Property located at the SW corner of Gabel Street and US Hwy 98 / 0.61 acre / Requested Zoning B-2, General Business

*Seconded by Ms. Landry.*

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

*Mrs. Barnette* stated that the Site Review meeting will be Wednesday at 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be the following Thursday at 6:00 p.m. She stated that there is also going to be a meeting by a walkable community expert Dan Burgin sponsored by the Trailblazers with some City of Daphne support tomorrow evening at 7:00 p.m. at the Civic Center. She said that there will be a bus tour looking at where sidewalks can be and how to weave things around at 2:30 p.m.

**Moratorium along Highway 181**

*Mrs. Barnette* said that she handed out a map that the Planning Department made. She stated that the purpose is that right now there is a lot of discussion on how Highway 181 is going to be widened, what effect it is going to have and just where the property boundaries are. She stated that at the last Planning Commission meeting they asked that a moratorium be placed just 300 feet on each side of Highway 181 to allow for adequate planning along the Highway 181 corridor. *Mrs. Barnette* stated that the City of Fairhope has already declared a moratorium, and it allows them to determine where the road will be and what type of setbacks they want. She stated that the moratorium will be for six (6) months.

*Mayor Small* stated that Mr. Eady attended a meeting today with Fairhope, the state and county and he asked Mr. Eady to give an update on that meeting.

*Mr. Eady* reported that he met with Mayor Kant, of Fairhope, Neil Shaffer, who made the study, the Planning Director for Fairhope, and Ronnie Poiroux with ALDOT and the consensus was that everyone would cooperate and work together to determine where the location of intersections along Highway 181 will be. He said that the biggest concern was that not any of the people present wants all those intersecting streets along Highway 181 to intersect at the same location. He stated that there will be a section of service road and the main roads and streets intersect and have traffic lights. He said the thinking behind that is the road will probably be about five (5) 24 foot lanes with a 40 foot median and the purpose of it is to move traffic. *Mr. Eady* stated that is the thinking behind not allowing traffic lights so often, and have them spread out so traffic can move. He stated that they are talking about putting the study money together, and *Mr. Poiroux* said that possibly the state could help with some funding. He said that they are going to start buying right-of-ways next month which will start at Highway 90 and go to County Road 64. He said that they will know in the next two (2) weeks where the location of the road will be. *Mr. Eady* said that *Mr. Poiroux* told him that the plans were about  $\frac{3}{4}$  finished, and promised to give him a set of the plans so he can be looking at them, because Highway 181 is in District 15, and is in the city's area. He said that it seems it is going to be on the west side of everything north to County Road 64 and on the east side of County Road 64 it will be south for some distance, they are not sure where it will end. *Mr. Eady* said that as far as the moratorium goes an opinion is needed by *Mr. Ross* or someone because the city does not exercise police jurisdiction in that area, and he is not sure they can grant a moratorium for the area. He stated that he talked with the county and they will work with the city along these line as for sub-divisions go, because Daphne does not have any authority to approve or disapprove site plans for that area.

*Mr. Ross* stated that he will report to Council at the next work session and give the what the laws are, and it can come up at the next Council meeting, and he will have an Ordinance prepared for consideration.

**F. Recreation Board – Palumbo**

*Mr. Palumbo* stated that minutes are not in the packet but will be in the next packet. He stated that the master plan for the new Recreational facility is under way, and the board has been shown several versions from HMR. He stated that they are in the process of determining what the immediate needs are, where the fields will be located and a reconfiguration of some existing facilities like Lott Park, and how that will come into play.

He stated that it is still a work in progress, and that it will be coming before Council. He stated that there was one matter before the board that was referred to the Finance Committee and then from there it will be coming to Council. Mr. Palumbo reported that the next meeting will be Wednesday which is January 14<sup>th</sup> at 6:00 p.m. He also said that there is an opening on the Recreation Board, and if anyone is interested contact any Council member.

**G. Utility Board – Scott**

*Mr. Scott* stated that at the last meeting they discussed a \$1.20 increase across the board, 60 cents on sewer and 60 cents on water. He stated that a notice was put in the utility bill to alert citizens that this will be considered at the next board meeting. He stated that Rob McElroy, Bob Segalla and Lon Johnston were present if Council had any questions. He stated that the next meeting will be the last Wednesday of the month at 5:00 p.m.

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

**a.) *Prepaid Travel / David Cohen***

*Mayor Small* stated that this request was in the budget and will be considered under Resolutions.

**b.) *ABC License / Camellia Café***

**MOTION BY Mrs. Barnette to approve the liquor license, 020 – Restaurant Retail Liquor, for Camellia Café. *Seconded by Ms. Landry.***

**AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED**

**b.) *Pay Exception / Deputy Planning Director***

Council discussed the pay exception and the consensus was to wait until Mr. Eady retired and then search for a replacement for his position. Some of the Council suggested hiring another planner instead of a Deputy Director.

**MOTION BY Mr. Lake to approve the pay exception for the Deputy Planning Director, Pay Grade 27, Pay Step 20, \$62,441 annually. *Seconded by Ms. Landry.***

***ROLL CALL VOTE***

<b>Barnette</b>	<b>Nay</b>	<b>Landry</b>	<b>Nay</b>
<b>Lake</b>	<b>Aye</b>	<b>Palumbo</b>	<b>Nay</b>
<b>Scott</b>	<b>Nay</b>	<b>Burnam</b>	<b>Nay</b>

**AYE Lake      NAY Barnette, Scott, Landry, Palumbo, Burnam**

**MOTION <sub>5</sub> FAILED**

*c.) Pay Exception / Administrative Assistant to Fire Chief*

*Mayor Small* withdrew the request for a pay exception for the Administrative Assistant to the Fire Chief.

*B. City Attorney's Report*

*Mr. Ross* stated that an Executive Session is necessary to discuss pending litigation, and that it should not take more than five (5) minutes. He said that it can wait until the end of the meeting.

*C. Department Head Comments*

No comments from Department Heads.

**7. PUBLIC PARTICIPATION**

*Mr. Roger Drummond – Ridgewood Drive* – spoke regarding the Public Safety salary study and the proposed utility increase.

*Mr. Lon Johnston – 316 Whiting Court* – spoke regarding the budget, sales and use tax and asked Council to give a report on expenditures for public review.

*Mr. Ben Cruitt – Baldwin County Press* – spoke regarding not receiving a hard copy of the Council packet for the news media and Council allowing time and the end of meetings to receive questions from the news media.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

**RESOLUTIONS**

- a.) **Declare Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property** ..... /Resolution 2007-03
- b.) **Prepaid Travel / David Cohen.** ..... /Resolution 2007-04

<b>MOTION BY Mr. Scott to <u>waive the reading of</u> Resolution 2007-03 and 2007-04. <i>Seconded by Ms. Landry.</i></b>			
<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>
			<b>MOTION CARRIED</b>

<b>MOTION BY Mr. Scott to <u>adopt</u> Resolution 2007-03 and 2007-04. <i>Seconded by Ms. Landry.</i></b>			
<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>
			<b>MOTION CARRIED</b>

**9. COUNCIL COMMENTS**

**Mr. Scott** stated that the Council is always available after meetings to answer questions.

**Mr. Palumbo** thanked the Mayor for his cooperation in holding up the appointments until they get to the bottom of it. He just wanted to say that they got this information regarding the additional funds and pay situation after the budget, directly after the budget, but they were asked by the representatives of the departments, just several nights ago, to make the tough decisions and take a hard look, and they are beginning right now. He said that everyone is not going to be happy when this is done. Mr. Palumbo stated just to rock and roll along adding employees and vehicles to your budget and to come back and ask to look at the raises makes absolutely no sense. He said they are asked to do and they are doing what was asked of them, and some will not be pleased with the outcome and some will. He said that they could smile and give lip service or they can just go to work. He said that they have taken the first step tonight and he is glad that they have.

**Mayor Small** stated that the Public Safety pay issue came about very quickly. He said that the department heads came to him and he has always been told to present things in writing to Council. He pointed out that in early 2004 before they were elected, the other Council approved this study to be done and the data was collected in 2004. He said that they took office in the fall of 2004, because they had the 2004-2005 budget at that time and at that time Council just approved the first phase of the plan, there were three (3) phases of the plan that was recommended that would have put them at the right place at that time, and the Council did not approve the last two steps. He said, not saying that it was anybody's fault, this was something that they had in front of them, and not everyone understood it, and they were all trying to do the right thing. He said that no blame should be put to anyone. He said that then in 2005 / 2006 budget Council looked at COLA and decided not to do that, and in 2006 / 2007 Council approved the other two phases of the pay plan. He said that Council approved a small COLA raise and they probably should have done a higher COLA raise, so looking at that it put us behind on getting the pay scale up. He said that it is the COLA raise that keeps the pay scale up with the economy. He said then you have Foley who approved a 1% sales tax and are hiring 18 police officers with all the equipment that they need and giving them higher pay. He said that Mobile, Chickasaw, Gulf Shores are hiring firefighters, paramedics and giving them a big increase. He said that has happened in the last few months, and he wished they would not think that this is something being held over their heads. He said he would love it if they would look at it as an opportunity to get together and work collectively to come to a common goal to fix the problem.

**Council President Burnam** stated that as far as the Council Packet being in print he doesn't know any reason why it can not have be available at City Hall, he thought it was anyway. He said if it is not available and there is some inconsistency, he asked that it be consist and be available at City Hall for each week.

**Mr. Cohen** stated that the Council elected to go paperless agenda and that is what his office has done, and the packet is available on the website which can be printed out and a packet is available at City Hall and the Library.

**MOTION BY Mrs. Landry to enter into Executive Session to consider pending litigation with the City Attorney. *Seconded by Mrs. Barnette.***

**The City Attorney certifies that the Executive Sessions is warranted for the specific reasons given which will last for 10 minutes.**

**AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED**

*Council entered in to Executive Session at 8:40 p.m.*

*Council returned from Executive Session at 8:50 p.m.*

**10. ADJOURN**

**MOTION BY Mr. Palumbo to adjourn. *Seconded by Mr. Lake.***

**AYE ALL IN FAVOR          NAY NONE OPPOSED          MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:50 P.M.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen,  
City Clerk, MMC

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam  
Date & Time Signed: \_\_\_\_\_

Office of the Mayor  
Daphne, Alabama

## ARBOR DAY PROCLAMATION

WHERE AS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHERE AS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHERE AS, Arbor Day is now observed throughout the nation and the world; and

WHERE AS, trees can reduce the erosion of our topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

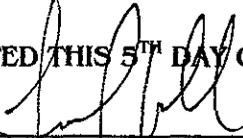
WHERE AS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

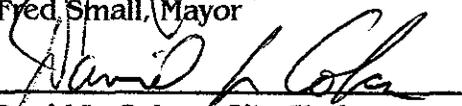
WHERE AS, trees in our City increase property values, enhance the economic vitality of business areas, beautify our community, and wherever they are planted, are a source of joy and spiritual renewal; and

NOW, THEREFORE, I, Fred Small, Mayor of the City of Daphne, do hereby proclaim Saturday, February 24, 2007 as ARBOR DAY in the City of Daphne.

FURTHERMORE, I urge all citizens to support efforts to protect our trees and woodlands, to support our City's urban forestry program, and to plant trees to gladden the heart and promote the well-being of present and future generations.

DATED THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2007

  
Fred Small, Mayor

  
David L. Cohen, City Clerk

**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 OF DAPHNE**  
**PUBLIC WORKS COMMITTEE AGENDA**  
**Time: 8:00 AM on January 26, 2007**  
**Location: City Hall Council Chambers**

Councilman Bailey Yelding, District 1  
Councilwoman Cathy Barnette, District 2  
Councilman John Lake, District 3

**I. CALL TO ORDER**

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

- A. Correspondence – Councilwoman Cathy Barnette commented that she has had constituents comment on holiday garbage pickup. It was suggested that the City have a garbage drop site during the holidays for citizens to drop their garbage off. Ken Eslava will look into feasibility. He also stated that Daphne and Fairhope are the only two municipalities in the area still providing twice a week pickup. Ken will provide a report to the council on once weekly garbage pickup.
- B. Work Request Report – YTD work order report and breakdown of work order reports by department, as well as December and November’s work order reports were reviewed. Discussion regarding the billing rates our Mechanical Dept charges. Is low in comparison. Ken Eslava to review rates and report back to Committee.

**III. OLD BUSINESS**

- A. Minutes – December 22, 2006

**Councilman Bailey Yelding motioned to approve the minutes; Councilwoman Cathy Barnette seconded the motion. All in Favor.**

- B. Environmental Committee – Councilwoman Cathy Barnette presented the Fairhope’s Environmental Advisory Board’s ordinance. She suggested that the Environmental Committee be a sub-committee of the PW Committee and that the Fairhope ordinance should be used as the model. Will get with David Cohen to have ordinance drafted.

**IV. NEW BUSINESS**

- A. Traffic light at Main St and Daphne Ave/Belrose - Mayor Small asked when it was planned to update traffic light to better accommodate traffic flow.
- B. Councilman Bailey Yelding requested that Ken Eslava come up with a master plan to build restrooms at each of the parks. John Lake stated that Apprentice Carpenters could be used to construct the building as a cost saving measure. He will get contact information to Ken Eslava.

**Councilman Bailey Yelding motioned to approve Ken Eslava developing a Master Plan; Councilwoman Cathy Barnette seconded the motion. All in Favor.**

**V. DIRECTOR’S REPORT**

- A. Hazardous Household Waste – Site was loaded with fill yesterday. Ken Eslava has a draft of the HHW Ordinance and recommended that it be the first assignment of the new Environmental Committee to review and complete the ordinance.
- B. Yancey Branch Remediation – Planting is tomorrow (January 27, 2007) from 8 AM to Noon. Ashley Campbell is out at the site working today. Trees and plants will be staged today in preparation for tomorrow’s planting.

- C. Capital Road Improvements – Repairs needed in Lake Forest subdivision as a recommendation to use capital funds for repairs. Will keep committee updated.
- D. Dauphine Acres Park – Fence will be removed. Azaleas are not planted in the right place, they are currently in the ditch and need to be moved. Debris needs to be hauled out. Mayor Small inquired as to whether the ditch could be piped. Ken Eslava will evaluate and advise the Mayor. Mayor Small also commented that he felt that a fence of some type should be installed to prevent children from falling on rocks.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. Minutes – 11/13/2006

**VIII. BEAUTIFICATION COMMITTEE**

- A. None

**IX. ENGINEER REPORT**

- A. Yancy Branch to be planted tomorrow
- B. Bryant Gulley is completed. Guard rail is up and looking at adding some additional guard rails.
- C. Sidewalks are under progress.

**V. FUTURE BUSINESS**

- A. Next Meeting – February 23, 2007, 8:00 a.m.

**XI. ADJOURNMENT**

**Councilman Yelding motioned to adjourn.** The meeting adjourned at 9:13 AM

**Daphne Public Library Board  
January 8, 2007  
Meeting Minutes**

**In Attendance:**

Library Director Tonja Young; Board Members Cassandra Day, Bill Scully, and Gayle Robinson; Board Chairman Ernie Seckinger, and Vice Board Chairman Ron Allen; Capital Campaign Committee member Jan Blankenhorn; City Council Liaison Gus Palumbo.

**Call to Order:**

After a quorum was established, Board Chairman Ernie Seckinger called the meeting to order at 4:30pm.

**Reading and Approval of the Minutes:**

The minutes of the December 11, 2006 meeting were reviewed and approved.

**Monthly Statistical Report:**

The Monthly Report for December was not presented to the Board due to staff delays. Ms. Young presented a five year statistical report in graphical form for the Board to use in informing the Council and citizens about the need for an addition to the Library. Increases include: total circulation up 49.77%, Jr. book circulation up 22.31%, Adult book circulation up 30.97%, cassette and video use up an average of 20%, interlibrary loans up 97.58%, library users up 11.27%, reference up 11.17%, meeting room attendance up 27.42%, wireless computer use up 100%, and stationary computer use up 64.17%. The Board also saw details for daily check-out of items checked out on individual days.

**Public Participation:**

None

**Old Business of the Board:**

Ms. Young announced that the recognition plaques for Mr. Swaney and Mrs. Rigas were ready for the annual FODL meeting on Jan. 19, 2007. It was agreed to mail invitations to the honorees.

Deborah's accident and health update were shared with the Board by Ms. Young.

Mr. Scully presented the foundation paperwork to be signed by two Board members and two foundation committee members. All were present to sign with the exception of Ms. Crittenden. She will be contacted during the next week.

Councilman Gus Palumbo reiterated his earlier statement that the Board should keep the ball rolling on the building project. Ms. Young stated that following the choice of a fundraiser for the project that Kim Briley agreed to present a request to the Finance Committee in February.

#### **New Business of the Board:**

The Board made plans to announce its appreciation for the service of Glen Swaney and Anita Rigas during the Annual Meeting of the FODL on January 19, 2007. Tonja will have plaques made and pay for them from the library budget.

#### **Capital Campaign Foundation Committee**

Jan reported on the interview with Jack Hannings from Alexander Haas Martin of Atlanta. Members in attendance were Tonja, Ron, Peggy, and Jan. Overall, the group was not favorably impressed with this consultant's demeanor.

Tonja announced that one more interview was to be held on Monday, January 22, 2007 at 3:00 pm. Following that meeting the committee will make a decision to recommend a consultant to the Library Board. The Board agreed that the committee choose a consultant for recommendation and the issue would be brought up for a vote at the February 12, 2007 Library Board meeting.

Ron reported on the interview with Judy Keller from Jeffrey Byrne and Associates of Kansas. He was very impressed with her, as was Ms. Young.

#### **Library Director:**

No comment. Library news and updates for the month were attached to the agenda to save meeting time.

#### **Closing Comments:**

The Library Board is anxious to keep moving with the interviewing process and proceed to the hiring of a fundraiser to provide the feasibility study. The Board

also suggested keeping an eye on grant opportunities and checking with APLS to see if they have an on-staff lobbyist.

**Adjourn:**

The meeting adjourned at 6:00pm.

Respectfully submitted by Tonja Young, Library Director  
January 16, 2007

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**CALL TO ORDER:**

The Vice Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 5:55 p.m.

**CALL OF ROLL:**

**Members Present:**

\*Fred Small, Mayor  
Victoria Phelps  
Don Terry  
Warren West, Vice Chairman  
Larry Chason, Secretary  
Cathy Barnette, Councilwoman  
Ed Kirby

\* Fred Small, Mayor arrived at 6:02 p.m.

**Members Absent:**

Jeff Carrico, Chairman  
DeLeon Thomas

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Adrienne Jones, Planner  
Missty C. Gray, Associate Attorney  
Nancy Anderson, GIS Technician

**Staff Present:**

Jay Ross, Attorney

The Vice Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Carrico and Mr. Thomas are not present. Mayor Small will be late. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of November 21, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

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A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is an administrative presentation for the Medical Office and Cancer Center.

**NEW BUSINESS:**

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting master plan review. The site is located North of U.S. Highway 90 and East of the future County Road 13. It consists of a one hundred and one acre parcel on which a one hundred and thirty thousand square foot medical office and cancer facility, future development for two office buildings, a hotel, and a common area for storm water detention shall be constructed. Eighty percent of the water from this site will be captured and sent to the detention pond in the Northwest corner of this site. We have addressed the comments which were made at the site preview meeting with regard to the right-of-way contained in the subdivision. 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. He stated this is the master plan. Have we seen this before?

Mr. Baker stated we submitted the same plan when we came in two or three months ago with a temporary radiation vault. This is the same master plan for the site.

Mr. Chason asked what is the situation with sewer on U. S. Highway 90.

Mr. Baker stated there is no potable water or sanitary sewer available to this site. The owner is proposing to provide the connection to the water. The City of Daphne is proposing to fund the installation of sanitary sewer on the North side of U.S. Highway 90. The owner is presently negotiating with the Utilities Board of the City of Daphne to establish the connection to sewer.

Mr. Chason stated there was some discussion about you being a part of the overlay district.

Mr. Baker stated that is another item on your agenda. We will be asking at that time for the Malbis Plantation one hundred and one acre parcel to be included in the overlay district.

Mr. Chason stated assuming that will happen. Is it not a requirement that a site has water and sewer available?

Mr. Baker stated we do have the letter from the Utilities Board of the

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City of Daphne which says it is going to be available. The developer will work very closely with the Utilities Board to accomplish this. The water is not a problem because we will be connecting to an existing line.

The Vice Chairman asked what happens if sewer is not available. Mr. Baker stated everyone wants this development to happen. If it is not available, then the developer, the City of Daphne, and the Utilities Board will work out an arrangement.

Mr. Eady stated it is not unusual for sewer not to be available to a site at this point. Especially if we are going to the expense of building this type of facility, then you would not expect them to build it without sewer. This is the master plan only. We have got to move on with some of this stuff. Sewer will be available to the site when it gets there.

The Vice Chairman stated that is all I needed to know. If you say it is going to be there, then I believe you.

Ms. Barnette stated at site preview, we discussed how this site fits into the layout of the adjacent properties to the East, the Renaissance Center and the Eastern Shore Park Subdivision. I would like to see a map of that layout.

Ms. Phelps stated last time we met there was some discussion about Frederick Boulevard being ninety feet not sixty and the request for the installation of a six-foot sidewalk.

Mr. Baker stated the subdivision plat has been revised to reflect that. I do have those drawings with me, and I gave them to Mr. Eady's office today.

Mr. Eady stated Mr. Chairman I have the drawing right here if you would like to see it.

Ms. Barnette questioned whether or not a tree survey has been conducted.

Mr. Baker stated because of the terrain on this site it would be almost impossible to conduct a tree survey. This site does not consist of very many preservable trees, but the owner has stated that upon the establishment of the location of the facility he will save as many trees as possible.

Mr. Kirby stated yes I would because the two drawings do not match.

Mr. Chason stated may I ask Mr. Baker a question.

The Vice Chairman stated certainly.

Mr. Chason stated in your traffic study, and I am not trying to be

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difficult, it says if you look to the East that there is going to be thirteen out parcels. I think that it would be a good idea for the Planning Commission to look at how many parcels are anticipated there, the access points to, and how many traffic lights will be on U. S. Highway 90.

Mr. Baker stated the master plan is representative of the acre requirement for the facility. That is a planning document. What will govern the division is the subdivision which will be presented to you later on. That is why we stopped the right-of-way on the master plan, site plan, and on the subdivision. What they are envisioning is to construct the facility and then add onto the structure in the Northeasterly direction which would dictate the location of the right-of-way. The footprint of the building will dictate how the extension of Frederick Boulevard will be designed. We do not know all of those things yet. The traffic study takes into account the traffic from the Aronov parcels. It also recommended full blown signalized intersection on Frederick Boulevard and County Road 13.

Ms. Phelps stated the traffic study predicts your projected build out from five to seven years and future traffic analysis to the year 2013. My question is for the construction of the interchange at County Road 13 and the widening of U. S. Highway 90 to four lanes can you help me tie together a time line with the Alabama Department of Transportation?

Mr. Baker stated the traffic study indicates that a signalized traffic intersection should be done with the construction of phase one or certainly by phase two. With regard to the future construction of the interchange, we met with the Alabama Department of Transportation and they stated that they had just received permission to begin acquiring the right-of-way for the construction. So obviously this means that the curb cut and the connection to County Road 13 cannot be established at this time.

Mr. Kirby asked Mr. Eady do we need to denote the width and location of the right-of-way for Frederick Boulevard.

Mr. Baker stated it is indicated on your subdivision plat. We have revised the plat.

The Vice Chairman stated so in a motion in order for consideration of both of those or do we need to deal with them separately.

Mr. Eady stated we need separate motions.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Mr. Kirby and Seconded by Mr. Terry to approve the master plan for the Medical Office and Cancer Center. The Motion**

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*carried unanimously.*

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

Ms. Phelps stated yes sir Mr. Chairman. The watershed that is also part of this project was discussed at the working meeting because you have areas to the South that will be greatly impacted by this. I have not seen anything in any of our material that mentions any type of study. Can you address that for me?

Mr. Baker stated I can. Ms. Phelps what you have before you were prepared when the question came up at the work session. We met with an environmentalist which specializes in storm water and erosion control issues. This document is a creation of the requirements which will apply to three developments, SBC Commercial Park, the Renaissance Center, and this project, the Medical Office and Cancer Center of Malbis. A lot of this is a cut and paste of the City of Daphne's storm water regulations. You will note the bold type is the requirement we are proposing. In every instance these regulations will be more restrictive than what your requirements are. We are asking with your approval to impose upon ourselves for each one of these projects no matter how many times it is subdivided or what gets built to provide storm water management for each of our developments along U. S. Highway 90 to provide for protection for a two to a two-hundred year storm event and a detention pond shall be required. That is one of the most significant changes that we are requesting is the issuance of a site disturbance pond prior to construction. We are also requiring that the detention pond be constructed first so that we have an opportunity to capture the water, filter it, and meter it out appropriately so that we are not having any adverse impact downstream. Does that answer your question?

Ms. Phelps stated yes sir. Thank you very much.

The Vice Chairman stated are you looking at the drainage on U.S. Highway 90 and its effect on D'Olive Creek and Lake Forest Subdivision.

Mr. Baker stated when we provide the two to a two hundred year storm event, then we will be improving the situation downstream. This report is also imposing monitoring requirements on ourselves upstream so we will know what is coming to us, as well as, what is leaving our site.

The Vice Chairman stated I think this is a step in the right direction.

Ms. Barnette stated I think for the master plan this is ok, but for the site plan I am not sure that this is enough.

The Vice Chairman stated I agree with you.

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Ms. Phelps stated in the site preview we talking about the trees. Are you going to go in and clear cut the site or try to talk some precautions with clearing? A buffer along U. S. Highway 90 would probably be one of the things that I would recommend.

Mr. Baker stated what we are doing on this site because there are a lot of topography and a ridge that runs in a Northeasterly direction about eighty to eighty-five percent of the storm water on this site will be captured and taken to our detention pond. The Medical and Cancer facility site has been timbered before. I believe because of the size of the building and the parking area it is going to be very difficult to save trees. With that being said, since this is a cancer treatment and it is important to the patient and their family for a quality environment and project to assist in their rehabilitation, you will see that the landscape plan greatly exceeds the city's requirements. You have been instructed by the developer that with the plans for the development and the parking area if there is anything worthy of saving that we should do every effort to do so because we want to be respectful also.

The Vice Chairman stated the next order of business is an administrative presentation requesting inclusion in the Eastern Shore Park Overlay District. He stated we have also discussed this.

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting inclusion in the Eastern Shore Park Overlay District. The request is being made by the owner, Malbis Plantation, Inc., for the Medical Office and Cancer Center of Malbis. I will be happy to answer any questions you may have.

Mr. Chason and Ms. Barnette questioned the method in which that would be achieved since the extension of the deadline expired on January 2006 after the creation of the Eastern Shore Park Overlay District.

Ms. Barnette stated by approving this tonight they would not automatically be in the overlay district. This is a recommendation to the City Council and the ordinance would have to be revised to include this parcel because the district presently stops at the Renaissance Center property.

The Vice Chairman stated do we understand that.

Ms. Barnette stated actually the ordinance does not allow for it to go this far because of the attachments and the exhibits which are a part of the ordinance.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

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A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the inclusion of the one hundred and one acre parcel owned by Malbis Plantation, Inc. located North of U. S. Highway 90 and East of County Road 13 in the Eastern Shore Park Overlay District. The Motion carried unanimously.*

The Vice Chairman stated the next order of business is an administrative presentation requesting revised master plan review for Dunmore Subdivision.

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, outlining the specifications for the revised master plan of a proposed two-phase development consisting of one hundred and sixty acres and three hundred and sixty lots located on the East side of Alabama Highway 181 approximately one half mile North of Dick Higbee Road. The Planning Commission had previously approved the master plan for Shadowbrook in which the owners have now changed the name to Dunmore Subdivision. The fire department has reviewed the master plan and first phase of the development and requested that both be revised to reflect changes to the street layout. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small *to approve the revised master plan for the Dunmore Subdivision. The Motion carried unanimously.*

The Vice Chairman stated the next order of business is an administrative presentation requesting a moratorium be placed on construction for property located along Alabama Highway 181.

An introductory presentation was given by Mayor Small, requesting that a moratorium be placed on construction for property located along Alabama Highway 181 for the extraterritorial planning jurisdiction of the City of Daphne in order to conduct a study along the Alabama Highway 181 corridor.

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

Mr. Chason questioned the time limit and the scope of the criteria of the study.

Mayor Small stated we do not wish to use the traffic lights all along

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Alabama Highway 181.

Mr. Chason questioned whether or not it would be a traffic study or a traffic/storm water drainage study.

Ms. Barnette stated she would like to have a drainage study.

Mayor Small stated sure.

Mr. West asked if this meant there would be no building along U. S. Highway 98. What will this mean for Dunmore Subdivision?

Mayor Small stated the building will continue until the moratorium is in place.

Mr. Kirby asked does this mean all of Alabama Highway 181 or just the corridor.

Mayor Small asked Mr. Eady what should the width along Alabama Highway 181 should be.

Mr. Eady stated it should have a width of three hundred feet on either side of the right-of-way.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Mayor Small and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne requesting to impose a moratorium on construction for the property located along Alabama Highway 181 for the extraterritorial planning jurisdiction three hundred feet on each side of the centerline of the right-of-way for the purpose of a storm water and traffic study, with the North boundary of U. S. Highway 90 and the South boundary to Dick Higby Road on Alabama Highway 181 in order to conduct a storm water drainage and traffic study. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is site plan review for the Medical Office and Cancer Center of Malbis.

Ms. Barnette and Mr. Chason asked why the Commission is approving the site plan before the subdivision.

Mr. Eady stated we are approving a site plan for the entire site, one hundred and one acre parcel. This can be done before the subdivision

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is approved.

**SITE PLAN REVIEW:**

**File S06-15:**

**Site: Medical Office and Cancer Center of Malbis**

Location: North of U.S. Highway 90, East of County Road 13, and West of Alabama Highway 181

Area: 27.4 Acres +

Owner: Easlan Capital of Atlanta, Inc.

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting site plan review for a medical facility located North of U.S. Highway 90, East of County Road 13, and West of Alabama Highway 181. Originally we submitted a site plan for a temporary radiation building, but the owner of this facility has retracted that plan and elected to proceed with the construction of the one hundred and thirty thousand square foot medical and cancer facility with approximately seven hundred parking spaces, detention pond, and a hotel in the Northwest corner of the site. I will be happy to answer any questions you may have.

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

Mr. Kirby questioned the width of the right-of-way.

Mr. Baker stated the revision has been made on the subdivision plat. The reason the change is not reflected here is because of the holidays.

Mr. Chason asked haven't we already approved construction on lot 3.

Mr. Baker stated yes sir. To be honest, Mr. Chason they have put that construction on hold because this project is being proposed quicker than they anticipated. They are looking to begin construction in mid spring and that project will be encompassed in this one.

Ms. Barnette stated since we are not talking about the master plan, I am not sure where we are with the utilities. I have not seen the documents which say they are going to do this. I do not think we can hold up the master plan, but with the site plan we are saying it is going to be there. I do not know what those agreements are because I

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have not seen the documents.

Mr. Chason stated again, the requirements of the overlay district say the utilities shall be there.

Mr. Baker stated the owner is proposing to provide the connection to the water and is negotiating with the Utilities Board of the City of Daphne to establish the connection to sewer. The site will have sidewalks located on both sides of the street, a ninety-foot right-of-way, a trail way system, and an extensive landscape plan.

Mr. Kirby asked if a sidewalk would be provided along U.S. Highway 90.

Ms. Barnette stated we met during Christmas and wanted a lot of changes such as the ninety-foot right-of-way and the addition of sidewalks, and now we are putting a lot of contingencies on the site plan which we said historically we said we were going to stop doing. I am not in favor during it.

Mr. Baker stated we have always intended on having sidewalks on both sides of the road. The only change is the width of the right-of-way, but that is not going to structurally change the construction of the road. In this project, we are going to construct a two-lane road with a median and sidewalks on both sides. It will just provide a little more room for utilities.

Mayor Small stated didn't we talk about doing sidewalks on U.S. Highway 90 and getting it done during the development.

Mr. Baker stated with the particular site plan we are constructing the sidewalks in the North and South portion of the boulevard. As this site continues to evolve over time we will provide the sidewalks in there.

Mayor Small questioned whether or not sidewalks would be constructed on U. S. Highway 90.

Mr. Baker stated not at this time. We are constructing the sidewalks running in the North and South direction.

The Vice Chairman stated is it possible that with all of the questions that we are not ready to vote on this yet. Should we postpone it or do you want us to vote on this with all of this questions?

Mr. Baker stated I believe that we have addressed all of your questions and comments

The Vice Chairman stated I do not see any sidewalks on the plans.

Mr. Baker stated they are on there. They just run North and South for

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this project.

The Vice Chairman asked how can we approve it, if it is not on the plans.

Mr. Baker stated the sidewalk would be approximately fifty feet from the right-of-way line. If the Planning Commission requires it, then I am sure they will do it. I do think anyone can use it right now.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

Mr. Chason stated we have six or seven different maps here. I think we are putting the cart before this house, but Mr. Eady is comfortable with this. I think it is not ready and is going to have to come back because we should have required a little more continuity. I am going to have faith.

Ms. Barnette stated I stated earlier that I did not think that we are ready. It is not about faith. This is not the way I feel comfortable making a decision. There are some questions about the watershed, traffic, and the way that everything is going to be laid out. I do understand that they are excited and I am excited that they are coming to our community. This has not been staged right for us to approve it now.

**A Motion was made by Mr. Kirby and Seconded by Mayor Small to approve the site plan for the Medical Office and Cancer Center, contingent upon a right-of-way to be constructed is ninety-feet and a six-foot sidewalk being constructed along U.S. Highway 90. The Motion carried. Ms. Barnette opposed.**

The Vice Chairman stated the next order of business is site plan review for Super Stop 406.

**File S06-16:**

**Site: Super Stop 406**

Location: Northwest corner of U.S. Highway 90 and Alabama State Highway 181

Area: 1.68 Acres +

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Owner: Deweese Enterprises, Inc.  
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

An introductory presentation was given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch, outlining the specifications for the site plan of a self service gasoline facility located Northwest corner of U.S. Highway 90 and Alabama State Highway 181. At site preview there was some discussion regarding the construction of sidewalks. The owner has agreed to place a five-foot sidewalk to encompass the site with the direction of the Public Works Department in order to be consistent with the Eastern Shore Park Subdivision. I will be happy to answer any questions you may have.

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

Ms. Barnette asked if the revised plans had been given to us.

Mr. Bailey stated no ma'am. A revision has not been given at this point. The installation of the sidewalks will be constructed as directed by the Public Works Department because of the existing streets.

The Commission questioned the proposed location of the construction entrance as discussed at site preview.

Mayor Small stated the construction entrance into the facility needs to be placed preferably where the curb cut comes in on the North side of the site.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Kirby **to approve the site plan for Super Stop 406.**

An **Amended Motion** was made by Mr. Chason and **Seconded** by Mr. Kirby **to approve the site plan for Super Stop 406, contingent upon the construction of sidewalks along U. S. Highway 90 and Alabama Highway 181. The Motion carried. Ms. Barnette opposed.**

The Vice Chairman stated the next order of business is final plat plan review for TimberCreek Business Park, Unit Two.

**FINAL PLAT REVIEW:**

**File SDF06-29:**

**Subdivision: TimberCreek Business Park, Unit Two**

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Location: On the West side of Mill Lane North and adjacent to  
TimberCreek Business Park, Unit One  
Area: 4.32 Acres +, (7) lots  
Owner: Ebrahim Maghsoud  
Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting final plat review of a four-point three-acre subdivision consisting of seven lots located on the West side of Mill Lane North and adjacent to TimberCreek Business Park, Unit One. The punch list items for this site have been addressed. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the final plat for TimberCreek Business Park, Unit Two. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is final plat review for Canaan Place Subdivision, Phase One - B.

**File SDF06-30:**

**Subdivision: Canaan Place, Phase One - B**

Location: Northwest corner of the intersection of County Road 54  
and 54 East  
Area: 45.85 Acres +, (91) lots  
Owner: C & E, L.L.C.  
Engineer: Engineering Development Services - David Diehl

An introductory presentation to was given by Mr. John Avent, representing Engineering Development Services, requesting final plat review of a forty-five point eight acre subdivision consisting of ninety-one lots located Northwest corner of the intersection of County Road 54 and 54 East. I will be happy to answer any questions you may have.

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

Ms. Barnette questioned whether or not the landscape bond had been revised.

Mr. Avent stated I was not aware there was a problem with the bond.

Ms. Missty Gray, Associate Attorney, stated the landscape bond needs

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to be an Alabama bond.

Mr. Chason requested that a barricade be placed at the end of the street for safety.

Mr. Avent requested an extension of time to remedy the bond situation because he was not aware of the problem.

Mayor Small asked the Planning Commission to direct staff to sign the plat after receipt of the bond.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to approve the final plat for Canaan Place Subdivision, Phase One - B. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is final plat review for Churchill Downs Subdivision, Phase One.

**File SDF06-31:**

**Subdivision: Churchill Downs, Phase One**

Location: On the East side of Highway 31 one mile South of Bromley Road  
Area: 22.22 Acres <sup>±</sup>, (46) lots  
Owner: BR549, L.L.C.  
Engineer: Engineering Development Services - David Diehl

An introductory presentation to was given by Mr. Avent, representing Engineering Development Services, requesting final plat review of a twenty-two point two acre subdivision consisting of forty-six lots located on the East side of Highway 31 one mile South of Bromley Road. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to approve the final plat for Churchill Downs Subdivision, Phase One. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is preliminary/final plat review for SBC Commercial Park.

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PRELIMINARY/FINAL PLAT REVIEW:

File SDPF06-16:

**Subdivision: SBC Commercial Park**

Location: Northeast of the intersection of U.S. Highway 90 and  
U. S. Highway 98, East of the Infirmary Medical Center  
Area: 12.15 Acres +, (3) lots  
Owner: SBC Daphne, L.L.C.  
Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting the specifications for the preliminary/final plat review of a twelve-acre subdivision consisting of three lots located Northeast of the intersection of U.S. Highway 90 and U. S. Highway 98, East of the Infirmary Medical Center. The utilities for the site are in place. I will be happy to answer any questions you may have.

Ms. Phelps commented on her concerns with the severity of the watershed for this site.

Mr. Baker issued storm water drainage documents which will include three sites along U. S. Highway 90 which are the Renaissance Subdivision, SBC Subdivision, and the Medical Office and Cancer facility. As provided, we have written storm water drainage regulations which will be presented to each developer along U. S. Highway 90 which shall provide for protection for a two to a two-hundred year storm event and a detention pond shall be required for these projects.

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

The Commission discussed at the length the proposed development and had comments with regard to addressing development.

Mr. Chason requested that the owner provide a wider easement for the provision of storm water drainage.

The owner, Mike Commisky, addressed the Commission to explain that drainage will be addressed by each lot owner at the time of the presentation to the Planning Commission for site plan review.

Mr. Baker stated it is nearly impossible to address storm water drainage on a site without the knowledge of what the proposed development will be.

The consensus of the Commission was that drainage would be required at

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this stage.

The Vice Chairman stated do any of the Commissioners have any questions or comments. He asked Mr. Baker would you like the Commission to vote or would you like to table the proposal.

Ms. Dickson stated if you table the proposal Mr. Baker will have to waive the thirty-day requirement.

Mr. Baker stated that he would waive the thirty-day requirement for one month only.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to table the preliminary/final plat for SBC Commercial Park. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is preliminary plat review for the Renaissance Center Subdivision.

**PRELIMINARY REVIEW:**

**File SDP06-17:**

**Subdivision: Renaissance Center**

Location: South of Alabama Highway 181 and Interstate 10, one quarter mile into the Commerce Park  
Area: 69.38 Acres +, (5) lots  
Owner: Renaissance Center, L.L.C. - Lee Davenport  
Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Baker, representing Hutchinson, Moore & Rauch, requesting preliminary plat review of a sixty-nine acre subdivision consisting of five lots located South of Alabama Highway 181 and Interstate 10 one quarter mile into the Commerce Park. The subdivision consists of a two-phase development consisting of four lots which will be created by the installation of the ninety-foot right-of-way through the middle. The size of the proposed right-of-way has been increased to be compatible with the existing Frederick Boulevard, as reflected on the revised drawing I have just given to you. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any

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questions or comments. He opened the floor to public participation.

Mr. Joel Coleman, as a resident, addressed the Planning Commission with his concerns with regard to the maintenance of detentions ponds in the City of Daphne.

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.

Mr. Chason and Ms. Barnette addressed the Commission and expressed their concerns with regard to detention.

Ms. Barnette stated as a part of the Eastern Shore Park Overlay District one of the requirements is to provide common detention for the entire site like the Eastern Shore Park Subdivision.

Mr. Baker stated it is nearly impossible to address drainage on a site without knowledge of future development.

Mr. Chason and Ms. Barnette stated they would like to see a hydraulic study and common detention for the entire site prior to approval.

Mr. Kirby questioned why we were requesting a different approval of this subdivision that the one we did previously.

Mr. Eady stated there is a submittal for the January meeting which includes the construction of a hotel facility in the Northwest corner of the site. I would like to request that the Commission instruct me as to how to proceed with the review without approval of the subdivision.

The Vice Chairman asked Mr. Baker to outline the time frame for the completion of this study.

Mr. Baker stated approximately two weeks.

Upon the third request, there still was no response from the Commission.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Ms. Barnette and Seconded by Mr. Chason to approve the preliminary plat for the Renaissance Center, contingent upon the provision of a preliminary hydraulic study and common detention facility. The Motion carried unanimously.**

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The Vice Chairman stated the next order of business is preliminary plat review for the Medical Office and Cancer Center of Malbis.

**File SDP06-18:**

**Subdivision: Medical Office and Cancer Center of Malbis**

Location: West of Alabama Highway 181, North of U.S. Highway 90,  
and East of County Road 13

Area: 101 Acres ±, (5) lots

Owner: Malbis Plantation, Inc. - William Scourtes

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Baker, representing Hutchinson, Moore & Rauch, requesting preliminary plat review of a one hundred and one acre subdivision consisting of five lots located West of Alabama Highway 181, North of U.S. Highway 90, and East of County Road 13.

Mr. Baker stated lot 4 and Lot 1 will remain in the ownership of Malbis Plantation, Inc.; lot 2 will be owned by the Medical and Cancer facility, lot 3 is the proposed location of the temporary building which will not be constructed, and lot 5 is the location of the common detention facility. Lot 4 will provide for detention at the time of the submittal of a site plan to the Planning Commission. Lot 2 will address storm water drainage by directing it into the detention pond on lot 5. The size of the proposed right-of-way has been increased to be compatible with the existing Frederick Boulevard, as reflected on the revised drawing I have just given to you. 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. He opened the floor to public participation. With no adjacent property owners present, he closed public participation.

The Commission discussed at length their concerns with regard to detention of the storm water on this site. The major concern expressed was the storm water not being addressed on lot 4.

Mr. Baker stated a note could be placed on the plat to prohibit any construction on lot 4 until such time storm water drainage and detention are addressed.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to approve the preliminary plat for the Medical Office and Cancer Center of Malbis.**

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An **Amended Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to approve the preliminary plat for the Medical Office and Cancer Center of Malbis, contingent upon no further development on lot 4, until a master drainage plan is presented and approved by the Planning Commission. The Motion carried. Ms. Barnette opposed.**

The Vice Chairman stated the next order of business is annexation review for Myron Henry Miner, II.

**PETITIONS:**

**ANNEXATION REVIEW:**

An introductory presentation was given by Mr. Baker, representing Hutchinson, Moore & Rauch, requesting annexation of a 0.61 acre parcel located at the Southwest corner of Gabel Street and U. S. Highway 98 with B-2, General Business, zoning. The owner of subject property is Myron Henry Miner, II. I will be happy to answer any questions you may have.

Mr. Kirby asked why this parcel was being annexed, but did not include Sportsman Marine.

Mr. Baker stated this parcel is owned by a group of owners outside of the owner of Sportsman Marine which does not wish to annex.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne requesting annexation of a 0.61 acre parcel located at the Southwest corner of Gabel Street and U. S. Highway 98 with B-2, General Business, zoning. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is annexation review for the Mitchell Company, Inc.

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting annexation of a one hundred and sixty-two acre parcel located on the East side of Alabama Highway 181 approximately one half mile North of Higbee Road with R-1, Low Density Single Family, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family, zoning, respectively. The owner of subject property is the

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Mitchell Company, Inc. This request is consistent with the revised master plan which was presented to you earlier. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne requesting annexation of a one hundred and sixty-two acre parcel located on the East side of Alabama Highway 181 approximately one half mile North of Higbee Road with R-1, Low Density Single Family, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family, zoning, respectively. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is annexation review for the Woodland Bay Group.

An introductory presentation to be given by Mr. Daryl Russell, representing McCrory & Williams, requesting annexation of a forty-nine acre parcel located on the Northwest side of the intersection of Whispering Pines Road and County Road 13 with R-1, Low Density Single Family. The owner of subject property is the Woodland Bay Group. I will be happy to answer any questions you may have.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne requesting annexation of a forty-nine acre parcel located on the Northwest side of the intersection of Whispering Pines Road and County Road 13 with R-1, Low Density Single Family. The Motion carried unanimously.**

The next order of business is the attorney's report.

**ATTORNEY'S REPORT:**

An introductory presentation was given by Missty Gray, the Associate Attorney, regarding a proposed amendment to the City of Daphne Land Use and Development Ordinance regulating erosion/sediment control for residential buildings, as well as, noncommercial disturbance. The proposed amendment is a city ordinance which has been directed from the City Council to the Planning Commission for inclusion in the Land

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Use Ordinance. We are asking for that recommendation.

The Vice Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette *for the affirmative recommendation by the Planning Commission to the City Council of Daphne regarding a proposed amendment to the City of Daphne Land Use and Development Ordinance regulating erosion/sediment control for residential buildings, as well as, noncommercial disturbance. The Motion carried unanimously.*

**ADJOURNMENT:**

The Vice Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

A **Motion** was made and **Seconded to adjourn. The Motion carried unanimously.**

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

*Respectfully submitted by:*

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Jan Dickson, Planning Coordinator

**APPROVED:** January 25, 2007

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Warren West, Vice Chairman

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# SET PUBLIC HEARING DATE

FOR

MARCH 5, 2007

- 1.) Rezoning - Vilai Marino Property / Property located on Pinehill Drive / 13 Acres / R-3, High Density Single Family Residential District to R-4, Multi-Family Residential District
- 2.) Amending the Land Use & Development Ordinance / Eastern Shore Park District
- 3.) Amending the Zoning Map

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Zoning Amendment - Vilia  
Marino/Marino Family Trust  
Pinehill Drive

## MEMORANDUM

Date: January 26, 2007

At the regular meeting of the City of Daphne Planning Commission on January 25, 2007, nine members were present and the motion carried for the negative recommendation of the above-mentioned ordinance.

The property owner is currently zoned R-3, High Density Single Family Residential, and is requesting R-4, Multi-Family Residential.

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: Z07-01 Date Plat Submitted: Dec. 28, 2006

Date Presented: JAN. 25, 2007

Name of Owner: Vilai Marino/The Marino Family Trust

Address: 317 Patrician Dr. Spanish Fort, AL 36527 Telephone# \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Gateway Construction Corporation

Address: 920 Florence Blvd, Florence, AL 35630 Telephone# 256-760-9657  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: N/A

Lot(s): 1 Unit 56 Units

- 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: Dec 27, 2006).

Meeting Dates:

Planning Commission: January 25, 2007

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

To build 56 affordable Elderly Apartment Units.

Vilai Marino  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

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 Pine Hill Drive, Daphne, AL
- b) Name of Subdivision NA
- c) Lot numbers involved in change NA
- d) Total acreage of change 13 + acres
- e) Recorded in Map Book see attached Page
- f) Owned in whole by the undersigned? Vilai Marino/The Marino Family Trust
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired R-4 Multi-family
- c) Character of neighborhood

3) Certifications:

- a) Owner's Name Vilai Marino/The Marino Family Trust
- b) Address 317 Patrician Dr, Spanish Fort, AL
- c) Telephone Number
- d) Date 12-20-06

Vilai Marino  
Signature of Property Owner

Signature of Property Owner

AGREEMENT

**...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.

12-20-06  
Date

*Vulci Marcus*  
Signature of Property Owner

VILAI MARINO/THE MARINO FAMILY TRUST  
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N89°57'28"W, 2720.09 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N89°57'128"W, 557.88 FEET TO A POINT; THENCE RUN NO0029127"E, 212.50 FEET TO A POINT; THENCE RUN N88°13'03"W, 370.44 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PINE HILL. ROAD; THENCE RUN NORTHWESTWARDLY ALONG SAID LINE, AND ALONG A CURVE TO THE LEFT (CURVE HAVING A RADIUS OF 992.95, AND A DELTA ANGLE OF 8°49'49"), AN ARC LENGTH OF 153.03 FEET (CHORD BEARS N14°36'38"W, 152.88 FEET) TO THE P.T. THEREOF; THENCE RUN NO0029'27"E, 64.71 FEET TO A POINT; THENCE RUN S89°38'50"E, 338.42 FEET TO A POINT; THENCE RUN NO0027'15"E, 203.28 FEET TO A POINT; THENCE RUN S89°12'59"E, 1187.13 FEET TO A POINT; THENCE RUN SO0029'27"W, 233.37 FEET TO A POINT; THENCE RUN N89°12'153"W, 557.38 FEET TO A POINT; THENCE RUN SO0029'27"W, 396.32 FEET TO THE POINT OF BEGINNING CONTAINING 13.41 ACRES.

Re: Laurel Springs Apartments

Parcel	Name	Address	City	State	Zip Code
43-03-71-0-006-014.001	Baldwin Co Dept of Mental Health	City Hall	Daphne	AL	36526
43-03-05-0-008-004.001	Baldwin Co Dept of Mental Health	City Hall	Daphne	AL	36526
43-03-05-0-008-005.000	Rudolph & Fannie Marino	P.O. Box 278	Daphne	AL	36526
43-03-71-0-006-015.000	Rudolph & Fannie Marino	P.O. Box 278	Daphne	AL	36526
43-03-71-0-006-019.000	Barbara Cole	7523 Moore Lane	Daphne	AL	36526
43-03-71-0-006-020.000	Jacob & Sanders Nashville	7575 Moore Lane	Daphne	AL	36526
43-03-71-0-006-020.001	Alton & Joyce Cole	7523 Moore Lane	Daphne	AL	36526
43-03-71-0-006-015.003	Robert Marino	P.O. Box 278	Daphne	AL	36526
43-03-71-0-006-011.000	Gary Soloman, Eulean Knight etal	7001 Lee Circle W	Irvington	AL	36544
43-03-05-0-008-013.000	Gary Soloman	7375 Pinehill Road	Daphne	AL	36526
43-03-71-0-006-013.002	Gary Soloman	7375 Pinehill Road	Daphne	AL	36526
43-03-71-0-006-013.003	Dennis Dubose, Eulean Knight etal	7411 Pinehill Road	Daphne	AL	36526
43-03-71-0-006-013.004	Dennis Dubose	7411 Pinehill Road	Daphne	AL	36526
43-03-05-0-008-003.009	Helen L. Butler	P.O. Box 2184	Daphne	AL	36526
43-03-05-0-008-003.010	Ida Catherine & Teodulo Lorente	415 Phesant Run	Rome	GA	30161
43-03-05-0-008-016.001	Winifred Ellis Johnson	11260 Fernly Street	New Orleans	LA	70128
43-03-05-0-008-016.002	Winifred Johnson	27198 Boaz Road W	Loxley	AL	36551

December 19, 2006

City of Daphne  
1705 Main Street  
PO Box 400  
Daphne, AL 36526

This letter shall authorize Gateway Construction Corporation to apply for zoning and other necessary approvals on my behalf in relation to the following property which I own:

13 +/- acres on Pine Hill Road.

Tax parcels included:

43-03-71-0-006-014.000 Book 0000 Page 0580459

43-03-71-0-006-015.001 Book 0051 Page 0000459

43-03-71-0-006-015.002 Book 0051 Page 0000459

43-03-05-0-008-004.000 Book 0000 Page 0580459

Thank you.

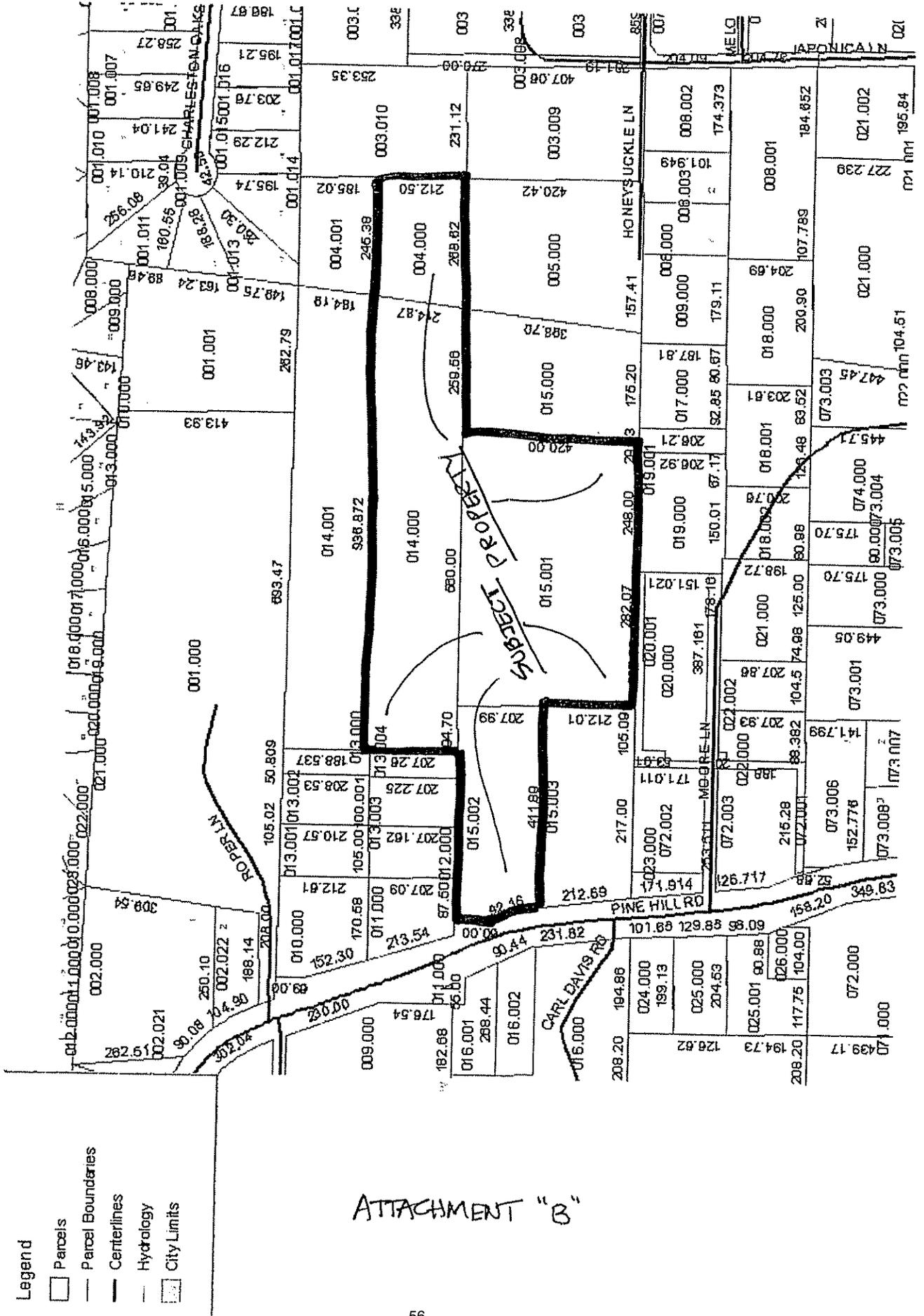
Sincerely,



Vilai Marino

PO Box 1125  
Daphne, AL 36526

# Baldwin County



ATTACHMENT "B"

**ORDINANCE NO. 2007 -**

**Ordinance to Rezone Property Located on Pinehill Drive (13.41 Acres)  
The Marino Family Trust**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Multi-Family Residential District, to said property is located on Pinehill Drive, Alabama, being more particularly described as follows:

**Legal Description:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N89°05'28"W, 2720.09 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N89°05'128"W, 557.88 FEET TO A POINT; THENCE RUN NO°029'127"E, 212.50 FEET TO A POINT; THENCE RUN N88°0'13'03"W, 370.44 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PINE HILL ROAD; THENCE RUN NORTHWESTWARDLY ALONG SAID LINE, AND ALONG A CURVE TO THE LEFT (CURVE HAVING A RADIUS OF 992.95, AND A DELTA ANGLE OF 8°49'49"), AN ARC LENGTH OF 153.03 FEET (CHORD BEARS N14°036'38"W, 152.88 FEET) TO THE P.T. THEREOF; THENCE RUN NO°029'27"E, 64.71 FEET TO A POINT; THENCE RUN S89°038'50"E, 338.42 FEET TO A POINT; THENCE RUN NO°027'15"E, 203.28 FEET TO A POINT; THENCE RUN S89°012'59"E, 1187.13 FEET TO A POINT; THENCE RUN SO°029'27"W, 233.37 FEET TO A POINT; THENCE RUN N89°012'153"W, 557.38 FEET TO A POINT; THENCE RUN SO°029'27"W, 396.32 FEET TO THE POINT OF BEGINNING CONTAINING 13.41 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on January 25, 2007 has considered said request and set forth a 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 Monday, March 5, 2005 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-3, High Density Single Family Residential District, to R-4, High Density Multi-Family Residential 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 of \_\_\_\_\_, 2007.**

\_\_\_\_\_  
**Greg Burnam, Council President**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
City Clerk, MMC

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Amendment to the Eastern Shore  
Park Overlay District  
Date: January 10, 2007

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, December 28, 2006, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

A presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting that the parcels owned by Malbis Plantation, Inc. , (101 acres) annexed along U. S. Highway 90 at County Road 13 be included in the above captioned district. One of these parcels is the proposed location of the Medical Office and Cancer Center of Malbis.

Upon receipt of said documentation, please prepare a ordinance and place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: file  
attachment



# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

Telephone: (251) 626-2626  
Fax: (251) 626-6934

December 4, 2006

Mr. William H. Eady, Sr., Director  
Community Development  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

RE: Malbis Plantation, Inc.  
(AKA Easlan, MD Anderson)

Dear Mr. Eady:

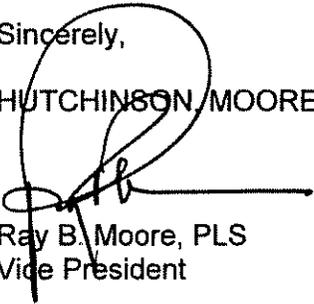
As you recall as agents for Malbis Plantation, Inc., we requested annexation and received that along with a Zoning of B-2 General Business (see attached letter) for this property along Highway 90 at Highway 13.

At this time and on behalf of the property owners, Malbis Plantation, Inc. respectfully requests that they be included in the Eastern Shore Park Overlay District. We are contiguous to the property now known as Renaissance Center which is in the Overlay District. Please place this request on the next available Planning Commission Meeting, so our client can take advantage of the provision.

If you have any questions, please call me at 251-626-2626.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



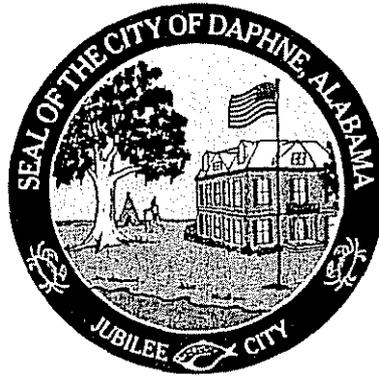
Ray B. Moore, PLS  
Vice President

/djh

cc: Malbis Plantation, Inc.  
Easlan Capital

M1119/2727/06 847

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
WILLIAM H. EADY, SR.  
DIRECTOR OF COMMUNITY DEVELOPMENT



2006-10-20  
COUNCIL MEMBERS

BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
GREG W. BURNAM  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
REGINA LANDRY  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

October 24, 2006

To Whom It May Concern:

RE: Zoning Verification

As shown by attached Ordinance No. 2006-71, City of Daphne, AL, the property known as Malbis Plantation, Inc., containing one hundred and one point seventy two acres (101.72) located on the north side of Highway 90, south of Interstate 10, east of County Road 13, and west of State Highway 181 was annexed into the City limits of Daphne, Alabama at a regularly scheduled City Council meeting on September 19, 2006.

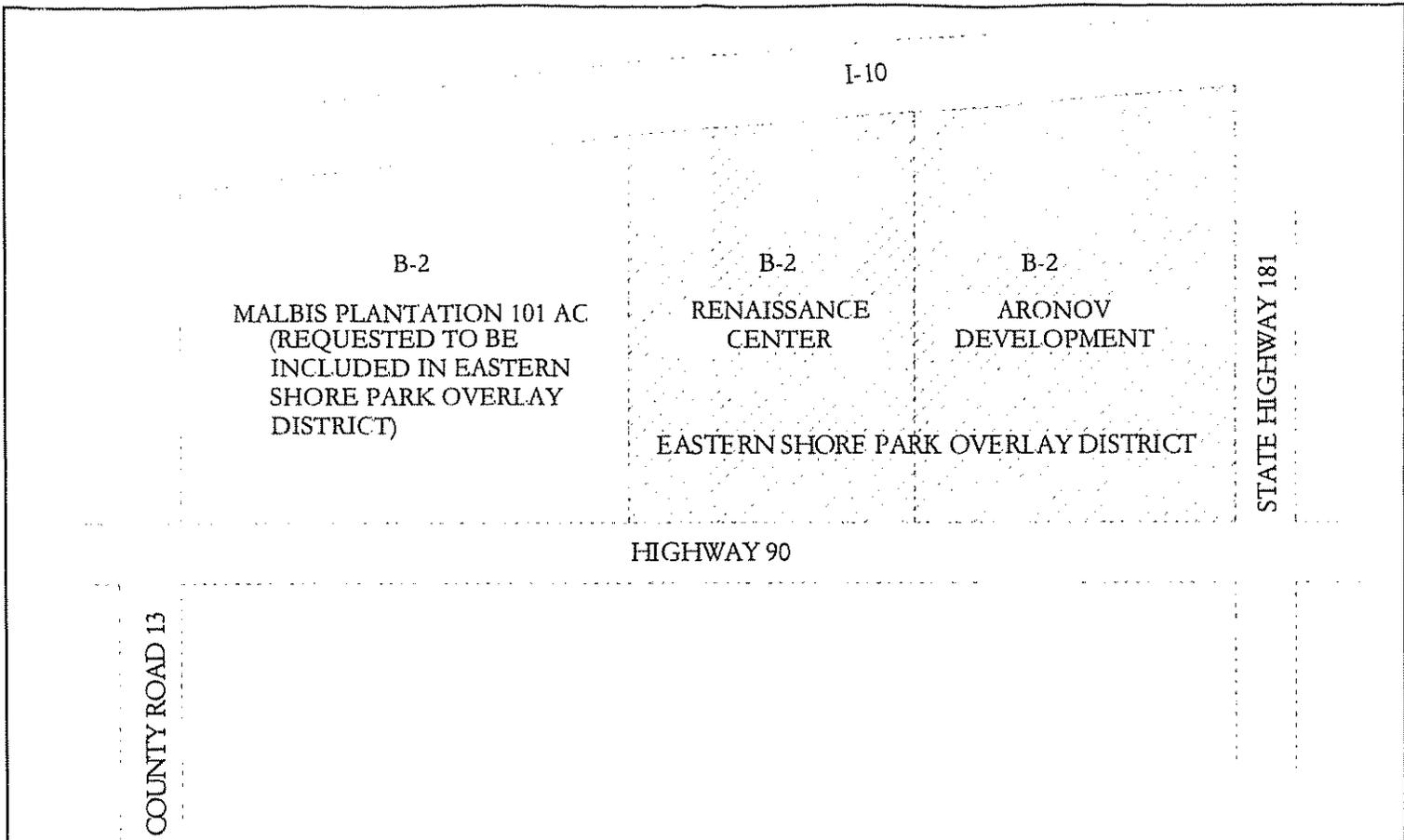
As stated by the Ordinance the property is zoned B-2 General Business.

Also, attached is a map (Crosshatched) showing the location of the property as well as the description of a B-2 General Business District.

If we may be of further service, please advise.

Sincerely,

William H. Eady, Sr., Director  
Community Development



		 <b>HUTCHINSON, MOORE &amp; RAUCH, LLC</b> <small>2035 MAIN STREET          DAPHNE, ALABAMA          36526</small> <small>ENGINEERS &amp; SURVEYORS          LAND PLANNERS</small>	<small>TEL: (251) 626-2626          FAX: (251) 626-6334          dmr@hmr-rauch.com</small>		EASTERN SHORE PARK OVERLAY DISTRICT						
			MALBIS								
DATE	BY	SCALE	PROJECT NO.	DATE	BY	SCALE	PROJECT NO.	DATE	BY	SCALE	PROJECT NO.

**CITY OF DAPHNE**

**ORDINANCE NO. 2007 - \_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE XXXVII OF THE LAND USE AND DEVELOPMENT ORDINANCE OF THE CITY OF DAPHNE BY THE CREATION OF SECTION 37-1(a) TO INCREASE THE BOUNDARIES OF THE EASTERN SHORE PARK OVERLAY DISTRICT**

---

**WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the health, safety and welfare of the citizens to amend Article XXXVII of the Land Use and Development Ordinance of the City of Daphne to expand the boundaries of the Eastern Shore Park Overlay District,**

**NOW, THEREFORE, be it ordained by the City Council of the City of Daphne, Alabama, as follows:**

**Section 1:** That there is created Section 37-1(a) of Article XXXVII of the Land Use and Development Ordinance entitled Additional Real Property To Be Included In The Eastern Shore Park Overlay District

**Section 37-1 (a): ADDITIONAL REAL PROPERTY TO BE INCLUDED IN THE EASTERN SHORE PARK OVERLAY DISTRICT**

The following described parcel, known as the Malbis Plantation property, shall be included in the Eastern Shore Park Overlay District by virtue of this Ordinance and Exhibit "A" of Article XXXVII of the Land Use and Development Ordinance of the City of Daphne shall hereby be amended by the addition of said property, as described below.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°45'37" EAST, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°45'37. EAST, LEAVING SAID NORTH RIGHT-OF- WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN NORTH

81°21'57" EAST ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN SOUTH 00°54'09" WEST, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN SOUTH 89°02'25" WEST ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

This property shall become part of the Eastern Shore Overlay District and shall be subject to all of the District Regulations without further action by the City or the owner/developer.

**Section 2: Severability Clause:** If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

**Section 3: Effective Date:** This Ordinance shall take effect upon its adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

\_\_\_\_\_  
**GREG BURNAM**  
**Council President**

\_\_\_\_\_  
Date and time signed:

---

**FRED SMALL**  
Mayor

---

Date and time signed:

**ATTEST:**

---

**DAVID COHEN**  
City Clerk, MMC



To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Revisions to the Zoning and  
Street Maps  
Date: January 26, 2007

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 25, 2007, nine members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The ordinance for the zoning map shall be provided by the City Attorney. Upon receipt of said documentation, set a public hearing, and place on the appropriate agenda for action by the City Council.

The resolution for the street map shall be provided by the City Attorney. We are requesting placement on the next agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: file  
Ross & Jordan, Attn: Jay Ross and Missty Gray

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2007-\_\_\_\_\_**

---

**Zoning District Map  
Revision to Appendix H of the City of Daphne  
Land Use and Development Ordinance**

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 25, 2007, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24 and Ordinance No. 2006-73; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24 and Ordinance No. 2006-73; and

**WHEREAS**, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on \_\_\_\_\_; and

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:**

**SECTION I: ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit A of the City of Daphne Land Use and Development Ordinance, as setforth in Ordinance No. 2002-22 and its amendments.

**SECTION II: REPEALER**

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24 and 2006-73 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE \_\_\_\_\_ DAY OF FEBRUARY, 2007.**

\_\_\_\_\_  
**GREG BURNAM,**  
**COUNCIL PRESIDENT**  
Date and Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL,**  
**MAYOR**  
Date and Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**DAVID COHEN,**  
**CITY CLERK, MMC**

**City of Daphne Recreation Board Minutes**  
**1705 Main Street**  
**Daphne, AL**  
**January 9, 2007**  
**6:00 p.m.**

**Members Present:** Chairman Ed Nelson, Erick Smith, Kit Smith, Matt Cunningham, Rick Cleveland and John Peterson

**Members Absent:** James Foster

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

**Others Present:** Scott Hutchinson from HMR Engineering, Brandon Adams, Mayor Fred Small, and Linda Tipp

**1. Call to Order**

The meeting was called to order by Chairman Ed Nelson at 6:09 p.m.

**2. Review and Approval of Minutes**

The Board reviewed the minutes from December 20, 2006. Mr. Erick Smith made a motion to approve the minutes; Mr. Kit Smith seconded the motion and the motion carried.

**3. Business**

**A. Status of Dog Park.**

The Board reviewed the cost estimates and location site for the Dog Park at Trione Sports Complex. Discussion was held to clarify the location and size of the site, water accessibility, Dog Park rules, hours of operation, and patron accessibility. After review and discussion, a motion was made by Mr. John Peterson to forward to the Finance Committee a recommendation for appropriation of funds for the Dog Park. Mr. Erick Smith seconded the motion. Motion carried.

**B. Mater Plan-New Recreation Complex**

1. Joe Warrington and Patrick Collins Presentation rescheduled for February 10 meeting.
2. Brandon Adams and Scott Hutchison presented several designs that reflect the most appropriate locations for facilities and growth potential at the new site, the Trione Complex and Lott Park. Ideas and concerns were expressed concerning each design by the Board members. As a result, a motion was made by Kit Smith to have Mayor Small talk with Mr. Frank Trione, Baldwin County Board of Education member, and write a letter to the Baldwin County School Board Superintendent concerning the use of the

property south of the Trione Complex. The motion was seconded by Mr. Erick Smith and approved by all members.

A Special Committee was initiated for a more in depth review of the options presented by Mr. Adams and Mr. Hutchison. This committee will report back to the Board with their assessment of the options and make recommendations to the Board. Committee members include Mr. Ed Nelson, Mr. Kit Smith, Mr. Matt Cunningham, Mr. Erick Smith, Mr. David McKelroy and Mr. Scott Hutchison.

**Comments from Recreation Director**

Mr. David McKelroy distributed copies of the Recreation Department Calendar to apprise the members of the type and scope of the activities scheduled in January.

He also advised the members that all High School Soccer games will be played at the Trione Sports Complex.

**Comments from Board Members**

Mr. Ed Nelson asked for a report from the Recreation Department Director that gives a description of the various programs and activities offered by the department, along with respective the participation levels. This includes the Senior Center programs as well as the fitness center. Mr. David McKelroy will furnish this report at the next Board meeting.

**6. Adjourn**

The meeting adjourned at 8:00 p.m.

**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:**

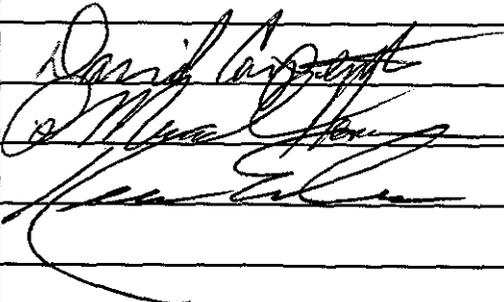
**UTILITY BOARD REPORT:**

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**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>Loyal Order of the Fire Truck</i>
<b>CONTACT PERSON:</b>	<i>Ken Eslava</i>
<b>ADDRESS:</b>	<i>P. O. Box 400 Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:</b>	<i>626-3182</i>
<b>TYPE OF PARADE:</b>	<i>Mardi Gras Parade</i>
<b>DATE OF PARADE:</b>	<i>March 3, 2007 Saturday</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>"See attached"</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>50 vehicles / 200 people</i>
<b>START TIME:</b>	<i>1:59 p.m.</i>
<b>STOP TIME:</b>	<i>3:00 p.m.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>May Day Park</i>
<b>ASSEMBLY TIME:</b>	<i>12:00 Noon</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>1/19/07</i>
<b>NOTIFICATION:</b>	

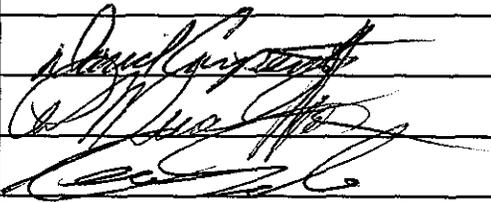
**LOYAL ORDER OF FIRE TRUCK**

**PARADE ROUTE**

**FEBRUARY 26, 2006**

Begin at Mayday Park then,  
Proceed South on Captain O'Neal to Maxwell Avenue then,  
Proceed East on Maxwell Avenue to Main Street then,  
Proceed North on Main Street to Santa Rosa Avenue the,  
Proceed West on Santa Rosa Avenue to Old County Road then,  
Proceed South on Old County Road towards College Avenue for disbanding

# CITY OF DAPHNE PARADE PERMIT

<b>ORGANIZATION:</b>	<i>S.E.E.D.S.</i>
<b>CONTACT PERSON:</b>	<i>Denise D'Oliveira</i>
<b>ADDRESS:</b>	<i>P. O. Box 460 Daphne, AL 36526</i>
<b>PHONE NUMBER (HOME):</b> <b>PHONE NUMBER (BUSINESS):</b> <b>CELL NUMBER:</b>	<i>626-9966 626-7333      Cell# 605-8777</i>
<b>TYPE OF PARADE:</b>	<i>5K &amp; Fun Run</i>
<b>DATE OF PARADE:</b>	<i>March 3, 2007    Saturday</i>
<b>ROUTE TO BE TRAVELED:</b>	<i>"See attached maps"</i>
<b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>	<i>800 total for both events</i>
<b>START TIME:</b>	<i>5K - 8:00 A.M. Fun Run 9:00 A.M.</i>
<b>STOP TIME:</b>	<i>5K - 9:00 A.M. Fun Run - 9:30 A.M.</i>
<b>ASSEMBLY AREA/STREET:</b>	<i>5K - Civic Center - Recreation Complex Fun Run - In front of City Hall</i>
<b>ASSEMBLY TIME:</b>	<i>5K - 7:15 A.M. Fun Run - 8:30 A.M.</i>
<b>APPROVAL</b>	
<b>POLICE: Chief David Carpenter:</b>	
<b>FIRE: Chief Mund Hanson</b>	
<b>PUBLIC WORKS: Ken Eslava</b>	
<b>CITY COUNCIL:</b>	
<b>SPECIAL INSTRUCTIONS:</b>	
<b>DATE ROUTED:</b>	<i>January 9, 2007</i>
<b>NOTIFICATION:</b>	

Map A - SEEDS Classic  
Rock 5K

March 3, 2007

Sam

(5K (3.1 mile) race)  
Participants should be 36526  
Completely finished by  
Pam.)

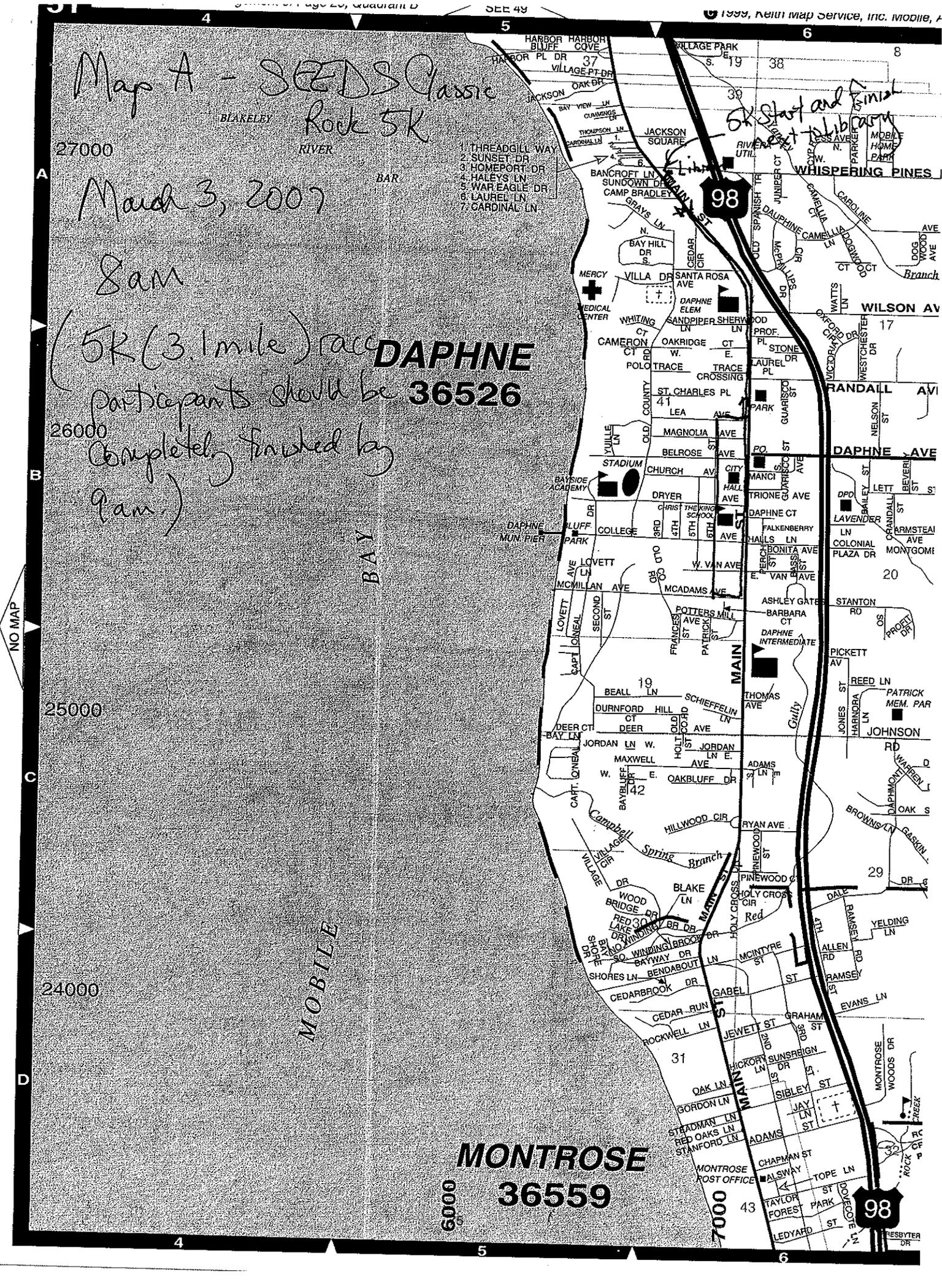
**DAPHNE**  
**36526**

**MONTROSE**  
**36559**

OK Start and finish  
at the library

1. THREADGILL WAY
2. SUNSET DR
3. HOMEPORT DR
4. HALEYS LN
5. WAR EAGLE DR
6. LAUREL LN
7. CARDINAL LN

NO MAP



27000

26000

25000

24000

6000

7000

4

5

6

98

98

Map B

SEED

Classic Rod Fun Run

March 3 2007

9am  
Don't be  
Completely  
Missed by  
9:25-9:30

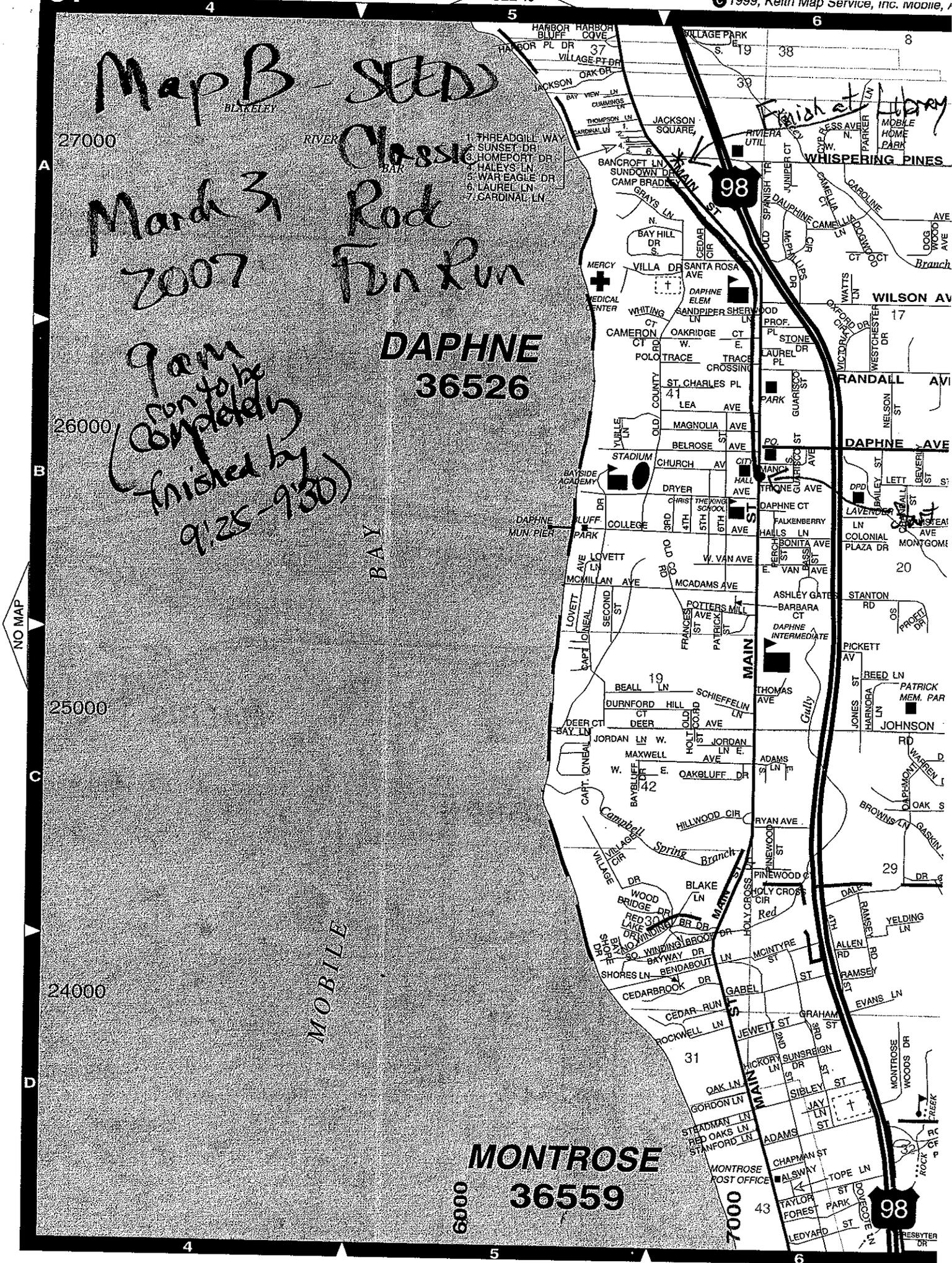
DAPHNE  
36526

MONTROSE  
36559

Whispering Pines  
MOBILE HOME PARK

MOBILE

NO MAP



2006-5  
case no.

ABC LICENSE ROUTING

(initials)

DATE RECEIVED BY REVENUE DIV. 12/28/06 Wng

DATE FORWARDED TO POLICE DEPT. 12/28/06 Wng

DATE RECEIVED BY POLICE DEPT. 12/29/06 Wng

DATE: APPROVED  DISAPPROVED

POLICE DEPT. SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 2/1/07 Wng

DATE FORWARDED TO CITY CLERK 2/1/07 Wng

DATE RECEIVED BY CITY CLERK 2/1/07 RH

SCHEDULED DATE ON AGENDA February 5, 2007

Council Action :  APPROVED  DISAPPROVED  TABL

COMMENTS- \_\_\_\_\_

Rescheduled for Council Agenda Date \_\_\_\_\_

Council Action :  APPROVED  DISAPPROVED  TABL

COMMENTS- \_\_\_\_\_

DATE RETURNED TO REVENUE DIV. \_\_\_\_\_

DATE RETURNED TO TAXPAYER OR TO ABC FIELD OFFICE \_\_\_\_\_ (per taxpayer request)

Date Refused By:	<b>TYPE APPLICATION</b>	Date Approved By:
<b>070 - Retail Table Wine - (Off Premises Only)</b>		

Name of Applicant (s) MJ Enterprises LLC  
 Circle One:    Ind    Part    Assoc    Corp    LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Mark M Sutherland	AL 7868270 President	3-13-1965 Scotland	126 Patricia Dr Spanish Fort AL 36527	1 year

Corporate Information:    Corp 00264 Page 0544    Date 6-1-2006    County Montgomery  
(Enter book and page or document info.)    (Incorporation or Authority)

Trade Name Veterans Pointe  
 Location 2504 Hwy 98 Daphne AL 36526    County Baldwin

Mailing Address P O Box 1 Montrose AL 36559  
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information     Transferee

Licensee Name Phyllis L. Demetropoulos    Type 050/070    Year 2005-2006

Trade Name Veterans Pointe    License Number 0435/ 0081

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding?     Loan     Inheritance     Individual(s)     Business     Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N

(If Yes, explain in Investigation Section)    Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 20, and all laws of the State of Alabama relative to the handling of alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA    Signed [Signature]  
 COUNTY OF Baldwin    Title President    Date 12/28/2006

The undersigned Mark M Sutherland  
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 28th day of December, 2006

[Signature]    Signature of Notary Public  
 Notary Public - State at Large My commission expires

[Signature]    Signature of Affiant  
 Business Phone (251) 458-4626    Home Phone (251) 626-8006

(For Central Office Use Only)    License No.    Date of Issue    Amount of fees    Total

**GENERAL APPLICATION INFORMATION**

Contact Person: Mark M Sutherland

Phone Numbers: Home: (251) 626-8066 Business: (251) 458-4626

Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: \_\_\_\_\_

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen? Y  N  NA

Does the establishment have restroom facilities? Y  N

Is place of business habitually and principally used for providing food to the public? Y  N  Snacks Only  NA

Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y  N

Will this business be operated PRIMARILY as a package store? Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by Investigating ABC Agent)**

Will applicant engage in the sale of tobacco products? Y  N  If yes, type of business: 41 - Convenience Store

Number of tobacco vending machines present: 0

Neighborhood investigation waived in accordance with Application Guidelines

Building seating capacity 15 License premises includes patio area Y  N

Building Dimensions: Length 70' Width 45' Square Footage 3150 Sales and Display Square Footage 2200

License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other \_\_\_\_\_

License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits? Y  N  Police Protection: County  City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: across the street

Nearest:  School  Church  Private Residence

within 2 blocks  within 2 blocks  within 2 blocks  
 within 1/2 mile  within 1/2 mile  within 1/2 mile  
 Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this corporation has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

**TRANSFER AGREEMENT**

I, \_\_\_\_\_, This is not a License Transfer as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_

(Name) \_\_\_\_\_ (Title) \_\_\_\_\_

this location, hereby authorizes the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee	Date
Applicant	Date

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N

If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y  N

If applicant is LEASING the property, is a copy of the lease agreement attached? Y  N

A: Name of Property Owner/Lessor: Dr Berry Booth Contact #: (251) 421-3211

B: What is the LESSOR'S primary business? Dentist

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y  N  (If yes, explain on an attached sheet)

D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Signature]

Agent/ID \_\_\_\_\_ Supervisor \_\_\_\_\_

(Review includes complete application packet)

AGENT: Application taken: 12/28/2006 Application/Investigation completed:   /  /   Forwarded to D.O.:   /  /  

LOCAL GOVERNMENT: Submitted:   /  /   Received from:   /  /  

SUPERVISOR: Received in District Office:   /  /   Reviewed:   /  /   Forwarded to C.O.:   /  /

Date Refused \_\_\_\_\_ TYPE APPLICATION Date Approved \_\_\_\_\_  
 By: \_\_\_\_\_ 050 - Retail Beer - (Off Premises Only) By: \_\_\_\_\_

Name of Applicant (s) MJ Enterprises LLC  
 Circle One: Ind Part Assoc. Corp LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Mark M Sutherland	AL 7868270 President	3-13-1965 Scotland	126 Patrician Dr Spanish Fort AL 36527	1 year

Corporate Information: Corp 00264 Page 0544 Date 6-1-2006 County Montgomery  
 (Enter book and page or document info) (Incorporation or Authority)

Trade Name Veterans Pointe

Location 2504 Hwy 98 Dapline AL 36526 County Baldwin

Mailing Address P O Box 1 Montrose AL 36559  
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name Phyllis L. Demetropoulos Type 050/070 Year 2005-2006

Trade Name Veterans Pointe License Number 0435/ 0081

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5- 14 regarding financial responsibility? Y N  
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N  
 Has ANYONE, including manager or applicant had a Federal/State permit or license suspended, revoked or declined? Y N  
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N  
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? Y N  
 These premises are located in the: Corporate Limits Police Jurisdiction of Dapline, Alabama (Enter N/A if not located in either)  
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N  
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N  
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N  
 What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)  
 Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N  
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

The undersigned agree, if a license is issued as herein above applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the Board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the licensed premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him in connection with said licensed premises. The undersigned hereby understands that should he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

STATE OF ALABAMA Signed [Signature]  
 COUNTY OF Baldwin Title President Date 12/28/2006

The undersigned Mark M Sutherland  
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)  
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 28<sup>th</sup> day of December, 2006

[Signature] Signature of Notary Public  
 Notary Public State at Large My commission expires \_\_\_\_\_  
[Signature] Signature of Affiant  
 Business Phone (251) 458-4626 Home Phone (251) 626-8066

For Central Office Use Only License No. Date of Issue Amount of Fees Total

**GENERAL APPLICATION INFORMATION**

Contact Person: Mark M Sutherland

Phone Numbers: Home: (251) 626-8006 Business: (251) 458-4626

Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: \_\_\_\_\_

Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen? Y  N  NA

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Is place of business habitually and principally used for providing food to the public? Y  N  Snacks Only NA

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Will this business be operated PRIMARILY as a package store? Y  N

If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

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Will applicant engage in the sale of tobacco products? Y  N  If yes, type of business: 41 - Convenience Store

Number of tobacco vending machines present: 0

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 15 License premises includes patio area Y  N

Building Dimensions: Length 70' Width 45' Square Footage 3150 Sales and Display Square Footage 2200

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License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel

Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_

Is location within city limits? Y  N  Police Protection: County  City

Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: across the street

Nearest: School Church Private Residence

within 2 blocks  within 1/2 mile  within 2 blocks  within 1/2 mile  within 2 blocks  within 1/2 mile

Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations. If any, of each person interested in this application, including manager whether as a solo applicant, partner, officer, or member (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this corporation has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application

Signature of Applicant: [Signature]

**TRANSFER AGREEMENT**

License Type: \_\_\_\_\_ License # \_\_\_\_\_

I \_\_\_\_\_ This is not a License Transfer as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_ (Name) (Title)

This location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N

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D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Signature]

Agent/ID \_\_\_\_\_ Supervisor [Signature] (Review includes complete application packet)

AGENT: Application taken: 12/28/2006 Application/Investigation completed: /// Forwarded to D O: ///

LOCAL GOVERNMENT: Submitted: /// Received from: ///

SUPERVISOR: Received in District Office: /// Reviewed: /// Forwarded to C.O.: ///

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**CITY OF DAPHNE  
RESOLUTION NO.: 2007- 05  
CITY OF DAPHNE STREET MAP**

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 25, 2007, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

**WHEREAS**, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

**WHEREAS**, due notice of said revisions to the City of Daphne Street Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, the Mayor and City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believe it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:**

**SECTION I: ADOPTION OF MAP**

The City of Daphne Street Map as considered by the City of Daphne Planning Commission on January 25, 2007 and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

**SECTION II: REPEALER**

Resolution No. 2006-66, entitled "City of Daphne Street Map" is hereby repealed in its entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
**GREG BURNAM,**  
**COUNCIL PRESIDENT**  
Date and Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL,**  
**MAYOR**  
Date and Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**DAVID COHEN,**  
**CITY CLERK, MMC**

**CITY OF DAPHNE  
SANITARY SEWER IMPROVEMENT  
ORDINANCE NO. 2007- 05**

AN ORDINANCE TO PROVIDE FOR CERTAIN SANITARY SEWER IMPROVEMENTS IN THE US 90 AREA IN THE CITY OF DAPHNE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, Alabama, as follows:

**Section 1.** That the following described areas in the City of Daphne, Alabama, shall be improved as hereinafter provided between the respective terminal points hereinafter set forth:

- (a) US 90 – The sanitary sewer service area begins parallel to the north right of way of US 90 approximately 1,600 feet west of the west right of way line of Highway 181. From this beginning point, the sanitary sewer extends westward parallel to the US 90 north right of way approximately 1,900 linear feet with gravity sanitary sewer main and associated manholes to a lift station site. From this lift station site, a sanitary sewer pressure force main continues westward approximately 1,900 linear feet to a point near Highway 13. From this point, the sanitary sewer pressure force main is increased in size and continues westward approximately 4,850 feet to the next lift station site. From the second lift station site, which is west of Highway 13, a sanitary sewer pressure force main extends westward approximately 5,100 linear feet to a point parallel to the north right of way line of US 90. From this point, which is east of the Lake Forrest Subdivision entrance along US 90, the sanitary sewer pressure force main extends approximately 500 feet in a north direction to the right of way line of Interstate 10. A bore approximately 200 linear feet will be installed beneath Interstate 10 with an encasement and sanitary sewer pressure force main for connection to an existing ten inch diameter force main located along the north right of way of interstate 10. Also, two additional bores, each approximately 160 linear feet, with an encasement and sanitary sewer pressure force main will be constructed beneath US 90 adjacent to either side of the Highway 13 right of way.

**Section 2.** That the full details, drawings, plans, specifications and surveys of the above described work and estimates which have been prepared by Volkert & Associates, Inc., who has been duly designated and appointed Engineer for this project by the Council, have been fully considered and studied by this Council and hereby are adopted. Said details, drawings, plans, specifications, surveys and estimates shall be immediately placed on file in the administrative offices of the City of Daphne (City Hall), the Utilities Board of the City of Daphne, and in the office of the Engineer where property owners who may be affected by such improvements may see and examine the same.

**Section 3.** That the improvements hereinabove described shall be made according to the full details, drawings, plans, specifications and surveys of said work and estimates herein adopted, all under the supervision of the Engineer.

**Section 4.** That the cost of the improvements provided for herein shall be assessed against the property served and benefited thereby, the parcel of said property having been designated in the foregoing Section 1 hereof; provided that no assessment shall exceed the cost of the improvements or the increased value of such property by reason of the special benefits derived from such improvements. The payment of the assessment shall become effective at the time the resolution to fix the assessment is passed by the City Council.

**Section 5.** That the City Council shall meet on the 5<sup>th</sup> day of March 2007, at 6:30 o'clock P.M. at the City Hall in the City of Daphne to hear any objections, remonstrances or protests that may be made against said improvements, the manner of making the same or the character of materials to be used.

**Section 6.** This ordinance shall be published once a week for two consecutive weeks in the *Bulletin*, a newspaper published and of general circulation in the City of Daphne, the date of the first publication to be not less than two weeks before the 5<sup>th</sup> day of March, 2007.

**Section 7.** A copy of this ordinance shall be sent by registered or certified mail, postage prepaid, to the persons last assessed for City taxation the property which may be assessed for said improvements, at their last know addresses, said notices to be so mailed by the City Clerk not less than ten days prior to the 5<sup>th</sup> day of March, 2007.

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Dated & Time Signed: \_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
**DAVID L. COHEN,**  
**CITY CLERK, MMC**