

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 6, 2008
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL/INVOCATION
PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting minutes meeting held January 22, 2008
Work Session Minutes meeting held January 17, 2008
Amended Minutes meeting held January 22, 2008 / **NO ACTION**

PROCLAMATION: Arbor Day Proclamation

PUBLIC HEARING: Annexation: Luther Jr. and Sharon Milstead / Property located
on Pollard Rd. / Requested Zoning: R-4, High Density
Multi-Family Residential District

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

a.) Police Stats for December

b.) Fire Stats for December

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Nager

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes meeting held December 28th

Review Beautification minutes meeting held January 4th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

B. Downtown Redevelopment Authority – Barnette

Review minutes meeting held January 14th

C. Industrial Development Board – Yelding

Review minutes meeting held January 17th

D. Library Board - Lake

Review minutes meeting held January 3rd

E. Planning Commission – Barnette

Review minutes meeting held January 24th

Set a Public Hearing for **March 17, 2008** to consider an Ordinance Revising the Zoning Map

F. Recreation Board - Palumbo

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayors Report

a.) Parade Permit / Daphne United Methodist Church / Annual 5K & Fun Run / March 22, 2008

B. City Attorney's Report

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Revision to Street Map...../Resolution 2008-02
- b.) Appropriation of Funds: \$50,000 Match for
Alabama Performing Arts Grant for Nicholson Center/Resolution 2008-03

ORDINANCES:

2ND READ

- a.) Daphne Museum Appropriation...../Ordinance 2008-12
- b.) Prohibiting Smoking Within the City of Daphne...../Ordinance 2008-13
- c.) FY 2008 Capital and Personnel Appropriations...../Ordinance 2008-14

1ST READ

- d.) Amend Certain Personnel Policies and Procedures Related
to Vacation Accrual...../Ordinance 2008-10
- e.) Amend Certain Personnel Polices and Procedures Related
to Compensatory Time...../Ordinance 2008-11
- f.) Annexation: Luther Jr. and Sharon Milstead /
Property located on Pollard Rd. / Requested Zoning
R-4, High Density Multi-Family Residential District...../Ordinance 2008-15
- g.) Establish the Salary of the City Council Members...../Ordinance 2008-16
- h.) Establish Salary of the Mayor / \$85,000 Per Year...../Ordinance 2008-17
- i.) Establish Salary of the Mayor / \$37,500 Per Year...../Ordinance 2008-18

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__ _

COUNCILMAN NAGER

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 22, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:35 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Willie Robison gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake arrived at 6:42 p.m.; Greg Burnam; Ron Scott; August Palumbo.

ABSENT: Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, Bill Eady, Planning Department Director; Kim Briley, Finance Director; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Melvin McCarley, Interim Public Works Director; Adrienne Jones, City Planner; Jane Robbins, Mayor's Assistant; Ed Kirby, Code Enforcement Officer; Joey Holasz, Fire Department; Mary Jensen, Senior Center; Mr. Ron Allen, Library Board; Scott Hutchinson, City Engineer; Judge Jody Bishop; Starke Irvine, DRA; Willie Robison, BZA; Starke Irvine, DRA; Ceann Wachter; DRA; Kit Smith DRA & Recreation Board; Bob Segalla, Utility Board; Ed Nelson, Recreation Board; Mickey Boykin, Daphne Museum

Absent: Sharon Cureton, Human Resource Director; Richard Merchant, Building Official;

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to approve the Council meeting minutes meeting held January 7, 2008 as amended regarding the vote on the ABC License for Bayside Academy: She did not second the motion Councilman Scott did, and Councilwoman Barnette abstained.
Seconded by Councilman Scott.

AYE Barnette, Scott, Nager, Palumbo, Burnam NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to approve the Work Session minutes meeting held January 7, 2008. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam NAY NONE OPPOSED

MOTION CARRIED

JANUARY 22, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
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2

PROCLAMATION: Certificate of Congratulations to Daphne High School

Mayor Small presented the certificate of congratulations to Principal Blanchard for Daphne High School being accepted into the International Baccalaureate Program. Mayor Small thanked Denise D'Oliviera and Ruth Sewall for spearheading the program for Daphne.

PRESENTATION: Safety Award / Jane Robbins

Mayor Small drew a name from all the eligible employees for the safety grand prize, a \$500 travel voucher. The winner was Kenny Hanak with the Fire Department.

NOTE: Councilman Lake arrived at 6:42 p.m.

PRESENTATION: Retirement Plaque for Ms. Anna Williams / Recreation Department

David McKelroy, Recreation Director, and Mayor Small presented Ms. Williams with the retirement plaque for her 22 years of service at the Sail service at the Senior Center.

PUBLIC HEARINGS: No Smoking Ordinance

Council President Burnam opened the Public Hearing at 6:51 p.m.

Mr. Dan Rounds – 1028 County Road 64 – spoke against the proposed ordinance. (His comments are spread upon these minutes.)

Mr. Mark Nager – 1028 County Road 64 – spoke against the proposed ordinance. (His comments are spread upon these minutes.)

Mrs. Mickey Boykin – Beall Lane – spoke against the proposed ordinance.

Mr. Henry Lawson – Lake Forest - spoke in favor of the proposed ordinance.

Mr. Brian Lazzari – 1125 County Road 64 - spoke in favor of the proposed ordinance.

Mr. Drew Burroughs – Daphne High School – spoke in favor of the proposed ordinance. (Mr. Burroughs comments are spread upon these minutes.)

Mrs. Tina Findley – Health Department – spoke in favor of the proposed ordinance.

Mr. George Morris – Park City – spoke against the proposed ordinance.

Mr. Bob Segalla – Creekside Subdivision – stated that Council should know how they were going to enforce the ordinance before adopting it.

Mr. Brian Lazzari – 1125 County Road 64 – spoke further on his support of the proposed ordinance.

Council President Burnam closed the Public Hearing at 7:13 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The minutes for the January 14th meeting are in the packet.

MOTION BY Councilman Scott to approve the renewal of the Property and Liability Insurance in the amount of \$349,165. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to authorize the Mayor to enter into a contract not to exceed \$50,000 with Max Reed of the ROC Group for a Public Awareness Campaign for the Library to be paid with the \$1,000,000 allocated for the Library in the 2006 Construction Fund. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to accept the Treasurers Report ending December 31, 2007 with a balance of \$21,853,600.10. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales Tax Collections

Collections were \$12,000 under budget. The actual collection for 2007 was \$918,000 verses \$915,000 for 2008, \$3,000 less was collected this year than last year.

Lodging Tax

\$42,599.84 was collected in November, which was a small increase over last year, and year-to-date \$88,960 which is a little lower than what was budgeted.

Councilman Scott stated that there are approximately \$400,000 of budgeted funds that have been pledged by ordinance for the acquisition and improvement for beach front properties, and they will discuss at length at a work session what they will do with those dollars. He stated that there are certainly needs for those dollars.

The next meeting will be February 11th at 4:00 p.m. in the Council Chambers.

**JANUARY 22, 2008
CITY COUNCIL MEETING
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4

Establishing Salary for Council Members

Councilman Lake asked that the payments be spread out in 26 payments instead of 24.

Council discussed the Mayor and Council salaries have not been raised for 12 years. They discussed variables regarding setting the salaries. The majority of Council did not feel that they should be entitled to insurance benefits since they were part-time, and part-time city employees do not get insurance benefits.

Mrs. Briley stated that the city's Blue Cross / Blue Shield excludes elected officials.

Council agreed to setting the Council members salaries at 80% of what was recommended by the committee.

MOTION BY Councilman Palumbo to set the Council member salaries as listed below:

Council President	\$16,000 per year
Council Vice President	\$13,200 per year
Council Member	\$12,000 per year

Seconded by Councilwoman Barnette.

Councilman Palumbo amended the motion to include cell phones for Council Members, and to exclude insurance benefits for Council Members.

Councilwoman Barnette seconded the amendment.

VOTE ON AMENDMENT

ROLL CALL VOTE

Barnette	Aye	Palumbo	Aye
Lake	Aye	Burnam	Nay
Scott	Nay		
Nager	Nay		

AYE Barnette, Lake, Palumbo

NAY Scott, Nager, Burnam

MOTION FAILS

VOTE ON ORIGINAL MOTION

AYE Barnette, Lake, Scott, Palumbo, Burnam

NAY Nager

MOTION CARRIED

Establish Salary of Mayor

MOTION BY Councilwoman Barnette to set the salary of the Mayor of the City of Daphne at \$85,000 annually with \$6,000 for vehicle allowance, medical insurance cell phone. Seconded by Councilman Lake.

Councilman Nager stated for the public record he addressed a question to the City Attorney and City Clerk regarding the timing of and even the possibility of going to a part-time Mayor, he asked did they not determine at the work session, for practical purposes that they did not have time to do this in this term?

Mr. Ross stated that the cleanest way to make the decision, one way or the other, on or before the 26th of February is by the six (6) month rule. After research and some discussion with the Alabama League of Municipalities today it is not abundantly clear that you couldn't set the salary of the Mayor as intended to be full time at whatever the Council's wisdom, and part-time at the lesser amount, and then later decide whether or not to employ a city administrator to assist the Mayor the way the Mayor decides. Because it is not very clear, and if the Council elects to have that option, he would ask the Council to consider writing the Attorney General for an opinion tomorrow, and hope that they would respond before the second meeting in February, because other than that you get into somewhat uncharted ground, and you don't want to have a problem after the fact. He said it could be you could do it both ways, but he would like to try to get some guidance from the Attorney General. He said for Mr. Nager's benefit for the city to ask for an opinion from the Attorney General will require action by Council to formalize it. In essence, it is not 100% clear.

Councilwoman Barnette asked if it would be appropriate for her to make a motion for Mr. Jay Ross to request an Attorney General's Opinion on how the city may or may not proceed with a referendum vote for establishing the process of a part-time Mayor.

Mr. Ross stated that it is clear that if you want a referendum, the referendum is not binding, it would be advisory to the Council, and he thinks that if the Council elected to do that, that that decision referendum, however, the Council gets to it, should and needs to be made before the qualifying time arrives for that position, so that whoever wants to do it will know what the salary will be. He said that he can write letter tomorrow and get it out, and with luck they might give an opinion before the second Council meeting.

MOTION BY Councilman Palumbo to amend the motion to set the salary of the Mayor at \$75,000 with \$6,000 vehicle allowance. Seconded by Councilman Scott.

VOTE ON THE AMENDED MOTION

ROLL CALL VOTE

Barnette	Nay	Scott	Aye	Palumbo	Aye
Lake	Aye	Nager	Nay	Burnam	Nay
AYE Lake, Scott, Palumbo			NAY Barnette, Nager, Burnam		

MOTION FAILED

VOTE ON ORIGINAL MOTION

Barnette	Aye	Scott	Nay	Palumbo	Nay
Lake	Aye	Nager	Aye	Burnam	Aye
AYE Barnette, Lake, Nager, Burnam			NAY Scott, Palumbo		

MOTION CARRIED

Council President Burnam suggested having both ordinances prepared and on the agenda as a first read on the first meeting in February.

MOTION BY Councilman Nager to have an ordinance prepared setting the Mayor's salary at \$37,500 including \$6,000 for vehicle allowance, medical insurance and cell phone as presented by the Salary Committee. *Seconded by Councilwoman Barnette.*

Councilman Scott stated that in the municipal handbook it states that Council cannot set the hours of the Mayor. He said they are calling him full-time and part-time, but no matter what you pay him Council cannot deem his hours, and you also cannot restrict him from having another job.

Council discussed the motion. Councilman Palumbo stated that this ordinance, if adopted, would be declaring the Mayor's position as part-time, and that is not right to the voters. Daphne has a full-time Mayor by the vote of the people, and it is the vote of the people that should change it. He said if they set the salary at part-time they are circumventing their right to vote on it.

Councilwoman Barnette stated that that is the purpose of the legal opinion. Absolutely, everyone one of them has sat in this chair and said that it should be a vote by the people, however, the Department of Justice requires that all the salaries be set six (6) months prior to the election, so they must have that piece of information and that salary set if the people were to decide on a part-time Mayor and a full time administrator. She said that all she sees them doing is having that option, to not pay the Mayor a full-time type salary doing the job that they would be hiring an administrator to do. She said yes the Mayor would have the ability to turn back their salary, and that type of stuff. She sees it being much cleaner by having two options, it has to go to a vote to the people, and she thinks the people have to decide, it was changed by referendum and it needs to be determined by referendum, but what they do not know is whether or not the time frame fits, but all they are doing is putting their pieces of the puzzle together, and if the legal comes back and says yes you can hold a referendum vote or no you cannot, then one of them becomes a moot point or they move forward with attempting to schedule a vote. She said that they can decide that as they move forward. Councilwoman Barnette stated that they cannot decide salary later on.

Councilman Palumbo stated that then the motion should read in the event that a referendum is passed by the citizens of Daphne to place a part-time Mayor the salary will be ____.

Councilman Palumbo asked that the motion be amended to read like that.

Councilwoman Barnette stated that she would support that amendment.

Council President Burnam restated the motion as: to set the Mayor's salary at \$37, 500, and Councilman Palumbo suggested that that motion be amended if possible to read: In the event that a referendum is held and a city administrator/part-time Mayor position, then the Mayor's salary would be \$37,500.

MOTION BY Councilman Palumbo to amend the motion to read: To have an ordinance prepared to reflect that in the event that a referendum is held to change the Mayor's position to a part-time position, as well as, hire a City Administrator then the Mayor's salary would become \$37,500.

Councilman Nager accepted the amendment. Councilwoman Barnette also accepted the amendment.

Councilwoman Barnette stated that there are stipulations in the ordinance that also does say \$6,000 vehicle allowance and health care and cell phone.

Councilman Palumbo accepted this inclusion to the amended motion.

VOTE ON THE AMENDED MOTION

ROLL CALL VOTE

Barnette	Aye	Scott	Nay	Palumbo	Aye
Lake	Aye	Nager	Aye	Burnam	Aye
AYE Barnette, Lake, Nager, Palumbo, Burnam				NAY Scott	

MOTION CARRIED

VOTE ON ORIGINAL MOTION

ROLL CALL VOTE

Barnette	Aye	Scott	Nay	Palumbo	Aye
Lake	Aye	Nager	Nay	Burnam	Aye
AYE Barnette, Lake, Palumbo, Burnam				NAY Scott, Nager	

MOTION CARRIED

Mr. Ross asked Council to consider getting an Attorney General's Opinion which would give clarification on how to proceed. He stated that a resolution has to be prepared in order to request an opinion, and if it would please the Council he will prepare the resolution and letter to the Attorney General.

MOTION BY Councilwoman Barnette to authorize the City Attorney to prepare the necessary documents to request an opinion from the Attorney General regarding whether they can establish the salary of the Mayor as full-time and part-time, and if they can hold a referendum for voters to determine if they want a full or part-time Mayor less than six (6) months prior to the 2008 municipal election. *Seconded by Councilman Nager.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The Committee discussed and sent a request to the Planning Commission to amend the Land Use Ordinance / Electronic Signage section to change the display area of electronic signage to 30 square feet to 50 square feet, and the price has come down drastically on the sign that they want to purchase. Councilman Lake said that the money is already in the budget, they just want to get a little better informational signage at the Civic Center, Recreation Center and Library complex. He said that they are asking the Planning Commission to review it and give a recommendation.

Mr. Ross asked if they can put this off until the next Council meeting, because there have been some issues with the Sign Ordinance at this present time. He said he would like time to deal with that and report back to Council on the validity of doing that either in public or in Executive Session.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Nager

Ordinance Committee has not met since the last meeting.

Council President Burnam pulled Ordinances 2008-10 and 2008-11 per Mrs. Cureton.

Councilwoman Barnette requested background information regarding these ordinances and would like to know what the changes to the ordinances are for those who are not part of the Ordinance Committee.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be Friday at 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The minutes for the January 3rd meeting are in the packet. There will not be a meeting in February.

MOTION BY Councilwoman Barnette to appoint Mr. James “Jim” Moss to the Board of Zoning Adjustments as Second Alternate. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

B. Downtown Redevelopment Authority – Barnette

The Authority met last week, and they look forward to participating in the lodging tax discussions.

C. Industrial Development Board – Yelding

Mr. Cohen stated that the Board met this past week and handled a few local issues. One was to educate the new members on what an Industrial Development Board does, most of the members are new and do not know what an Industrial Development Board does. The other issue was one of the candidates for the District

#6 position, Derek Boulware, has expressed a desire to serve on the board. Mr. Cohen stated that he did not know if the Council would want to make a motion tonight, but Mr. Boulware attended the last meeting, and would make a good candidate.

MOTION BY Mr. Scott to suspend the rules to consider appointing Mr. Derek Boulware to the Industrial Development Board. Seconded by Mr. Nager.

Councilwoman Barnette stated that there have been other candidates that have been interested as well. She said that Ms. Hurst expressed interest in being a member of the board, so for the equality of the situation she is not comfortable suspending the rules for that.

Councilman Scott withdrew his motion.
Councilman Nager withdrew his second.

Councilman Palumbo stated that, technically, the opening is from District #1, and stated that Council should defer to Councilman Yelding for a candidate, or at least have his input before appointing someone to the position.

D. Library Board – Lake

The Library Board will meet on February 7th. Councilman Lake gave a report of events being held at the Library.

E. Planning Commission – Barnette

The Planning Commission will meet Thursday, January 24th at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Palumbo

The minutes for the meeting held January 9th are in the packet. Councilman Palumbo stated that there is one matter that he does not know if it was left dead end at the work session, but it is not on the agenda. He said that Mr. Ed Nelson from the Recreation Board made a presentation to Council at the work session, and Mrs. O’Neal was here also, regarding their request to apply for a grant for the upgrades and conversion of the Nicholson Center, and they are under a time constraint of March 1st to get that in, and Council needs to take that matter up. Councilman Palumbo stated that the grant they wanted to apply for was the one for \$50,000, because the \$20,000 preliminary study, basically, has already been completed, and it is a \$50,000 matching grant. He stated that he believes that Council left it hanging.

Councilwoman Barnette stated that she specifically asked for a copy of the grant application and whether or not legally the city would be required to proceed with construction of the project, if awarded the grant, and then deem that the city did not have the finances to renovate the Nicholson Center at this time, so if they were put a \$50,000 match into the project and then awarded a match, is the city legally bound to either pay it back if they decide not to proceed or move forward. She said that the expectation was that there were not any strings, but there was no definitive answer. She feels that Council needs that piece of information before they move forward. She stated, that being said, she thinks that the group should move forward with finding the information and working on the grant.

MOTION BY Councilman Scott to suspend the rules to consider a motion to appropriate \$50,000 matching funds for a grant from the State of Alabama Performing Arts. *Seconded by Councilman Palumbo.*

ROLL CALL VOTE

Barnette	Nay	Scott	Aye	Palumbo	Aye
Lake	Aye	Nager	Abstain	Burnam	Nay
AYE	ALL IN FAVOR	NAY	Barnette, Burnam	ABSTAIN	Nager

MOTION FAILED

G. Utility Board – Scott

The next meeting will be January 30th at 5:00 p.m. in the Council Chambers. Councilman Scott stated that at the last Council meeting he mentioned the “Round Up” program that the Utility Board has, and they only have 100 people out of 9,000 who are participating in the program, and he will continue to encourage the citizens to round up their utility bills. He also asked that all get the word out about the program.

6. REPORTS OF THE OFFICERS:

A. *Mayor’s Report*

a.) *ABC License / The Barrel Room Wine & Spirits, Inc. / 010 Lounge Retail Liquor Class I*

MOTION BY Councilwoman Barnette to approve the ABC License for The Barrel Room Wine & Spirits, Inc. / 101 Lounge Retail Liquor Class I. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) *Parade Permit / Shadow Barons / Mardi Gras / February 2, 2008*

MOTION BY Councilman Scott to approve the Permit for the Apollo’s Mystic Ladies / Mardi Gras / January 25, 2008. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) Parade Permit / Loyal Order of the Fire Truck / Mardi Gras / February 3, 2008

MOTION BY Councilwoman Scott to approve the Permit for the Loyal Order of the Fire Truck / Mardi Gras / February 3, 2008. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

No report.

C. Department Head Comments

David Carpenter - Police Chief – thanked citizens and city departments who helped in the search for the elderly woman who was lost last week. He said it was a good outcome and the woman is doing well.

7. PUBLIC PARTICIPATION

Mr. Ed Nelson – 30563 Laurel Court – spoke regarding the Nicholson Center and the conceptual design for the parks asking Council for direction in planning for the future.

Mr. Kit Smith – 608 Van Avenue – Downtown Redevelopment Authority – Recreation Board - spoke regarding the plans for the Nicholson Center and how it fits in with the vision that the Downtown Redevelopment Authority has for the Olde Towne District. He said by bringing a first class art center to the city will bring great benefits to the city. He stated that the Wachter rezone requests fits in with the vision for Olde Towne as well.

Willie Robison – 560 Stuart Street – spoke regarding restaurants choosing not to come to the Public Hearing tonight. He said that he talked with some business owners and they said that they want the city to make that decision. He said they are taking the easy way out.

Mr. Henry Lawson – Lake Forest – gave kudos's to the Police and Fire Departments the Rescue Squad, city departments and citizens for their efforts in finding the elderly lady. He said that he is very proud of the departments.

Mr. Doug Holton – 9001 Parliament Circle – spoke against the proposed annexation that is on the agenda.

Mr. Chason Wachter – Daphne – spoke regarding the proposed rezoning on Main Street.

Mrs. Felicia Coker – Hall's Lane – spoke against the proposed rezoning on Main Street.

Mr. James Austin – Spanish Fort – spoke against the proposed rezoning of Windscape and Klaas.

Mr. David Diehl – Engineering Services – spoke regarding the proposed Klaas rezoning.

Mr. Ed Baldwin – 903 Hall's Lane – spoke against the proposed Wachter

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

- a.) Attorney General’s Opinion / Setting Mayor’s Salary.2008-01

Council authorized this resolution earlier in the meeting.

ORDINANCES:

2ND READ

- a.) Revision to Land Use and Development Ordinance /
Olde Towne District Map./Ordinance 2008-04
- b.) Rezone: Howard and CeAnn Wachter / Property located
On Main Street / R-3, High Density Single Family Residential
District to B-1, Local Business District/Ordinance 2008-05
- c.) Rezone: Windscape II Associates, Ltd / Property located
East of U.S. Hwy 98 and South of Park Drive / B-2, General Business
District to R-4, High Density Multi-Family Residential District./Ordinance 2008-06
- d.) Rezone: Patrick Klaas / 13.86 Acres / Property located East of U.S.
Hwy 98 and South of Park Drive / B-2, General Business District to
R-4,High Density Multi-Family Residential District./Ordinance 2008-07
- e.) Rezone: Patrick Klaas / 1.04 Acres / Property located East of U.S.
Hwy 98 and South of Park Drive / R-3, High Density Single Family
District Residential District to R-4,High Density Multi-Family
Residential District./Ordinance 2008-08
- f.) Annexation: Powers Real Estate Joint Venture / Property
Located on AL Hwy 181 (North of Dunmore Subdivision)/Ordinance 2008-09

1ST READ

- g.) Amend Certain Personnel Policies and Procedures Related
to Vacation Accrual./Ordinance 2008-10
- h.) Amend Certain Personnel Polices and Procedures Related
to Compensatory Time./Ordinance 2008-11
- i.) Daphne Museum Appropriation./Ordinance 2008-12
- j.) Prohibiting Smoking Within the City of Daphne./Ordinance 2008-13
- k.) FY 2008 Capital and Personnel Appropriations./Ordinance 2008-14

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-04. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-04. *Seconded by Councilman Scott.*

Councilwoman Barnette stated that the revision to the map is to include the southern portion of Daphne's city limits which includes the Judge Roy Bean's property. It extends, basically from W. J. Carroll School south to Daphne's border on the east side of Hwy 98.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2008-05. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2008-05. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading for Ordinance 2008-06. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam NAY Lake

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-06. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-07. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

MOTION BY Councilman Lake to table Ordinance 2008-07 until the next Council meeting until the developers meet with the Park City Property Owners Association and either allay their concerns or let them address some of their concerns. For purposes of discussion Councilman Palumbo seconded the motion.

POINT OF ORDER: Under Roberts Rules of Order there is no discussion on a motion to table.

Councilman Palumbo withdrew his second.

MOTION DIED FOR LACK OF A SECOND

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-07. *Seconded by Councilman Scott.*

AYE Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-08. *Seconded by Councilman Nager.*

AYE Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

NO MOTION TO ADOPT ORDINANCE 2008-08.

ORDINANCE FAILED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-09. *Seconded by Councilman Palumbo.*

AYE Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

NO MOTION TO ADOPT ORDINANCE 2008-09

ORDINANCE FAILED

ORDINANCES 2008-10 AND 2008-11 WERE PULLED FROM THE AGENDA EARLIER IN THE MEETING.

ORDINANCES 2008-12, 2008-13 WERE MADE FIRST READ.

MOTION BY Councilwoman Barnette to suspend the rules to consider Ordinance 2008-14. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Barnette	Aye	Scott	Aye	Palumbo	Aye
Lake	Aye	Nager	Nay	Burnam	Aye

AYE Barnett, Lake, Scott, Palumbo, Burnam

NAY Nager

MOTION FAILED

ORDINANCE 2008-14 IS A FIRST READ.

Councilwoman Barnette stated that Fire Station #1 was not being manned, so the residents of District # 1 and District #2, she feels, are not getting the fire protection that they deserve. She said that Council discussed at the work session that they needed to appropriate personnel, six (6) people to man that fire station. She does not think that it is fair that the rest of the city is protected except for District #1 and District #2. Councilwoman Barnette stated that this is not an ability of the Fire Department and

a lack of service on their part to go above and beyond. She said that if you look at the fire service map the distance that the city's firefighters are required to serve the city from Station #2 is inordinate, and she thinks it is unfair to the residents of District #1 and District #2.

MOTION BY Councilwoman Barnette to suspend the rules to consider a motion to appropriate \$150,000 to hire six (6) firefighters to man Station #1.

Council President Burnam said he did not know if everyone received a letter from Chief White or not, but he did and Chief White prefers that this go to the Public Safety Committee, and then come back to Council. Council President Burnam stated that he feels this is a good idea.

Councilwoman Barnette stated that she met with Chief White, and she did not receive a copy of the memo. She said that is was disappointing given that she sat down and talked with him about her concerns for how they are adequately protecting the residents of District #1 and District #2. She thinks this is an extremely pressing important issue that needs to be addressed. She stated that there may be better solutions, but they talked about the fact that the Fire Department needs more people on board, and they are currently operating at the lowest level anyway. The Fire Department has applied for a SAFER grant, but right now she does not believe the city is adequately protecting the residents of District #1 and District #2. She is not in favor of waiting for this to go to Public Safety. She would like to get the ball rolling to protect the citizens.

Council President Burnam stated that he is in support of that too, but Chief White may very well have some ideas that he can do within the department to where they might not have to hire six (6) new firefighters.

Chief White said that after talking things over with the Chief of the Volunteer Fire Department, the city does not even own Fire Station #1, so there is no way they can man something that the city does not own.

Council expressed their support of Councilwoman Barnette's desire to get better protection for those districts.

Volunteer Fire Chief Melvin McCarley stated that there are not any showers or beds and no room to put them for the firemen. He said that there are some big costs involved to renovate in order to man the building.

Council President Burnam stated that is why he feels they need to discuss this at the Public Safety meeting.

Councilwoman Barnette stated that she agrees that it needs to go to Public Safety, but she feels they need to go ahead and get the ball rolling with hiring the firefighters and getting them trained and in fire school and so forth. She said that she is usually pretty cautious, but in this case you are talking about health, home and safety, and these are essential core services, and she knows that the majority of residents in District #2, at least, are shocked that they are not in a manned station area. She said that insurance rates are based on that, everything is based under the auspices that their station was being manned. She thinks they have a responsibility to put those men on the job, and yes they still have things to figure out, and tonight they need to make the first stop in remedying what she feels is a problem.

No one seconded the motion.

MOTION FAILS

9. COUNCIL COMMENTS

Councilwoman Barnette stated that she wished her colleagues would have supported what she considers protecting Districts #1 and District #2, you've got prior houses, you've got protection, and she understands that there is committee work that needs to be done, but she was floored when she found out and she shared the concerns with the Council. It seemed like there was a support there to put these bodies in place knowing the time that is was going to take to get them trained and hired, and she is just disappointed.

Councilman Lake stated that he agrees with some of what Councilwoman Barnette said. He agrees that they need to look at Fire Station #1, he too thought it was manned, and he thinks that everybody did. Now that they know that there is a problem, and she rightfully brought it to everyone's attention so he asked her to please don't think that her actions have not gotten anyplace, because they have. He thinks that she will find some movement coming from it. He said that they have labored a lot of points tonight, they have talked about a lot of points, and he thinks that this is one item that needs to be addressed as soon as possible. He told Councilwoman Barnette that he thinks that she has the support of the Council. He said that he appreciated her time spent in finding out the problem and bringing to the Council.

Councilman Scott mentioned to Councilwoman Barnette that he too thinks that she has the support of the Council. He said that they do not want to have a knee jerk reaction until they can get everything in place, and from what he is hearing it has not ever been manned, and they have been on this Council for over four (4) years and have had that situation. He thanked her for bringing it to their attention, and he thinks that the Chief will be glad to get the full attention of the Council on what he will bring forward to them.

Councilman Nager stated that he is a member of the Public Safety Committee and he is eager to get to the bottom of this issue, and he echo's the comments of Councilman Lake and Councilman Scott in sharing Councilwoman Barnette's concerns.

Councilman Palumbo reminded everyone that there is a presidential primary in the state. He said that it is going to be held on Mardi Gras day in Alabama so that they can be part super Tuesday. He said that it is the earliest primary they have ever had, and it gives the residents of Alabama a chance to have a say as to who the nominees will be for the respective parties. He said that you will be able to vote on January 30th at the municipal complex in Foley or you can vote on Mardi Gras day at your usual poling places. He encouraged everyone to get out and vote. He mentioned that the city took an unusual move and held two (2) Public Hearings on the Smoking Ordinance and not one business owner in Daphne came to speak against it, and he thinks that speaks volumes.

Mayor Small thanked all for coming out to search for the elderly lady in Lake Forest. He said that along with the Police and Fire Departments the Daphne Rescue Squad, the Baldwin Rescue Squad, the Sheriff's Department, Mobile Sheriff's Department, the State Troopers, the Coast Guard, and he had all the Public Works guys that could be spared searched for her. He said that it was a relief when she was found, and it was one of Daphne's rescue squad that found her. He appreciated all the help that was given by the surrounding agencies.

MOTION BY Councilwoman Barnette to change the February 4, 2008 Council meeting to Wednesday, February 6, 2008. *Seconded by Councilman Nager.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam stated that he went out to some of the businesses that allow smoking, and what they primarily said was “it doesn’t matter you are going to pass it anyway.” He said the fact of the matter is that a lot of them feel that they don’t have a say.

10. ADJOURN

MOTION BY Councilman Lake to adjourn. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 10:26 P.M.

Respectfully submitted by,

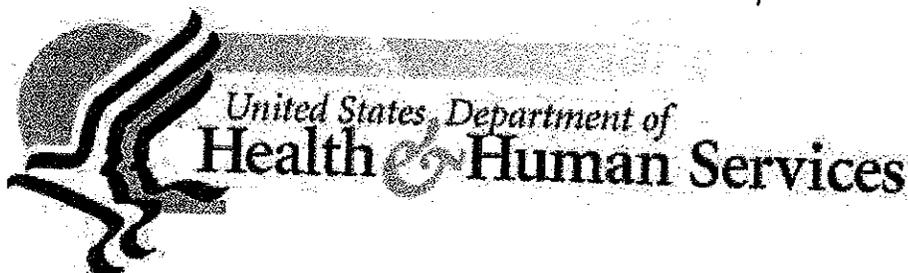
David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam, Council President

Date & Time Signed: _____

January 22, 2008
City Council Mtg



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The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, U.S. Department of Health and Human Services

There is No Risk-Free Level of Exposure to Secondhand Smoke

The U.S. Surgeon General has concluded that breathing even a little secondhand smoke poses a risk to your health.

- Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful to your health.

Secondhand smoke causes lung cancer.

- Secondhand smoke is a known human carcinogen and contains more than 50 chemicals that can cause cancer.
- Concentrations of many cancer-causing and toxic chemicals are potentially higher in secondhand smoke than in the smoke inhaled by smokers.

Secondhand smoke causes heart disease.

- Breathing secondhand smoke for even a short time can have immediate adverse effects on the cardiovascular system, interfering with the normal functioning of the heart, blood, and vascular systems in ways that increase the risk of heart attack.
- Even a short time in a smoky room can cause your blood platelets to become stickier, damage the lining of blood vessels, decrease coronary flow velocity reserves, and reduce heart rate variability.
- Persons who already have heart disease are at especially high risk of suffering adverse effects from breathing secondhand smoke, and should take special precautions to avoid even brief exposure.

Surgeon General News

- **June 27, 2006**
New Surgeon General's Report Focuses on the Effects of Secondhand Smoke
[full story](#)
- **May 31, 2006**
HHS To Sponsor National Obesity Action Forum
[full story](#)
- **May 12, 2006**
Mother's Day Tips from the Surgeon General: Caring for your Mental Health
[full story](#)

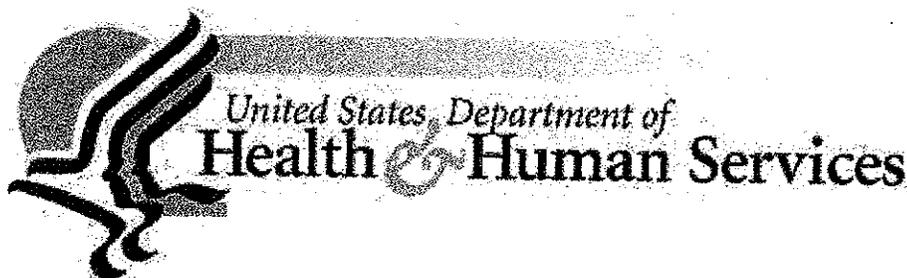
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- [50 Schools in 50 States Initiative](#)
- [PHS, MRC, and Medical Volunteer Letters from the Gulf Region](#)
- [PHS Officer Reports from Tsunami Rebuilding Efforts](#)
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The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, U.S. Department of Health and Human Services

6 Major Conclusions of the Surgeon General Report

Smoking is the single greatest avoidable cause of disease and death. In this report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, the Surgeon General has concluded that:

1. Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.

Supporting Evidence

- Levels of a chemical called cotinine, a biomarker of secondhand smoke exposure, fell by 70 percent from 1988-91 to 2001-02. In national surveys, however, 43 percent of U.S. nonsmokers still have detectable levels of cotinine.
- Almost 60 percent of U.S. children aged 3-11 years—or almost 22 million children—are exposed to secondhand smoke.
- Approximately 30 percent of indoor workers in the United States are not covered by smoke-free workplace policies.

2. Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.

Supporting Evidence

- Secondhand smoke contains hundreds of chemicals known to be toxic or carcinogenic (cancer-causing),

Surgeon General News

- **June 27, 2006**
[New Surgeon General's Report Focuses on the Effects of Secondhand Smoke](#)
[full story](#)
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including formaldehyde, benzene, vinyl chloride, arsenic, ammonia, and hydrogen cyanide.

- o Secondhand smoke has been designated as a *known human carcinogen* (cancer-causing agent) by the U.S. Environmental Protection Agency, National Toxicology Program and the International Agency for Research on Cancer (IARC). The National Institute for Occupational Safety and Health has concluded that secondhand smoke is an occupational carcinogen.

- [Medical Reserve Corps](#)
- [HealthierUS](#)
- [HHS Task Force on Drug Importation](#)

3. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.

Supporting Evidence

- o Children who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as smokers. Because their bodies are developing, infants and young children are especially vulnerable to the poisons in secondhand smoke.
- o Both babies whose mothers smoke while pregnant and babies who are exposed to secondhand smoke after birth are more likely to die from sudden infant death syndrome (SIDS) than babies who are not exposed to cigarette smoke.
- o Babies whose mothers smoke while pregnant or who are exposed to secondhand smoke after birth have weaker lungs than unexposed babies, which increases the risk for many health problems.
- o Among infants and children, secondhand smoke cause bronchitis and pneumonia, and increases the risk of ear infections.
- o Secondhand smoke exposure can cause children who already have asthma to experience more frequent and severe attacks.

4. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.

Supporting Evidence

- o Concentrations of many cancer-causing and toxic chemicals are higher in secondhand smoke than in the

smoke inhaled by smokers.

- o Breathing secondhand smoke for even a short time can have immediate adverse effects on the cardiovascular system and interferes with the normal functioning of the heart, blood, and vascular systems in ways that increase the risk of a heart attack.
- o Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing heart disease by 25 - 30 percent.
- o Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing lung cancer by 20 - 30 percent.

5. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.

Supporting Evidence

- o Short exposures to secondhand smoke can cause blood platelets to become stickier, damage the lining of blood vessels, decrease coronary flow velocity reserves, and reduce heart rate variability, potentially increasing the risk of a heart attack.
- o Secondhand smoke contains many chemicals that can quickly irritate and damage the lining of the airways. Even brief exposure can result in upper airway changes in healthy persons and can lead to more frequent and more asthma attacks in children who already have asthma.

6. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.

Supporting Evidence

- o Conventional air cleaning systems can remove large particles, but not the smaller particles or the gases found in secondhand smoke.
- o Routine operation of a heating, ventilating, and air conditioning system can distribute secondhand smoke throughout a building.
- o The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. body on ventilation issues, has concluded that ventilation technology cannot be relied on to control health risks

The Facts About Tobacco In Alabama

Tobacco Use In Alabama:

High school students who smoke	24.7% (62,800)
Male high school students who use smokeless or spit tobacco	19.7% (females use much lower)
Kids (under 18) who become new daily smokers each year	8,800
Kids exposed to secondhand smoke at home	289,000
Packs of cigarettes bought or smoked by kids each year	15.7 million
Adults in Alabama who smoke	24.9% (855,400)

Alabama Tobacco Deaths:

Adults who die each year from their own smoking	7,300
Kids now under 18 and alive in Alabama who will ultimately die prematurely from smoking	105,600
Adults, children, & babies who die each year from others' smoking (secondhand smoke & pregnancy smoking)	700 to 1,250

Alabama Tobacco Health-Care Costs:

Annual health care costs in Alabama directly caused by smoking	\$1.38 billion
- Portion covered by the state Medicaid program	\$219 million
Residents' state & federal tax burden from smoking-caused government expenditures	\$517 per household
Smoking-caused productivity losses in Alabama	\$1.95 billion

Source: Campaign for Tobacco Free Kids, Alabama State Tobacco Survey. www.tobaccofreekids.org

Economic Impact from the Implementation of a Smoke-Free Ordinance

- Smoker, on average, miss 6.16 days of work per year due to sickness (including smoking related acute and chronic conditions), compared to nonsmokers, who miss 3.86 days of work per year (Halpern, M.T.; Shikiar, R.; Rentz, A.M.; Khan, Z.M., "Impact of smoking status on workplace absenteeism and productivity," Tobacco Control 10(3): 233-238, September 2001.
- Employees who smoke had more hospital admissions per 1,000, had longer average length of stay, and made six more visits to health care facilities per year than nonsmoking employees ([n.a.]. "The Cost of Smoking to Business" American Cancer Society. [n.d.] Accessed on May 18, 2004. Download at http://www.cancer.org/docroot/NWS/content/NWS_2_1x_The_Cost_of_Smoking_to_Business.asp.
- Businesses pay an average of \$2,189 in worker's compensation costs for smokers compared with \$176 for nonsmokers (Msich, S.; Napier, D.; Edington, D. W.; "The Association of Health risks With Worker's Compensation Costs." JOEM. 43(6): 534-541, June 2001.
- For smokers, about 39 minutes of each work day is spent on smoke breaks ("Canadian Board reports Smokers Cost Employers more than \$2400 a year." <http://www.tcsg.org/sfelp/economic.htm>)
- The U.S. Environmental Protection Agency estimates that smokefree restaurants can expect to save about \$190 per 1,000 square feet each year in lower cleaning and maintenance costs (Zollinger, T.W.; Saywell, Jr., R.M.; Overgaard, A.D.; Holloway, A.M., "the economic impact of secondhand smoke on the health of residents and business costs in Marion County, Indiana for 2000," Marion County Health Department, February 2002.)
- 60 percent of all companies who have adopted smokefree policies report reduced expenditures of cleaning and maintenance costs (Health Now!, "Health Now! And the business community." Accessed on May 13, 2004. Download at <http://www.healthnowma.org/index.php?target=23>.
- A study in the journal Tobacco Control offered a comprehensive review of all available studies on the economic impact of smokefree workplace laws and concluded that: "All of the best designed studies report no impact or a positive impact of smokefree restaurant and bar laws on sales or employment ("Review of the quality of studies on Economic Effects of Smoke-Free Policies on the Hospitality Industry," Scollo, Lai, Hyland, Glantz, Tobacco Control, 2003 12:13-20.)
- A study conducted by research economists at the University of Florida's Bureau of Economic and Business Research found that the smokefree ordinance had no impact on sales or employment in the state of Florida ("Smoke-Free Laws do not Harm Business Campaign for Tobacco Free

7876

7876+ smokees want this

- Kids” <http://tobaccofreekids.org/research/factsheets/>)
- In New York City, after the implementation of a smokefree ordinance, business receipts for restaurants and bars have increased and employment has risen (“Employment Up In City Bars And Restaurants Since Implementation of the Smoke-Free Air Act” New York City Department of Health and Mental Hygiene. <http://nyc.gov/html/doh/html/public/press03/pr081-0723.html>)
- In Delaware, one year after the implementation of the state’s Clean Indoor Air Act, business remains steady (“The Economic Impact of SmokeFree Ordinances: Case Studies”, July 2004, American’s For Nonsmoker’s Rights, www.no-smoke.org/econcia.html).
- In California, taxable sales receipts for bars and restaurants have increased every year since 1997 through 2002 (“The Economic Impact of SmokeFree Ordinances: Case Studies”, July 2004, American’s For Nonsmoker’s Rights, www.no-smoke.org/econcia.html).
- Studies of sales tax data from 81 localities in six states have consistently demonstrated that ordinances restricting smoking in restaurants had no effect on restaurant revenues (“Smoke-Free Laws do not Harm Business Campaign for Tobacco Free Kids” <http://tobaccofreekids.org/research/factsheets/>).
- Michael O’Neal, former president of the New York State Restaurant Association: “I feel strongly that it is pro-business and pro-health to eliminate smoking in all workplaces, including restaurants. Smoke-free workplace legislation does not hurt business. . . .Smoking prohibitions in California, Utah, Vermont, Maryland and Maine as well as in hundreds of cities all over the country prove that smoke-free workplace legislation is good for all businesses, including the restaurant business. That shouldn’t be a surprise. Even smokers prefer to breathe clean air.” (“Former head of New York Restaurant Association Supports Smoking Bans.” Nation’s Restaurant News. April 16, 2001. <http://www.tcsg.org/sfelp/economic.htm>).
- There is less wait time in a restaurant for a specific section resulting in higher table turnover and increased revenue (“Twenty-Three Reasons to Clean the Air in Restaurants” Clean Air Clean Lungs http://www.cleanlungs.com/action/smoke_free/reasons.html).

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Florida
NYC
Delaware
Cali
Utah
Vermont
Maryland
Maine

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January 22, 2008
City Council Mtg.

- I am not a smoker myself and I find the habit repulsive. ^{But} There is another habit that I find many times more repulsive, ~~though~~, and that is the habit of government to infringe on people's civil liberties including mine "in the name of the people."
- This hinders the free market and in turn, long term growth
 - Having an economics degree I feel I can speak with some authority on this
 - This will marginalize a segment of the population
 - Obviously there is some demand for no smoking policies to be implemented
 - The market has responded in many restaurants in the city of Daphne and the smoking is not a problem
 - If people truly want smoking reform, they must stop supporting pro-smoking establishments
 - It is hypocritical for people to call for a no smoking ban while at the same time support establishments that allow smoking with their dollars
 - We must remember that eating dinner is still a contractual agreement and requires the consent of the buyer and the seller. The buyer of the meal is paying for the food quality, environment, service, convenience, etc. The seller is going to provide the best possible amenities for the price the buyer is willing to pay. This is not a difficult concept.
 - Business owners definitely watch their bottom lines and will notice if money isn't coming in.
- The smoking ban is government theft
 - Steals a business owner's sovereignty of his/her own business
 - Intrinsic value of reputations are taken from businesses who already have no smoking policies
- The New York State smoking ban is hurting some businesses
 - I have many testimonials of people who have had to go out of business or business has been diminished because of smoking ban
 - It's fashionable now to beat up on smokers, but liberty could be fashionable again ten or fifteen years from now.
 - Prohibition did not work
 - Initially prohibition worked but after 13 years it had to be repealed because it caused much more harm than help

Thomas Frieden, the city's health commissioner, said that for the city's anti-smoking policies to be truly effective, state + federal enforcements are key.

Expense of enforcement

Market Niche

January 22, 2008
City Council Mtg.

I'm new to the area, and I do not smoke, but I want to speak against the smoking ban.

-Whether the problem of smoking in Daphne is a genuine one:

As I mentioned, I'm new to Daphne. I *do* eat out, though, and fairly often; I've eaten at a fair share of the restaurants in Daphne, and I have yet to be offended by the amount of smoke at a single establishment.

Is it possible that *the market*, by which I mean individuals interacting and exchanging voluntarily, has already taken care of the problem?

I would ask everyone here just how often they've eaten at a restaurant in Daphne and been bothered by smoking.

-Whether the ban itself is moral:

Companies that do business in Daphne, as with all companies everywhere, have taken a genuine risk. The companies that do business in Daphne have banked on the idea that they could invest here without Daphne changing the terms under which they do business.

The bottom-line of a company with a large smoking clientele is obviously hurt by a smoking ban.

Is it right to jeopardize the investments that people have made in our city? Would we prefer a Daphne without Wings, Hooters, and Waffle House?

Would we prefer that smokers in Daphne drive down the road to Spanish Fort whenever they want to watch a football game or go to a Waffle House?

Again, I would ask whether it is truly right to take away a property right of business owners in order to address this negligible problem.

I would remind the council that a majority vote has never, in history, made something a morally correct action. It would not be moral to take away my house and give it to someone else just because 51% of the public wanted it, nor even if 99% of the public wanted it.

I would ask whether the power of the boycott and the petition are not made impotent by government action, and whether they would not be a better solution to personal offense about smoking. Can we not ask our neighbors to put out a cigarette if it offends us? Can we not talk to the management of restaurants whose smoking discourages our patronage?

I would implore anyone here who is offended by smoking at a particular establishment to treat the smokers and business owners of Daphne as neighbors and to *ask* them to make the change that this smoking ban would force upon them. If you do, you will allow them to weigh the costs relative to their benefits, and to make the decisions which personally affect their bodies and their businesses.



The Birmingham News

Poll: Smoke ban in all workplaces has support

Bill planned for Legislature

Monday, January 14, 2008

DAVE PARKS

News staff writer

The American Cancer Society is scheduled to release a poll today showing overwhelming support for a state law to ban smoking in all workplaces.

The poll of 503 registered voters is part of the American Cancer Society's push to get Alabama to join 26 other states in passing tougher smoke-free laws. The poll shows:

78 percent of respondents favor a statewide ban on smoking in workplaces.

95 percent of respondents view secondhand smoke as a health hazard.

92 percent of respondents believe nobody should be exposed to secondhand smoke in the workplace.

And 79 percent of respondents say it is the government's responsibility to promote and protect public health.

The poll was conducted Dec. 14-18 by Opinion Research Associates Inc. of Little Rock, and has a margin of error of plus or minus 4.5 percentage points. Ernest J. Oakleaf, head of the polling company, said the results were typical.

Oakleaf said several other polls he has conducted in the Southeast have found similar levels of support for stronger smoke-free laws. "I think the defining issue is the acceptance of the dangers of secondhand smoke," he said.

Opposition to tougher secondhand smoke laws comes primarily from smokers, he said. Recent studies show that 23 percent of Alabama adults smoke. But a fourth of smokers themselves favor tough smoke-free laws, he said.

His polls help place into perspective for politicians the vocal opposition they sometimes hear from smokers about smoke-free laws, Oakleaf said.

The poll comes after the American Cancer Society for the first time decided to throw its support behind a state law expected to be proposed this Legislative session that would prevent smoking in restaurants, workplaces and bars.

Advocates led by Sen. Vivian Davis Figures, D-Mobile, have worked unsuccessfully for a decade trying to get a tougher state law passed to protect the public from secondhand smoke. Figures said the proposed legislation will be introduced again in the 2008 legislative session that begins in February.

"There is great, great momentum behind it," she said. "It is an important issue. It's a health issue."

Alabama's law:

Alabama's existing law on secondhand smoke is considered weak, the state's health advocates say. It bans smoking in government buildings, but allows businesses such as restaurants to allow smoking in designated areas. Alabama also lacks a ban on smoking in workplaces.

Given the absence of a comprehensive state law, several communities in Alabama have passed their own measures restricting secondhand smoke.

Secondhand smoke is a toxic combination of chemicals that increasingly has been linked to health problems such as cancer, asthma and allergies.

The U.S. surgeon general issued a scientific report in 2006 that concluded there is no safe level of exposure to secondhand smoke. Nonsmokers exposed to secondhand smoke increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20 to 30 percent, the report said.

The report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, found that even brief exposure to secondhand smoke is harmful. The only practical way to protect nonsmokers from secondhand smoke is to stop smoking indoors, the report said.

E-mail: dparks@bhamnews.com

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How Will Clean Indoor Air Help Alabamians?

Harmful Effects of Tobacco Use and Secondhand Smoke

- Smoking is the #1 most preventable cause of death in the United States. Secondhand smoke is the third most preventable cause of death in the United States.
- Secondhand smoke is a known cause of cancer, heart disease and other respiratory ailments, killing 53,000 in the U.S. each year. It is estimated to cause 3,000 lung cancer deaths and 62,000 coronary heart disease deaths in the U.S. each year.
- Smoking can be attributed to major tobacco related illnesses such as cancer, heart disease, lung disease, and other chronic illnesses.

Benefits of a Smoke-Free Workplace Policy

- Smoke-free workplace policies are the most effective way to provide a healthy and safe work environment for all workers.
- Economic studies conducted across the country show comprehensive smoke-free laws do not have a negative impact on the hospitality industry or any other sector of the community.
- Comprehensive smoke-free ordinances are a win-win for the community - they protect public health, they protect employee health and they do not hurt local businesses.
- Smoke-free policies decrease absenteeism among non-smoking employees, reduce housekeeping and maintenance costs, lower insurance rates and result in fewer smoking-related fires.

Taking Action Today for a Better State of Health

- Clean Indoor Air policies encourage smokers to quit, non-smokers to never start, and our children to stay away from tobacco. The education about this important public health issue moves Alabama forward in creating a more healthy state.
- Clean Indoor Air ordinances are a proven tool for building a healthier community while decreasing the state medical costs for tobacco related illnesses and saving lives with a decline in tobacco related deaths among smokers and non-smokers.
- Smoke-free states and cities have seen a boost to their local economy after going smoke-free. Studies show a rise in tourism, dining, and entertainment for smoke-free establishments.

**JANUARY 17, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam arrived at 7:00 p.m.; Ron Scott; Eric Nager; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Adrienne Jones, Planner.

1. CALL TO ORDER

Council Vice President Lake called the meeting to order at 6:35 p.m.

2. KLAAS REZONING / JOE BULLOCK

Mr. Bullock discussed with Council issues that were brought up at the last Council meeting on January 7th. He discussed the traffic study report and that there was R-4 zoning all around the property. He said that they had discussed adequate water availability with Rob McElroy and he assured them that there was an eight (8) inch water line available. They also discussed whether this was Daphne Utilities of Park City Water.

3.) WATERSHED / JOHN PETERSON / DAVID YEAGER

Mr. Peterson and Mr. Yeager discussed the plans for applying for a grant to help with the restoration of the Lake Forest, D'Olive and Tiawassee systems. They asked for funding in reference to the grants. They reported that \$65,000 in matching funds were needed.

Council President Burnam said this would be taken up at the Finance meeting in February.

NOTE: Council President Burnam arrived at 7:00 p.m.

4.) NICHOLSON CENTER / ED NELSON

Mr. Nelson stated that since he presented the Recreation Boards idea for the Nicholson Center he meet with a representative from the Alabama Art Council and he assured them that the center would good for a Performing Arts Center. He requested permission from Council for the Bay Rivers Art Guild to apply for a grant starting at Phase II, the design stage, in the amount of \$100,000 which \$50,000 of the grant is matching funds. He discussed hiring Jeff Hudson to start providing services for the design stage.

Council discussed utilizing the building and that the city would be working with Bay Rivers Art Guild, but the city would be the applicant for the grant. They discussed having a partnership with the Art Guild. It was suggested that the Buildings and Property Committee be the liaison for any construction.

Councilwoman Barnette stated that they need to make sure from a legal standpoint if the city would be obligated to proceed if at some point they feel the city could not go through with the renovations.

**JANUARY 17, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Some of the Council would like to see the architectural services bid out and not just given to one company.

Council did not come to any conclusion regarding the Nicholson Center grant.

3. UPDATE ON JUBILEE FESTIVAL / GREG BURNAM

Council President Burnam reported on his meeting with Darrelyn Bender where he discussed the concerns of the Council regarding the Jubilee Festival as follows:

- 1.) Advertising of Festival – Ms. Bender stated that the chamber has been told that they can only put two (2) banners up in the city because of the sign ordinance. They do promos for the festival in brochures, TV, radio and newspaper. They do advertise the Daphne Festival at the Fairhope Arts and Crafts Festival.
- 2.) City as Major Sponsor – Ms. Bender said that would not be a problem. The city logo will be on the T-shirts and listed as a major sponsor. Ms. Bender did request that the city not sell T-shirts at the festival, which is in competition with them.
- 3.) Providing Breakfast Food for Vendors – Ms. Bender said they do not have a problem with the city not providing the breakfast food.

Council discussed putting the banners in more places within the city. Council President Burnam asked Council to e-mail him regarding what they want to be promoted and how to promote it. Council feels like there has been a misinterpretation of the ordinance and wants the festival to be promoted to the nine's. Council President Burnam stated that he will meet with the Mayor and work together as a team.

4.) FINANCE / SALARY COMMITTEE / LEASE ON BRAG BUILDING / CAPITAL BUDGET

BAY RIVERS ART GUILD BUILDING LEASE (OLD JAIL)

Council discussed the Old Jail building that Bay Rivers Art Guild leases belonging to Utilities and that in order to insure the building the city would need an agreement with Daphne Utilities to lease the building.

Council did not come to any conclusion regarding the lease for the Art Guild.

SALARY COMMITTEE REPORT / ERNIE BERGER

Mr. Berger presented to Council the findings and recommendations of the Salary Committee regarding salaries for Council, Mayor, Prosecutor and Judge. (Report is spread out upon these minutes.)

Council did not want to disregard the hard work of the committee, but most felt the recommendation was too much. Councilman Scott suggested the salaries below:

**JANUARY 17, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Council Member - \$10,800 per year
Council President - \$13,400 per year
Council Vice President - \$11,800 per year
Mayor - \$70,000 per year

Council President Burnam suggested:

Council Member - \$1,000 per month
Council President - \$1,200 per month
Council Vice President - \$1,100 per month

Consensus was to use what was recommended by the committee and vote it up or down or amend, and have the ordinances on the agenda for the first meeting in February as a first read.

CAPITAL BUDGET

Councilwoman Barnette stated that there was an urgent situation that needed to be addressed which is that she and Councilman Yelding has just learned that Fire Station #1 is not manned. She stated that District #1 and District #2 are the only districts that are not covered by a Fire Station. She said this is a safety issue for the two (2) districts. She stated that the rest of the capital budget money should go to hire firefighters to man Station #1.

Council President Burnam asked the Mayor to have figures for the cost of manning Fire Station #1.

Councilman Palumbo stated that they needed to make a decision on a COLA raise for employees. He said that it is not good for morale to put it off.

Mayor Small discussed maintenance on the Justice Center air conditioner, new roof for Justice Center and Library and that the outside of the Civic Center needs to be painted. He said that \$10,000 a year should be put back to start on these projects.

Council President Burnam requested that the ordinance on the capital budget be amended to include six (6) Firefighters.

Councilman Palumbo mentioned that Councilman Lake is receiving an award from the Martin Luther King Committee Saturday at Riley Hall.

Mayor Small reported on Mr. Eady's condition, saying he was in the hospital and is doing better, and that Mrs. Adrienne Jones will be in charge until he returns to work.

**JANUARY 17, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

9. ADJOURN

There being no further business to discuss the meeting adjourned at 10:05 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Greg Burnam,
Council President
Date & Time Signed: _____

**SUMMARY OF RECOMMENDATIONS
CITIZENS POSITION EVALUATION COMMITTEE**

January 16, 2008

MAYOR:

- **Full time Mayor: Increase from \$60,000 to \$ 85,000.**
- **Less than full time Mayor with full time City Administrator: Decrease from \$60,000 to \$37,500.**
- **Linkage at 2.5 x City Council Member salary: (\$15,000 X 2.5 = \$37,500).**
- **Less than full time Mayor authorized to participate in City of Daphne employee group healthcare plans.**

CITY ADMINISTRATOR:

- **Range \$75,000- \$95,000. Recommend a national search for an experienced senior CA to leverage Daphne quality of life incentives.**

CITY COUNCIL MEMBER: From \$7,200 to \$15,000.

- **Link salary to President and President Pro Tempore compensation.**
- **Link salary to less than full time Mayor's compensation with a full time City Administrator.**
- **Initiate a Citizen's review: 3rd year of the next council (2011).**
- **City Council members authorized to participate in the City of Daphne employee group healthcare plans.**

CITY COUNCIL PRESIDENT & PRESIDENT PRO TEMPORE:

- Maintain 1/3 salary differential between President and a City Council Member:
Increase from \$9,600 to \$20,000.

- Increase differential of President Pro Temp from 8.3% to 10% above a City
Council Member. Increase from: \$7,800 to \$16,500.

- Limit a President to two consecutive terms and a President Pro Tempore to one
consecutive term to spread the opportunity for growth and development among all
City Council Members.

CITY PROSECUTOR:

Increase salary from \$33,996 to \$49,000 in three (3) steps:

2008: 50% \$7,500
2009: 25% \$3,750
2010: 25% \$3,750

MUNICIPAL JUDGE:

Increase salary from \$24,470 to \$49,000 in three (3) steps:

2008: 50% \$12,239
2009: 25% \$6116
2010: 25% \$6115

To: Daphne City Council Members

Subject: Development of Executive Position Guides and Compensation Evaluation

Date: May 16, 2007

Dear Council Member:

A citizens subcommittee was formed in October 2006 to review four key positions: Mayor, City Council Member, Municipal Judge and City Prosecutor. Some positions have not been reviewed and updated for 10+ years. As you well know, the responsibility, complexity, sheer hours and impact of each position has increased substantially. Daphne is THE fastest growing city in the fastest growing county in Alabama.

The citizens' sub-committee has gathered detailed information for each position, but is still lacking inputs from several incumbents. We must proceed on the basis of 100% incumbent participation.

A citizens subcommittee was charged to take on information gathering for this task because of its obvious sensitivity. Frankly, elected officials do not relish supporting activities that may result in an increase in compensation and benefits. Nevertheless, your support of this process is critical to insure positions are properly described and compensated. This is not a "report card" on incumbent performance. The information gathered by form and interview are to determine component activities of a position.....not how well they are being performed.

As I emailed each of you last year, even at this stage, some things are just plain obvious:

- Some called "part time" positions increasing require incumbents to work 1/3 time some days (that is 8 hours!).
- Some positions are compensated at less than a part time food service worker on hamburger hill.....even as incumbents consider the future of hamburger hill!
- Complexities in governing and balancing conflicting community needs like hyper-growth, environment, historical preservation, quality of life require ever increasing preparation and review time. "The world is pitching them at you faster and trickier, and this will only accelerate!"

The citizens committee has recommended that a professional evaluation company be retained to evaluate the information it gathers and substantiate recommendations to the Finance Committee. This is not an exercise of well meaning amateurs!

I will be telephoning incumbents from whom we still need data. Please call me at 626-6609 if you have any questions of concerns. Thanks, Ernie Berger: Chair

POSITION EVALUATION SUMMARY

DATE: October 4, 2007

POSITION: Municipal Judge

EMPLOYMENT STATUS: Appointed

INCUMBENT: Thomas Doyle

GENERAL DESCRIPTION OF DUTIES: Full responsibility for management of the municipal court and three direct reports with operating expenses of approximately \$240,352 per year. Administers oaths, issues arrest and search warrants, approves and declares bonds forfeited, reviews and responds to all court correspondence including inmate correspondence, motions to continue etc.

MAJOR POSITION DRIVERS:

- Regional and City Population ages 16+
- Frequency of Municipal Court (sessions increased from 2 to 4 during his tenure)
- Supervisory span of control (Daphne = 3 staff)
- Pre-trial motions/resolution
- Case flow to appeal (impacted by ability to pay court costs and fines)*

CURRENT COMPENSATION: \$24,470

LAST COMPENSATION ACTION: (At least 10 years)

POTENTIAL COMPROBLES COLLECTED:

Decatur: \$59,852-\$92,924 (midpoint: \$76,388)

Florence: \$40,409

Gadsden: \$75 hour

Foley: \$30,000

Gulf Shores: \$17,421 (Note: seasonal population)

Orange Beach: \$30,000 (Note: Seasonal population)

Auburn: \$80,000-\$90,000 (Note: Seasonal university population)

AVERAGE SALARY FROM 3 USABLE DATA POINTS: \$48,932

CURRENT SALARY DIFFERENCE TO COMPARABLE AVERAGE: \$24,462

RECOMMENDED ACTION: INCREASE SALARY TO \$49,000 IN THREE STEPS: 50% EFFECTIVE 2007: \$12,239, 25% 2008: \$6116, 25% 2009: \$6115

POSITION EVALUATION SUMMARY

DATE: October 4, 2007

POSITION: City Prosecutor

EMPLOYMENT STATUS: Independent Contractor

INCUMBENT: James M. Scroggins

GENERAL DESCRIPTION OF DUTIES: Prosecutes persons charges with misdemeanor & traffic violations in Daphne Municipal Court as well as cases appealed to Circuit Court or Court of Appeals. Creates case folder using non-city staff. Interviews police and others as required and coordinates case scheduling, pre-court resolution, prosecution and appeal with city officials, staff, city counsel, judges, and defense attorneys. Researches cases via web-based data sources and legal publications. Maintains case files and represents city at appeal.

MAJOR POSITION DRIVERS:

- Regional and City Population ages 16+
- Frequency of Municipal Court sessions from 2 to 4 during tenure
- Pre-trial resolution
- Case flow to appeal (impacted by ability to pay court costs and fines)*

CURRENT COMPENSATION: \$2833/mo, \$177 per hour, \$33,996 per year based on weekly court sessions of 4 hours per session. There is no additional compensation for use of council's own staff or participation in the appeals process. Pre-trial and appeals actions estimated at an additional 100% impact on hours required: 16 hours. \$91.00 hr effective hourly rate.

LAST COMPENSATION ACTION: 1997

POTENTIAL COMPROBLES COLLECTED:

Decatur: \$42,484-\$66,014 per year (midpoint: \$54,249, \$4520 per mo.)

Florence: \$35,959

Gadsden: \$75 hour

Foley: \$4800 mo. \$57,600 per year

Gulf Shores: \$24,000 per year (Note: seasonal population)

Orange Beach: \$75.00 hour (Note: Seasonal population)

Auburn: None:(Note: Seasonal university population)

AVERAGE SALARY FROM 3 USABLE DATA POINTS: \$49,269

CURRENT SALARY DIFFERENCE TO COMPARABLE AVERAGE: \$15,273

**RECOMMENDATION: INCREASE SALARY TO \$49,000 IN THREE STEPS:
2007: 50% \$7500, 2008: 25% \$3750, 2009 25% \$3750**

**CITY OF DAPHNE, ALABAMA
ELECTED OFFICIAL- POSITION GUIDE**

CITY COUNCIL MEMBER

PURPOSE OF THE POSITION:

A City Council member is one of 7 elected City Council positions representing the citizens of Daphne in a legislative role, both within a specific District and at large. A Council Member represents the City in formal and informal interfaces with citizens, city staff, and other municipalities and government bodies such as County, State and Federal government. An incumbent provides legislative review, approval and oversight of the City budget and policies, develops new legislative policies by integrating with other Council members, the Mayor, support staff, citizens and special interest organizations in a proactive manner.

ESSENTIAL FUNCTIONS OF THE POSITION:

- Represent citizens at scheduled City Council meetings including pre-meeting preparation and post-meeting follow-up as required.
- Attend City Council working sessions including pre-meeting preparation and post meeting follow-up.
- Represent citizens at large in attending designated special committees including pre-meeting preparation, schedule development, post meeting coordination and follow-up.
- Attend regional and national training conferences.
- Maintain at large relationship with county, state and federal government,
- Attend non-government community social and special interest constituent meetings and events.
- Maintain constituent communications and relations via in-person, telephone, email, meetings, newsletters, presentations and website based communications.
- Review and approve annual and supplemental city capital and operating budgets.
- Review and approve city pay plan and exceptions thereto.
- Review and approve board and committee appointments (except Planning Commission).
- Act as final review and appeal step in city employee discipline and discharge cases.
- Respond to natural and man-made disasters in problem solving and oversight role.
- Utilize the city clerk as appropriate to support Council.
- Review and approve disclosure reporting to state as required.
- Participate in long term strategic vision planning.
- Sourcing, interviewing and hiring for 6 designated positions.

ESSENTIAL SKILLS:

- COMMON SENSE
- Good listening skills.
- Problem resolution skills in dealing with often potentially negative and emotionally charged situations.
- Analytical skills including understanding financial reporting, budgets and data-matrix driven reporting including: charts, graphs, projections, trends, comparisons, off-sets etc.
- Presentation skills to include PC based presentations, press and media contact, constituent meetings, City employee meetings and City public events etc.
- Knowledge of regulatory, legal, policy history, compliance, reporting/disclosure and documentation.
- Familiarity with utilizing:
 - Computer
 - Cell phone including email/text messaging
 - PC based projector
 - Copy machines
 - Software such as: Word, Excel, Page-Maker, Access
 - Automobile

MINIMUM QUALIFICATIONS:

A candidate must be 18 years of age and a resident of Daphne, Alabama

MAJOR POSITION DRIVERS:

- Population of City of Daphne
- Size and complexity of annual operating and capital budgets
- Size and complexity of City revenue streams
- Experience of other City Council Members
- Requisite time to fulfill position

POSITION EVALUATION DRIVERS:

Population: City of Daphne

Current: 24,000+ estimate

2000: 16,581

1990: 11,725

Total City Budgets:

Current Fiscal Year: \$26.5 million
2005: 22.5
2000: 13.1
1995: 8.1
1990: 4.9

Experience of Council Members through Current Term:

Lowest: 1 year
Longest: 16 years
Average: 6.7

Requisite time to fulfill position: (Hrs. per month)

	Lowest Estimate	Highest Estimate	Average:
Council Meetings:	8	12	10
Working Sessions:	4	4	4
Committee Assignments:	4	24	12
Off site/conferences:	3	3	3
Citizens interest groups:	2	4	3
Constituent contact tech:	24	40	32
Constituents meet/face:	12	32	22
Special Events:	4	6	5
TOTAL:	61	125	93

Compensation Comparable Cities/Municipalities/Benchmark Positions:

Comparables Cities: Population + Salary + number of Council Members

Fairhope: 12381	\$7,000	5 members
Spanish Fort:		
Foley: 7590	\$7,200	4 members
BayMinette: 7820	\$4,200	
Gulf Shores: 5044	\$6,500 (\$12,000)	4 members
Enterprise: 21178		
MountainBrook: 20604		
Selma: 20512	\$15,000	8 members
Northport: 19435		5 members
Athens: 18967		
HueyTown:15364	\$6,000	
Ozark: 15119	\$7,200	5 members
Auburn: 42987	\$4,800	8 members
Gladsden: 38978	\$12,400	8 members
Florence: 36264	\$15,000	8 members

Benchmark Positions:

President: City of Daphne City Council: \$9,600 Pro Tempore: \$7,800
 Baldwin County Commission member: \$32,000

Daphne: Lowest full time Hourly Employee: \$8.81

Daphne: Lowest non-probationary Salaried Employee: \$33,803 (G-16)

CITIZENS COMMITTEE MEETING & REVIEW
POSITION GUIDES/COMPENSATION/BENEFITS

REVIEW OUTLINE

1/11/08

CITY COUNCIL MEMBER:

- Review and OK Position Guide

- Review compensation drivers:

- Population: Impacts constituent service including time required and use of PC based technology/Media to communicate and follow-up effectively.

- Magnitude and composition of city budget: Impacts experience and time required to properly assess, approve and oversight. Complexity has increased as city responds to mandated county, state and federal regulatory compliance. Accelerated growth in city impacts long range planning and oversight: need to balance growth and quality of life across an increasing changing and more complex citizen population in a post 9/11, post-Ivan/Katrina environment.

- Growth and changes in total city revenue streams have added to complexity of the position. Balancing growth with impact and trade-offs on services and infrastructure and with quality of life issues has increased requirement of special committee participation and special work sessions, particularly in a high growth environment.

- Experience of council members: A vibrant, fully effective, council requires competition among well rounded, experienced and motivated candidates drawn from the broadest and most diverse sweep of eligible citizens.

- Time required to perform this position: Incumbents estimate a minimum of 61 hours/mo. and a maximum of 125 hr./mo. to perform this position. This is an average of 93 hours a month.**clearly, this position requires more than half-time.** The size, growth and increasing complexity of the city will continue to drive this dynamic for at least the immediate future. Since we are all given 24 hours each day, the only offset requires increasing experience and ability to use emerging PC/Digital productivity enhancements. Time commitment is **a major factor** in both considering and performing this position.

- Comparable data from cities throughout Alabama was selected to from three groups: cities larger, smaller and similar to the population of Daphne. There has

been mixed success in securing data from some cities selected. Based on data received, there is no pattern in city council compensation. While several Baldwin County cities are currently reviewing council and mayor duties and compensation (Fairhope, Gulf Shores) and several have completed changes (Robertsdale and Bay Minette), and no definitive guidance can be drawn from these actions, except the clear trend that salaries are being raised whenever a review is initiated.

- Benchmark Positions: BP's lend perspective at both higher elected positions and the lowest city hourly and salaried positions. They are a aid in assigning a relative range of value for a city council position. Few cities are growing at the accelerated rate of Daphne. No attempt has been made to seek data from outside the state or to apply traditional methodologies of job evaluation.

OTHER CONSIDERATIONS:

- The elected nature of this position provides ample flexibility for how an incumbent performs. There is no "standard" per se and, ultimately, an incumbent's performance review rests within the voting booth.

- The inability to participate in the city's employee group healthcare programs has caused several cases of undue hardship on a serving council member. With the position requiring a greater than half-time commitment, this is an area that should be reviewed and discussed for implementation.

- Serious consideration should be given to pc and data/communications tools that permit better more efficient constituent contact and meeting preparation/follow-up examples: text messaging and assignment of cell phones to council members.

RECOMMENDATIONS FOR DISCUSSION:

- CITY COUNCIL MEMBER: \$15,000

- Link to President and President Pro Tempore compensation.

- Link to Mayor's compensation with a City Administrator.

- Initiate a Citizen's review: 3rd year of the next council (2011).

- Recommend City Council members be allowed to participate in the City of Daphne employee group healthcare programs.

CITY OF DAPHNE

POSITION EVALUATION

PRESIDENT: CITY COUNCIL/ PRESIDENT PRO TEMPORE

PURPOSE OF THE POSITIONS:

The President provides executive leadership and operating structure to the City Council. The President is elected each term by fellow City Council Members with a non-binding recommendation from the Mayor. The President establishes the date and agenda of City Council Meetings, and coordinates Council assignments to special committees. He schedules special meetings and work sessions. The President coordinates City Council assignments to the City Clerk. The President is the primary council interface with the Mayor and Department Heads as well as county, state and federal government. The President is the symbolic "at large" legislative representative to the citizens of Daphne. The President Pro Tempore performs the same duties in the absence of the President.

ESSENTIAL FUNCTIONS OF THE POSITIONS:

The following essential functions are in addition to the functions of a member of the City Council:

Establish agenda, schedule and direct regular and special meetings of the City Council

Provide primary City Council interface with the mayor, city department heads, the city clerk and city counsel etc.

MINIMUM QUALIFICATIONS:

The President and President Pro Tempore are selected by vote by fellow City Council members. There are no minimum qualifications or tenure requirements beyond those of any other member of the City Council.

ADDITIONAL FUNCTIONS:

Represents the City Council at special government and community events.

KEY CURRENT POSITION DRIVERS AND RELATIONSHIPS:

President City Council: \$9,600 (133.3% of a council member)

President Pro tempore: \$7,800 (108.3% of a council member)

Council Member: \$7,200

CITIZENS COMMITTEE MEETING & REVIEW
POSITIONS GUIDES/COMPENSATION/ BENEFITS

REVIEW

1/11/08

PRESIDENT CITY COUNCIL/ PRESIDENT PRO TEMPORE:

- Review and OK Addendum Position Guide.
- Review History/Relationships to city council member.

KEY POSITION DRIVERS:

- The selection process for the President, City Council and President Pro Tempore functions effectively and should remain as is.

RECOMMENDATIONS:

- **Maintain 1/3 salary differential between President and a Council Member: \$20,000**
- **Increase differential of President Pro Temp to 10% above a Council Member: \$16,500**
- **Consider limiting the President to two consecutive terms and the President Pro Tempore to one consecutive term to open the positions to representatives from other districts, and to spread the opportunity for growth and development among all council members.**

CITY OF DAPHNE

POSITION EVALUATION & KEY DATA

MAYOR

PURPOSE OF THE POSITION:

The Mayor is the chief elected executive position for city government and can perform in either a fulltime or less than fulltime (with or without a fulltime City Administrator). The duties, functions and responsibilities are the same for both options. The Mayor provides a city wide strategic vision and long term/short term operational management and direction for the city.

ESSENTIAL FUNCTIONS OF THE POSITION:

Integrating inputs from Department Heads, employees, contract staff, the mayor develops a long term strategic vision to the citizens and city government.

Provides executive leadership and management of city employees acting through Department Directors and contract/appointed staff resources including approval authority for of the full range of human resources related programs and actions including compliance related policies and regulations.

Exercises executive decision-making on major operating elements such as new construction, capital investment and maintenance, etc.

Develops annual and special operating and capital budgets for review and approval of the City Council. Responsible for accurate budget reporting and compliance. The Mayor manages the preparation of multi-year projections of revenue and budget expenditures for use by the City Council in its review and approval of the annual budget.

Represents the City of Daphne at community and government events and with key interfaces as the City's Chief Executive.

Serves on the Utilities Board of Directors.

Serves on the City of Daphne Planning Commission.

Develops and implements community-wide communications programs such as the mayor's coffee, Jubilee News etc to increase citizen participation and awareness in city government.

Serves at City chief executive and spokesperson, citizen, press/media contact during natural and man made disasters.

KEY SKILLS AND KNOWLEDGE NEEDED TO PERFORM POSITION:

Working knowledge of accounting and financial controls, measurements, budget planning and compliance analysis and reporting

Experience in managing structured employee workforce of 200+

Presentation skills including public speaking, PC based presentation, writing skills and press/media relations planning and implementation

Ability to utilize technology driven personal and staff productivity and efficiency enhancers such as:

PC

Cell Phone include text messaging

Web based communications

Software including: Word, Excell, Powerpoint etc.

KEY POSITION DRIVERS:

- Population of City: 2000 census: 16,581 Current Estimated: 24,000+
- Total Budget: \$26.6 million
- Total city workforce: Year-end 2007: 250 +/-
- Total number of direct reports (directors and staff): 13

COMPARABLE BENCHMARK POSITIONS: population & annual salary

Spanish Fort:	5,423		
Foley:	7,590	21,000	76,600 City Admin
Bay Minette:	7,820	14,000	73,236 City Mgr
Gulf Shores:	5,044	21,000/42,000	Vacant City Admin

Enterprise:	21,178		
MountainBrook:	20,604		
Selma:	20,512		
Northport:	19,435		
Athens:	18,967		
		20,000 pro temp	

HueyTown:	15,364	
Ozark:	15,119	52,000
Dothan:	57,737	42,000
Auburn:	42,987	16,000
Gladson:	38,978	90,000
Florence:	36,264	96,364

CITIZENS COMMITTEE MEETING & REVIEW
ELECTED POSITIONS GUIDES/COMPENSATION/BENEFITS

REVIEW OUTLINE

1/11/08

MAYOR:

- Review and OK Position Guide
- Review history and key interfaces of the position

KEY POSITION DRIVERS:

- The Mayor functions as both the executive head of the city and the chief operating official developing and managing both day-to-day activities, mandated annual priorities such as budget development, salary planning etc. The current incumbent has an extended yet still reasonable span of control of 13 directors and staff for a fulltime dedicated mayor.
- The size of the city budget (approximately \$25.6 million), size of the workforce and complexity of regulatory responsibility, over-site and services delivery are comparable to cities with large diverse and growing populations.
- Comparable Positions: Comparable data was sourced for cities larger, small and similar to Daphne in population. No definitive conclusions can be drawn from the data. Some general trends emerge which provide some guidance:
 - Daphne currently has the only fulltime mayor in Baldwin County thus limiting direct comparable data points. There is a trend toward cities actively considering the value of a city administrator to perform day-to-day operating activities, leaving the Mayor free to develop a longer term strategic vision/plan for the city in conjunction with the city council. In addition this "COO-like span-breaker" frees the mayor to function in key interfaces with constituents, the general public, special interest groups and press/media. The Committee will therefore make an additional recommendation based upon considering this form of executive governance.
 - Where similar studies are underway or completed, the mayor's salary has been increased in every case.

*Cov-
Chief Operating Officer*

- The robust economic growth and development of the region (likely to continue at a rate well above state and national norms) has an impact on an appropriate compensation level for the mayor's position.

-Time to perform the position: The position is full time. It requires an estimated 50+ hours per week to perform. The introduction of a City Administrative position will reduce time requirements by approximately 40% + decreasing ad hoc operating demands, allowing the mayor to focus on strategic executive oversight and more scheduled (including after hours) meetings/events/ambassadorial tasks.

- The overall requirements and responsibility of this position are the same for a fulltime Mayor and for a less than fulltime mayor with a fulltime City Administrator.

RECOMMENDATIONS :

- **Full Time Mayor: \$ 85,000**

- **Less than Full Time Mayor with City Administrator: \$37,500. Linkage at 2.5 x City Council member salary.**

-
- **CITY ADMINISTRATOR: Range \$75,000- \$95,000. Recommend a national search for experienced senior CA to leverage Daphne's geographic and quality of life positives.**

JANUARY 7, 2008
CITY COUNCIL MEETING
MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

AMENDED MINUTES FROM THE
JANUARY 22, 2008 COUNCIL

*ABC License motion: Councilwoman
Barnette did not make the motion,
she abstained.*

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) ABC License Bayside Academy Annual Fund Raiser / 140 Special Events Retail

MOTION BY Councilman Yelding to approve the ABC License for Bayside Academy Annual Fund Raiser / 140 Special Events Retail. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED ABSTAIN Barnette

MOTION CARRIED

b.) Parade Permit / Apollo's Mystic Ladies / Mardi Gras / January 25, 2008

MOTION BY Councilman Yelding to approve the Permit for the Apollo's Mystic Ladies / Mardi Gras / January 25, 2008. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor asked Council where they were in considering the Impact Fee Ordinance.

Councilman Palumbo stated that at the last Ordinance Committee meeting the committee requested the City Attorney to redo the Orange Beach Ordinance making the necessary changes to specifically address the City of Daphne. The committee's feelings were unanimous in that Orange Beach has had the ordinance in place for some time now and have not had any legal challenges. He said the committee felt that ordinance from Orange Beach will work with the proper changes that would be germane to the City of Daphne. Council agreed that the ordinance can come straight to a work session, and then right on the agenda.

Council President Burnam stated that it will be on the work session agenda for next Thursday.

c.) MOU / Baldwin county and City of Daphne / I-10 Service Road

Mr. Ross handed out the agreement to Council, and stated that the document that they have in front of them is what has been forwarded to the Baldwin County Attorney, Scott Barnett, and he plans to present it to tomorrow morning to the County Commission work session, and any comments that may arise out of that can be tweaked, and, presumably, then will be presented a week from Tuesday to the Baldwin County Commission at their regular meeting for consideration and

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

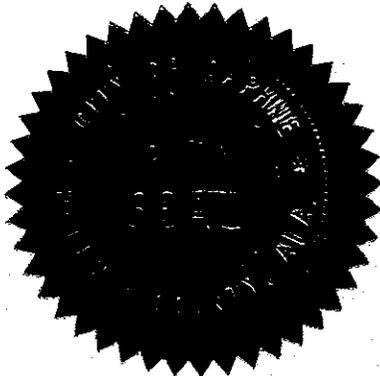
WHERE AS, trees can reduce the erosion of our topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

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

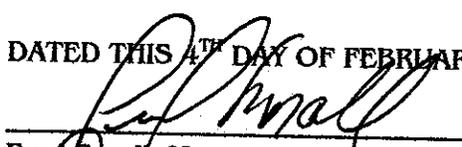
WHERE AS, trees in our City increase property values, enhance the economic vitality of business areas, beautify our community, and wherever they are planted, are a source of joy and spiritual renewal; and

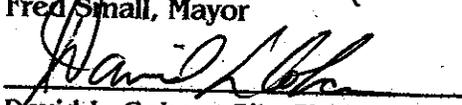
NOW, THEREFORE, I, Fred Small, Mayor of the City of Daphne, do hereby proclaim Saturday, February 23, 2008 as ARBOR DAY in the City of Daphne.

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 4TH DAY OF FEBRUARY, 2008


Fred Small, Mayor


David L. Cohen, City Clerk

PUBLIC HEARING

FEBRUARY 6, 2008

- 1.) Annexation: Luther Jr., and Sharon Milstead /
Property located on Pollard Road /
Requested zoning R-4, High Density Multi-
Family Residential District**

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Luther Jr. & Sharon Milstead,
Annexation Review, Pollard
Road
Date: December 26, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, December 20, 2007, eight members were present and the vote carried unanimous for the affirmative recommendation of the above-mentioned request. The recommendation was for annexation of the property with R-4, High Density Multi-Family Residential, as indicated on the owner's petition.

Upon receipt of said documentation, please 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

STATE OF ALABAMA
COUNTY OF BALDWIN

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)

The undersigned, Luther G, Jr. & Sharon Milstead, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as 26764 Pollard Rd., Daphne, AL to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description Of Property:** The description of the property which Petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").

2. **Map Of Property:** Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The Petitioner, Luther G, Jr. & Sharon Milstead, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

R-4 Multifamily

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 19th day of November 2007,

Respectfully submitted,

~~Name of Corporation~~

By: Luther G. Milstead Jr
~~Sharon R. Milstead~~

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Luther G. Jr & Sharon Milstead whose name as _____ of _____, ~~an Alabama corporation~~, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 19 day of November, 2007.

Dorothy J. Ross (NOTARY SEAL)
NOTARY PUBLIC
My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 25, 2011
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

Exhibit A
Luther and Sharon Milstead
LEGAL DESCRIPTION

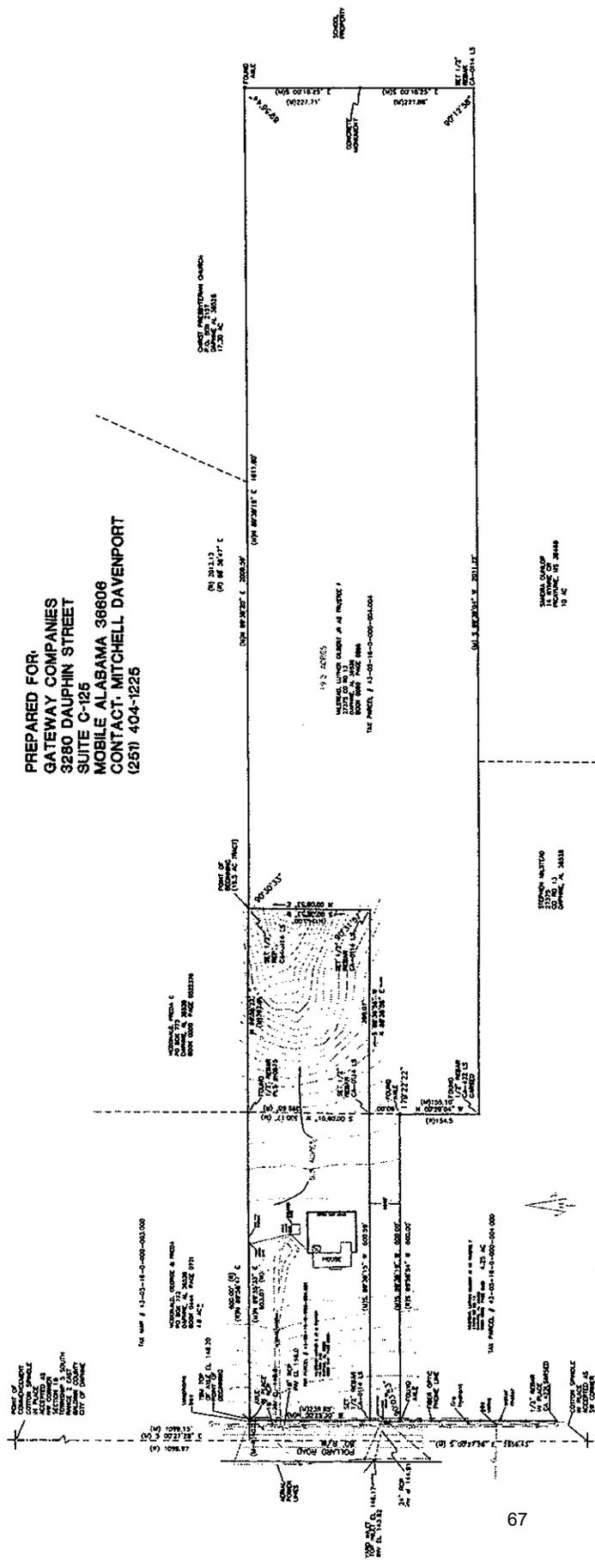
LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

EXHIBIT B LUTHER AND SHARON MILSTEAD

RAY & GILLIAND, P.C.	
130 E FORT BLISS ST.	PL. NO. (20) 15-334
MOBILE, ALABAMA 36688	FILE NO. (20) 15-334
SCALE: 1"=100'	DATE: 11-12-07

PREPARED FOR:
GATEWAY COMPANIES
 3280 DAUPHIN STREET
 SUITE C-126
 MOBILE ALABAMA 36608
 CONTACT: MITCHELL DAVENPORT
 (251) 404-1225



FLOOD INFORMATION
 FLOOD INFORMATION IS PROVIDED FOR THE PROJECT SITE AND ADJACENT AREAS. THE FLOOD INFORMATION IS BASED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 17083C001A, DATED JULY 17TH 2007.

THE SURVEY, INCLUDING PROPOSED EASEMENTS, IS BASED ON THE FIRM NUMBER 17083C001A, DATED JULY 17TH 2007. THE SURVEY IS BASED ON THE FIRM NUMBER 17083C001A, DATED JULY 17TH 2007.



1. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

2. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

3. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

4. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

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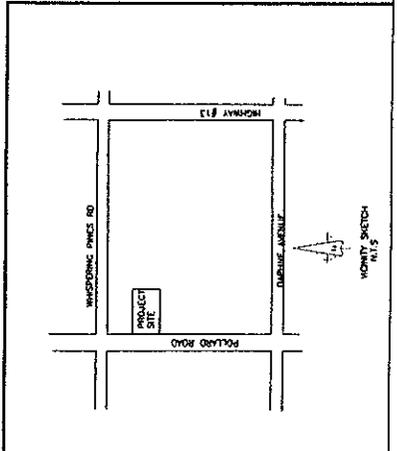
6. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

7. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

8. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.

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10. I, **STEPHEN HAYDON**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**, and that the same is a true and correct copy of the original survey as shown to me by the client, **GATEWAY COMPANIES**.



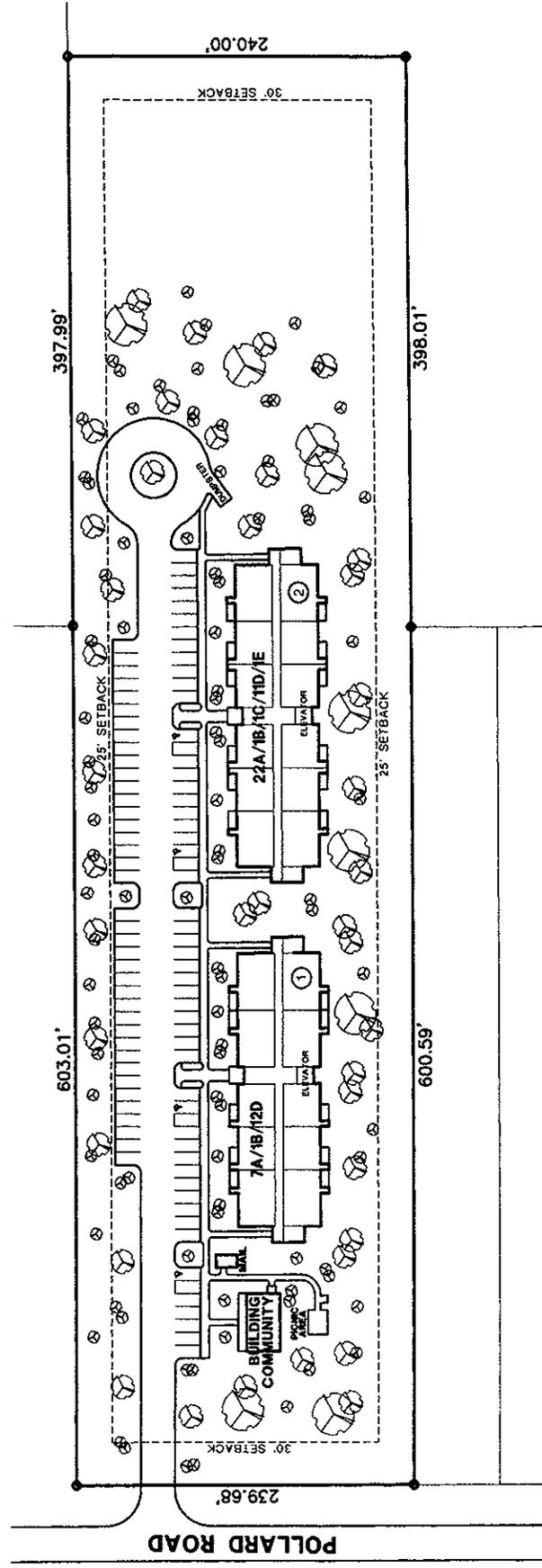
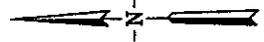
OWNER/DEVELOPER

LAUREL SPRINGS APARTMENTS, LTD.
 920 FLORENCE BOULEVARD
 FLORENCE, ALABAMA 36431

ARCHITECT
 MCKEAN & ASSOCIATES ARCHITECTS, LLC
 2615 ZELDA ROAD
 MONTGOMERY, ALABAMA 36108

LEGEND

UNIT TYPE	COUNT
UNIT 'A' - ONE BEDROOM	29 UNITS
UNIT 'B' - ONE BEDROOM - HANDICAP	2 UNITS
UNIT 'C' - ONE BEDROOM - SEN. IMPAIRED	1 UNIT
UNIT 'D' - TWO BEDROOM	23 UNITS
UNIT 'E' - TWO BEDROOM - HANDICAP	1 UNIT
TOTAL UNITS	56 UNITS
PARKING SPACES:	90
SITE AREA:	5.6 ACRES ±



SCHEMATIC SITE PLAN

**LAUREL SPRINGS APARTMENTS
 DAPHNE, ALABAMA**

NOVEMBER 15, 2007



McKean & Associates
 ARCHITECTS
 MONTGOMERY ALABAMA

ORDINANCE NO. 2008-

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**Luther Jr. and Sharon Milstead Annexation
(Property located on Pollard Road)**

**BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS
FOLLOWS:**

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on December 20, 2007 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family Residential District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 6, 2008 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

“Exhibit A”

LEGAL DESCRIPTION:

LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

**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

Daphne Police Department		Monthly Report					December 2007			
Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor)			
						YTD				
# Complaints	1,240	# New Cases Received:	45	Total Arrestees Received & Processed:	158	436			Arson	0
# Misd. Arrests	68	# Previous Unsolved Cases:	119	Arrestees by Agency:			#Complaints	41	Burglary – Commercial	4
# Felony Arrests	8	# Cases Solved:	26	Daphne PD	127	349	#Follow-ups	58	Burglary – Residence	2
DUI Arrests	16	Resulting in Total Arrests:		BCSO	4	16	#Citations	0	Burglary - Vehicle	0
Alias Warrant Arrests	31	Felonies:	13	Spanish Fort	26	64	#Warnings	11	Criminal Mischief	9
Citations	145	Misdemeanors:	6	Alabama State Troopers	1	5	#Felines Captured	28	Disorderly Conduct	2
Close Patrols	252	Houses Searched	0	INS	0	0	#Canines Captured	37	Domestic Disturbance	29
Warnings	109			US Marshalls	0	0	#Other Captured	2	False Info to Police	1
Motorist Assists	215			Other Municipalities	0	1	#Returned to Owner	15	Felony Assault	0
Roadway Accidents	58	Warrants:		Other States	0	1	#Adopted Out	17	Felony Theft	18
Private Property Accidents	20	Bettner Served	44				#Euthanized	35	Harassment	8
Traffic Homicide	0	Agency Assists	16	Highest	31				Identity Theft	0
		Recalls (Pd Fines)	10	Lowest	20				Indecent Exposure	1
DRUG REPORT		Total Warrants Served	70						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,407	7,619			Menacing	1
		Sex Offender:		Medical Cost	1,500.42	\$3,749.97			Misdemeanor Assault	1
# Misd. Marijuana Arrest	4	New Registration:	0	Worker Inmate Hours	342	1,811			Misdemeanor Theft	25
# Felony Marijuana Arrest	0	Contact Verification	1						Murder	0
# Controlled Substance Arrest:	2	Total # registered in Daphne	2						Other Death Investigations	3
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	0
Vehicles Searched	17	# Hours Report Writing:	4						Public Lewdness	0
		# Students Instructed SRO	500						Receiving Stolen Property	1
Drugs Seized:	2	# Students Instructed DARE	45						Reckless Endangerment	0
Money Seized	0	# Police Reports by SRO	4						Resisting Arrest	0
Vehicles Seized	0	# Arrest by SRO	1						Robbery	1
									Sex Crime Investigations	1
		CODE ENFORCEMENT:							Suicide	0
		Warnings:	3						Suicide, attempted	1
		Citations	1						Theft of Services	0
		Warning Compliance	0						Unauthorized Use of Services	1
		Follow – Up	11						Weapon Offenses	0
									White Collar Crimes	4
<i>Approved by:</i>		<i>David Carpenter, Chief of Police</i>								

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: December 2007

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	0	0
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	5	7
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	1	6
14-Natural Vegetation Fire	1	3
15-Outside Rubbish Fire	0	2
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	125	339
4-Hazardous Conditions (No fire):	12	34
5-Service Call:	8	24
6-Good Intent Call:	10	34
7-False Alarm & False Call:	12	44
8-Severe Weather & Natural Disaster:	0	1
9-Other Situation:	0	1
Total Emergency Calls:	159	426
Monthly Total Calls:	174	495
Response Time:		
Highest:	13	13
Lowest:	1	1
Average (Minutes/Seconds) :	4/16	4/21
Miscellaneous Reports:		
Training Hours	88	531.67
Property Loss - \$	\$1,291,800	\$1,336,205
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	1/0	1/0
Advance Life Support Rescues	43	148
Child Passenger Safety Seat Inspections/Installations	12	29
Fire Prevention Awareness/Education:		
Classes	1	56
Persons Attending	50	1,963
Bureau of Fire Prevention:		
Plan Reviews	3	20
Final/Certificate of Occupancy	2	2
General/Annual Inspections	103	310
General/Re-Inspections (Violation Follow-up - Annual)	17	54
Business Licenses	8	19
Consultations-	0	0
All Other/Misc. Activities	0	4
Total Activities:	133	409

Authorized by:

James White

Chief James White

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on December 28, 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

The May meeting of the Public Works Committee was called to order at 8:15 a.m.

Present: Councilman John Lake, Councilman Yelding Bailey, Melvin McCarley

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Correspondence – Canterbury Place POA
- B. Work Request Report – September 2007, October 2007, November 2007 and FY07 by PW Department.

III. OLD BUSINESS

- A. Minutes – September 28, 2007 meeting (with correction)
Councilman Barnette made a motion to approve minutes. Motion seconded by Councilman Lake.

IV. NEW BUSINESS

- A. Mayor Small indicated that the Daphne Museum does not have fire alarms installed. Requested that this be put on the next agenda for discussion. The Museum has already requested a part-time Museum director. The property is going to be donated to the Museum.

V. DIRECTOR'S REPORT

- A. Garbage Carts/Recycling Bins – Melvin showed the committee members the 2.5 yard containers for the recycling drop off center. Melvin needs to get a solid price and present to the committee.
- B. Councilman Bailey requested an update on the sidewalk project. We have a lot of crew members on vacation this week so no work is being done at this time. After the holidays they will work from Ashley Gates to Main Street. John Lake brought up the marking of sidewalks every .10 mile so walkers will know how far they have walks. Councilwoman Barnette stated that this should be an Eagle Scout project and that we need to find and Eagle Scout to take on project. The street's crew is going to finish the sidewalks in Dauphine Acres.
- C. David Cohen is working on grants to build sidewalks from Pine Hill to Pollard to County Road 13.
- D. Restrooms – Melvin put funding in the budget for Joe Lewis Park but it was cut from capital. HMR still has the plans.
- E. Councilwoman Barnette requested an update on the HHW Building. Melvin stated that he is working with Building Inspections to see if building can be retro-fitted to service original purpose.

VI. SOLID WASTE AUTHORITY

- A. Nothing Submitted

VII. MUSEUM COMMITTEE

A. Minutes – August 13, 2007

VIII. BEAUTIFICATION COMMITTEE

A. Minutes – September 7, 2007

B. The Beautification committee submitted a top ten list of things they would like to accomplish. Gator Alley and the parking lot were completed. Next they are going to work on the railings.

IX. ENGINEER REPORT

A. NRCS Update – Yancy Branch is done. Fish & Wildlife is happy with the results.

V. FUTURE BUSINESS

A. Next Meeting – February 22, 2008, 8:00 a.m.

XI. ADJOURNMENT

Councilman Bailey motioned to adjourn. The meeting adjourned at 8:56 AM.

Daphne Beautification Committee

Civic Center Recreation Building, Daphne, AL

Minutes

January 4, 2008 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, David McElroy, Marjorie Bellue

Members:

Chair: Anne Talton (7)	Frances Harrell (1)	Jessia Prater (1)
Vice Chair: Nancy Henderson (3)	Dorothy Morrison (2)	Carolyn Coleman (2)
Secretary: Judy Sholtis (2)	Selena Vaughn (4)	Tomasina Werner (4)
Treasurer: Frieda Romanchuck (7)	Patty Kearney (5)	Dorothy Rankins (5)
Marilyn O'Connor Moore (2)	Audrey Rouire (6)	Kay Wineman (7)

I. Call to order – 10:07 a.m.

II. Roll call – Present were Anne Talton, Judy Sholtis, Marilyn O'Connor, Frances Harrell, Dorothy Morrison, Selena Vaughn, Patty Kearney, Audrey, Rouire, Carolyn Coleman, Kay Wineman, David McElroy, Marjorie Bellue, and Bill McMann

III. Approval of minutes – The minutes were sent out by email. There were not recommendations for changes or reports of errors. A motion was made, seconded and was approved by majority to accept the minutes as posted.

IV. Treasurers Report- Frieda Romanchuck was unable to attend the meeting but sent a comprehensive budget report. A motion was made, seconded, and approved by the majority to accept the report.

V. Sub-Committee Reports –

- a.** Beautification Awards – December 13th, at 10:00 a.m., The Daphne Beautification Award Committee presented the owner of The Frame Corner, located at 1411 Main St. the Beautification Award for district two. Mayor Fred Small, his assistant Jane Robbins and several members of the Daphne Beautification Committee attended the ceremony. A special thank you was given to Carolyn Coleman for hosting a Christmas reception at her home following the ceremony. Marjorie was asked to check the public works dept. about the beautifications sign being placed in front of The Frame Shop. The sign will remain for 1 quarter.

- b. Gator Alley – Dorothy Morrison gave the following report. Ten more sections of debris has been cleared from the chain link fence. The public works dept. is starting the wooden fence that will face Main St. There is still money designated in the budget to be spent on Gator Alley in the next two months.
- c. Crape Myrtles – On hold while Marshall is gone.
- d. Arbor Day – The Arbor Day committee has been working and is busy planning a nice day at Village Point Park. Marjorie Bellue stated that there is a grant for \$15,000.00 in trees. The purpose of this grant is to replace trees lost in Katrina and the trees are to be planted in peoples yards, but they must be visible from the street.
- e. Christmas Decorations – Christmas went fine. The decorations committee needs to concentrate on the new city hall. The decorations committee is to meet Jan.15th at 10:00 a.m. in the storage shed to work on Mardi Gras lights. Decorations will be discussed further at that time.

VI. Open Business –

- a. Top ten List – The Top Ten List was read by Selena Vaughn and briefly discussed. She suggested each member take one item and personally investigates what can be done to resolve the issue.

VII. New Business – None discussed.

VIII. Public Works – Marjorie Bullue introduced Bill McMann who will be working with her while Marshall Parsons is in Iraq.

IX. Announcements – Marshall Parsons has been deployed to Iraq for the next six months.

X. Adjournment - Formal meeting was adjourned at 10:40 and members were taken on a bus tour of the parks and recreation facilities of Daphne by David McElroy.

Respectfully, Judy Sholtis

Secretary

**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:

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
JANUARY 14, 2008
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Starke Irvine called the meeting to order with a quorum present at 5:30 p.m.

Members Present: Starke Irvine, Ceann Wachter; Jackie Ward; Lad Drago; Glenn Glass; Kit Smith; Jackie Ward.

ABSENT: Chris Donald.

Board Members Present: Cathy Barnette; Robert Lloyd; Mary Lloyd.

Board Members Absent: Jeff Hudson; Andy Citrin; Mayor Small.

Also present: Rebecca Hayes, Recording Secretary; Teresa O'Brien, Dorothy Morrison, Beautification Committee.

APPROVAL OF MINUTES / MEETING HELD NOVEMBER 13, 2007

**MOTION BY Kit to approve the minutes meetings held November 13, 2007.
Seconded Ceann by.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

FUNDING

The members discussed looking into receiving funding from the lodging tax which will help to get projects going for the downtown area.

STREETSCAPE

Starke said the streetscape will run from Van Avenue to Magnolia Avenue. He said that the Louis Wynn streetscape adopted by the city some time ago will no longer work for the downtown area. He said that Kent Broome would give them a price on designing a streetscape from Van to Magnolia. They discussed having wide sidewalks.

UNDERGROUND UTILITES

Starke reported that Tom Byrne with Riviera Utilities called to tell him that he is doing a study to see about moving the utility lines on College Avenue down to Magnolia Avenue back to Sixth Street. The members discussed getting a topo map from the Planning Department, and that Kit and Cathy will arrange a meeting with Mr. Byrne to discuss with him that the Authority feels this should be done the right way which is to put the utilities underground. They feel just moving them would be going backward, and also there is not enough right-of-way for the poles on Sixth Street.

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
JANUARY 14, 2008
5:30 P.M.

2

Starke discussed with the members the renovation that is going on in the Village of Springhill, which he feels is similar to Daphne. He is interested in how they are going about it. He said that he will be meeting with Linda St. Johns to discuss their plan.

Glenn gave an update regarding the project across from Centennial Park. He said that there will be retail stores on the bottom and apartments on the top. He said they want to put in 6 foot sidewalks, and remove the wooden fence on the east side of Centennial and install a wrought iron fence.

NEXT MEETING

The next meeting will be February 11th.

ADJOURN

The meeting adjourned at 6:45 p.m.

January 17, 2008

CITY OF DAPHNE, AL

INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Eastern Shore Toyota,
29732 Frederick Blvd., Daphne, AL in conference room on 2nd floor.

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Jim Rouprich, Nancy Cox, Phillip Ellis, and Dan Romanchuck

Also present – David Cohen and Darlene Bender

2. OLD BUSINESS

None

3. TREASURERS REPORT

Mr. Rouprich gave treasures report with a final balance of \$117,989.46

Motion by Ms. Cox Seconded by Mr. Romanchuck To approve the
treasures report.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. OTHER BUSINESS

Ms. Bender made a presentation of Blue Print of Tomorrow.

a. The IDB discussed the direction and makeup of the Industrial Development Board. A consensus was made that there was a need to have Baldwin County Alliance come in and train the board on industrial recruitment.

b. The IDB discussed moving the meeting date to the fourth Thursday of each month at 6:00 P.M. to the Toyota Dealership Conference Room until City Hall is completed.

Motion by Mr. Rouprich Seconded by Mr. Romanchuck To set the IDB
meetings on the fourth Thursday at 6:00 P.M. at the Toyota Dealership Conference Room
until City Hall is completed.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

c. Discuss the warranty deed for lots 11 and 23, Highway 31 Commerce Park “B”

Motion by Mr. Ellis Seconded by Ms. Cox To approve the
transfer of warranty deed back to RCL.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

5. ADJOURN

Motion by Mr. Romanchuck Seconded by Mr. Rouprich

To adjourn.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:35 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

TREASURER'S REPORT - IDB CITY OF DAPHNE

DATE: 1/17/08

AS OF: 12/31/07

CHECKING ACCOUNT

\$ 4,579.41

MONEY MARKET ACCOUNT

\$ 113,410.05

TOTAL: \$ 117,989.46

INTEREST

MONTH: \$ 296.33

YTD: \$ 3,991.78

DEPOSITS

\$ _____ DATE: _____

TOTALS: \$ _____

TOTALS: \$ _____

WITHDRAWALS

\$ _____ DATE: _____

TOTALS: \$ _____

TOTALS: \$ _____

ACCEPTED: _____

DATE: _____

PRINCE, MCKEAN, MCKENNA & BROUGHTON, L. L. C.

LAWYERS

**POST OFFICE BOX 2866
MOBILE, ALABAMA 36652**

SYDNEY R. PRINCE, III
GEORGE H. MCKEAN
DENNIS P. MCKENNA
J. RITCHIE MACPHERSON PRINCE

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FACSIMILE: (251) 575-1047

OFFICE ADDRESS:
13TH FLOOR
REGIONS BANK BUILDING
56 ST. JOSEPH STREET
MOBILE, ALABAMA 36602

TELEPHONE:
(251) 433-5441

FACSIMILE:
(251) 431-0159

November 14, 2007

The Industrial Development Board
of the City of Daphne, Alabama
c/o David Cohen
Post Office Box 400
Daphne, Alabama 36526

RE: Warranty Deed for Lots 11 and 23, Highway 31 Commerce Park "B"

Dear Mr. Cohen:

Enclosed herewith please find a Warranty Deed that I have drafted for the Board's Chairman to execute, thereby transferring this property back to RCL Services, LLC. I understand that the original Warranty Deed was from Refra-Chem Linings, Inc. and that this deed transfers the property to a different entity, but this is a sister corporation.

Please let me know if anyone has any questions or concerns in this regard. After the document is executed please return it to me for filing in the Office of the Judge of Probate of Baldwin County, Alabama. I will be happy to furnish a copy of the filed document to the Industrial Development Board if that is your wish.

I look forward to hearing from you.

Cordially,



Ritchie Prince

JRMP/rp

enclosure

STATE OF ALABAMA:
COUNTY OF BALDWIN:

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that The Industrial Development Board of the City of Daphne, Alabama, a public corporation(hereinafter called the "Grantor"), the current address of which is P.O. Box 400, Daphne, AL 36526, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid by RCL Services, LLC, an Alabama limited liability corporation (hereinafter called the "Grantee"), the address of which is 11280 A, US Highway 31, Spanish Fort, AL 36527, and for other good and valuable consideration, the receipt of which in full is hereby acknowledged; does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described real property situated in Baldwin County, Alabama, to-wit:

Lots 11 and 23, Highway 31 Commerce Park "B" as per plat thereof dated November 18, 1998 in Slide 1856-B of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

Subject to:

1. Building setback lines, 20' drainage and utility easements along the front and rear lot lines together with agreements, conditions and limitations as shown on the recorded plat of the subdivision.
2. Restrictive covenants as contained in instrument by Section 25 Land Company, LLC, Highway 31, Inc., and Lafayette Land Company dated November 13, 1998, and recorded November 30, 1998 in Misc. Book 101, Page 1953 of the records in the Office of the Judge of Probate Court of Baldwin County, Alabama, and amended by instrument dated December 29, 1998 and recorded in Instrument #474843.
3. Oil, gas and minerals as retained in deed recorded at

Real Property Book 422, Page 598 of the aforesaid Probate Court records.

4. Easement from James Graham Brown Foundation, Inc. to Alabama Power Company recorded at Real Property Book 627, Page 1593 of the aforesaid Probate Court records.
5. Reservation of all mineral rights in and to the conveyed property as contained in that certain deed from James Graham Brown Foundation, Inc. to Harold M. Densmore dated June 26, 1996, and recorded in the records of the Judge of Probate for Baldwin County, Alabama at Real Book 695, Page 505.
6. Articles of Incorporation of Highway 31 Commerce Park Property Owner's Association, Inc. dated December 19, 1998 and recorded in Instrument #474839.

TOGETHER WITH ALL AND SINGULAR, the rights, members, hereditaments, privileges and appurtenances, there unto belonging or in any wise appertaining;

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns, in fee simple, forever.

IN WITNESS WHEREOF, The Industrial Development Board of the City of Daphne, Alabama, a public corporation, has caused this deed to be executed in its name and on its behalf by a duly authorized officer on this the 17th day of

January, 2008.

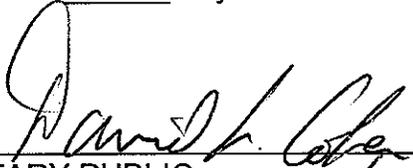
The Industrial Development Board
Of the City of Daphne,
A public corporation

By: Toni Fassbender
TONI FASSBENDER
As Its: Chairman

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that TONI FASSBENDER, whose name as Chairman of The Industrial Development Board of the City of Daphne, Alabama, a public corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date that, being informed of the contents of said conveyance, and with full authority, he, as such officer and with due authority, executed the said voluntarily for and as the act of said Alabama corporation on the day the same bears date.

Given under my official hand and seal on this the 17th day of January, 2007.


NOTARY PUBLIC
My Commission Expires: 5/1/2008

GRANTEE'S ADDRESS:

RCL Services, LLC
c/o Charles Sixbury
11280 A
U.S. Highway 31
Spanish Fort, AL 36527

This Instrument was Prepared by:
J. RITCHIE M. PRINCE Esquire
PRINCE, MCKEAN, MCKENNA, & BROUGHTON, L.L.C.
Post Office Box 2866
Mobile, Alabama 36652

Derek Boulware
104 Michocaun Circle
Daphne, Alabama 36526

Home Ph: 251-625-0895
Office Ph: 251-943-4122
Cell Ph: 251-979-3975

TO: Daphne City Council
RE: Request to fill vacancy on the Daphne City Council

I am a resident of the City of Daphne and have been for the past seven years. My wife and I live in the subdivision of Lake Forest and feel we've found a permanent home on the Eastern Shore. In the interest of civic duty and community service it would be my great honor and pleasure to offer my time and services to the City of Daphne in order to help fill the recent vacancy to our City Council.

PROFESSIONAL EXPERIENCE

Vice President, Vision Bank
Branch Manager, RBC Centura Bank
Branch Manager, AmSouth Bank
Financial Advisor, UBS Financial Services
Business Owner, JDB Enterprises Inc.

PERSONAL INFORMATION

Family is from Coosa and Tallapoosa County, Alabama
Raise the majority of childhood in Enterprise, Alabama, graduated from
Enterprise High School
Attended the University of Alabama, graduated in 1997
Married wife Caroline, hometown of Gadsden, Alabama in 1998
Bought our home in Lake Forest in Daphne in 2000
Attend Daphne United Methodist Church
Member of the Kiwanis Club, Foley, Alabama

Please call if I may be of service, thank you.

Diane F. Hurst
113 East Avon Circle
Daphne, Alabama 36526
(251) 625-2863
DIAHUR2@aol.com

PERSONAL STRENGTHS:

- **Detail oriented, organizational skills, goal oriented**
- **Solution seeker, Task minded, Objective driven, Problem Solver**
- **Supervisory skills, Self starter, Volunteer**
- **Motivator, Researcher, Listener, Presenter, Deal Closer**

WORK HISTORY:

- **1980 TO 1990**
United States Air Force Active Duty
Selected to serve as part of the Uniform Code of Military Justice and Legal
Inspections Aspects of Branches
- **1990 TO 1992**
State Farm Insurance
Office Manager and Sales for Life Insurance
- **1992 TO 1995**
Owner of Baseball Card Business
- **1995 TO 2006**
Advanced Technology Council Incorporation Owner
Managed National Events around the Country
- **2006 TO Present**
Insurance Center LLC
Independent Insurance Agent

SCHOOL, DESIGNATIONS & AWARDS

- **CPIA Designation**
- **Associates Degree in Administrative Management**
- **Continuing Education in Management for the Insurance Industry**
- **Airmen of the Year**
- **NCO of the Quarter**
- **Administrator of the Year – European Information's Systems (out of 3800)**

- Air Force Accommodation (2 times)
- Air Force Achievement
- Air Force Good Conduct (3 times)
- Inspector General Team
- Liaison between Germany & Belgium Launch Cruise Missiles

VOLUNTEER, ORGANIZATION & CLUBS

- Orphanages overseas
- Battered women shelters

**Daphne Public Library Board
January 3, 2008
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Members Cassandra Day, Dee Gambill, and Gayle Robinson; Board Chairman Ron Allen; Foundation Committee Member Jan Blankenhorn; City Council Liaisons John Lake and Gus Palumbo.

1) Call to Order:

After a quorum was established, Board Chairman Ron Allen called the meeting to order at 4:00 pm.

2) Reading and Approval of the Minutes:

The minutes of the November 1, 2007 meeting were reviewed and approved. Motion by Gayle, second by Dee.

3) Chairman's Update on Library Foundation Status:

Ron stated that he had received the 501 (c)3 application papers for the foundation. He stated that the application was ready and we would need \$300 to file for the 501 (c)3 status. Tonja stated that the library would request a purchase order if Ron brought a form by the library indicating the expense.

4) Action on Proposed Amendment of Ordinance 1968-10:

It was discussed that the proposed changes needed to go to the Ordinance Committee and on to the Council for approval once the Board came to a decision on a number of persons to serve on the board. Gus stated that all ordinance changes to any particular ordinance should be made all at once whenever possible.

5) Vote on Number of Board Members

After some discussion, Ron asked for a motion for 15 or 11 members on the board. Dee made a motion for 9 members to serve on the board. Motion failed. Cassandra made a motion for 7 members to serve on the board. Motion failed.

Ron discussed the fact that 5 board members would not allow for very many working committees during the upcoming public awareness and building campaigns. He had hoped for at least 4 working committees through which the board could support the library. Gayle stated that those duties should be handled by members of the Friends of the Library. Ron stated that the Friends primary function was to raise money to support the library and its activities not covered through the city. Dee asked how we originally arrived at the number of 5 board members. John suggested that it was because there were originally 5 council members and Gayle stated that it was based on the state regulations. Dee suggested leaving an open number such as "up to 11 members" and Gus stated that would leave the library open to future councils appointing members to the board without request. Gus suggested having committee members that were not voting board members. Tonja asked if that would put various decisions in the hands of individual board members rather than the entire group. She stated that she would just like to see the board act as one group in a cohesive manner. The old ordinance was read aloud. The suggested changes were read aloud.

7) Vote to Begin Public Awareness Campaign

Ron began discussing the presentation made by Max Reed of ROC Group and asked Gayle to give her opinions on his campaign. Gayle stated that Max appeared to be well-prepared and gave an excellent presentation. She stated that he understood our goals and seemed like he would be easy to work with.

Tonja stepped out to obtain the storyboards prepared for the campaign, at which time a discussion erupted concerning the library's Saturday hours (2:00 pm closing) and Sunday hours (closed). Gus stated that a public awareness campaign was not merited by the current operating hours, and that he had already received two complaints from his constituents concerning the library being closed on holidays and Sundays. Further discussions of staffing, scheduling, city holiday schedules and the many services of the library followed. It was explained that the library was currently pushed to the limit to offer all the present programs and services with the staff available.

John stated that the library and staff did an excellent job. He stated that he had been into the library and seen work in progress and that the library continued to improve all the time. John also stated that perhaps it was time for the council to help the library by providing more staff.

Gayle made a motion to begin the campaign with the funds the city set aside for expansion of the library. Tonja stated that the expansion grant should be

announced by the end of January and if we received the grant it would be almost enough to pay for the campaign. The motion was seconded and passed.

8) Library Director's Report

There was no director's report due to a lack of time.

9) Citizen Participation

No additional citizen participation.

10) Other Business

The library board approved the requested 2008 library closings dates, consisting of all city holidays and four Saturdays. One day was approved for countywide staff development.

11) Adjourn

Motion to close the meeting was made by Dee and seconded by Cassandra. The meeting adjourned at 5:15 pm.

Respectfully submitted by T. Young, Jan. 7, 2008

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 24, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:03 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Victoria Phelps, Secretary
Don Terry
Jeff Carrico, Chairman
Larry Chason, Vice Chairman
Ed Kirby

Members Absent:

DeLeon Thomas
Cathy Barnette, Councilwoman

Staff Present:

Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Jay Ross, Attorney
*Missty Gray, Attorney

Staff Absent:

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

* Missty C. Gray, Attorney arrived at 6:10 p.m.

The first order of business is the call to order. Please let the record reflect that Mr. Thomas and Ms. Barnette are not present. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of December 20, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 24, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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Chairman: If there are no further additions, deletions, or corrections at this time, the Chair will entertain a motion.

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

NEW BUSINESS:

The next order of business is an administrative presentation of a revision to the City of Daphne zoning and street maps.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Nancy Anderson, GIS Technician, of a revision to the City of Daphne Zoning and Street Maps. This is a revision of the zoning and street maps with a listing of changes made in the City for the last six months of annexations, zoning amendments and other projects which have been approved by you, as well as, an indication of the newly adopted extraterritorial jurisdiction. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion for a recommendation to the City Council to accept the maps.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning and Street Maps. The Motion carried unanimously.**

The next order of business is an administrative presentation of an extension of the site disturbance permit for Apalachee Residential Community.

ADMINISTRATIVE PRESENTATION:

An introductory presentation to be given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch, and Dr. Barry Booth, one of the owners, requesting an extension of the one year requirement for the site disturbance permit issued for the Apalachee Residential Community.

Dr. Booth: I am Barry Booth, and I am the lesser half of Apalachee partners. "Apalachee partners appreciated the confidence shown by the City of Daphne Planning Commission and the City Council by granting us an extension of the site disturbance permit until February 2008.

Dr. Booth: We are now aware however that although the residential real

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 24, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

estate market continues to suffer from the effects of storms this past year, there are indications that construction costs will begin to moderate. Private and other governmental entities will come to grips with the various insurance problems and questions." The results of these and other factors create the projections that the residential development industry may have some degree of turn around in the later part of 2008. Throughout 2007, Apalachee partners have monitored all market indicators. We have continuously interacted with our proposed builders and our other suppliers. Our financial institutions are waiting for the go sign to a singular goal of moving Apalachee forward. Consequently, Apalachee partners, Ms. Wallace and myself, we respectfully request an extension of this permit so as to allow us to position the project when the conditions warrant it in 2008. We would appreciate your continued support in the extension of the site disturbance permit. Mr. Bailey, representing Hutchinson, Moore & Rauch, will be happy to address any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? He noted for the record that he will not be participating and will abstain from the action taken on this project.

Mayor Small: I know that he is not here, but I think Mr. Thomas gave some things for findings to the city attorney.

Mr. Ross: Not I am not aware of anything, Mayor. Nothing was directed to me.

Ms. Dickson: He directed Mr. Bailey to address issues with the site.

Mr. Bailey: Mr. Thomas had asked me to write a letter to the Planning Commission that summarized the differences and/or a comparison of the project to the ordinance which was enacted after this project was approved. I went back and did a comparison and provided a letter to Ms. Jones last week. I believe that should be in your packet.

Chairman: Adrienne, do we have that?

Ms. Jones: Yes sir. It is Item B.

Mr. Bailey: Basically, it significantly complied, but I think the fact that ordinance was created after our project was approved would not render it to be in a nonconforming type of use.

Ms. Phelps: One year ago we granted you an extension and this year you are asking for another one. When do you project this project to start?

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 24, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

SUMMARIZATION OF MINUTES:

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What is your best placed scenario on the time line for the project?

Dr. Booth: You will have to direct that question to someone in Washinton, DC. I cannot project anything like that. We have every intention of moving Apalachee forward as soon as possible when the market dictates.

Mayor Small: Adrienne, what are we looking at here? I know the ordinance gives them one extension. If we do not grant the extension, does it go through the whole planning process again.

Ms. Jones: To obtain a site disturbance permit, you have to go through the application process again. We have a provision where the site plan actually expires, but this site plan did not expire. It would be just a matter of getting the site disturbance permit again. It does not affect the zoning of the project or anything else.

Mr. Chason: If we approved the project, then how often do we deny a site disturbance permit? Has that ever happened?

Mayor Small: I do not think so.

Mr. Chason: I guess I do not understand. If it does not affect the project, what was submitted, or how we go forward, then it is hard to believe that whatever point if it was not granted tonight that it has not been done before.

Mayor Small: It would not even come back to us. It would simply go back to the staff to do the site disturbance permit.

Dr. Booth: Just for your information, I did speak to Mr. Eady prior to the problem and he indicated that we would be making an application for an extension.

Mr. Terry: What is the purpose of the time limit on the site disturbance permit?

Ms. Jones: It may be just to encourage people to not speculate on their property. The partners have owned the property for a while and unless they are proposing to sell it or change the development, then I do not think that it is necessary for it to come back to the Planning Commission.

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

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A **Motion** was made by Mr. Chason and **Seconded** by Mayor Small **to grant a one year extension for the site disturbance permit issued to the Apalachee Residential Community.**

Upon roll call vote, the Motion carried.

<i>Mayor Small</i>	<i>Aye</i>
<i>Ms. Phelps</i>	<i>Nay</i>
<i>Mr. Terry</i>	<i>Aye</i>
<i>Mr. Carrico</i>	<i>Abstained</i>
<i>Mr. Chason</i>	<i>Aye</i>
<i>Mr. Kirby</i>	<i>Aye</i>

Mr. Ross: There were one nay and one abstention.

Dr. Booth: We really appreciate it. Thank you.

Mr. Terry: Dr. Booth, on February 15, 2009 if nothing else, I want to see you out there with a shovel.

Dr. Booth: We could have done that, but that would have been an ingenious gesture. Our credibility and reputation would not approve of anything like that.

Ms. Dickson: I think it would be prettier if it was Ms. Celia.

Dr. Booth: Ms. Celia can drive that backhoe.

The next order of business is site plan review for Daphne Urgent Care Clinic.

SITE PLAN REVIEW:

File S08-01:

Site: Daphne Urgent Care Clinic

Location: The Northeast corner of U. S. Highway 90 and Alabama Highway 181

Area: 1.45 Acres +

Architect: Bowden Architects - Don Bowden

An introductory presentation was given by Mr. Don Bowden, representing Bowden Architects, of an urgent care medical facility to be located Northeast corner of U. S. Highway 90 and Alabama Highway 181. This facility will consist of the construction of a medical facility with

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ten exam rooms and two trauma rooms which will accommodate two physicians. The trauma rooms are not to be used as an emergency room care unit, but will allow a patient with a serious injury access to the facility for care with the ability to bypass the waiting room area. Access to the site will be accomplished by extending the service road to the South in order to access Alabama Highway 181. I will be happy to answer any questions you may have.

Chairman: 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 grant approval to the site plan for Daphne Urgent Care Clinic. The Motion carried unanimously.**

The next order of business is site plan review for Burger King.

File S08-02:

Site: Burger King

Location: Northwest of the intersection of Alabama Highway 181 and U. S. Highway 90

Area: 1.44 Acres +

Owner: Strategic Restaurants

Engineer: Frank Dagley & Associates - Tony Spencer

An introductory presentation was given by Mr. Tony Spencer, representing Frank Dagley & Associates, of a restaurant facility to be located Northwest of the intersection of Alabama Highway 181 and U. S. Highway 90. A revision has been made to the landscape plan to address the comments made at the site preview meeting. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Phelps: The revision to the site plan was my request to add landscaping to the rear of the facility around the trash receptacle.

Chairman: 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 grant approval to the site plan for Burger King. The Motion carried**

**THE CITY OF DAPHNE
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unanimously.

The next order of business is preliminary/final review for Darring Business Subdivision.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF08-01:

Subdivision: Darring Business

Location: Northwest of the intersection of U. S. Highway 98 and Van Buren Street
Area: 1.96 Acres +, (3) lots
Owner: Al Darring
Surveyor: McCrory & Williams - Jimmy Mason

Ms. Dickson: Mr. Chairman, Mr. Mason is not present.

Chairman: Ms. Dickson, let the record reflect that the item was tabled due to no presentation by the agent.

The next order of business is preliminary/final review for Blake Park Subdivision.

File SDPF08-02:

Subdivision: Blake Park

Location: South of U. S. Highway 90 near Plantation Hills Subdivision
Area: 23.3 Acres +, (4) lots
Owner: MBR, Ltd.
Engineer: Volkert & Associates - Steve Pumphrey

An introductory presentation was given by Mr. Steve Pumphrey, representing Volkert & Associates, requesting preliminary/final plat review of a twenty-three point three acre subdivision consisting of four lots located South of U. S. Highway 90 near Plantation Hills Subdivision. I would like to make a correction to the comments made at site preview. I will be happy to answer any questions you may

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have.

Chairman: Do any of the Commissioners have any questions or comments?

Mr. Chason questioned the division of the property and why it was done in this manner.

Mr. Pumphrey: The buffer between this facility and the adjacent subdivision will be between seventy and one hundred feet which includes the setback on the property. We have removed the access drive to the rear of the property in order to accommodate the residents. The property is currently zoned R-A and remain this zoning. It will be divided into four equal parcels and would allow one unit per three acres according to Baldwin County Regulations. This was accomplished only for the placement and approval by Baldwin County Planning Department of this facility on this parcel.

Chairman: Do any of the Commissioners have any further questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

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

Ms. Jones: Mr. Chairman, I would like to go back to the Darring Subdivision. Based on the fact that there were no revisions and no comments to be addressed, I would like to request that the Planning Commission act on the preliminary/final plat tonight.

Chairman: Yes ma'am. Do any of the Commissioners have any questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Mayor Small and *Seconded* by Mr. Chason *to approve the preliminary/final plat for Darring Subdivision. The Motion carried unanimously.*

The next order of business is a zoning amendment for Elite Development Company.

PETITIONS:

File Z08-01: Elite Development Company

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Location: Northeast of the intersection of Parker Lane and Avery Drive
Area: 10.01 Acres +
Owner: Elite Development Company - Clarence Burke
Engineer: Engineering Development Services - David Diehl

Present Zoning: R-3 Proposed Zoning: R-4, Single Family

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting rezoning of a ten-acre parcel located Northeast of the intersection of Parker Lane and Avery Drive from an R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone. The proposed rezoning is for the development of Phases Three and Four of Madison Place Subdivision. We are proposing to rezone this parcel, ten acres, to R-4, High Density Single Family Residential, for the construction of patio homes similar to what exists in Madison Place Subdivision, Phase Two. Twenty-five percent of the remainder of the subdivision will remain R-3, High Density Single Family Residential. The subdivision will be accessed from the main entrance of Madison Place on Parker Lane and will have a secondary connection to the City of Daphne Sports Plex. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? If the rezoning were to be approved, what would be the number of home sites proposed on this parcel?

Mr. Diehl: Thirty-five.

Chairman: Do any of the Commissioners have any her questions or comments? He opened the floor to public participation.

The adjacent property owners addressed the Commission to express their concerns regarding the proposed development and how it would impact their property. The main concerns were one access point from Parker Lane into third and fourth phases of Madison Place Subdivision, additional traffic, affect that construction equipment and traffic would have on the infrastructure of the existing subdivisions, and storm water drainage concerns for Madison Place and Kaylar Place

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Subdivisions, now and if additional lots are developed in this area with an existing drainage problem on Parker Lane.

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

Chairman: Do any of the Commissioners have any questions or comments? He closed public participation.

Mr. Bullock, Engineering Development Services: This site will have a detention pond, and the storm water drainage for this site will be directed through the City of Daphne property and will be directed North and West of Madison Place Subdivision.

Mr. Kirby: I have been in there during the day and I have not seen a traffic problem in this area.

Mayor Small: You must not have been there at eight o'clock in the morning or six o'clock in the evening because there is an existing traffic problem and will be if there are more phases of this subdivision having only one access. He questioned whether or not the pending litigation with the adjacent property, Earth Inc., dirt pit had been filed. I would like to see the developer try to work out another access for the purpose of construction traffic and possibly a connection to Tallent Lane. If another access cannot be achieved, I would like to see the developer post a bond to repair any damage that may occur during the construction of the homes in Phases Three and Four.

Mr. Ross: The suit has been filed, but no service has been processed on the case yet.

Mr. Kirby: Have we previously approved a master plan for Madison Place Subdivision, Phase Three?

Mr. Diehl: Yes sir, but fourteen acres has been added to the original property that was submitted. A revised master plan will be presented at the time of the submittal of the preliminary plan and construction plans for the project.

Mr. Chason: What will be the total of the R-3 and R-4 that was previously and is proposed for this development?

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Mr. Diehl: The R-3, High Density Single Family Residential, will be forty-nine acres and the R-4, High Density Single Family Residential, will be eighteen acres total.

Chairman: Do any of the Commissioners have any her 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 *for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a ten-acre parcel located Northeast of the intersection of Parker Lane and Avery Drive from an R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone for Elite Development Company.*

Upon roll call vote, the Motion failed.

<i>Mayor Small</i>	<i>Nay</i>
<i>Ms. Phelps</i>	<i>Nay</i>
<i>Mr. Terry</i>	<i>Nay</i>
<i>Mr. Carrico</i>	<i>Aye</i>
<i>Mr. Chason</i>	<i>Aye</i>
<i>Mr. Kirby</i>	<i>Aye</i>

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

ATTORNEY'S REPORT:

Mr. Ross, attorney: no report.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any 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 7:20 p.m.

Respectfully submitted by:

THE CITY OF DAPHNE
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Jan Dickson, Planning Coordinator

APPROVED: February 28, 2008

Jeff Carrico, Chairman

**THE CITY OF DAPHNE
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SET PUBLIC HEARING DATE

FOR

MARCH 17, 2008

1.) Revision of Zoning Map

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development (Adrienne Jones,
Planner)
Subject: The Revision to the City of
Daphne Zoning and Street Map
Date: January 25, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, January 24, 2008, six members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned request.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council. I have requested that the City Attorneys, Jay Ross and/or Missty Gray, prepare the resolution for the street map for adoption at the next City Council meeting and prepare the ordinance for the zoning map for publication by Wednesday, January 30, 2008.

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

Thank you,

AJ/jd

cc: file

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2008-**

**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 24, 2008, 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, Ordinance No. 2006-73 , Ordinance No. 2007-15; and Ordinance 2007-48 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, Ordinance No. 2006-73, Ordinance No. 2007-15; and Ordinance 2007-48 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 March 17, 2008; and

WHEREAS, the 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;

NOW, THEREFORE, BE IT ORDAINED BY THE 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 set forth 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, 2006-73 and 2007-15 and Ordinance 2007-48 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 _____ 2008.**

**GREG BURNAM,
COUNCIL PRESIDENT**

Date and Time Signed: _____

**FRED SMALL,
MAYOR CITY OF DAPHNE**

Date and Time Signed: _____

ATTEST:

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

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne United Methodist Church</i>
CONTACT PERSON:	<i>Neil Beasley</i>
ADDRESS:	<i>P.O. Box 609 2401 Main Street, Daphne , AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>709-1222 (Neil Cell) 626-2722 (Church) FAX: 626-7728</i>
TYPE OF PARADE:	<i>Annual 5K & Fun Run</i>
DATE OF PARADE:	<i>March 22, 2008 - Saturday</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100-150</i>
START TIME:	<i>8:00 A.M.</i>
STOP TIME:	<i>9:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne United Methodist Church 2401 Main Street</i>
ASSEMBLY TIME:	<i>7:45 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>January 24, 2008</i>
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White	
PUBLIC WORKS: Melvin McCarley	
CITY COUNCIL APPROVAL:	<i>2-06-08</i>
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>January 24, 2008</i>
NOTIFICATION:	

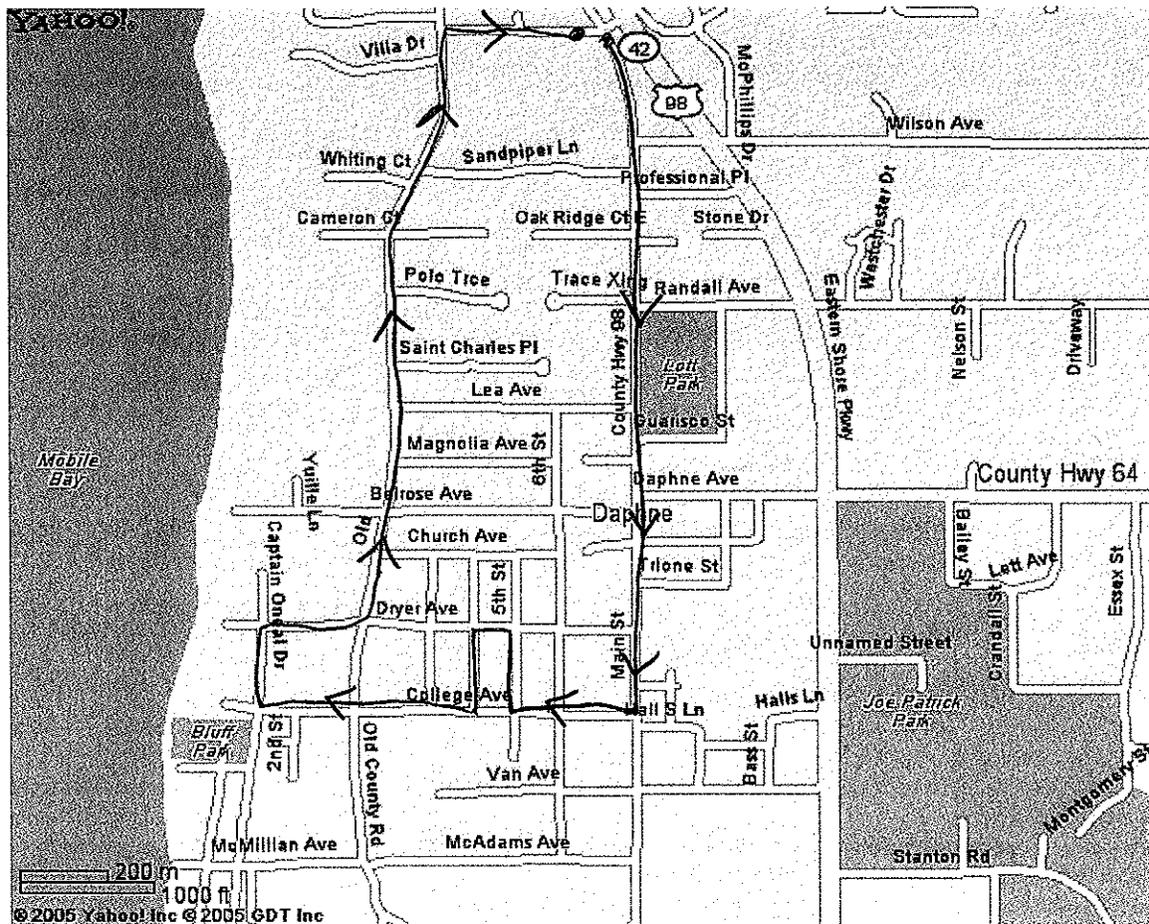
Daphne United Methodist Church Community Life Center

2401 Main Street
P.O. Box 609
Daphne, AL 36526

CLC Office: (251) 626 - 2722
Church Office: (251) 626 - 2287
Fax: (251) 626 - 7728
Email: neil@dumc.org

Saturday March 22nd 8:00 - 9:30 AM
5k & Fun Run

Our church would like to offer the above runs for our church members. The 5K would follow the route outlined on the map below. The fun Run would follow a similar route - South on Main, West on Lea Ave., and then north on Old County. Both runs would start and stop at the church.



CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY OF DAPHNE
ORDINANCE NO. 2003- 36**

=====

**AN ORDINANCE ESTABLISHING DISTRICT LINES FOR
THE CITY OF DAPHNE, ALABAMA**

=====

WHEREAS, the City of Daphne, Alabama in order to encourage more active citizen participation in local government and to ensure equitable representation on the City Council in compliance with the Voting Rights Act of 1965, did pass Ordinance No. 1988-11, establishing seven (7) Single-Member Council Districts, which said district plan was approved by the United States Justice Department; and

WHEREAS, Act 1991-545, which governs the City of Daphne, incorporated the districting plan set out in Ordinance No. 1988-11, 1992-07 and said Act 1991-545, with the existing district lines, was approved by the United States Justice Department; and

WHEREAS, the 2000 Federal Decennial U.S. Census results have become final requiring an alteration to said district lines.

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

SECTION I: ENACTMENT

An Ordinance of the City of Daphne, Alabama, establishing Single-Member Council Districts for the purpose of electing Council representatives from each district, designating boundaries for each district based on current house count and current estimate of population, and prescribing a method for updating and amending the district boundaries on a periodic basis.

SECTION II: PURPOSE

The City of Daphne, Alabama, in order to encourage more active citizen participation in local government, to assure equitable representation on

the City Council in compliance with the Voting Rights Act of 1965, as amended, and to promote the general welfare of all residents of the City, hereby ordains and enacts into law a Single-Member Council District Ordinance.

ORDINANCE NO. 2004- 36
DISTRICTS LINES

SECTION III: AUTHORITY

The Ordinance set forth herein is hereby adopted pursuant to authority granted by Act Number 91-545 of the 1991 Alabama Legislature as signed by the Governor and approved by the United States Justice Department.

SECTION IV: ESTABLISHMENT OF DISTRICTS

The City of Daphne, Alabama is hereby divided into Single-Member Council Districts as listed and described below and as illustrated on the official Single-Member Council District Map which is hereby adopted and made a part of this Ordinance. The map shall be signed by the Mayor and attested to by the City Clerk. It shall be filed in the Office of the City Clerk and shall show thereon the date of adoption of this Ordinance. The Ordinance and Map shall, within five (5) days of the date of its adoption, be certified to the Judge of Probate of Baldwin County, Alabama.

SECTION V: LEGAL DESCRIPTION

See attached Exhibit "A", which is made a part hereof as fully as if set out completely herein.

SECTION VI: AMENDMENT

The City of Daphne, Alabama shall assess the population in the Single-Member Districts following each Decennial U.S. Census and shall make the minimum adjustments to the district boundaries that are necessary to maintain roughly equal populations within each district that are within the limits of deviation allowed by law as such may presently exist or be hereafter amended, and to assure Black representation on the City

Council that generally approximates the Black proportion of the City's population.

SECTION VII: REPEALER

All City Ordinances or parts thereof in conflict with the provisions of this Ordinance is hereby repealed insofar as they conflict.

**ORDINANCE NO. 2004- 36
DISTRICTS LINES**

SECTION VIII: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION IX: EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after the date of its approval and adoption by the City Council of Daphne, Alabama and publication as required by law.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF DAPHNE,
ALABAMA, ON THE 15th DAY OF December, 2003.**

CITY OF DAPHNE

ATTEST:

DAVID L. COHEN, CITY CLERK, CMC

ORDINANCE NO. 2003-36

ESTABLISHING DISTRICT LINES

EXHIBIT "A"

DISTRICT #1

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MAIN STREET AND THE CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64); THENCE RUN NORTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF RANDALL AVENUE; THENCE RUN EAST ALONG SAID CENTERLINE OF RANDALL AVENUE TO A POINT OF INTERSECTION OF WITH THE CENTERLINE OF U.S. HIGHWAY NO. 98; THENCE RUN NORTH ALONG SAID CENTERLINE OF U.S. HIGHWAY NO. 98 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN EAST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF COUNTY ROAD NO. 13; THENCE RUN SOUTH ALONG SAID CENTERLINE OF COUNTY ROAD NO. 13 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH BOUNDARY LINE OF ASHLEY PLACE SUBDIVISION AS RECORDED ON SLIDE NO. 1608-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST ALONG SAID EXTENSION OF THE NORTH BOUNDARY LINE AND THE NORTH BOUNDARY LINE OF ASHLEY PLACE SUBDIVISION TO THE NORTHEAST CORNER OF SAID ASHLEY PLACE SUBDIVISION;

THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE OF SAID ASHLEY PLACE SUBDIVISION TO THE SOUTHEAST CORNER OF SAID ASHLEY PLACE SUBDIVISION; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE AND THE EXTENSION OF THE SOUTH BOUNDARY LINE OF SAID ASHLEY PLACE SUBDIVISION TO A POINT OF INTERSECTION WITH SAID CENTERLINE OF COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH ALONG SAID CENTERLINE OF COUNTY HIGHWAY NO. 13 TO A POINT OF INTERSECTION WITH EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-001.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-001.000 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-023.004; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-023.004 TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-021.017; THENCE RUN EAST ALONG SAID NORTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-021.017 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-021.017 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-021.016; THENCE RUN EAST ALONG THE NORTH LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-021.016 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-021.016 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-021.015; THENCE RUN ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-021.015 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-021.015 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-021.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE AND THE EXTENSION OF SAID NORTH LINE OF TAX PARCEL NO. 43-05-16-0-000-021.000 TO A POINT OF INTERSECTION WITH SAID CENTERLINE OF COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH ALONG SAID CENTERLINE OF COUNTY HIGHWAY NO. 13 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-022.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE NORTH PROPERTY LINE AND THE NORTH LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-022.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-022.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE AND THE EXTENSION OF THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-022.000 TO A POINT OF INTERSECTION WITH THE SAID CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64); THENCE RUN WEST ALONG SAID CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64) TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-023.014; THENCE RUN NORTH ALONG SAID EXTENSION OF THE WEST PROPERTY LINE AND THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-023.014 TO THE NORTHWEST CORNER OF SAID TAX

PARCEL NO. 43-05-16-0-000-023.014 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.013; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.013 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.013 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.012; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.012 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.012 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.011; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.011 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.011 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.010; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.010 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.010 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.009; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.009 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.009 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.008; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.008 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.008 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.007; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.007 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-023.007 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.004; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-023.004 TO THE NORTHWEST CORNER OF TAX PARCEL NO. 43-05-16-0-000-023.004 SAID POINT BEING ON THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-001.000; THENCE RUN WEST ALONG SAID SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-001.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-001.000; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE AND THE EXTENSION OF THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-001.000 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO POINT OF INTERSECTION WITH THE CENTERLINE OF POLLARD ROAD; THENCE RUN SOUTH ALONG SAID CENTERLINE OF POLLARD ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WELL ROAD; THENCE RUN EAST ALONG SAID CENTERLINE OF WELL ROAD TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-005.001; THENCE RUN NORTH

ALONG SAID EXTENSION AND THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-005.001 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-005.001; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-005.001 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-005.001; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE AND THE EXTENSION OF THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-005.001 TO A POINT OF INTERSECTION WITH SAID CENTERLINE OF WELL ROAD ALSO BEING THE INTERSECTION OF SAID WELL ROAD WITH THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.012; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.012 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.012 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-05-16-0-000-028.007; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.007 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.007; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.007 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.007 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-05-16-0-000-028.009; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.009 ALSO BEING THE NORTHWEST CORNER TAX PARCEL NO. 43-05-16-0-000-028.007; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.007 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.012; THENCE RUN NORTH ALONG SAID WEST PROPERTY LINE AND THE EXTENSION OF THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.012 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WELL ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF WELL ROAD TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.015; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE AND THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-16-0-000-028.015 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.015; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.015 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-05-

16-0-000-028.014; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL 43-05-16-0-000-028.014 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-05-16-0-000-028.014; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-05-16-0-000-028.014 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF POLLARD ROAD; THENCE RUN SOUTH ALONG SAID CENTERLINE OF POLLARD ROAD TO THE NORTHEAST CORNER OF TAX PARCEL NO. 43-04-20-4-000-001.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-04-20-4-000-001.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-04-20-4-000-001.000 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-04-20-4-000-015.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-04-20-4-000-015.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-04-20-4-000-015.000 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-131.027; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-131.027 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-131.027 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-141.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-141.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-141.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-141.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-141.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-143.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-143.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-143.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-144.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-144.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-144.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-145.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-145.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-1-000-145.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-1-000-131.038; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-1-000-131.038 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF DALE DRIVE SAID POINT BEING THE INTERSECTION OF SAID CENTERLINE OF DALE DRIVE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-29-2-000-049.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-29-2-000-049.000 TO THE SOUTHWEST

CORNER OF SAID TAX PARCEL 43-09-29-2-000-049.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-2-000-050.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-2-000-050.000 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-29-0-000-003.000; THENCE RUN NORTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-29-0-000-003.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-003.000; THENCE RUN WEST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-003.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-003.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-003.000 TO A POINT OF INTERSECTION WITH THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-29-2-000-050.000; THENCE RUN WEST ALONG SAID SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-29-2-000-050.000 TO A POINT OF INTERSECTION WITH WEST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 98; THENCE RUN SOUTH ALONG SAID WEST RIGHT-OF-WAY OF HIGHWAY NO. 98 TO THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-29-0-000-064.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-064.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-064.000; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-064.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-064.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE SAID TAX PARCEL NO. 43-09-29-0-000-064.000 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-09-29-0-000-021.000; THENCE RUN NORTH ALONG SAID EXTENSION OF THE WEST PROPERTY LINE AND THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-09-29-0-000-021.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-021.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-021.000 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-09-29-0-000-022.000; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-022.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-29-0-000-022.000 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-09-29-0-000-005.000; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-29-0-000-005.000 TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF PINWOOD SUBDIVISION AS RECORDED IN MAP BOOK 12, PAGE 23 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID SOUTH BOUNDARY LINE OF PINWOOD SUBDIVISION AND THE EXTENSION OF SAID SOUTH BOUNDARY LINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF HOLY CROSS DRIVE; THENCE RUN SOUTH ALONG SAID CENTERLINE OF HOLY CROSS

DRIVE TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-008.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-008.000 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-010.000; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-010.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-09-30-0-000-010.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-30-0-000-010.000 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET; THENCE RUN SOUTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-011.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-011.000 TO THE SOUTHWEST CORNER OF SAID PARCEL NO. 43-09-30-0-000-011.000; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-30-0-000-011.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-30-0-000-011.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE AND THE EXTENSION OF THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-30-0-000-011.000 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET; THENCE RUN NORTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64) AND THE POINT OF BEGINNING

DISTRICT #2

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MAIN STREET AND THE CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64); THENCE RUN SOUTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-001.001; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-30-0-000-001.001 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-30-0-000-001.001; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-30-0-000-001.001 TO A POINT OF INTERSECTION WITH THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-42-0-001-040.000; THENCE RUN WEST ALONG SAID SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-09-42-0-001-040.000 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-42-0-001-039.000; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 43-09-42-0-001-039.000 TO THE SOUTHEAST

CORNER OF SAID TAX PARCEL NO. 43-09-42-0-001-00-39.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-42-0-001-039.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-42-0-001-039.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-42-0-001-038.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-42-0-001-038.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-09-42-0-001-038.000 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-09-42-0-001-037.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-09-42-0-001-037.000 TO A POINT OF INTERSECTION WITH THE EASTERN BOUNDARY LINE OF MONTROSE VILLAGE AS RECORDED IN MAP BOOK 8, PAGE 108 IN THE OFFICE OF THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG SAID EASTERN BOUNDARY LINE OF MONTROSE VILLAGE AND THE EXTENSION OF THE EASTERN BOUNDARY LINE TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF NORTH WINDING BROOK DRIVE; THENCE RUN WEST ALONG SAID NORTH RIGHT-OF-WAY OF NORTH WINDING BROOK DRIVE TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF WOODBRIDGE SUBDIVISION AS RECORDED IN MAP BOOK 9, PAGE 144 IN THE OFFICE OF THE PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID SOUTH BOUNDARY LINE OF WOODBRIDGE SUBDIVISION TO A POINT OF INTERSECTION WITH THE EAST MARGIN OF MOBILE BAY; THENCE RUN NORTH ALONG SAID EAST MARGIN OF MOBILE BAY TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-04-41-0-002-003.000; THENCE RUN EAST ALONG SAID NORTH PROPERTY LINE OF TAX PARCEL NO. 43-04-41-0-002-003.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-04-41-0-002-003.000 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-04-41-0-002-001.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE AND THE EXTENSION OF THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-04-41-0-002-001.000 TO A POINT OF INTERSECTION OF THE CENTERLINE OF MAIN STREET SAID POINT ALSO BEING THE INTERSECTION OF SAID CENTERLINE OF MAIN STREET AND WHISPERING PINES ROAD; THENCE RUN EAST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF U.S. HIGHWAY NO. 98; THENCE RUN SOUTH ALONG SAID CENTERLINE OF U.S. HIGHWAY NO. 98 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF RANDALL AVENUE; THENCE RUN WEST ALONG SAID CENTERLINE OF RANDALL AVENUE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET; THENCE RUN SOUTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF DAPHNE AVENUE (COUNTY HIGHWAY NO. 64) AND THE POINT OF BEGINNING.

DISTRICT #3

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY NO. 98 AND THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE MAIN STREET ALSO BEING THE INTERSECTION OF SAID MAIN STREET AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-03-07-0-000-068.000; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE AND THE SOUTH PROPERTY LINE OF TAX PARCEL NO. 43-03-07-0-000-068.000 TO A POINT OF INTERSECTION WITH THE EAST MARGIN OF MOBILE BAY; THENCE RUN NORTH ALONG SAID EAST MARGIN OF MOBILE BAY AND THE EAST MARGIN OF D'OLIVE BAY TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF INTERSTATE NO. 10; THENCE RUN NORTH TO A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10 AND THE EAST MARGIN D'OLIVE CREEK; THENCE RUN NORTH ALONG SAID EAST MARGIN OF D'OLIVE CREEK TO A POINT OF INTERSECTION WITH THE SOUTH MARGIN OF NORTH FORK CREEK; THENCE RUN EAST ALONG SAID SOUTH MARGIN OF NORTH FORK CREEK TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH PROPERTY LINE OF TAX PARCEL NO. 32-09-31-0-000-015.000; THENCE RUN EAST ALONG SAID EXTENSION OF THE NORTH PROPERTY LINE AND THE NORTH PROPERTY LINE OF TAX PARCEL NO. 32-09-31-0-000-015.000 THE SOUTHWEST CORNER OF TAX PARCEL NO. 32-09-31-0-000-008.000; THENCE RUN EAST ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-09-31-0-000-008.000 TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 98; THENCE RUN SOUTH ALONG SAID EAST RIGHT-OF-WAY U.S. HIGHWAY NO. 98 AND THE EXTENSION OF SAID EAST RIGHT-OF-WAY TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET; THENCE RUN SOUTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WINDSOR DRIVE; THENCE RUN EAST ALONG SAID CENTERLINE OF WINDSOR DRIVE TO A POINT OF INTERSECTION WITH CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN SOUTH AND EAST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF BRENTWOOD DRIVE; THENCE RUN SOUTH AND EAST ALONG SAID CENTERLINE OF BRENTWOOD DRIVE TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-71-0-002-015.000 (SAID PARCEL BEING LOT 132, LAKE FOREST, UNIT 16, MAP BOOK 7, PAGE 119); THENCE RUN SOUTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE AND THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-71-0-002-015.000 TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-03-71-0-002-002.009; THENCE RUN EAST ALONG SAID NORTH PROPERTY LINE OF

TAX PARCEL NO. 43-03-71-0-002-002.009 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-03-71-0-002.003; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-71-0-002-002.003 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-71-0-002-002.003 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-71-0-002-002.003 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-03-71-0-006-002.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-71-0-006-002.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-71-0-006-002.000 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-03-71-0-006-001.000; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-71-0-006-001.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-71-0-006-001.000 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 43-03-71-0-006-001.001; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID PARCEL NO. 43-03-71-0-006-001.001 TO A POINT OF INTERSECTION WITH THE WEST BOUNDARY LINE OF CHARLESTON OAKS SUBDIVISION AS RECORDED ON SLIDE NO. 1634-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG SAID WEST BOUNDARY LINE OF CHARLESTON OAKS SUBDIVISION TO THE SOUTHWEST CORNER OF SAID CHARLESTON OAKS SUBDIVISION; THENCE RUN EAST ALONG THE SOUTH BOUNDARY LINE OF SAID CHARLESTON OAKS SUBDIVISION TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-008-003.010; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-008-003.010 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF JAPONICA LANE; THENCE RUN EAST ALONG SAID NORTH RIGHT-OF-WAY OF JAPONICA LANE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID JAPONICA LANE; THENCE RUN SOUTH ALONG SAID CENTERLINE OF JAPONICA LANE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF PARK ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF PARK ROAD AND THE EXTENSION OF THE CENTERLINE OF PARK ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF U.S. HIGHWAY NO. 98; THENCE RUN SOUTH ALONG SAID CENTERLINE OF U.S. HIGHWAY NO. 98 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO A POINT OF INTERSECTION OF MAIN STREET AND THE POINT OF BEGINNING.

DISTRICT #4

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF U.S. HIGHWAY NO. 98

AND THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN NORTH ALONG SAID CENTERLINE OF U.S. HIGHWAY NO. 98 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE CENTERLINE OF PARK ROAD; THENCE RUN EAST ALONG EXTENSION OF THE CENTERLINE AND THE CENTERLINE OF PARK ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF JAPONICA LANE; THENCE RUN NORTH ALONG SAID CENTERLINE OF JAPONICA LANE TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF SAID JAPONICA LANE; THENCE RUN WEST ALONG SAID NORTH RIGHT-OF-WAY OF JAPONICA LANE TO THE SOUTHWEST CORNER OF TAX PARCEL NO. 43-03-05-0-008-003.006; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-05-0-008-003.006 TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF CHARLESTON OAKS SUBDIVISION AS RECORDED ON SLIDE NO. 1634-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID SOUTH BOUNDARY LINE OF CHARLESTON OAKS SUBDIVISION TO THE SOUTHWEST CORNER OF SAID CHARLESTON OAKS SUBDIVISION; THENCE RUN NORTH ALONG THE WEST BOUNDARY LINE OF SAID CHARLESTON OAKS SUBDIVISION TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 15 AS RECORDED IN MAP BOOK 7, PAGE 114 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID SOUTH BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 15 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF TAX PARCEL NO. 43-03-71-0-001-008.000; THENCE RUN NORTH ALONG SAID WEST PROPERTY LINE AND THE EXTENSION OF WEST PROPERTY LINE OF TAX PARCEL NO. 43-03-71-0-001-008.000 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF BRENTWOOD DRIVE; THENCE RUN WEST AND NORTH ALONG SAID CENTERLINE OF BRENTWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN EAST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION OF THE CENTERLINE OF BAY VIEW DRIVE; THENCE RUN NORTH ALONG SAID CENTERLINE OF BAY VIEW DRIVE TO A POINT OF INTERSECTION OF THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-002-126.000; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE AND THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-002-126.000 TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-002-120.000; THENCE RUN EAST ALONG SAID NORTH PROPERTY LINE OF TAX PARCEL NO. 43-03-05-0-002-120.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-05-0-002-120.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-05-0-002-120.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-05-0-002-120.000 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-03-05-0-005-112.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE AND THE EXTENSION OF THE

EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-05-0-005-112.000 TO A POINT OF INTERSECTION OF THE CENTERLINE OF BUENA VISTA DRIVE; THENCE RUN EAST AND SOUTH ALONG SAID CENTERLINE OF BUENA VISTA DRIVE TO A POINT OF INTERSECTION OF THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN EAST AND SOUTH ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO THE CENTERLINE OF VEGA DRIVE; THENCE RUN EAST ALONG SAID CENTERLINE OF VEGA DRIVE TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 22 AS RECORDED IN MAP BOOK 8, PAGE 38 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG SAID EAST BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 22 TO THE SOUTHEAST CORNER OF SAID LAKE FOREST SUBDIVISION, UNIT 22; THENCE RUN EAST ALONG THE EXTENSION OF THE SOUTH BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 22 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH ALONG SAID CENTERLINE OF COUNTY HIGHWAY NO. 13 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-02-10-0-000-007.000; THENCE RUN EAST ALONG SAID EXTENSION OF THE NORTH PROPERTY LINE AND THE NORTH PROPERTY LINE OF TAX PARCEL NO. 43-02-10-0-000-007.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 43-02-10-0-000-007.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-02-10-0-000-007.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-02-10-0-000-007.000; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-02-10-0-000-007.000 TO A POINT OF INTERSECTION WITH SAID CENTERLINE OF COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG SAID CENTERLINE OF COUNTY HIGHWAY NO. 13 TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF TIAWASEE TRACE AS RECORDED ON SLIDE NO. 1757-B AND SLIDE NO. 1778-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID EXTENSION OF THE SOUTH BOUNDARY LINE AND THE SOUTH BOUNDARY LINE OF TIAWASEE TRACE TO THE SOUTHWEST CORNER OF SAID TIAWASEE TRACE; THENCE RUN NORTH ALONG THE WEST BOUNDARY LINE OF SAID TIAWASEE TRACE TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 19 AS RECORDED IN MAP BOOK 7, PAGE 156 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID SOUTH BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 19 TO THE SOUTHWEST CORNER OF SAID LAKE FOREST SUBDIVISION, UNIT 19 ALSO BEING THE SOUTHEAST CORNER OF LAKE FOREST SUBDIVISION, UNIT 12 AS RECORDED IN MAP 7, PAGE 118 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 12 TO THE SOUTHWEST CORNER OF SAID LAKE FOREST

SUBDIVISION, UNIT 12 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-03-08-0-000-001.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-08-0-000-001.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-03-08-0-000-001.000 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 43-03-08-0-000-014.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE AND THE EXTENSION OF THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 43-03-08-0-000-001.000 TO A POINT BEING THE INTERSECTION OF POLLARD ROAD AND PARK ROAD; THENCE RUN SOUTH ALONG SAID CENTERLINE OF POLLARD ROAD TO A POINT OF INTERSECTION OF THE EXTENSION OF THE NORTH BOUNDARY LINE OF CREEKSIDE SUBDIVISION, UNIT 2 AS RECORDED ON SLIDE NO. 1739-B AND SLIDE NO. 1779-A; THENCE RUN EAST ALONG SAID EXTENSION OF THE NORTH BOUNDARY LINE AND THE NORTH BOUNDARY LINE OF CREEKSIDE SUBDIVISION, UNIT 2 TO THE NORTHEAST CORNER OF SAID CREEKSIDE SUBDIVISION, UNIT 2; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE OF SAID CREEKSIDE SUBDIVISION, UNIT 2 TO THE SOUTHEAST CORNER OF SAID CREEKSIDE SUBDIVISION, UNIT 2 ALSO BEING THE NORTHEAST CORNER OF CREEKSIDE SUBDIVISION, UNIT 1 AS RECORDED ON SLIDE NO. 1656-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE AND THE EXTENSION OF THE EAST BOUNDARY LINE OF SAID CREEKSIDE SUBDIVISION, UNIT 1 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WHISPERING PINES ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF WHISPERING PINES ROAD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF U.S. HIGHWAY NO. 98 AND THE POINT OF BEGINNING.

DISTRICT #5

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MAIN STREET AND THE CENTERLINE OF WINDSOR DRIVE; THENCE RUN NORTH ALONG SAID CENTERLINE OF MAIN STREET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF D'OLIVE BOULEVARD; THENCE RUN EAST ALONG SAID CENTERLINE OF D'OLIVE BOULEVARD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAKE FOREST BOULEVARD; THENCE RUN NORTH ALONG SAID CENTERLINE OF LAKE FOREST BOULEVARD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF FAIRWAY DRIVE; THENCE RUN EAST ALONG CENTERLINE OF FAIRWAY DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAKESHORE DRIVE; THENCE RUN NORTH ALONG SAID CENTERLINE OF LAKESHORE DRIVE TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST BOUNDARY LINE OF LAKE VIEW SUBDIVISION AS RECORDED IN MAP BOOK 11, PAGE 110 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG SAID

EXTENSION OF THE WEST BOUNDARY LINE AND THE WEST BOUNDARY LINE OF LAKE VIEW SUBDIVISION TO THE NORTHWEST CORNER OF SAID LAKE VIEW SUBDIVISION; THENCE RUN EAST AND SOUTH ALONG THE NORTH AND EAST BOUNDARY LINE OF SAID LAKE VIEW SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LAKE VIEW SUBDIVISION ALSO BEING A POINT ON THE SOUTH MARGIN OF TIAWASEE CREEK; THENCE RUN EAST ALONG SAID SOUTH MARGIN OF TIAWASEE CREEK TO THE NORTHWEST CORNER OF LOT 112, LAKE FOREST SUBDIVISION, UNIT 28 AS RECORDED IN MAP BOOK 8, PAGE 104 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTHEASTERLY ALONG THE NORTH LOT LINES OF LOTS 112, AND 111 OF SAID LAKE FOREST SUBDIVISION, UNIT 28 TO THE SOUTHEAST CORNER OF LOT 111 ALSO BEING THE NORTHEAST CORNER OF LOT 110 OF SAID LAKE FOREST SUBDIVISION, UNIT 28; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 110, LAKE FOREST SUBDIVISION, UNIT 28 TO THE SOUTHEAST CORNER OF SAID LOT 110, LAKE FOREST SUBDIVISION, UNIT 28 ALSO BEING THE NORTHEAST CORNER OF LOT 92, LAKE FOREST SUBDIVISION, UNIT 8 AS RECORDED IN MAP BOOK 7, PAGE 55 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST LOT LINE OF LOTS 92, 91, 90, 89, 88, 87, 86, 85 AND 28 AND THE EXTENSION OF THE EAST LOT LINE OF LOT 28, LAKE FOREST SUBDIVISION, UNIT 8 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF BAT VIEW DRIVE; THENCE RUN SOUTH ALONG SAID CENTERLINE OF BAY VIEW DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN WEST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF WINDSOR DRIVE; THENCE RUN WEST ALONG SAID CENTERLINE OF WINDSOR DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET AND THE POINT OF BEGINNING.

DISTRICT #6

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF LAWSON ROAD AND THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN EAST ALONG SAID CENTERLINE OF LAWSON ROAD TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST BOUNDARY LINE OF CANTERBURY PLACE, UNIT FOUR AS RECORDED ON SLIDE NO. 2013-E IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG SAID EXTENSION OF THE WEST BOUNDARY LINE AND THE WEST BOUNDARY LINE OF CANTERBURY PLACE, UNIT FOUR TO THE NORTHWEST CORNER OF SAID CANTERBURY PLACE, UNIT FOUR ALSO BEING THE SOUTHWEST CORNER OF CANTERBURY PLACE, UNIT THREE AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN

COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE WEST BOUNDARY LINE OF SAID CANTERBURY PLACE, UNIT THREE TO THE NORTHWEST CORNER OF SAID CANTERBURY PLACE, UNIT THREE; THENCE RUN EAST ALONG THE NORTH BOUNDARY LINE OF SAID CANTERBURY PLACE, UNIT THREE TO THE NORTHEAST CORNER OF SAID CANTERBURY PLACE, UNIT THREE; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE OF SAID CANTERBURY PLACE, UNIT THREE TO THE SOUTH EAST CORNER OF SAID CANTERBURY PLACE, UNIT THREE ALSO BEING THE NORTHEAST CORNER OF CANTERBURY PLACE, UNIT TWO AS RECORDED ON SLIDE NO. 1639-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE OF SAID CANTERBURY PLACE, UNIT TWO TO THE SOUTHEAST CORNER OF SAID CANTERBURY PLACE, UNIT TWO ALSO BEING THE NORTHEAST CORNER OF CANTERBURY PLACE, UNIT ONE AS RECORDED ON SLIDE NO. 1499-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE AND THE EXTENSION OF THE EAST BOUNDARY LINE OF SAID CANTERBURY PLACE, UNIT ONE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAWSON ROAD; THENCE RUN WEST ALONG SAID CENTERLINE OF LAWSON ROAD TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-02-03-0-000-002.001; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE AND THE EAST PROPERTY LINE OF TAX PARCEL NO. 43-02-03-0-000-002.001 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 43-02-03-0-000-002.001; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-02-03-0-000-002.001 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-02-03-0-000-002.001 ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-02-03-0-000-002.0-131; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-02-03-0-000-002.0-131 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 43-02-03-0-000-002.0-131; THENCE CONTINUE WEST TO THE SOUTHEAST CORNER OF TAX PARCEL NO. 43-02-03-0-000-002.003; THENCE RUN WEST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 43-02-03-0-000-002.003 TO A POINT OF INTERSECTION WITH THE EAST BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 22 AS RECORDED IN MAP BOOK 8, PAGE 38 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG SAID EAST BOUNDARY LINE OF LAKE FOREST SUBDIVISION, UNIT 22 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF VEGA DRIVE; THENCE RUN WEST ALONG SAID CENTERLINE OF VEGA DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN SOUTH AND WEST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF BUENA VISTA DRIVE; THENCE RUN NORTH ALONG SAID CENTERLINE OF BUENA VISTA DRIVE TO A POINT OF INTERSECTION

WITH THE EXTENSION OF THE WEST PROPERTY LINE OF LOT 133, LAKE FOREST SUBDIVISION, UNIT 9 AS RECORDED IN MAP BOOK 7, PAGE 96 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG SAID EXTENSION OF THE WEST PROPERTY LINE AND THE WEST PROPERTY LINE OF LOT 133, LAKE FOREST SUBDIVISION, UNIT 9 TO THE NORTHWEST CORNER OF SAID LOT 133, LAKE FOREST SUBDIVISION, UNIT 9 ALSO BEING THE SOUTHWEST CORNER OF LOT 2, LAKE FOREST SUBDIVISION, UNIT 18 AS RECORDED IN MAP BOOK 7, PAGE 155 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTHWESTERLY ALONG THE SOUTH LOT LINE OF LOTS 2 AND 1 OF SAID LAKE FOREST SUBDIVISION, UNIT 18 TO THE SOUTHWEST CORNER OF SAID LOT 1, LAKE FOREST SUBDIVISION, UNIT 18 ALSO BEING THE SOUTHWEST CORNER OF LOT 134, LAKE FOREST SUBDIVISION, UNIT 8 AS RECORDED IN MAP BOOK 7, PAGE 95 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTHWESTERLY ALONG THE SOUTH LINE OF LOTS 134, 133, AND 132 OF SAID LAKE FOREST SUBDIVISION, UNIT 8 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF LOT 39 OF SAID LAKE FOREST SUBDIVISION, UNIT 8; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF LOT 39, LAKE FOREST SUBDIVISION, UNIT 8 TO THE SOUTHWEST CORNER OF SAID LOT 39, LAKE FOREST SUBDIVISION, UNIT 8; THENCE RUN NORTHWESTERLY ALONG THE SOUTH PROPERTY LINE AND THE EXTENSION OF THE SOUTH PROPERTY LINE OF SAID LOT 39, LAKE FOREST SUBDIVISION, UNIT 8 TO A POINT OF INTERSECTION OF THE CENTERLINE OF BAY VIEW DRIVE; THENCE RUN NORTH ALONG SAID CENTERLINE OF BAY VIEW DRIVE TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF LOT 53 OF SAID LAKE FOREST SUBDIVISION, UNIT 8; THENCE RUN EAST ALONG SAID NORTH PROPERTY LINE AND THE NORTH LINE OF SAID LOT 53, LAKE FOREST SUBDIVISION, UNIT 8 TO THE NORTHEAST CORNER OF SAID LOT 53, LAKE FOREST SUBDIVISION, UNIT 8 ALSO BEING THE NORTHWEST CORNER OF LOT 126, LAKE FOREST SUBDIVISION, UNIT 14 AS RECORDED IN MAP BOOK 7, PAGE 104 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST AND NORTH ALONG THE BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 14 TO THE NORTHEAST CORNER OF LOT 98 OF SAID LAKE FOREST SUBDIVISION, UNIT 14 ALSO BEING THE NORTHWEST CORNER OF LOT 21, LAKE FOREST SUBDIVISION, UNIT 23 AS RECORDED IN MAP BOOK 8, PAGE 74 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST ALONG THE BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 23 TO THE SOUTHWEST CORNER OF LOT 6 OF SAID LAKE FOREST SUBDIVISION, UNIT 23; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE AND THE EXTENSION OF THE WEST PROPERTY LINE OF SAID LOT 6, LAKE FOREST SUBDIVISION, UNIT 23 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SOUTH WINDGATE CIRCLE; THENCE RUN EAST ALONG SAID CENTERLINE OF SOUTH WINDGATE CIRCLE TO A

POINT OF INTERSECTION WITH THE CENTERLINE OF RIDGEWOOD DRIVE; THENCE RUN SOUTH AND EAST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAWSON ROAD AND THE POINT OF BEGINNING.

DISTRICT #7

BEGINNING AT INTERSECTION OF THE CENTERLINE OF RIDGEWOOD DRIVE AND THE CENTERLINE OF LAWSON ROAD; THENCE RUN NORTH AND WEST ALONG SAID CENTERLINE OF RIDGEWOOD DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SOUTH WINDGATE CIRCLE; THENCE RUN WEST ALONG SAID CENTERLINE OF SOUTH WINDGATE CIRCLE TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST PROPERTY LINE OF LOT 6, LAKE FOREST SUBDIVISION, UNIT 23 AS RECORDED IN MAP BOOK 8, PAGE 74 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE WEST PROPERTY LINE AND THE WEST PROPERTY LINE OF LOT 6, LAKE FOREST SUBDIVISION, UNIT 23 TO THE SOUTHWEST CORNER OF SAID LOT 6, LAKE FOREST SUBDIVISION, UNIT 23; THENCE RUN EAST, SOUTH, AND WEST ALONG THE BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 23 TO THE NORTHWEST CORNER OF LOT 21 OF SAID LAKE FOREST SUBDIVISION, UNIT 23 ALSO BEING THE NORTHEAST CORNER OF LOT 98, LAKE FOREST SUBDIVISION, UNIT 14 AS RECORDED IN MAP BOOK 7, PAGE 104 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST AND SOUTH ALONG THE BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION, UNIT 14 TO THE NORTHWEST CORNER OF LOT 126 OF SAID LAKE FOREST SUBDIVISION, UNIT 14 ALSO BEING THE NORTHEAST CORNER OF LOT 53, LAKE FOREST SUBDIVISION, UNIT 8 AS RECORDED IN MAP BOOK 7, PAGE 95 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN WEST ALONG THE NORTH PROPERTY LINE AND THE EXTENSION OF THE NORTH PROPERTY LINE OF SAID LOT 53, LAKE FOREST SUBDIVISION, UNIT 8 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF BAY VIEW DRIVE; THENCE RUN SOUTH ALONG SAID CENTERLINE OF BAY VIEW DRIVE TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH PROPERTY LINE OF LOT 27 OF SAID LAKE FOREST SUBDIVISION, UNIT 8; THENCE RUN NORTHWESTERLY ALONG SAID EXTENSION OF THE SOUTH PROPERTY LINE OF LOT 27 AND THE SOUTH PROPERTY LINE OF LOTS 27, 81, 80, 79, 76, 75, AND 74 OF LAKE FOREST SUBDIVISION, UNIT 8 TO THE SOUTHWEST CORNER OF SAID LOT 74, LAKE

FOREST SUBDIVISION, UNIT 8 ALSO BEING THE SOUTHEAST CORNER OF LOT 169, LAKE FOREST SUBDIVISION, UNIT 28 AS RECORDED IN MAP BOOK 8, PAGE 104 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTHWESTERLY ALONG THE SOUTH PROPERTY LINE OF SAID LOT 169 AND LOTS 168, 167, AND 166 TO THE SOUTHWEST CORNER OF SAID LOT 166, LAKE FOREST SUBDIVISION, UNIT 28; THENCE RUN NORTHWESTERLY LEAVING SAID SOUTHWEST CORNER OF LOT 166, LAKE FOREST SUBDIVISION, UNIT 28 AND ALONG THE SOUTH MARGIN OF TIAWASEE CREEK TO THE SOUTHEAST CORNER OF LAKE VIEW SUBDIVISION AS RECORDED IN MAP BOOK 11, PAGE 110 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH AND WEST ALONG THE EAST AND NORTH BOUNDARY LINES OF SAID LAKE VIEW SUBDIVISION TO THE NORTHWEST CORNER OF SAID LAKE VIEW SUBDIVISION; THENCE RUN SOUTH ALONG THE WEST BOUNDARY LINE AND THE EXTENSION OF THE WEST BOUNDARY LINE OF SAID LAKE VIEW SUBDIVISION TO A POINT OF INTERSECTION WITH CENTERLINE OF LAKESHORE DRIVE; THENCE RUN SOUTH ALONG SAID CENTERLINE OF LAKESHORE DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF FAIRWAY DRIVE; THENCE RUN WEST ALONG SAID CENTERLINE OF FAIRWAY DRIVE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAKE FOREST BOULEVARD; THENCE RUN SOUTH ALONG SAID CENTERLINE OF LAKE FOREST BOULEVARD TO A POINT OF INTERSECTION OF THE CENTERLINE OF D'OLIVE BOULEVARD; THENCE RUN WEST ALONG SAID CENTERLINE OF D'OLIVE BOULEVARD TO A POINT OF INTERSECTION WITH THE CENTERLINE OF MAIN STREET; THENCE RUN NORTH AND EAST ALONG SAID CENTERLINE MAIN STREET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 98; THENCE RUN NORTH ALONG SAID EXTENSION OF U.S. HIGHWAY NO. 98 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10; THENCE RUN EAST ALONG SAID EAST RIGHT-OF-WAY OF INTERSTATE NO. 10 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE WITH TAX PARCEL NO. 32-09-32-0-001-001.010; THENCE RUN NORTH ALONG SAID WEST PROPERTY LINE OF TAX PARCEL NO. 32-09-32-0-001-001.010 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 32-09-32-0-001-001.010 ALSO BEING THE SOUTHWEST CORNER OF TAX PARCEL NO. 32-09-32-0-001-003.001; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-09-32-0-001-003.001 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 32-09-32-0-001-003.001; THENCE RUN EAST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-09-32-0-001-003.001 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF TAX PARCEL NO. 32-09-32-0-001-003.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-09-32-0-001-003.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 32-09-32-0-001-003.000; THENCE RUN EAST ALONG THE SOUTH

PROPERTY LINE OF SAID TAX PARCEL NO. 32-09-32-0-001-003.000 TO A POINT OF INTERSECTION WITH THE EAST PROPERTY LINE OF TAX PARCEL NO. 32-09-32-0-001-003.001; THENCE RUN SOUTH ALONG SAID EAST PROPERTY LINE OF TAX PARCEL NO. 32-09-32-0-001-003.001 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10; THENCE RUN EAST ALONG SAID NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST PROPERTY LINE OF LOT 1, WILSON HEIGHTS, UNIT 4 AS RECORDED IN MAP BOOK 5, PAGE 193 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE OF LOT 1, WILSON HEIGHTS, UNIT 4 TO THE SOUTHEAST CORNER OF SAID LOT 1, WILSON HEIGHTS, UNIT 4; THENCE RUN EAST ALONG THE SOUTH BOUNDARY LINE OF SAID WILSON HEIGHTS, UNIT 4 TO THE SOUTHEAST CORNER OF SAID WILSON HEIGHTS, UNIT 4; THENCE RUN NORTH ALONG THE EAST BOUNDARY LINE OF SAID WILSON HEIGHTS, UNIT 4 TO THE NORTHEAST OF SAID WILSON HEIGHTS, UNIT 4 ALSO BEING THE SOUTHEAST OF WILSON HEIGHTS, UNIT 5 AS RECORDED IN MAP BOOK 5, PAGE 236 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE EAST BOUNDARY LINE OF SAID WILSON HEIGHTS, UNIT 5 TO A POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS, UNIT 7 AS RECORDED IN MAP BOOK 6, PAGE 1 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST ALONG SAID SOUTH BOUNDARY LINE OF WILSON HEIGHTS, UNIT 7 TO THE SOUTHEAST CORNER OF SAID WILSON HEIGHTS, UNIT 7 ALSO BEING THE SOUTHWEST CORNER OF LOT 34, TIMBERCREEK, PHASE THREE AS RECORDED ON SLIDE NO. 1588-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE EAST BOUNDARY LINE OF SAID WILSON HEIGHTS, UNIT 7 ALSO THE WEST BOUNDARY LINE OF SAID TIMBERCREEK, PHASE THREE TO THE NORTHWEST CORNER OF LOT 35 OF SAID TIMBERCREEK, PHASE THREE; THENCE RUN EAST AND NORTH ALONG THE WEST BOUNDARY LINE OF SAID TIMBERCREEK, PHASE THREE TO THE NORTHWEST CORNER OF SAID TIMBERCREEK, PHASE THREE ALSO BEING THE SOUTHWEST CORNER OF TIMBERCREEK, PHASE ONE AS RECORDED ON SLIDE NO. 1371-B THRU 1373-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE WEST BOUNDARY LINE OF SAID TIMBERCREEK, PHASE ONE TO THE NORTHWEST CORNER OF SAID TIMBERCREEK, PHASE ONE ALSO BEING THE SOUTHWEST CORNER OF LOT 1, RECREATION AREA OF TIMBERCREEK AS RECORDED ON SLIDE NO. 1864-B AND 1980-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID LOT 1, RECREATION AREA IN TIMBERCREEK TO THE NORTHWEST CORNER OF SAID LOT 1, RECREATION AREA IN TIMBERCREEK ALSO BEING THE SOUTHWEST CORNER OF LOT 2, OF SAID RECREATION AREA IN

TIMBERCREEK; THENCE RUN NORTH ALONG THE WEST PROPERTY LINE OF SAID LOT 2 , RECREATION AREA IN TIMBERCREEK TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31; THENCE RUN EAST ALONG SAID SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY NO. 31 TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181; THENCE RUN SOUTH ALONG SAID WEST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF WOODROW LANE; THENCE RUN EAST LEAVING SAID POINT OF INTERSECTION TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181; THENCE RUN SOUTH ALONG SAID EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10; THENCE RUN EAST ALONG SAID NORTH RIGHT-OF-WAY OF INTERSTATE 10 TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST PROPERTY LINE OF TAX PARCEL NO. 32-07-35-0-000-001.008; THENCE RUN SOUTH ALONG SAID EXTENSION OF THE EAST PROPERTY LINE AND THE EAST PROPERTY LINE OF TAX PARCEL NO. 32-07-35-0-000-001.008 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NO. 90; THENCE RUN WEST ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NO. 90 TO A POINT OF INTERSECTION WITH THE OF THE EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181; THENCE RUN NORTH ALONG SAID EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181 TO A POINT OF INTERSECTION WITH THE NORTH LINE OF TAX PARCEL NO. 32-07-35-0-000-001.043; THENCE RUN WEST LEAVING SAID INTERSECTION TO A POINT ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181; THENCE RUN NORTH ALONG SAID EAST RIGHT-OF-WAY OF STATE HIGHWAY NO. 181 TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY INTERSTATE NO. 10; THENCE RUN WEST ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NO 10 TO A POINT THAT IS DUE SOUTH OF THE SOUTHWEST CORNER OF LOT 32, TIMBERCREEK, PHASE FOUR AS RECORDED ON SLIDE NO. 1627-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH LEAVING SAID POINT TO A POINT ON THE NORTH RIGHT-OF-WAY OF WOODROW LANE SAID POINT BEING THE SOUTHWEST CORNER OF LOT 32, TIMBERCREEK, PHASE FOUR; THENCE RUN WEST ALONG SAID NORTH RIGHT-OF-WAY OF WOODROW LANE TO A POINT INTERSECTION WITH THE EAST LINE OF TAX PARCEL NO. 32-08-28-4-001-012.000; THENCE RUN NORTH ALONG SAID EAST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-012.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-012.000 ALSO BEING THE SOUTHEAST CORNER OF AUSTIN TOWN SUBDIVISION AS RECORDED IN MAP BOOK 6, PAGE 200 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE EAST BOUNDARY LINE OF SAID AUSTIN TOWN SUBDIVISION TO THE NORTHEAST CORNER OF SAID AUSTIN TOWN SUBDIVISION; THENCE RUN WEST ALONG THE NORTH BOUNDARY LINE OF

SAID AUSTIN TOWN SUBDIVISION TO THE NORTHWEST CORNER OF SAID AUSTIN TOWN SUBDIVISION; THENCE RUN SOUTH ALONG THE WEST BOUNDARY LINE OF SAID AUSTIN TOWN SUBDIVISION TO A POINT BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 32-08-28-4-001-001.000; THENCE RUN WEST ALONG THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-001.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-001.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-001.000 TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 32-08-28-4-001-008.000; THENCE RUN WEST ALONG SAID NORTH PROPERTY LINE OF TAX PARCEL NO. 32-08-28-4-001-008.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-008.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-008.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-008.000 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 32-08-28-4-001-007.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-007.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-007.000; THENCE RUN EAST ALONG THE SOUTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-007.000 TO A POINT OF INTERSECTION WITH THE WEST PROPERTY LINE OF TAX PARCEL NO. 32-08-28-4-001-010.000; THENCE RUN SOUTH ALONG SAID WEST PROPERTY LINE OF TAX PARCEL NO. 32-08-28-4-001-010.000 TO THE SOUTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-28-4-001-010.000 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 32-08-28-4-001-001.002; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-28-4-001-001.002 TO A POINT OF INTERSECTION WITH THE NORTH PROPERTY LINE OF TAX PARCEL NO. 32-08-33-0-001-005.000; THENCE RUN WEST ALONG SAID NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-33-0-001-005.000 TO THE NORTHWEST CORNER OF SAID TAX PARCEL NO. 32-08-33-0-001-005.000; THENCE RUN SOUTH ALONG THE WEST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-33-0-001-005.000 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF INTERSTATE NO. 10; THENCE RUN SOUTH LEAVING SAID POINT OF INTERSECTION TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID INTERSTATE NO. 10 ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NO. 32-08-33-0-001-012.000; THENCE RUN EAST ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NO. 10 AND THE NORTH PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-33-0-001-012.000 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NO. 32-08-33-0-001-012.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-33-0-001-012.000 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 32-08-33-0-001-012.000 ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 32-08-33-0-001-018.000; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO.

32-08-33-0-001-018.000 TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NO. 90; THENCE RUN SOUTH LEAVING SAID POINT OF INTERSECTION TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SAID U.S. HIGHWAY NO. 90 SAID POINT BEING THE NORTHEAST CORNER OF TAX PARCEL NO. 32-08-33-0-001-018.012; THENCE RUN SOUTH ALONG THE EAST PROPERTY LINE OF SAID TAX PARCEL NO. 32-08-33-0-001-018.012 TO THE SOUTHEAST CORNER OF SAID TAX PARCEL NO. 32-08-33-0-001-018.012 ALSO BEING THE NORTHEAST CORNER OF LAKE FOREST SUBDIVISION, UNIT 25 AS RECORDED IN MAP BOOK 8, PAGE 86 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST BOUNDARY LINE AND THE EXTENSION OF THE EAST BOUNDARY LINE OF SAID LAKE FOREST SUBDIVISION TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LAWSON ROAD AND THE POINT OF BEGINNING

ORDINANCE NO. 2004-17

Ordinance to Amend City of Daphne Ordinance No. 1996-16 *Establishing Voting Poll Places

AN ORDINANCE adding/amending the following to the City of Daphne, Alabama, Ordinance No. 1996-16, adopted April 15, 1996.

WHEREAS, the City Council of the city of Daphne believes it to be in the be interest of its citizens to have seven voting polls for the purpose of holding a Municipal Election to be held August 24, 2004 and September 14, 2004 Runoff Election, if necessary; and

WHEREAS, after due notice by publication as required by law, the voting poll places shall be changed for holding the Municipal Election of August 24, 2004 and September 14, 2004 Runoff Election, if necessary, pursuant to Act #95-327; and

WHEREAS, the Mayor and City Council of the City of Daphne, after due consideration deemed, that the amendment requested is proper and believe it to be in the best interest of the City that such amendment be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the described amendment below to establish the voting poll locations for the City of Daphne seven Districts is hereby accepted as stated:

District 1	-	Shrine of the Holy Cross	-	612 Main Street
District 2	-	Nicholson Center	-	College & Capt. O'Neal
District 3	-	Daphne Fire Station #2	-	28280 North Main St.
District 4	-	Kidz Zone - YMCA	-	8051 Whispering Pines Rd.
District 5	-	Abundant Life Christian Center	-	6937 Hwy 90
District 6	-	Eastern Shore Christian Center	-	9078 Lawson Road
District 7	-	Abundant Life Christian Center	-	6937 Hwy 90

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this the 21st day of May, 2004.

E. Harry Brown, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**CITY OF DAPHNE
RESOLUTION NO. 2008 - 02**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 24, 2008, 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 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 CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on January 24, 2008, 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

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, and Resolution 2007-69 entitled "City of Daphne Street Map" are hereby repealed in their 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

THAT 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.

**RESOLUTION 2008-02
ADOPT REVISED STREET MAP
PAGE 2**

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2008.**

**GREG BURNAM,
COUNCIL PRESIDENT**
Date and Time Signed: _____

**FRED SMALL,
MAYOR CITY OF DAPHNE**
Date and Time Signed: _____

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

Resolution 2008-03

Art & Cultural Facilities Grant Application 2008: Architectural Plans for Nicholson Center

WHEREAS, the City of Daphne proposes to hire an architect to produce a plan to transform the Nicholson Center from a gymnasium to a performing arts center for the health and well being of the general public and be ADA compliant; and

WHEREAS, the city intends to make application to the Alabama State Council on the Arts for grant assistance to develop the Nicholson Center into a performing arts center; and

WHEREAS, said programs are limited to funding a maximum of fifty percent (\$50,000.00) of the proposed professional cost estimates at (\$100,000.00) which will be used to develop the architectural plans at the Nicholson Center property.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold in reserve fifty percent (\$50,000.00) of the proposed project cost for the purpose of matching the Art & Cultural Facilities Grant Fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF DAPHNE, ALABAMA, this _____ day of _____, 2008.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-10

A ORDINANCE TO AMEND CERTAIN PERSONNEL POLICIES AND PROCEDURES RELATED TO VACATION ACCRUAL

WHEREAS, the City Council of the City of Daphne recognized in Resolution 2005-74 that the City of Daphne Fire Department members work shifts and hours worked per year caused an inequity in the calculation of vacation time benefits earned by fire fighters, and;

WHEREAS, the City Council of the City of Daphne determined in Resolution 2005-74 to rectify this inequity through the Personnel Manual for the City of Daphne by providing a higher vacation accrual rate for firefighters, and;

WHEREAS pursuant to Resolution 2006-74 the City Council of the City of Daphne modified certain provisions of the Personnel Manual related to vacation leave from advancing to accrual but omitted higher vacation accrual rates for firefighters.

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

SECTION ONE: Section 9.4.2.3. “ACCRUAL OF VACATION LEAVE” is hereby amended to clarify vacation accrual rates for employees working 2080 and 2808 hours per year.

Continuous Years of Service	% X 2080	Hours Earned Per Year
0 thru 9 years	.0385 per hour	80 hours per year
10 thru 14 years	.0577 per hour	120 hours per year
15 thru 24 years	.0769 per hour	160 hours per year
Over 24 years	.0962 per hour	200 hours per year

Continuous Years of Service	% X 2808	Hours Earned Per Year
0 thru 9 years	.0385 per hour	108 hours per year
10 thru 14 years	.0577 per hour	162 hours per year
15 thru 24 years	.0769 per hour	216 hours per year
Over 24 years	.0962 per hour	270 hours per year

SECTION TWO: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION THREE: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION FOUR: 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 _____, 2008.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2008-11**

**A ORDINANCE TO AMEND CERTAIN
PERSONNEL POLICIES AND PROCEDURES
RELATED TO COMPENSATORY TIME**

WHEREAS, the City Council of the City of Daphne, Alabama, has certain personnel policies and procedures which are required to be administered by the Human Resources Director, and;

WHEREAS, the City Council of the City of Daphne, Alabama, believes that certain policies need adjusting for the efficient operation of the city, and,

WHEREAS, the City Council of the City of Daphne, Alabama, desires to enhance City policy in certain aspects of the personnel policies and procedures related to compensatory time;

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

SECTION ONE: That **Section 9.2.2.4.** of the Personnel Policy and Procedures Handbook entitled **“COMPENSATORY TIME”** is hereby eliminated in its entirety.

SECTION TWO: That all other sections or any parts of sections or subsections thereof within the Personnel Policy and Procedures Handbook that in any way relate or reference “Compensatory Time” including references as found within Sections 9.2.2. entitled “Non Exempt Employee”, Section 9.2.3. “Exempt Employee”, Section 9.3.3.1. “Entitlement to Overtime”, Section 9.4.3.9. “Coordination with Worker’s Compensation”, Section 9.5.1.2. “Coordination with other Provided Leaves”, and Section 9.7.2. “Content of Attendance Records” be and are hereby deleted and the Personnel Policy and Procedures Handbook be amended to reflect the same.

SECTION THREE: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION FIVE: 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 _____, 2008.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN,
CITY CLERK, MMC

ORDINANCE 2008 - 12

FY 2008 Capital and Personnel Appropriations

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15 , 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, such appropriations totaling \$3,475 are needed for a 24 hour fire monitoring system for the Daphne Museum to protect the building and artifacts contained in the building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include General Fund appropriations in the amount of \$3,475.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2008.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

CITY OF DAPHNE
ORDINANCE NO. 2008 - 13

AN ORDINANCE PROHIBITING SMOKING WITHIN THE CITY OF DAPHNE

WHEREAS, the City Council of the City of Daphne finds and declares that the purposes of this ordinance is (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right nonsmokers to breathe smoke-free air, and (3) to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

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

SECTION ONE: DEFINITIONS

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- a. "Bar" means a stand-alone enclosed area in which the principal or sole purpose and business of the establishment is the serving of alcoholic beverages for consumption by guests on the premises. This term includes such establishments where the sale or service of food is made, but only if it is incidental to the service of alcoholic beverages. Bars must be posted off limits to minors and must not allow any minors inside.
- b. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- c. "Employee" means a person who is hired by another to perform a task or job in consideration for direct or indirect monetary wages, gain or profit, and a person who volunteers his or her services for a non-profit entity. This term includes independent contractors.
- d. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that hires the services of one or more employees.
- e. "Enclosed Area" means that area between a floor and ceiling that is enclosed or is capable of being enclosed, on all sides by solid walls, windows, and/or

doorways, and which is climate controlled by a HVAC or similar air handling system.

- f. “Place of Employment” means an area under the control of an Employer where Employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “Place of Employment” unless it is also used as a location of a business, child care, adult care, or health care facility.
- g. “Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sell alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a due under 26 U.S.C. Section 501. A “private club” is not open to the general public. A private club established for the purpose of avoiding the prohibitions on smoking called for in this Article shall be deemed a Public Place, however.
- h. “Public Place” means an enclosed area to which the general public is invited or in which the general public is permitted, including but not limited to, banks, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A “private club” facility is a “public place” when being used for a function to which the general public is invited or allowed to attend. A private residence is not a “public place” unless it is used as a business location, child care, adult day care, or health care facility.
- i. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco products in any manner or form.
- j. “Sports Arena” means sports pavilions, stadiums, ball fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble

to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION TWO: APPLICATION OF ARTICLE TO CITY-OWNED FACILITIES

All property, including buildings and vehicles and parks, which are owned, leased, or operated by the City of Daphne shall be subject to the provisions of this Article.

SECTION THREE: PROHIBITION OF SMOKING IN PUBLIC PLACES

Smoking shall be prohibited in all enclosed Public Places, as well as the areas within a reasonable distance outside of the main entrance(s) of such Public Places, within the City of Daphne

SECTION FOUR: PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all enclosed areas which are places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed areas. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

SECTION FIVE: PROHIBITION OF SMOKING IN OUTDOOR ARENAS AND STADIUMS

Smoking shall be prohibited in the seating areas of all outdoor sports arenas, stadiums, and amphitheaters, as well as in bleachers and grandstands for use by spectators at sporting and other public events.

SECTION SIX: REASONABLE DISTANCE

Smoking shall be prohibited within a reasonable distance of 20 linear feet outside all main entrances/exits to enclosed areas where smoking is prohibited in this Article.

SECTION SEVEN: WHERE SMOKING NOT PROHIBITED

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the prohibitions in this Article:

- a. Private residences which are not also a place of employment, business or public place as defined herein.
- b. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- c. Private clubs when being used or occupied by its members only.
- d. Places of employment that do not meet the definition of an Enclosed Area (except those covered by the provisions of Sections Five and Six).
- e. Bars.

SECTION EIGHT: DECLARATION OF ESTABLISHMENT AS NONSMOKING

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section Nine is posted.

SECTION NINE: POSTING OF SIGNS

- a. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.
- b. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- c. All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

SECTION TEN: NONRETALIATION; NONWAIVER OF RIGHTS

- a. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.
- b. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

SECTION ELEVEN: ENFORCEMENT

- a. This Article shall be enforced by the Daphne Police Department or Code Enforcement Officer as designated by the Mayor.
- b. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Daphne.
- c. Any citizen who desires to register a complaint under this Article may initiate enforcement with the Police Department.
- d. The Health Department, Police Department, Fire Department, or their designees shall, when an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- e. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- f. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- g. In addition to the remedies provided by the provisions of the Section, the City of Daphne or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION TWELVE: VIOLATION AND PENALTIES

- a. Any person who smokes in an area where smoking is prohibited by the provisions of this Article shall upon conviction be guilty of an infraction, punishable by a fine not to exceed fifty dollars (\$50) per occurrence plus cost of court.
- b.) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of the Article shall be guilty of an infraction, punishable by:
 - i. A fine not exceeding one hundred dollars (\$100) for a first violation.
 - ii. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - iii. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- c. In addition to the fines established by this Section, violation of this Article by a person who, owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- d. Violations of this Article are hereby declared to be a public nuisance, which may be abated by the City Council by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- e. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

SECTION THIRTEEN: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

SECTION FOURTEEN: EFFECTIVE DATE

This Article shall be effective ninety (90) days from and after the date of its adoption and its publication as required by law.

APPROVED AND ADOPTED, this _____ day of _____, 2008.

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL,
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE 2008 - 14

FY 2008 Capital and Personnel Appropriations

WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15 , 2007; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2008 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2008 budget; and

WHEREAS, such appropriations totaling \$_____are listed as attached.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include General Fund appropriations in the amount of \$_____ for certain capital and personnel matters per the attached schedule.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2008.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

**General Fund
FY 2008**

Estimated Revenues > Appropriations	1,131,394
Ordinance 2008-02	<u>(246,809)</u>
	884,585
<hr/>	
Transfers In (To close these Construction Funds)	
Transfers from 1997 Construction Fund	5,200
Transfers from 2000 Construction Fund	<u>61,200</u>
	66,400

Available for Appropriation	950,985
------------------------------------	----------------

Appropriations

Personnel

COLA: Non Public Safety (2.5%) Effective February	(110,131)	Annual cost 165,196
	<u>(110,131)</u>	

Operating

Capital

Building Inspections Furniture	(22,379)
Advanced Life Support Eqpt St #4	(20,000)
Front Counter Space- Revenue	(5,800)
Police: 7 Air Conditioning Units	<u>(32,732)</u>
	(80,911)

Other

Boys & Girls Club	(8,000)
Baldwin County Trailblazers	<u>(2,000)</u>
	(10,000)

Appropriations	(201,042)
-----------------------	------------------

Estimated Revenues > Appropriations 749,943

ORDINANCE NO. 2008-15

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA**

**Luther Jr. and Sharon Milstead Annexation
(Property located on Pollard Road)**

**BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS
FOLLOWS:**

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on December 20, 2007 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High Density Multi-Family Residential District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 6, 2008 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

“Exhibit A”

LEGAL DESCRIPTION:

LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

Exhibit A
Luther and Sharon Milstead
LEGAL DESCRIPTION

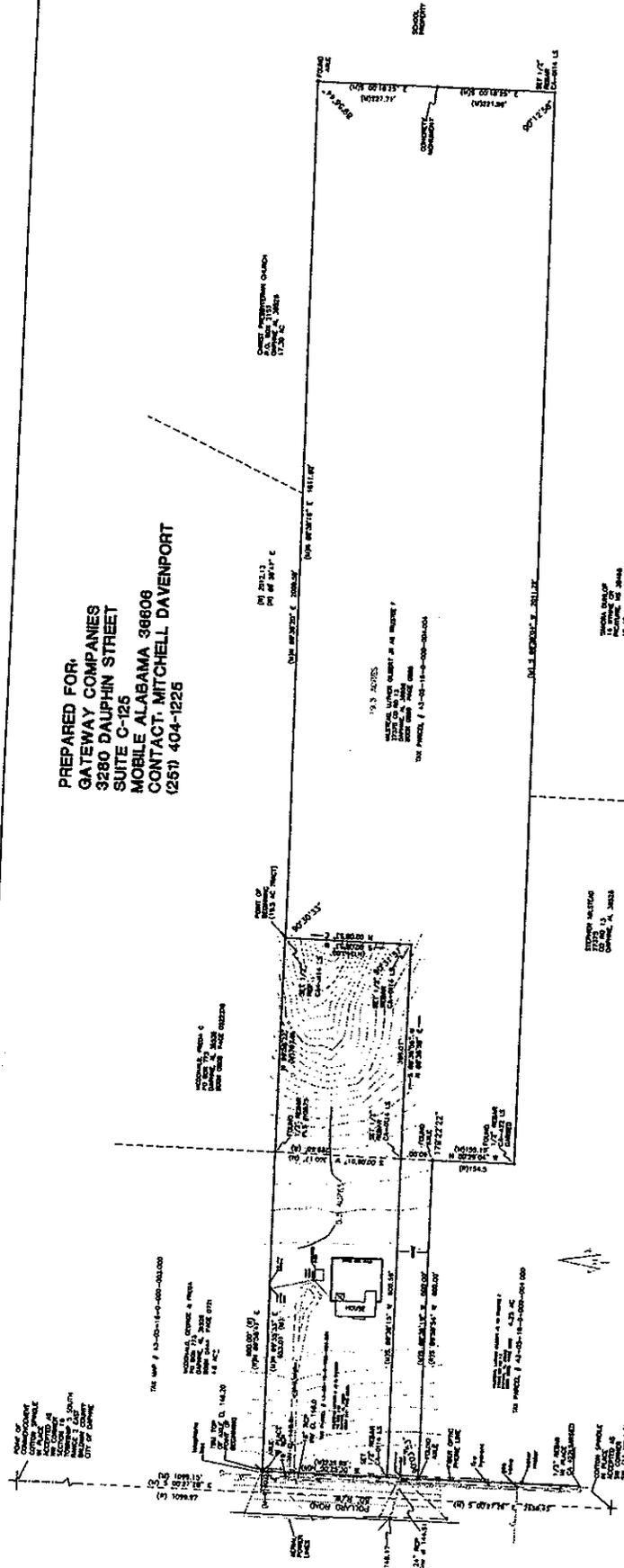
LOT 1 OF LAUREL SPRINGS SUBDIVISION

The above described land is located in the West one-half of the Northwest one-fourth of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama and contains 5.5 acres.

EXHIBIT B LUTHER AND SHARON MILSTEAD

RAY & GILLILAND, P.C.	DATE: 11-12-07
101 E. SOUTH BRIDGE ST.	SCALE: 1"=100'
MOBILE, ALABAMA 36680	PROJECT: 2-0048
DRAWN BY: J. GORDON	BOUNDARY:

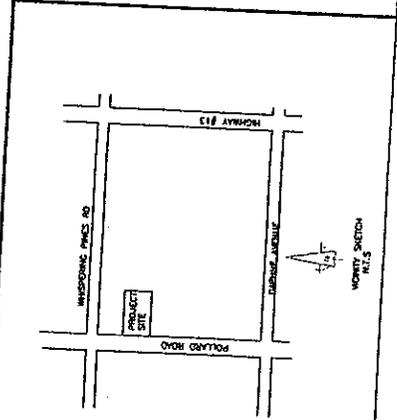
PREPARED FOR:
GATEWAY COMPANIES
3280 DAUPHIN STREET
SUITE C-125
MOBILE ALABAMA 36608
CONTACT: MITCHELL DAVENPORT
(251) 404-1225



FLOOD INFORMATION
FLOOD ZONE: X-1
DATE: JULY 17TH 2007

THIS DRAWING IS A PRELIMINARY/PROVISIONAL
DRAWING AND SHOULD NOT BE USED FOR
CONSTRUCTION OR AS A BASIS FOR
ANY OTHER DECISIONS.
DATE: 11-12-07

THE DRAWING IS A PRELIMINARY/PROVISIONAL
DRAWING AND SHOULD NOT BE USED FOR
CONSTRUCTION OR AS A BASIS FOR
ANY OTHER DECISIONS.
DATE: 11-12-07



OWNER/DEVELOPER

LAUREL SPRINGS APARTMENTS, LTD.
820 FLORENCE BOULEVARD
FLORENCE, ALABAMA 36681

ARCHITECT

McKEAN & ASSOCIATES, ARCHITECTS, LLC
2815 ZELDA ROAD
MONTGOMERY, ALABAMA 36106

LEGEND

UNIT TYPE	COUNT
UNIT 'A' - ONE BEDROOM	29 UNITS
UNIT 'B' - ONE BEDROOM - HANDICAP	2 UNITS
UNIT 'C' - ONE BEDROOM - SEN. IMPAIRED	1 UNIT
UNIT 'D' - TWO BEDROOM	23 UNITS
UNIT 'E' - TWO BEDROOM - HANDICAP	1 UNIT

TOTAL UNITS

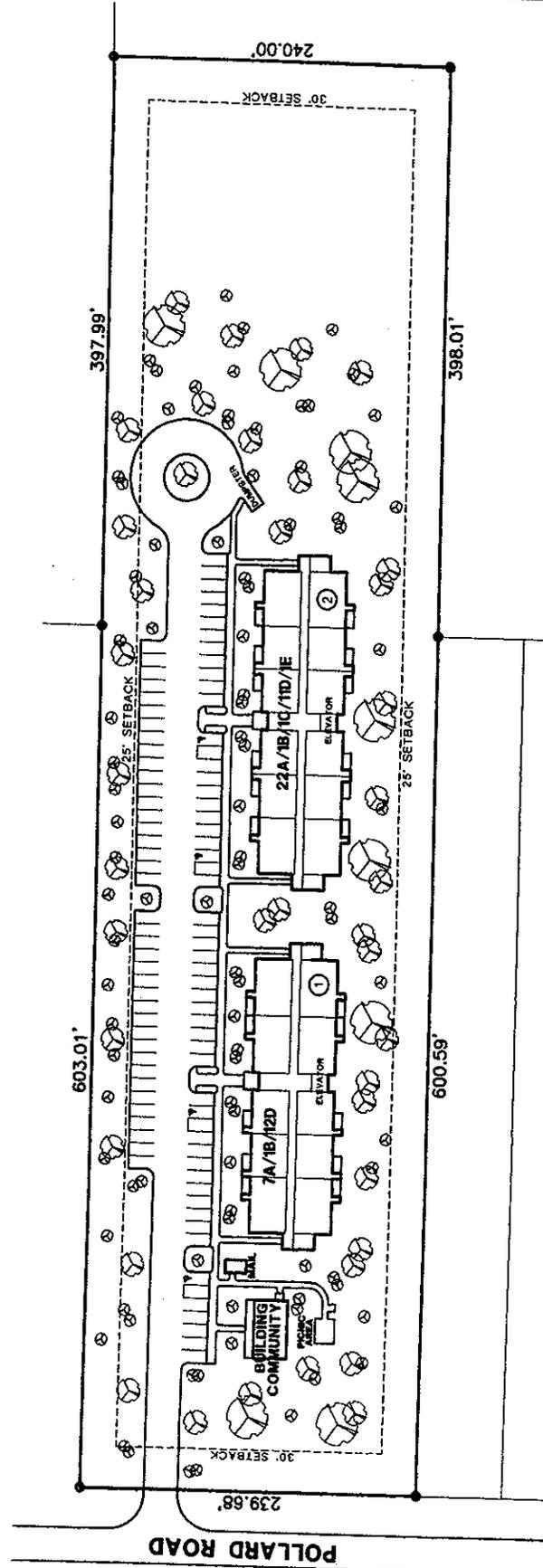
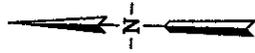
58 UNITS

PARKING SPACES:

90

SITE AREA:

5.6 ACRES ±



SCHEMATIC SITE PLAN

LAUREL SPRINGS APARTMENTS
DAPHNE, ALABAMA

NOVEMBER 15, 2007



CITY OF DAPHNE

ORDINANCE NO. 2008-16

=====
**AN ORDINANCE TO ESTABLISH THE SALARY OF THE
CITY COUNCIL MEMBERS**
=====

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, AS FOLLOWS:**

SECTION ONE:

That the salary of the City Council President of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Six Hundred Sixty-Six Dollars and Sixty-Seven Cents(\$666.67) semi-monthly.

SECTION TWO:

That the salary of the City Council Vice President of the City of Daphne, commencing November 1, 2008, shall be and the same in hereby fixed at Five Hundred Fifty Dollars (\$550.00) semi-monthly.

SECTION THREE:

That the salary of the City Council Members of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Five Hundred Dollars (\$500.00) semi-monthly.

SECTION FOUR:

That the City Council Members shall be entitled to a cell phone.

SECTION FIVE:

That an Ordinance setting forth the salary of the City Council Members is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION SIX:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
on this _____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-17

=====
AN ORDINANCE TO ESTABLISH THE SALARY OF THE MAYOR
=====

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, AS FOLLOWS:**

SECTION ONE:

That the salary of the Mayor of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Eighty-Five Thousand Dollars (\$85,000.00) annually, to be paid in twenty-four (24) equal installments on the first and second payroll of each month.

SECTION TWO:

That as additional compensation, the Mayor shall be entitled to a vehicle allowance in the amount of Six Thousand Dollars (\$6,000.00) per year, paid in \$500.00 installments each month. Vehicle allowance is given in lieu of use of all city vehicles.

SECTION THREE:

That the Mayor shall be entitled to all health care benefits, which may be provided for full-time employees of the City of Daphne and a cell phone.

SECTION FOUR:

That any Ordinance setting forth the salary of the Mayor is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION FIVE:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2008-18

=====

AN ORDINANCE TO ESTABLISH THE SALARY OF THE MAYOR

=====

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, AS FOLLOWS:**

SECTION ONE:

That the salary of the Mayor of the City of Daphne, commencing November 1, 2008, shall be and the same is hereby fixed at Thirty-Seven Thousand Five Hundred Dollars (\$37,500) annually, to be paid in twenty-four (24) equal installments on the first and second payroll of each month.

SECTION TWO:

That as additional compensation, the Mayor shall be entitled to a vehicle allowance in the amount of Six Thousand Dollars (\$6,000.00) per year, paid in \$500.00 installments each month. Vehicle allowance is given in lieu of use of all city vehicles.

SECTION THREE:

That the Mayor shall be entitled to all health care benefits, which may be provided for full-time employees of the City of Daphne and a cell phone.

SECTION FOUR:

That any Ordinance setting forth the salary of the Mayor is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

SECTION FIVE:

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC