

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MARCH 3, 2008
6:30 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION**
PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting minutes meeting held February 18, 2008
Special Called Council meeting minutes meeting held February 14, 2008
Work Session minutes meeting held February 14, 2008
Amended minutes from the February 18, 2008 Council meeting / **NO ACTION**

RECOGNIZE: Boy Scott Troupe 87

- 4. REPORT STANDING COMMITTEES:**
 - A. FINANCE COMMITTEE - Scott**
 - a.) Appropriation Funds: Mobile Bay NEP / [Ordinance 2008-24](#)
 - B. BUILDINGS & PROPERTY - Lake**
 - C. PUBLIC SAFETY - Burnam**
 - a.) Police Officer Military Deployment / [Resolution 2008-07](#)
 - D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
 - E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady**
- B. Downtown Redevelopment Authority – Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
- F. Recreation Board - Palumbo**
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) ***MOTION:** Approve requests from Eastern Shore Chamber of Commerce for the 2008 Jubilee Festival*
 - b.) ***MOTION:** Special Care Facilities Financing Authority Appointment: Appoint Geri Moulton to fill the vacated position that was held by Carolyn McLaughlin*
- B. City Attorney's Report**
- C. Department Head Comments**
 - City Clerk – Veto of Ordinance 2008-22

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Police Officer Military Deployment...../Resolution 2008-07
- b.) Approve Petition for Final Assessment of Certain Land
Located within Renaissance Improvement District/Resolution 2008-08

ORDINANCES:

2ND READ

- a.) Amending Ordinance 2004-21 / Civic Center Rates...../Ordinance 2008-21
- b.) FY 2008 Fire Capital...../Ordinance 2008-23

1ST READ

- c.) Appropriating Funds: Mobile NEP/Ordinance 2008-24

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

**FEBRUARY 18, 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 6:40 p.m.; Greg Burnam; Ron Scott; Eric Nager; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; David Carpenter, Police Chief; James White, Fire Chief; Richard Merchant, Building Official; Melvin McCarley, Interim Public Works Director; Adrienne Jones, City Planner; Jane Robbins, Mayor's Assistant; Ed Kirby, Code Enforcement Officer; Frank Barnette; Public Works; Joey Holasz, Fire Dept.; Dwayne Coley, Parks; Dionne Watson, Finance Dept.; Kim Sparks, Revenue Dept.; Willie Robison, BZA; Mickey Boykin, Daphne Museum; Al Guarisco, Village Point; Starke Irvine, DRA; Ron Allen, Library Board.

Absent: Bill Eady, Planning Department Director; Sandra Morse, Civic Center Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to approve the Council meeting minutes meeting held February 6, 2008 . *Seconded by Councilman Scott.*

Councilman Nager asked that the minutes reflect that he was present at the February 6, 2008 meeting.

**Councilwoman Barnette so amended the motion.
Councilman Scott seconded the amendment.**

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

MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

The committee met last Monday and the minutes are in the packet.

Treasurers Report / January 31, 2008

MOTION BY Councilman Scott to accept the Treasurers Report ending January 31, 2008 with a balance of \$23,545,800.00. *Seconded by Councilwoman Barnette.*

AYE Yelding, Barnette, Scott, Nager, Palumbo, Burnam

NAY NONE OPPOSED

MOTION CARRIED

Sales Tax Collections / December 31, 2007

For the month of December and the two previous months less dollars were collected than last year, and year-to-date there is approximately a \$173,000 shortfall of the projected budget. Retail sales nationwide in January were surprisingly strong so, hopefully, January will see this trend reverse itself.

Lodging Tax Collections / December 31, 2007

Lodging tax collections were off, as well. \$38,000 was collected in December, 2007, and 31,000 for December, 2008.

Councilman Scott stated that in the packet is a comparison of the General Fund, and this takes in revenues less expenses that have been expended for the first three (3) months, and the figures are considerably behind where they were last year, and there are two (2) main areas, which one is last year \$500,000 more was collected in ad valorem tax, and they think that this is a reflection of the number of appeals within the County, and Daphne is not exempt from that. He thinks that once these have been heard that the number will catch back up. He said also a larger expenditure for personnel was reflected because of the pay increase for Public Safety. He said the next meeting will be the second Monday in March.

NOTE: Councilman Lake arrived at 6:40 p.m.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee considered several request at the last meeting. One was from John Kirkpatrick Ministries requesting to install some lighting at the Civic Center, and that is still being considered by the committee. Southerland Realty requested the city purchase property that is located adjacent to and directly north of the Exxon convenient store on Highway 98. The committee's reply was that the city does not need the land and it would not be a good use of City money at this time. Councilman Lake stated that they referred several items to the Finance Committee, and they also reviewed a revised rate schedule for the Civic Center which will increase the rates.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the last meeting are in the packet, and no Council action is required. The next meeting will be March 5th at 4:30 in the Council Chambers.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The Beautification minutes are in the packet. Councilman Yelding stated that the committee is doing a fine job, and that they are working hard to make the city beautiful. The next Public Works meeting will be February 22nd at 8:00 a.m. Councilman Yelding announced that the Arbor Day Tree giveaway will be Saturday, February 23rd at Village Point Park Preserve.

Councilman Scott said that it would be nice to know from an informational standpoint if those receiving tress were residents of Daphne and how many reside outside the city. He said that with stronger and stronger budget constraints he does not know how much longer they can be able to provide those city services to those who reside outside the city limits.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

Reappoint Frank Lamb / Term ends March 2011

Reappoint Billy Mayhand / Term ends March 2011

MOTION BY Councilwoman Barnette to reappoint Frank Lamb to the Board of Zoning Adjustments, term ending March 2011. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to reappoint Billy Mayhand to the Board of Zoning Adjustments, term ending March 2011. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. Downtown Redevelopment Authority – Barnette

The minutes from the last meeting are in the packet. No report.

C. Industrial Development Board – Yelding

Councilman Yelding deferred to Mr. Cohen. Mr. Cohen stated that the minutes for the last meeting are in the packet, and the next meeting will be February 28th 6:00 p.m. at Eastern Shore Toyota.

D. Library Board – Lake

Appoint Jansey Blankenhorn to the Library Board

MOTION BY Councilman Lake to appoint Jansey Blankenhorn to the Library Board / Three (3) year term ending February 2011. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

E. Planning Commission – Barnette

The Site Review meeting will be Wednesday at 8:00 a.m. in the Council Chambers. The Planning Commission meeting will be next Thursday at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Palumbo

The minutes for the February 13th meeting are in the packet. Community events that are coming up are the Easter Egg Hunt which will be March 15th, and March 1st will be the S.E.E.D.S. Fun Run. The next meeting will be March 14th.

G. Utility Board – Scott

There is a special called meeting tomorrow afternoon at 5:00 p.m. in the Council Chambers, and the regular meeting is the last Wednesday of the month at 5:00 p.m. in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

No report.

B. *City Attorney's Report*

No report.

C. *Department Head Comments*

James White – Fire Chief – reported that they just completed the first week of their smoke detector giveaway program, and the department installed 108 smoke detectors, and 30 carbon dioxide detectors. He said that they received a pledge from a private citizen Friday in the amount of \$2,500 to replenish those smoke detectors.

David Carpenter – Police Chief – reported that Daphne had their first bank robbery a week ago, and within hours detectives had already identified the suspect.

Tonja Young – Library Director – reported that Friday they had a special event presenting the Quilters from Gee's Bend at the Civic Center, and about 250 people attended. She thanked Sandra Morse for letting them use the Civic Center, and thanked the Library staff for their help.

7. PUBLIC PARTICIPATION

Ms. Sabrina Beyers – 133 Lakewood Drive - spoke in support of the Air Quality Ordinance.

Ms. LeAnn O'Brien – 305 Pine Court – spoke in favor of the Air Quality Ordinance.

Mr. Ernie Berger – 306 Belrose Avenue – spoke regarding the Mayor and Council salaries.

Mr. Henry Lawson – 104 Booksketuh – spoke in favor of the Air Quality Ordinance and the Mayor and Council salary increase.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Bid Award: Concrete Material / Reynolds Ready Mix, LLC/Resolution 2008-04
- b.) Bid Award: Concrete Pipe / Hanson Pipe & Products, Inc. /Resolution 2008-05
- c.) Declaring Certain Property Surplus and Authorizing
Mayor to Dispose of Such Property...../Resolution 2008-06

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2008-04. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Resolution 2008-05 and 2008-06. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Amend Certain Personnel Policies and Procedures Related to Vacation Accrual. /Ordinance 2008-10
- b.) Amend Certain Personnel Polices and Procedures Related to Compensatory Time. /Ordinance 2008-11
- c. Annexation: Luther Jr. and Sharon Milstead / Property located on Pollard Rd. / Requested Zoning R-4, High Density Multi-Family Residential District. /Ordinance 2008-15
- d.) Establish the Salary of the City Council Members. /Ordinance 2008-16
- e.) Establish Salary of the Mayor / \$85,000 Per Year. /Ordinance 2008-17
- f.) Establish Salary of the Mayor / \$37,500 Per Year. /Ordinance 2008-18
- g.) To Protect the Air Quality in the City of Daphne. /Ordinance 2008-19
- h.) FY 2008 Capital and Personnel Appropriations / COLA /Ordinance 2008-20
- i.) FY 2008 Fire Personnel & Operating. /Ordinance 2008-22

1ST READ

- j.) Amending Ordinance 2004-21 / Civic Center Rates. /Ordinance 2008-21
- k.) FY 2008 Fire Capital. /Ordinance 2008-23

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-10. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-10. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-11. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2008-11. *Seconded by Councilman Yelding.*

Councilwoman Barnette said that they should go back at some point and revisit compensatory time with the budget rising, this could be a cost saver.

Councilman Palumbo agreed with Councilwoman Barnette, and added that they need to take care of housekeeping, and then revisit it. He said maybe in the case of emergencies if there is overtime and no money, then they can use compensatory time, but they need to make sure it is legal.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-15. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-15. *Seconded by Councilman Yelding.*

Councilwoman Barnette stated that this received a unanimous favorable recommendation from the Planning Commission

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-16. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-16. *Seconded by Councilman Lake.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-17. *Seconded by Councilman Lake.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-17. *Seconded by Councilman Lake.*

MOTION BY Councilman Scott to amend the amount of the Mayor's salary to \$75,000. *Seconded by Councilman Palumbo.*

VOTE ON THE AMENDMENT

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

MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

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

MOTION CARRIED

ORDINANCE 2008-18 WAS PULLED FROM THE AGENDA

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-19. *Seconded by Councilman Lake.*

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

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-19. *Seconded by Councilman Lake.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to amend Ordinance 2008-19 to include the definition for a Separate Enclosed Area (SEA). NO SECOND.

MOTION FAILED

MOTION BY Councilwoman Barnette to amend Ordinance 2008-19 under Section F to say any restaurant with a liquor license or bar may construct a separate enclosed area (SEA). The SEA may not exceed 30% of the total square footage of the restaurant. The SEA must be conspicuously designated with a sign indicating to the public that it a smoking allowed area. Any smoking in restaurants or bars fitting the provisions must take place in the designated SEA.

Councilwoman Barnette stated that what this in fact will do is prohibit smoking in bars except for the restaurant with a SEA.

NO SECOND.

MOTION FAILED

MOTION BY Councilman Scott to waive the reading of Ordinance 2008-20. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-20. *Seconded by Councilman Yelding.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2008-22. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2008-22. Seconded by Councilman Yelding.

AYE Yelding, Barnette, Scott, Nager, Palumbo, Burnam

NAY Lake

MOTION CARRIED

ORDINANCES 2008-21 and, 2008-23 WERE MADE 1ST READ.

9. COUNCIL COMMENTS

Councilman Scott announced that he qualified this week to run for the Baldwin County Revenue Commissioners position. He said that the election is June 3rd, but he does not take office until October of 2009, so he intends to serve the remainder of his term on this Council which he has enjoyed very much.

Councilman Nager stated that he is sure the Council wishes Councilman Scott well on his endeavor. He stated that Council voted to do some things tonight, and in light of an unofficial hiring freeze in the city, of all the things that was voted on with a financial impact the firefighters, it seemed to him, was the least negotiable, in other words, regardless of what they do with outfitting another station, having the proper number of firefighters on the truck, it seems to him, to be the important thing. He has hopes that the Fire Department can be ultimately a revenue generator for the city in the sense that they are hoping to make a training facility where they can train other firefighters from other towns, and that could be beneficial to the city. He said as far as the other things, as they sit here with this monument to government that is being constructed he just has some concerns, and he hopes that his fellow Council members will help point him in the right direction as to where some of these funds will come from that they all voted on tonight. Councilman Nager said that it is not fun to vote against stuff, he is not here to be opposing things, he is trying to do what he thinks is the right thing to do, as they all are. He said that if they were sitting there in the time of flush cash, he would hope and recommend that this Council and future Councils, that when this time has turned that they set aside some sort of rainy day fund in addition to the reserve fund, which they are required to have, so that when tough times come the city has a way to cover expenses. He said that the budget is fairly tight now, and when a down turn comes and sales tax revenue is not up to speed the city does not have a way to cover itself, and this is concerning to him. He said that he wanted to go on record with those concerns.

Councilman Palumbo stated that they can almost smell the cleaner air already, and in 90 days the ordinance will be in effect. He thanked Council for adopting the Air Quality ordinance, and he said that he was particularly pleased that Council did not pass any amendments that would alter or water down the ordinance. He is glad that they can move forward. He said that there are now eight (8) cities in Baldwin County that have smoking ordinances, and Daphne will no longer be the ashtray of Baldwin County. They will have to go to some other place. Councilman Palumbo congratulated Councilman Scott on his candidacy, and wished him all the best. He said that Councilman Scott has

been the chairman of the Finance Committee since they took office and has done a commendable job. He said that whoever comes on board for District #5 will have a hole to plug.

Mayor Small stated that the Council was so gracious to find money tonight for the firefighters, in which he does agree that they do need more men on the truck, and hopefully, all of these men will be on the truck, so that they will have three (3) to four (4) per truck. He said now they need money to replace the playground equipment at May Day Park, which they are going to have to rope off because they will not be able to use it anymore and condemn it. He said that money is needed to replace the 15 air conditioners at the Justice Center which are worn out, and he asked Council not to forget that the Justice Center, Library, and the Recreation Center need new roofs because of leakage, and he asked Council to start setting money aside for that as well. He said that Councilman Yelding said that if they can't find the money, they can't find the money, but what are they going to do about the children when they come to play at May Day Park and they have no playground equipment, because it will be roped off, or they will have to go on and take the equipment out. He asked what are they to do when the prisoners start getting hot in the back of the jail because the air conditioners do not work anymore because they are worn out, and the roofs keep leaking. He said that those were just a few things for Council to keep in mind. He congratulated Councilman Scott on his new endeavor, and wished him all the best.

Council President Burnam congratulated Councilman Scott also on his endeavor, and wished him the best. He said that he is sure that he will do a good job. He stated that it was good to see a lot of city employees at the Council meeting, and that seldom happens. He said that they should come to the meetings more often. He stated that it is always good to see the employees, and he appreciated them coming out.

10. ADJOURN

MOTION BY Councilman Yelding to adjourn. *Secoded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:00 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam, Council President
Date & Time Signed: _____

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

Amended minutes from the February 18, 2008 Council meeting. Added Councilman Nager to Council Members Present list.

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; **Eric Nager**; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney, Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; James White, Fire Chief; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; Capt. Scott Taylor, Police Department; Melvin McCarley, Interim Public Works Director; Adrienne Jones, City Planner; Jane Robbins, Mayor's Assistant; Willie Robison, BZA; Mickey Boykin, Daphne Museum; Anne Talton, Beautification Committee; Dorothy Morrison, Beautification Committee; Tomasina Werner, Beautification Committee

Absent: Bill Eady, Planning Department Director; David Carpenter, Police Chief.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to approve the Council meeting minutes meeting held January 22, 2008 as amended: *The vote for suspension of the rules to consider a motion to appropriated \$50,000 matching funds for a grant from the State of Alabama Performing Arts "AYE was not ALL IN FAVOR, and on the vote to adopt Ordinance 2008-04 she asked for the word "Scenic" be added before Hwy 98 for clarification. Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to approve the Work Session minutes meeting held January 17, 2008. *Seconded by Councilman Nager.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PROCLAMATION: Arbor Day

Mayor Small read and presented the proclamation to representatives of the Beautification Committee.

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

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

**Amended minutes from the February 18, 2008 Council
meeting. Added Councilman Nager to Council
Members Present list.**

**FEBRUARY 14, 2008
SPECIAL CALLED
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Eric Nager; August Palumbo.

ABSENT: Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes; Jay Ross, City Attorney; Kim Briley, Finance Director/Treasurer; Jane Robbins, Mayor's Assistant; James White, Fire Chief; Ed Kirby, Code Enforcement Officer; Chip Martin, Fire Marshal; Melvin McCarley, Interim Public Works Director; Adrienne Jones, City Planner; Joey Holasz, Fire Department.

Absent: Jay Ross, City Attorney.

2. PUBLIC PARTICIPATION

Mr. Rocco Valluzo – Owner of Microtel Hotel – spoke regarding the Air Quality ordinance on the subject of percentage of smoking rooms required for hotels.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the Air Quality ordinance asking where are the business owners.

Representative of Dr. Goetter – Pulmonary Specialist at Thomas Hospital – spoke in favor of the Air Quality ordinance.

Ms. Sabrina Beyer – 133 Lakewood Drive – spoke in favor of the Air Quality ordinance and asked Council to include the bars as non-smoking areas.

Mr. Henry Lawson – 104 Boosketuh Drive – spoke in favor of the Air Quality ordinance saying that this is coming from the people, and that Council should step up to the plate with this grass root effort.

Mr. Ron Allen – 7623 Charleston Oaks Drive – spoke regarding a letter to the editor in the Mobile Press regarding smoking, and urged the Council to make the right decision.

Mr. Taylor – 810 Trione Street – spoke in favor of the Air Quality ordinance.

3. ORDINANCE 2008-19 / To Protect the Air Quality in the City of Daphne

Council discussed the ordinance and asked that these amendments be prepared for the Council meeting on Monday:

1. Add Tobacco Shops
2. Section Seven “b” Change percentage of smoking rooms to 30%
3. Section Seven “c” change to members and guests

**FEBRUARY 14, 2008
SPECIAL CALLED
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 PM**

2

4. Add section on Healthcare Facilities and Assisted Living Facilities

Council made Ordinance 2008-9 a first read.

4. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:55 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed: _____

**FEBRUARY 14, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Eric Nager; August Palumbo.

ABSENT: Bailey Yelding

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; James White, Fire Chief; Joey Holasz, Fire Department; Melvin McCarley, Interim Public Works Director/Volunteer Fire Chief; Chip Martin, Fire Marshal.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 8:05 p.m.

2. RESOLUTION APPROVING PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND LOCATED WITHIN RENAISSANCE IMPROVEMENT DISTRICT / GINGER GADDY / HAND ARENDALL

Ms. Gaddy explained that the bonds were set to be priced, and they want to be ready when the time comes. The interest rate will not exceed 7.5%.

Ms. Gaddy said that the resolution will not be on the agenda for Monday, but will come back when the bonds have been priced.

3. REFERENDUM / LETTER TO JUSTICE DEPARTMENT

Mr. Ross stated that he had received a reply from the Attorney General, and it is his opinion that it is too late for a referendum for this election.

4. CAPITAL BUDGET / HIRING OF FIREFIGHTERS

Councilman Scott gave a report regarding the Finance meeting and the figures for the month of December.

Council discussed the hiring of six (6) firefighters to man a fire station in the area of District #1 and District #2.

The consensus of the Council was to have three (3) separate ordinances for the capital budget on the agenda for Monday as follows:

1. Personnel and Operations for New Firemen
2. COLA
3. Capital for Fire Equipment and Fire Station

FEBRUARY 14, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

5. ADJOURN

There being no further business to discuss the meeting adjourned at 9:40 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Greg Burnam,
Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

P.O. Drawer 310
Daphne, Alabama 36526-0310

Overlook
29750 Larry Dee Cawyer Drive
Daphne, Alabama
251.621.8222
FAX 251.621.8001

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



November 6, 2007

City of Daphne
Mayor & City Council
Post Office Box 400
Daphne, Alabama 36526

Re: 20th Annual Jubilee Festival – September 27th & 28th, 2008

Dear Mayor Small and City Council Members:

The 20th Annual Jubilee Festival is scheduled to be held September 27 - 28, 2008. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 26, 2008 after 5:00 p.m. until Sunday, September 28, 2008 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 20th Annual Jubilee Festival.

Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 27th & 28th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street
Jubilee Mall
Lawson Road

8. Permission to place banners within the site of the festival.

Please place this request on the agenda for the next available City Council Meeting. Please contact Angela Kimsey at the Eastern Shore Chamber of Commerce (621-8222) with the date of the meeting.

The Eastern Shore Chamber of Commerce and the Jubilee Festival Committee greatly appreciate the City's continued support of this annual event. We are looking forward to another successful event for both the Chamber and the City. The Festival continues to grow each year, but success of the event is only possible with the combined effort of the City, the Chamber and the volunteers.

Sincerely,

Terri Waring, Festival Chair
20th Annual Jubilee Festival

CZ/crs

cc: Darrelyn Bender, President, Eastern Shore Chamber of Commerce
David Clark Chairperson, Executive Board Eastern Shore Chamber of Commerce



The Jubilee City

MEMORANDUM

Office of the Mayor

TO: Greg Burnam, Council President

FROM: Mayor Fred Small

DATE: December 3, 2007

SUBJECT: **Special Care Facilities Financing Authority**

This authority is made up of three representatives from the City of Daphne. Currently Carol Frush and JoAnn Martin are serving. Carolyn McLaughlin is moving to Fairhope and will not be able to serve. Robert Eddington is recommending that Geri Moulton fill this vacancy. Mrs. Moulton has agreed to serve if appointed.

I am asking the council to approve this appointment effective immediately.

Thank you.

Can you approve this?

Council has to.

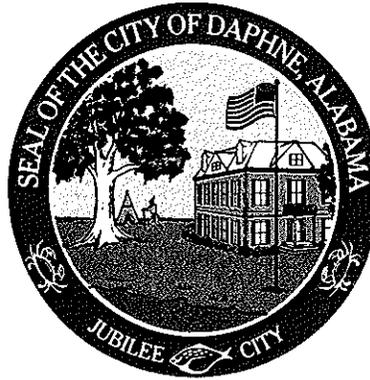
Jane
2/20/08

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

FRED SMALL
MAYOR
DAVID L. COHEN, MMC
CITY CLERK
KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER
DAVID B. CARPENTER II
CHIEF OF POLICE



COUNCIL MEMBERS

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

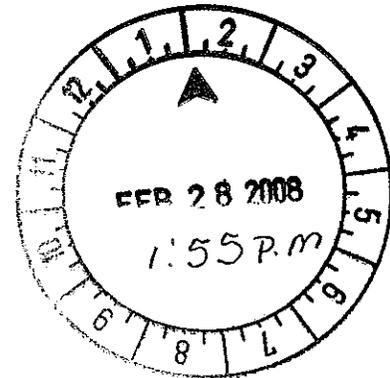
MEMORANDUM

TO: City Clerk

FROM: Mayor Fred Small

DATE: February 27, 2008

RE: ORDINANCE 2008-22
FY 2008 Fire Personnel & Operating



This is a notice to you stating my veto of the above named ordinance (ORDINANCE 2008-22). I object to this ordinance because I have not received a written plan for the utilization of the fire department personnel. I believe six is the number requested although not spelled out in the ordinance. The appropriations for such personnel are \$192,564 which would begin in April of 2008 being only a half of a fiscal year reflecting a yearly budget of \$295,000 for labor alone.

I do agree with Chief White that he did request in the capital personnel in 2008 a total of six (6) fire fighters but as well we have all talked about the needs for additional staff in the library and other departments. As well I thought we all agreed to hold up on new personnel request because of short falls in the 2008 tax revenue.

Now with all of this said if we are going to open up a new station we can't forget that it is the utmost importance to give the citizens in the southeastern part of the city the same coverage as the rest of the city has which at this time they do not.

We still would have to purchase equipment to operate another station to the tune of over \$500,000 which I believe to be low for all the equipment that will be needed. I'm very much in approval of new stations as well as additional fire fighters per shift but with an extensive plan and without hurting City resources.

Page 2
Memorandum
Ordinance 2008-22
February 27, 2008

I would like to ask each Council Member are you ready to add an additional \$300,000 per year to the Personnel budget plus over \$500,000 which again I believe to be low for all the equip needed to open a new station without a solid plan of where the station will be built and to whom this station is to be designated to protect. I am not against public safety and definitely not against an additional fire station to cover Districts 1 and 2 or any other part of the City.

Now I would like to ask all Council Members to support me in this veto not as a rejection of the request, but because of the lack of time to provide proper planning which results in not spending the tax payer's money wisely and taking a chance of having an inferior product to offer.

ORDINANCE 2008 - 22

FY 2008 Fire Personnel & Operating

294

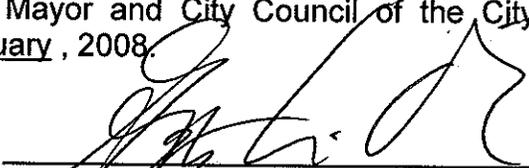
WHEREAS, Ordinance 2007-47 approved and adopted the Fiscal Year 2008 Budget on October 15, 2007; and

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 \$ 192,564 are needed for certain new fire department personnel and the related operating requirements.

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 appropriations in the amount of \$ 192,564 as scheduled on the following attachment for certain new fire department personnel and the related operating requirements.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 18th day of February, 2008.



Greg Burnam,
Council President

Date & Time

Signed: 2-22-08 9:35 A.M.

Fred Small, Mayor

Date & Time

Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2008 - 07

Police Officer Military Deployment

WHEREAS, the City of Daphne Police Department has a vacancy due to the military deployment of a police officer; and

WHEREAS, such military deployment is scheduled to end in 2010; and

WHEREAS, the Fiscal 2008 budget includes wage and benefits appropriations for the vacated position; and

WHEREAS, the police department needs to fill such vacant position until 2010; and

WHEREAS, thereafter, upon return of the deployed police officer in 2010, the police department needs to establish an additional police officer position.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE hereby

- 1) authorize the police department to fill such position vacated due to military deployment AND
- 2) approve and authorize an additional police officer position to be funded upon the return of the employee to the police department in 2010.

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

RESOLUTION NO. 2008-08

**RESOLUTION APPROVING PETITION
FOR FINAL ASSESSMENT OF CERTAIN LAND LOCATED WITHIN
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the Renaissance Improvement District (the "Improvement District") by its Board of Directors (the "Petitioner") has filed with the City Council of the City of Daphne, Alabama (the "Council"), a Petition in writing signed on behalf of the Petitioner requesting that the Council assess certain land located within the boundaries of the Improvement District in accordance with the applicable provisions of Chapter 99A of Title 11 of the Code of Alabama 1975, as amended (the "Authorizing Statute"), and, in particular, the provisions of Section 11-99A-11 of the Code of Alabama (1975); and

WHEREAS, the Petitioner has prepared and presented to the Council plans that reasonably describe and estimate the cost of certain improvements, as defined in the Authorizing Statute;

WHEREAS, pursuant to Section 11-99A-3 of the Code of Alabama (1975), no public notice of such hearing was required, as such hearing was held during a regularly scheduled meeting of the Council;

WHEREAS, the Petitioner has presented a recommended final calculation of the cost of acquiring, constructing, and installing the improvements;

WHEREAS, the Council has examined the Petition and has found that the same is regular in all respects and conforms with the requirements of the Constitution in that the improvement assessments are not in excess of the increased value of the landowners' property by reason of special benefits derived from such improvement as well as with the requirements of the Authorizing Statute, and the Council deems it wise, expedient, and necessary to finally assess the property in accordance with the provisions of the Petition;

WHEREAS, by Resolution 2007-83, the Council heretofore approved the execution and delivery of that certain Economic Development Agreement, by and among the City of Daphne, the Improvement District and the Renaissance Cooperative District (the "Cooperative District"), in which the City agrees to grant to the Cooperative District a portion of taxes on certain transactions ("City Transaction Taxes") collected by the City within the Cooperative District as more specifically described therein, and

WHEREAS, the Council desires to acknowledge that the City Transaction Taxes paid by the City to or for the Cooperative District will offset the amount of assessment payment due from parcels of land within the District in the manner described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

(1) The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.

(2) It is hereby found and declared to be wise, expedient, and necessary that the property identified in the Petition be assessed as contemplated by the Petition.

(3) The Petition, a copy of which is attached hereto as Exhibit A, is hereby approved and the assessment described in the Petition hereto is approved, declared final, and ordered levied.

(4) The Council hereby acknowledges that the City Transaction Taxes paid to or for the Cooperative District pursuant to the Economic Development Agreement will offset the amount of assessment payment due from parcels of land within the District as follows: (a) first, to the extent determinable by the Improvement District and Cooperative District, the City Transaction Taxes will offset the assessment payment due from the parcel of land within the Improvement District and Cooperative District from which the City received the City Transaction Taxes that produced such City Transaction Taxes, and (b) to the extent the City Transaction Taxes in a given year and allocable to a particular parcel are in excess of the amount required to offset the amount of the assessment with respect to certain parcel during the year, the excess shall be allocated to offset the remaining assessments due from other parcels within the Improvement District and Cooperative District pro rata based upon acreage.

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

EXHIBIT "A"

**PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

TO: THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
Daphne, Alabama

The Renaissance Improvement District (the "Improvement District") by its Board of Directors (the "Petitioner"), does hereby submit to you as the governing body of the City of Daphne, Alabama (the "City") this petition and by so doing petitions for assessment of certain land located within the boundaries of the Improvement District pursuant to the provisions of Act 99-446 of the 1999 Regular Session of the Alabama Legislature, codified at Section 11-99-A-1 et seq., as amended (the "Act"). Capitalized terms not otherwise defined herein shall have the meanings set forth in the Act. In support of such petition, the District hereby states as follows:

1. The Improvement District is duly organized and existing under the provisions of the Act, having been formed on June 5, 2007. The tract or tracts of land which are included within the Improvement District are described on Exhibit B (the "Property").

2. The area of land within the Improvement District is part of a planned development which will be of sufficient size and sufficiently compact and contiguous as to be developed as one functional and interrelated development. The Improvement District was established in order to prevent the general body of taxpayers within the City of Daphne from bearing the burden of paying the costs of acquiring and constructing public improvements within or specifically benefiting the Improvement District (the "Improvements"). A summary of development costs with respect to the Improvements to be acquired and constructed within the Improvement District is attached as Exhibit A. All of the Improvements will be located on the real property described in Exhibit B.

3. The Renaissance Cooperative District, an Alabama public corporation (the "Cooperative District"), intends to finance the Improvements by issuing bonds (the "Bonds") which will be payable out of and secured by the assessments collected with respect to the Property over such period of time as may be determined by the Improvement District. Such assessments shall accrue interest and be payable periodically as determined by the Improvement District in a manner consistent with the payment of principal and interest on the Bonds.

4. Attached as Exhibit C is a Final Supplemental Special Assessment Methodology Report dated February 21, 2008, prepared by the firm of Wrathell, Hart, Hunt and Associates, LLC establishing that the tracts within the Improvement District will enjoy special benefits derived from the proposed Improvements resulting in an increase in value of approximately \$8,500,000.

5. The undersigned Chairman of the Improvement District hereby certifies that the assessment of each tract in the District is based upon and does not exceed the estimated increase in value resulting from the proposed Improvements.

6. A certification that an election has been held within the Improvement District and that the owners of 51 percent or more of the land within the Improvement District that will be

subject to assessment and 51 percent or more of the residents of the Improvement District have voted in favor of the assessment is attached as Exhibit D.

7. The District has obtained or reasonably expects to obtain in the ordinary course of business all approvals which may be required by the City, Baldwin County or any other governmental jurisdiction within which the Improvement District is located in connection with the acquisition and construction of the Improvements.

8. Accordingly, the Improvement District does hereby request that the City Council of the City of Daphne, Alabama adopt a resolution for final assessment of the Property, beginning October 1, 2008, in the amount of \$8,500,000.

9. The Improvement District does hereby request that the City Council acknowledge that the a portion of taxes on certain transactions ("City Transaction Taxes") collected by the City within the Cooperative District and paid to or for the Renaissance Cooperative District (the "Cooperative District") pursuant to the Economic Development Agreement by and between the Improvement District, the Cooperative District and the City will offset the amount of assessment payment due from landowners of parcels within the District as follows: (a) first, to the extent determinable by the Improvement District and/or the Cooperative District, the City Transaction Taxes will offset the assessment payment due from the parcel of land within the Improvement District and Cooperative District from which the City received the City Transaction Taxes that produced such City Transaction Taxes, and (b) to the extent the City Transaction Taxes in a given year and allocable to a particular parcel are in excess of the amount required to offset the amount of the assessment with respect to certain parcel during the year, the excess shall be allocated to offset the remaining assessments due from other parcels within the Improvement District and Cooperative District pro rata based upon acreage.

10. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed in its corporate name by its duly authorized officer this 25th day of FEBRUARY, 2008.

RENAISSANCE IMPROVEMENT DISTRICT

By: _____

Its: Chairman

EXHIBIT A

**PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

Description of Improvements and Estimated Costs

ESTIMATED PUBLIC IMPROVEMENT COSTS	COSTS
OFF-SITE IMPROVEMENT COSTS	
Public utilities (Gas and Sewer)	0
Storm Sewer	0
Common Detention	85,000
Traffic Signals	150,000
Road Improvements on Highway 90	361,573
Misc.(Site Eng, Erosion Control & Barricades)	10,000
Sub Total	606,573
ON-SITE IMPROVEMENT COSTS	
Land	1,622,023
Earthwork	730,087
Public Utilities (Water, Gas, Elec, Tel. & Sewer)	380,349
Common Detention	699,409
Storm Sewer and Drainage	738,661
City Streets (Curbs, Paving, Striping & Signs)	197,517
Site Lighting	243,660
Landscape, Irrigation, Fences & Hardscapes	224,008
Sidewalks	12,000
Signage	10,000
Fees, Bonds, Site Eng, Traffic Control & Overhead	18,500
Sub Total	4,876,214
PROFESSIONAL SERVICES	
Engineering, Architectural, Landscape & Traffic	217,650
Surveys, Geotechnical, ESA & Testing	20,000
Testing	15,000
Insurance, Permit Fees, Utility Fees, Travel	137,000
Construction Interest	138,452
Sub Total	528,102
Contingency	56,828
Total	6,067,717

EXHIBIT B

**PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

Parcel A

Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 1158.93 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 81° 47' 20" w 73.03 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2223.34 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 693.28 feet to a point; thence run n 00° 54' 37" w 2128.49 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 743.01 feet to the point of beginning. Containing 35.6952 acres.

Parcel B

Commencing at the northeast quarter of Section 34, T4S-R2E, Baldwin County, Alabama, run n 89° 49' 05" w along the north line of said Section 34, T4S-R2E, a distance of 533.77 feet to its intersection with the south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 67° 58' 55" w 100.70 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run n 85° 56' 57" w 455.77 feet to a point; thence continuing along said south right of way line of Interstate Highway No. 10, run s 83° 28' 08" w 577.15 feet to the point of beginning of the property herein described; thence run s 00° 12' 58" w 2289.62 feet to a point on the north right of way line of U.S. Highway No. 90; thence along said north right of way line of U.S. Highway No. 90, run s 89° 05' 23" w 650.13 feet to a point; thence run n 00° 12' 58" w 2223.34 feet to a point on the aforementioned south right of way line of Interstate Highway No. 10; thence along said south right of way line of Interstate Highway No. 10, run n 81° 47' 20" e 73.03 feet to a point; thence along said south right of way line of Interstate Highway No. 10, run n 83° 28' 08" e 581.78 feet to the point of beginning. Containing 33.6849 acres.

EXHIBIT C

**PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

See attached Final Supplemental Special Assessment Methodology Report dated February 21, 2008, prepared by the firm of Wrathell, Hart, Hunt and Associates, LLC.

RENAISSANCE IMPROVEMENT DISTRICT
AND
RENAISSANCE COOPERATIVE DISTRICT

Final Supplemental
Special Assessment
Methodology Report

February 21, 2008



Wrathell, Hart, Hunt and Associates, LLC

Building client relationships one step at a time...

Provided by

Wrathell, Hart, Hunt and Associates, LLC

6131 Lyons Road, Suite 100

Coconut Creek, FL 33073

Phone: 954-426-2105

Fax: 954-426-2147

Website: www.whhassociates.com



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1.0 Introduction

1.1 Purpose

This Final Supplemental Special Assessment Methodology Report (the "Report") was developed to supplement the Preliminary Master Special Assessment Methodology Report dated November 5, 2007 and to provide a supplemental financing plan and a supplemental special assessment methodology for the Renaissance Improvement District (the "Improvement District") and the Renaissance Cooperative District (the "Cooperative District"), both located in the City of Daphne, Alabama (collectively the "Districts"), as relating to funding the costs of public infrastructure improvements contemplated to be provided by the Cooperative District and repaid with special assessments collected by the Improvement District under an agreement by and between the Districts.

1.2 Scope of the Report

This Report presents the projections for financing the Cooperative District's capital requirements (the "Capital Improvement Program") necessary to provide the public community infrastructure improvements originally described in the Engineer's Report provided by JADE Consulting, LLC.

The Report also describes the method for the apportionment of benefits and special assessment debt resulting from the provision and funding of these improvements.

1.3 Special Benefits and General Benefits

Improvements undertaken and funded by the Cooperative District as part of the Capital Improvement Program create special and peculiar benefits, different in kind and degree than general benefits, for properties within its borders as well as general benefits to the public at large. However, as discussed within this report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the Improvement District. The Capital Improvement Program of the Cooperative District enables properties within the boundaries of the Improvement District to be developed. Without the Capital Improvement Program, there would be no infrastructure to support development of the land. Without these improvements, the development of property within the Improvement District would be impracticable.



There is no doubt that the general public, property owners, and property outside the Improvement District will benefit from the provision of the Capital Improvement Program. However, these benefits are only incidental since the Capital Improvement Program is designed solely to provide special benefits peculiar to property within the Improvement District. Properties outside the Improvement District do not depend upon the Capital Improvement Program to obtain or to maintain their development entitlements. This fact alone clearly distinguishes the special benefits which Improvement District properties receive compared to those lying outside of the Improvement District's boundaries.

By pursuing the Capital Improvement Program and providing improvements which are all necessary in order to make the lands within the Improvement District developable and saleable, the value of the developable and saleable lands within the Improvement District increases by more than the sum of the financed cost of the individual components of the Capital Improvement Program. Even though the exact value of the benefits provided by the Capital Improvement Program is hard to estimate at this point, it is nevertheless greater than the costs associated with providing same.

1.4 Organization of this Report

Section Two describes the development program as proposed by the Developer.

Section Three provides a summary of the Capital Improvement Program as determined by the Engineer.

Section Four discusses the financing program for the Cooperative District.

Section Five introduces the Supplemental Assessment Methodology.

2.0 Development Program for Renaissance

2.1 Overview

The Districts will serve the Renaissance Center development, a master planned, retail-commercial development consisting of approximately 69.39 +/- gross acres located near the NW corner of US Hwy 90 and AL 181 in the City of Daphne, Alabama. The proposed land use for the property



Wrathell, Hart, Hunt and Associates, LLC
Building client relationships one step at a time...

within the Districts is consistent with the Baldwin County Land Use and Comprehensive Plans, as amended.

2.2 The Development Program

The development of the Renaissance Center development will be conducted by the Renaissance Center, LLC (the "Developer"). The most current development plan envisions the development of eighteen separate parcels with approximately 60.56 +/- acres of commercial uses including hotel, motorcycle and automobile sales, restaurant, office, small retail, and retail uses. Specifically, hotels are projected to occupy 11.39 acres and have building interior space of 129,502 sq. ft., motorcycle sales 2.99 acres and 30,000 sq. ft., automobile sales 10.05 acres and 100,000 sq. ft., restaurant 1 acre and 4,000 sq. ft., office 19.80 acres and 165,733 sq. ft., small retail 6.52 acres and 52,130 sq. ft., and retail 8.81 acres and 70,490 sq. ft., although the planned land use as well as parcel and building size numbers may change throughout the development period.

3.0 The Capital Improvement Program for Renaissance Center

3.1 Public Capital Improvement Plan

The infrastructure costs to be funded by Cooperative District are determined by the Engineer in his Engineer's Report. Only infrastructure that may qualify for bond financing by the District under Chapter 99A of Title 11, Code of Alabama, 1975, as amended (the "Act") was included in these estimates.

3.2 Capital Improvement Program

The public infrastructure system needed to serve the planned development is projected to consist of storm sewer system and associated earthwork, sanitary sewer system, water distribution system, roadway improvements, roadways, and other miscellaneous improvements including lighting, landscaping, and dry utility sleaving beneath various roads for conduits along the proposed District roads. The total costs of the public infrastructure within the Districts are calculated by adding to the construction costs determined by the Engineer the costs of design, engineering, surveying, permitting, environmental, architectural and contingencies. At the time of this writing,



the total costs of the infrastructure according to the Engineer's Report are projected at \$6,067,717.

4.0 Financing Program for Renaissance Center

4.1 Overview

As noted above, the Cooperative District is embarking on a program of capital improvements, which will facilitate the development of lands within the Districts. Generally, construction of Capital Improvement Program is either funded by the Developer and then acquired by the Cooperative District or funded directly by the Cooperative District. It is anticipated that the Cooperative District will partly acquire and partly construct the infrastructure which is part of the Capital Improvement Program.

It is expected that the Cooperative District will finance the costs of the Capital Improvement Program in the amount of \$6,067,717 outlined in *Section 3.2* with Special Assessment Revenue Bonds, Series 2008A (the "Bonds") in the aggregate principal amount of \$8,500,000.

4.2 Types of Special Assessment Bonds Proposed

The financing program for the Cooperative District provides for the issuance of the Bonds in the amount of \$8,500,000 to defray construction/acquisition expenses of \$6,067,717. The Bonds are projected to be issued on or about March 15, 2008, pay interest payments every May 1 and November 1, and have their interest capitalized until March 15, 2010. The Bonds are projected to pay principal payments every May 1 commencing May 1, 2011 and ending May 1, 2038.

In order to finance the \$6,067,717 in improvement costs, the District will need to borrow more funds and incur indebtedness in the total amount of \$8,500,000.

The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and the costs of issuance. Preliminary sources and uses of funding and other financing assumptions are presented in Table 1 in the *Appendix*.



5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the Cooperative District with funds necessary to acquire the infrastructure improvements which are part of the Capital Improvement Program outlined in *Section 3.2* and described in more detail by the Engineer in his report. These improvements lead to special and general benefits, with special benefits accruing generally to the properties within the boundaries of the Improvement District and general benefits accruing to areas outside the Improvement District and being only incidental in nature. The debt incurred in financing the infrastructure acquisition will be paid off by assessing properties that derive special and peculiar benefits from the proposed projects. All properties that receive special benefits from the Capital Improvement Program.

5.2 Assigning Debt

The current development plan for the Improvement District projects construction of infrastructure for approximately 60.56 +/- acres of commercial uses, although the planned land use as well as parcel numbers may change throughout the development period.

The infrastructure provided by the Cooperative District will include storm sewer system and associated earthwork, sanitary sewer system, water distribution system, roadway improvements, roadways, and other miscellaneous improvements including lighting, landscaping, and dry utility sleaving beneath various roads for conduits along the proposed roads. All of the land uses within the Improvement District will benefit from all infrastructure improvement categories, as the improvements provide basic infrastructure to all lands within the Improvement District and benefit all lands within the Improvement District as an integrated system of improvements.

As the provision of the above listed improvements by the Cooperative District will make the lands in the Improvement District developable, the land will become more valuable to their owners. The increase in the value of the land provides the logical nexus of benefit of improvements that accrues to the developable and saleable parcels within the Improvement District. The improvements, therefore, have a logical connection to the special and peculiar benefits received by lands within the Improvement District because without the improvements, the development of the properties within the



Improvement District would not be possible. Furthermore, the improvements of the Capital Improvement Program are all necessary in order to make the lands within the Improvement District developable and saleable and as a result, the value of the developable and saleable lands within the Improvement District increases by more than the sum of the financed cost of the individual components of the Capital Improvement Program.

Based on that connection between the improvements and the special and peculiar benefit to lands within the Improvement District, the Improvement District can assign or apportion to lands receiving such special and peculiar benefits a portion of the Cooperative District's debt or assessments. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot be calculated yet with mathematical certainty. However, each is more valuable than the cost of, or the actual non-ad valorem assessment amount levied on that parcel.

The benefit associated with the Capital Improvement Program of the Cooperative District is proposed to be allocated to the benefited lands within the Improvement District in proportion to the economic benefit of the Capital Improvement Program. As the implementation of the infrastructure of the Capital Improvement Program will change the designation of developable land in the Improvement District from unimproved and undeveloped to improved and undeveloped, such change in land designation will make the developable land in the Improvement District more valuable. The increase in value will occur and has been preliminarily observed to occur on a per acre basis. Consequently, this Report will also apportion the benefit of the Capital Improvement Program on a per acre basis and assign the responsibility to pay the costs of the Capital Improvement Program to the developable land on a per acre basis as well.

Table 2 in the *Appendix* illustrates the application of the method of apportionment described above through a measure of benefit called Equivalent Benefit Unit (the "EBU"). As seen from Table 2, each acre of developable land is assigned the same EBU factor of 1. Table 3 in the *Appendix* illustrates the calculation of the assessment amount per acre as well as the annual debt service assessment per acre.

As the land in the Improvement District is preliminarily anticipated to be platted into eighteen lots, the assignment of benefit to each and every lot is shown in the Preliminary Special Assessment Roll shown in *Section 5.6* of this Report.



5.3 Lienability Test: Special and Peculiar Benefit to the Property

As first discussed in *Section 1.3*, Special Benefits and General Benefits, improvements undertaken by the Cooperative District create special and peculiar benefits to certain properties within the Improvement District. The Cooperative District's improvements benefit properties within the Improvement District and accrue to all assessable properties on an EBU basis.

Improvements undertaken by the Cooperative District can be shown to be creating special and peculiar benefits to the property within the Improvement District. The special and peculiar benefits resulting from each improvement are:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums;
- d. increased marketability and value of the property.

The improvements which are part of the Capital Improvement Program make the lands in the Improvement District developable and saleable and when implemented jointly as parts of the Capital Improvement Program, provide special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value, however, each is more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.

5.4 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 2 (expressed as EBU factor) in the *Appendix*.

The apportionment of the assessments is reasonable and fair because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the Improvement District according to reasonable estimates of the special and peculiar benefits derived from the Capital Improvement Program by different land uses.



Accordingly, no acre or parcel of property within the boundaries of the District will be liened for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property. In accordance with the benefit allocation in Table 2, assessment per acre has been calculated in Table 3 in the *Appendix*. This amount represents the preliminary anticipated per unit debt allocation assuming the land is developed as projected and the entire proposed infrastructure program is developed or acquired and financed by the Districts.

5.5 True-Up Mechanism

The Assessment Methodology is based on conceptual information obtained from the Developer prior to construction. As development occurs it is possible that the number of acres may change. The mechanism for maintaining the methodology over the changes is referred to as true-up.

This mechanism is to be utilized to assure that the principal assessment on a per acre basis never exceeds the initially allocated assessment as contemplated in the adopted assessment methodology. At present time the acreage of each of the parcels in the development in the Improvement District has been preliminarily determined and the assessment has been placed on the land in each of the eighteen parcels in the development based on the preliminary plan of development as submitted by the Developer. It is possible, however, that development changes may still occur through a replat or submission of a new plat. If such changes occur, the Methodology is applied to the land based on number of acres.

All changes within parcels will be permitted subject to the following true-up mechanism. As long as the per acre assessment equals the initial level as established in the methodology no action will be taken under the true-up. Any development changes which increase the per acre assessments above the initial level will require a principal reduction payment by the owner of the parcel whose changes caused such increase in the per acre assessment. Conversely, any development changes that decrease the per acre assessments below the initial level will result in an automatic decrease in the per acre assessment for all assessable parcels within the Improvement District. The numbers of acres within each parcel will be certified by the Developer and confirmed by Engineer.



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5.6 Final Assessment Roll

The Final Assessment Roll for the Improvement District is provided below based on the preliminary information from the Engineer.

<u>Parcel</u>	<u>Gross Acres</u>	<u>Assessment</u>
Lot 1-1	2.47	\$346,681
Lot 1-2	2.99	\$419,666
Lot 1-3	4.23	\$593,709
Lot 1-4		\$0
Lot 1-5	1.00	\$140,357
Lot 1-6	1.25	\$175,446
Lot 1-7	1.27	\$178,253
Lot 2-1	10.05	\$1,410,585
Lot 3-8	1.60	\$224,009
Lot 3-9	1.55	\$216,963
Lot 3-10	1.55	\$216,977
Lot 3-11	7.83	\$1,099,330
Lot 3-12	8.81	\$1,236,725
Lot 3-13	1.01	\$141,115
Lot 3-14	1.00	\$140,553
Lot 3-15	2.19	\$308,055
Lot 3-16	2.32	\$325,431
Lot 3-17		\$0
Lot 3-18	4.31	\$605,443
Lot 3-19	5.13	\$720,703
Total	60.56	\$8,500,000



6.0 Appendix

Table 1

**Renaissance Center
 Cooperative District**

Preliminary Sources and Uses of Funds

	<u>Series 2008A</u>
<u>Sources Of Funds</u>	
Par Amount of Bonds	\$8,500,000
Total Sources	\$8,500,000
<u>Uses Of Funds</u>	
Total Underwriter's Discount	\$212,500
Costs of Issuance	\$120,000
Deposit to Debt Service Reserve Fund (DSRF)	\$737,500
Deposit to Capitalized Interest (CIF) Fund	\$1,228,611
Deposit to Project Construction Fund	\$6,201,389
Rounding Amount	\$0
Total Uses	\$8,500,000

Table 2

**Renaissance Center
 Improvement District**

Benefit Apportionment

<u>Land Use</u>	<u>Number of Acres</u>	<u>EBU Weight per Acre</u>	<u>Total EBU</u>	<u>Percent EBU</u>	<u>Percent EBU per Acre</u>
Commercial	60.56	1	60.5600	100.00%	1.6513%
Total			60.5600		



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Table 3

Renaissance Center Improvement District

Assessment and Annual Assessment Apportionment

Land Use	Percent EBU	Percent EBU per Acre	Total Assessments	Assessments per Acre	Annual Debt Service Assessment per Acre*
Commercial	100.00%	1.6513%	\$8,500,000.00	\$140,356.67	\$13,161.53
Total					

* Includes cost of collection



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Net Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	DSR	CIF	Net New D/S
05/01/2008	-	-	81,458.33	81,458.33	(2,811.44)	(81,458.33)	(2,811.44)
05/01/2009	-	-	637,500.00	637,500.00	(22,125.00)	(637,500.00)	(22,125.00)
05/01/2010	-	-	637,500.00	637,500.00	(22,125.00)	(556,041.67)	59,333.33
05/01/2011	95,000.00	7.500%	637,500.00	732,500.00	(22,125.00)	-	710,375.00
05/01/2012	105,000.00	7.500%	630,375.00	735,375.00	(22,125.00)	-	713,250.00
05/01/2013	115,000.00	7.500%	622,500.00	737,500.00	(22,125.00)	-	715,375.00
05/01/2014	120,000.00	7.500%	613,875.00	733,875.00	(22,125.00)	-	711,750.00
05/01/2015	130,000.00	7.500%	604,875.00	734,875.00	(22,125.00)	-	712,750.00
05/01/2016	140,000.00	7.500%	595,125.00	735,125.00	(22,125.00)	-	713,000.00
05/01/2017	150,000.00	7.500%	584,625.00	734,625.00	(22,125.00)	-	712,500.00
05/01/2018	160,000.00	7.500%	573,375.00	733,375.00	(22,125.00)	-	711,250.00
05/01/2019	175,000.00	7.500%	561,375.00	736,375.00	(22,125.00)	-	714,250.00
05/01/2020	185,000.00	7.500%	548,250.00	733,250.00	(22,125.00)	-	711,125.00
05/01/2021	200,000.00	7.500%	534,375.00	734,375.00	(22,125.00)	-	712,250.00
05/01/2022	215,000.00	7.500%	519,375.00	734,375.00	(22,125.00)	-	712,250.00
05/01/2023	230,000.00	7.500%	503,250.00	733,250.00	(22,125.00)	-	711,125.00
05/01/2024	250,000.00	7.500%	486,000.00	736,000.00	(22,125.00)	-	713,875.00
05/01/2025	265,000.00	7.500%	467,250.00	732,250.00	(22,125.00)	-	710,125.00
05/01/2026	285,000.00	7.500%	447,375.00	732,375.00	(22,125.00)	-	710,250.00
05/01/2027	310,000.00	7.500%	426,000.00	736,000.00	(22,125.00)	-	713,875.00
05/01/2028	330,000.00	7.500%	402,750.00	732,750.00	(22,125.00)	-	710,625.00
05/01/2029	355,000.00	7.500%	378,000.00	733,000.00	(22,125.00)	-	710,875.00
05/01/2030	385,000.00	7.500%	351,375.00	736,375.00	(22,125.00)	-	714,250.00
05/01/2031	410,000.00	7.500%	322,500.00	732,500.00	(22,125.00)	-	710,375.00
05/01/2032	445,000.00	7.500%	291,750.00	736,750.00	(22,125.00)	-	714,625.00
05/01/2033	475,000.00	7.500%	258,375.00	733,375.00	(22,125.00)	-	711,250.00
05/01/2034	510,000.00	7.500%	222,750.00	732,750.00	(22,125.00)	-	710,625.00
05/01/2035	550,000.00	7.500%	184,500.00	734,500.00	(22,125.00)	-	712,375.00
05/01/2036	590,000.00	7.500%	143,250.00	733,250.00	(22,125.00)	-	711,125.00
05/01/2037	635,000.00	7.500%	99,000.00	734,000.00	(22,125.00)	-	711,875.00
05/01/2038	685,000.00	7.500%	51,375.00	736,375.00	(759,625.00)	-	(23,250.00)
Total	\$8,580,000.00	-	\$13,417,583.33	\$21,917,583.33	(1,404,061.44)	(1,275,000.00)	\$19,238,521.89

EXHIBIT D

**PETITION FOR FINAL ASSESSMENT OF CERTAIN LAND
LOCATED WITHIN THE RENAISSANCE IMPROVEMENT DISTRICT**

See attached certification of election results.

CERTIFICATION OF ELECTION RESULTS

Pursuant to Chapter 99A of Title 11 of the Code of Alabama 1975, as amended, and, in particular, the provisions of Section 11-99A-11(3) of the Code of Alabama (1975); the undersigned, Chairman of the Renaissance Improvement District (the "Improvement District"), does hereby certify the following:

1. An election was held for all of the landowners and residents of the real property within the Improvement District which is described in Exhibit B to the Petition for Final Assessment of Certain Land Located within the Renaissance Improvement District (the "Petition") attached hereto and incorporated by reference herein and in the Final Supplemental Special Assessment Methodology Report dated February 28, 2008, which is Exhibit C to the Petition attached hereto and incorporated by reference herein.
2. As a result of the election, the landowners of fifty-one percent (51%) or more of the land within the Improvement District that will be subject to the assessment as described in the Petition have voted in favor of the assessment in an amount not to exceed \$8,500,000.
3. As a result of the election, the residents of fifty-one percent (51%) or more of the land within the Improvement District that will be subject to the assessment as described in the Petition have voted in favor of the assessment in an amount not to exceed \$8,500,000.

WITNESS my hand and the seal of the Renaissance Improvement District, this 25th day of February, 2008.

[CORPORATE SEAL]

RENAISSANCE IMPROVEMENT DISTRICT


Chairman

**CITY OF DAPHNE
ORDINANCE 2008-21**

**ORDINANCE TO AMEND ORDINANCE 2004-21
AMENDING CIVIC CENTER RATES**

WHEREAS, the City Council of the City of Daphne desires to increase the rental rates at the Daphne Civic Center and,

WHEREAS, the Buildings and Property Committee after consideration propose that the Daphne Civic Center rates be amended and increased by rounding up the rates by twenty-five percent and increasing the per hour charge to twenty dollars; and,

WHEREAS, the Daphne City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT SECTIONS “XVII A” AND SECTION “XVII B” OF ORDINANCE 2004-20 SHALL BE AND ARE HEREBY AMENDED AS FOLLOWS:

Section XVII - RENTAL FEES

A. Base rates and cleaning rates shall be increased by rounding up the rates by twenty-five percent and increasing the per hour charge to twenty dollars. The proposed rates are as listed below; and

MEETING ROOM	SQ.FT.	CAPACITY THEATRE	CURRENT RATES	Proposed Increase	
				25% Appx.	25% Real
Entire Facility	-	-	\$1,000.00 base	1,250.00	1,250.00
			300.00 cleaning	375.00	375.00
			15.00 per hour	20.00	
Exhibit Hall w/stage	11,800	1,700	\$450.00 base	565.00	562.50
			200.00 cleaning	250.00	250.00
			15.00 per hour	20.00	
Exhibit Hall w/stage, 2 Dressing Rms	-	-	\$550.00 base	690.00	687.50
			200.00 cleaning	250.00	250.00
			15.00 per hour	20.00	
The Wisteria Reception Area North Gallery	4,900	544	\$275.00 base	345.00	343.75
			200.00 cleaning	250.00	250.00

			15.00 per hour	20.00	
North Gallery	1,200+	138	\$50.00 base	65.00	62.50
			50.00 cleaning	65.00	62.50
			15.00 per hour	20.00	
South Gallery	1,200+	138	\$50.00 base	65.00	62.50
			50.00 cleaning	65.00	62.50
			15.00 per hour	20.00	
The Willow	1,505	214	\$100.00 base	125.00	125.00
			100.00 cleaning	125.00	125.00
			15.00 per hour	20.00	
Kitchen	-	-	\$150.00 Flat Rate	190.00	187.50
Full Service			50.00 Cleaning	65.00	62.50
Kitchen Serving Area	-	-	\$75.00 Flat Rate	95.00	93.75
			50.00 Cleaning	65.00	62.50
Kitchen & Serving Area Only	-	-	\$175.00 Flat Rate	220.00	218.75
			50.00 Cleaning	65.00	62.50
			15.00 Per Hour	20.00	
Greenroom	384	-	\$150.00 Base	190.00	187.50
			50.00 Cleaning	65.00	62.50
			15.00 Per Hour	20.00	
Greenroom/DR 2	-	-	\$200.00 Base	250.00	250.00
			100.00 Cleaning	125.00	125.00
			15.00 Per Hour	20.00	
Greenroom/DR 2 & Stage	-	-	\$275.00 Base	345.00	343.75
			200.00 Cleaning	250.00	250.00
			15.00 Per Hour	20.00	
Greenroom/DR 1,2 & Stage	-	-	\$300.00 Base	375.00	375.00
			200.00 Cleaning	250.00	250.00
			15.00 Per Hour	20.00	
*Concession Area	-	-	\$100.00 Flat Rate	125.00	125.00
			25.00 Cleaning	35.00	31.25
Parking Lot	-	-	\$20.00 Per Displayed Vehicle	25.00	25.00
Cleaning Fee Mandatory					

B. In addition to the base rental fees the following hourly rates shall apply: \$20.00 per hour for each hour of usage and \$50 per hour for each hour of usage for all holidays and city off days.

The Director shall maintain an updated list of rental items which is to be treated as part of this Ordinance's fee schedule.

3. SEVERABILITY

If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

4. REAFFIRMATION

That all other sections of Ordinance 2003-17 not specifically referenced or amended herein shall remain in full force and effect.

5. EFFECTIVE DATE

That the provisions of this ordinance shall become effective upon the approval and publication as prescribed by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 3rd day of March, 2008.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE 2008 - 23

FY 2008 Fire Capital

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 \$ 519,780 are needed for certain new fire department capital requirements.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended as follows to include appropriations in the amount of \$ 519,780 for certain new fire department capital requirements:

310,000	Fire Engine
97,632	Equipment for Fire Engine
80,000	Station Construction @Fire Training Facility
32,148	Equipment to Outfit Station

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

ORDINANCE 2008 - 24

An Ordinance Appropriating Funds

Mobile Bay NEP

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

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

WHEREAS, the Mobile Bay NEP has placed \$ 25,000 in their budget for engineering and project planning for a remediation and enhancement within the D'Olive Creek Watershed; and

WHEREAS, the proposed project will include extensive restoration of the Lake Forest Lake as well as many other enhancements; and

WHEREAS, the goal of such project is to reduce impacts to Mobile Bay through planned improvements, remedial activities, and control facilities installed along D'Olive and Tiawasee Creeks; and

WHEREAS, the estimated cost of such project is \$ 50,000- \$ 75,000; and

WHEREAS, the City Council of the City of Daphne has determined that participation in the watershed program will be beneficial to the City of Daphne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1), the City of Daphne does hereby appropriate \$ 5,000 for participation in the watershed program, and 2) the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such watershed project.

APPROVED AND ADOPTED 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 L. Cohen, City Clerk