

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

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

3. APPROVE MINUTES: Council minutes meeting held February 26, 2007

PUBLIC HEARING: Vilai Marino/The Marino Family Trust / Property located on Pinehill Drive, 13 Acres /R-3, High Density Single Family Residential District to R-4, Multi-Family Residential District / **Negative recommendation** from Planning Commission / **Ordinance 2007-13**

2.) Amending the Land Use & Development Ordinance / Eastern Shore Park Overlay District / **Unanimous favorable recommendation** from Planning Commission / **Ordinance 2007-14**

3.) Amending the Zoning Map / **Unanimous favorable recommendation** from Planning Commission / **Ordinance 2007-15**

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

B. BUILDINGS & PROPERTY - Lake

International Building Code Presentation / Richard Merchant, Building Official / **Resolution 2007-17**

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

B. Downtown Redevelopment Authority - Barnette

C. Industrial Development Board - Yelding

D. Library Board - Lake

E. Planning Commission – Barnette

Set a Public Hearing date for **April 2, 2007** to consider:

a.) Rezoning: Malbis Plantation, Inc / Property located on the SW corner of the intersection of Lawson Road and County Road 13 / From R-3, High Density Single Family District to B-1, Local Business District

b.) Annexation: DMAP, Inc. (Old Field Subdv., Phase One) / Property located on Highway 181 / Requested zoning B-1, Local Business

F. Recreation Board - Palumbo

G. Utility Board - Scott

Review minutes meeting held December 27th

6. REPORTS OF OFFICERS:

A. Mayors Report

B. City Attorney's Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Streets & Drainage / French Settlement Subdv.,
Phase One, A. /Resolution 2007-15
- b.) Acceptance of Streets & Drainage / Bellaton Subdv., Phase Two /Resolution 2007-16
- c.) Setting Public Hearing Date to consider the International Building
Code. /Resolution 2007-17

ORDINANCES:

2ND READ

- a.) Annexation: Woodland Group, Inc / Estates of Tiawassee /
Property located off County Rd. 13 and Adjacent to Tiawassee
Trace Subdivision. /Ordinance 2007-07
- b.) Annexation: Mitchell Company / Dunmore Subdivision /
Property located on AL Hwy 181. /Ordinance 2007-08
- c.) Annexation: Myron Hank Miner, II / Property located
on the corner of 3rd Street and Gabel Street. /Ordinance 2007-09

1ST READ

- d.) Establishing Sewer Connection Requirements / Repealing 1994-10
and 1999-04. /Ordinance 2007-10
- e.) Pay and Classification Plan: Sworn Public Safety Employees. /Ordinance 2007-11
- f.) Amending the FY 2007 Budget: Public Safety Pay Adjustment. /Ordinance 2007-12
- g.) Rezone: Marino Family Trust /Ordinance 2007-13
- h.) Amending Land Use & Development Ordinance / Extending Boundaries
of the Eastern Shore Park Overlay District. /Ordinance 2007-14
- i.) Amending the Land Use & Development Ordinance /
Revision to Zoning Map. /Ordinance 2007-15

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ _

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ _

COUNCILMAN BURNAM

PRESENT__ ABSENT__ _

COUNCILMAN SCOTT

PRESENT__ ABSENT__ _

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ _

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ _

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ _

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**FEBRUARY 26, 2007
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 6:37 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Reverend Luke Jernigan gave the invocation.

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

ABSENT: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Department Director; Melvin McCarley, Public Works Supervisor; Tonja Young, Library Director; David Carpenter, Police Chief; Kenneth Hanak, Fire Chief; Kim Briley, Finance Director; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Sandra Morse, Civic Center Director; Ashley Campbell, Site Containment Inspector; Captain Joey Holasz, Fire Department; Scott Hutchinson, City Engineer; Rob McElroy, Utility Director; Lon Johnston, Utility Board; Al Guarisco, Village Point Foundation; Mickey Boykin, Daphne Museum; Dr. Rosado, Principal, Daphne Middle School.

Absent: Richard Merchant, Building Official .

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council meeting minutes meeting held February 5, 2007. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Special Called Council meeting minutes meeting held February 15, 2007. *Seconded by Ms. Landry.*

AYE ALL INF FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to approve the Council Work Session minutes meeting held February 15, 2007. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Daphne Middle School Band / Request for Funds

Dr. Rosado spoke to Council outlining briefly the request for funds to attend the “Music in the Parks” Music Festival in Gatlinburg, Tennessee, and stated that they are also asking the Board of Education for funding. He introduced Mr. David Kirchharr.

Mr. Kirchharr detailed the bands progress and outlined the schedule for the music festival and stated the total funds needed is \$40,862 which comes to about \$250 per member.

Council President Burnam stated that these request usually goes before the Finance Committee and asked that this be put on the next Finance agenda.

PUBLIC HEARING: Annexation: Woodland Group / Tiawasse / Property located off
County Road 13 and Adjacent to Tiawasse Trace Subdv. /
Requested Zoning R-1, Low Density Single Family District

Mr. McKnight gave a presentation stating that the requested zoning is R-1, and this is because the lots and homes will be larger than in Tiawasse.

Mrs. Barnette stated that the annexation received a unanimous favorable recommendation from the Planning Commission.

Council President Burnam opened the Public Hearing at 6:50 p.m.

Mr. Robert Marino – 28085 Japonica Lane – asked if this was connected to the Marino property.

Mr. Manuel Manuscia – 200 Van Buren Avenue – asked about the procedure for the Public Hearing.

Council President Burnam closed the Public Hearing at 7:00 p.m.

PUBLIC HEARING: Annexation: Mitchell Company / Dunmore Subdv. / Property located on
AL Hwy181 / Requested Zoning R-1, Low Density Single
Family Residential District

Mr. Andy Bobe gave a presentation regarding the annexation.

Mr. Scott asked if they were aware of the moratorium on Highway 181.

Mr. Bobe stated that the state made some changes to their plans and they have left enough property out front for right-of-way. He stated that the entrance to the subdivision will be in front of Oldfield and eventually there will be a traffic light at this entrance.

Mrs. Barnette stated that this annexation received a unanimous favorable recommendation from the Planning Commission.

Council President Burnam opened the Public Hearing at 7:06 p.m.

No one spoke for or against the annexation.

Council President Burnam closed the Public Hearing at 7:06½ p.m.

PUBLIC HEARING: Myron Hank Miner, II / Property located on the corner of
3rd Street and Gabel Street / Requested Zoning B-2, General
Business District

Mr. Chris Baker gave the presentation.

Mrs. Barnette stated that the annexation received a unanimous favorable recommendation from the Planning Commission.

Mrs. Barnette asked what the plans were for the property.

Mr. Baker stated that it will be a boat and R.V. storage facility.

Council President Burnam opened the Public Hearing at 7:10 p.m.

No one spoke for or against the annexation.

Council President Burnam closed the at 7:11 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The minutes for the February 12th meeting are in the packet.

Treasurers Report / January 31, 2007

MOTION BY Mr. Scott to accept the Treasurers Report ending January 31, 2007 with an ending balance of \$26,854,439.79. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales Tax / December 31, 2007

The tax collections came in \$16,000 under budget, and that is less than 1% under budget.

Lodging Tax

The hotel and motel economy has come back to normal because the hurricane business is gone.

Motions

1.) *Library Fund-Raiser Feasibility Study*

Motion by Mr. Scott to approve the Library Fund-Raiser Feasibility Study and to allow the Mayor to enter into a contract with NCDS in the amount of \$20,000 plus out of pocket expenses not to exceed \$6,000, to be paid from the 2006 Construction Fund. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2.) *Al Trione Sports Complex Dog Park*

MOTION BY Mr. Scott to approve the construction of the Sports Complex Dog Park at Trione Park in the amount of \$13,600 to be paid from the funds received from de-annexation (ear-marked for Recreation). *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

3.) *Battleship Memorial Park Contribution*

MOTION BY Mr. Scott to approve a \$1,000 contribution to the Battleship Memorial Park *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. Buildings and Property Committee – Lake

The minutes for the February 9th meeting are in the packet.

MOTION BY Mr. Palumbo to allow the Mayor to enter into negotiations for the lease of the Eastern Star building to Huntingdon College. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The next meeting will be March 2nd in the at 10:00 a.m.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the February 6th meeting are in the packet, and the next meeting will be March 6th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

There was not a meeting in February because there were no ordinances to consider. The next meeting will be the first Tuesday in March following Public Safety.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

There will not be a meeting in February. The next meeting will be announced at the next Council meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There will be a meeting March 1st at 6:00 p.m. with five (5) submittals 1.) Variance to allow a covered carport to encroach the front setback line by 21.83 feet at 503 Lake Forest Blvd. 2.) Variance to allow a legal non-conforming sign at 29100 Highway 98 to remain such. 3.) Variance to allow the resident located at 1001 Johnson Road, which is zoned B-2, to add on an addition 4.) Variance to allow the resident located at 129 Rolling Hill Drive to place a storage shed 2.6 feet from an attached deck 5.) Variance to allow the resident located at 1103 Lovette Lane to encroach the north side yard setback line by 5.4 inches. The public is invited to come.

B. Downtown Redevelopment Authority – Barnette

The members are continuing to work on revitalizing the downtown district, and there is a lot of positive energy about how to move forward. The Authority continues to need funding of about \$10,000 a month in order to accomplish goals and projects for the downtown area. The Architectural Review Committee continues to meet and are making progress with the standards for the downtown area.

C. Industrial Development Board – Yelding

Mr. Cohen stated that there was not a quorum at the last meeting. He stated that there is a desperate need for members from districts 1, 6 and 7.

D. Library Board – Lake

The minutes for the February 12th meeting are in the packet. The Friends of the Library and Library Board are progressing with fund-raising, and on March 17th at the Recreation Center there will be a used book sale. The next meeting will be Monday, March 12th.

E. Planning Commission – Barnette

The minutes for the January 25th meeting are in the packet. There will be a work session on Wednesday at 8:00 a.m. to look at the Land Use ordinance. The Site Review meeting will be March 14th at 8:00 a.m. and the Planning Commission meeting will be March 22nd at 6:00 p.m. Mrs. Barnette mentioned that the Commission favorably recommended to Council to approve funds for a hydraulic and feasibility study for the Lake Forest Water Shed. She said that before the Council votes on it more

information is needed as regards to the cost. When that information is available she will bring it back to Council for approval. Mrs. Barnette said that this is extremely important.

F. Recreation Board – Palumbo

The minutes of the February 7th meeting are in the packet. The minutes include a preliminary drawing for the Recreation property and Lott Park.

MOTION BY Mr. Palumbo to approve HMR to proceed with starting the water retention permit process on the new recreation property. *Seconded by Ms. Landry.*

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

NAY Barnette

MOTION CARRIED

The next meeting will be Wednesday, March 14th 6:00 p.m.

G. Utility Board – Scott

The Board will meet this Wednesday at 5:00 p.m. Mr. Scott stated that the Utility Board received the 2007 Municipal Achievement Award presented by the AL League of Municipalities, and it will be presented on April 22, 2007 in Huntsville at the League Convention.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Daphne United Methodist Church / Annual 5K & Fun Run / April 7, 2007*

MOTION BY Mrs. Barnette to approve the Parade Permit for the Daphne Methodist Church / Annual 5K & Fun Run to be held April 7, 2007. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

b.) Voting Delegate for the AL League of Municipalities Convention

MOTION BY Mr. Scott to appoint Mayor Small as the voting delegate to the AL League of Municipalities Convention being held April 21-14, 2007. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

c.) ABC License / Barrel Room, Inc. / 060 Retail Table Wine – On or Off Premises

MOTION BY Mrs. Barnette to approve the liquor license, 060 – Retail Table Wine – On or Off Premises for the Barrel Room, Inc.. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

d.) Motion: Extend NRCS Projects to May 15, 2007

MOTION BY Mr. Yelding to extend the NRCS Projects to May 15, 2007. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Ross asked the Council to pull Ordinance 2007-14 until next Monday's meeting. He stated that he is meeting with the parties involved and may work out a settlement.

C. Department Head Comments

David McKelroy – Recreation Director - Reminded everyone that the S.E.E.D.S. 5K & Fun Run is Saturday and encouraged all to come out and participate.

David Carpenter – Police Chief - said that his hat of off to the Detective Division for solving a home invasion within 48hours after the crime.

Bill Eady – Planning Director – said that the Planning Department and Commission should be involved with the planning of the Recreation property.

Council President Burnam stated that from now on a copy of the preliminary drawings will be sent to his office for input from him and the Commission.

7. PUBLIC PARTICIPATION

Mr. T. J. Lee – Park Drive - spoke regarding why he is being required to install a grinder pump at his Day Care instead of gravity flow. He said that he is high up and the natural flow is downhill. He said that it is gravity flow on both side of him and he does not understand why they are asking him to buy a grinder pump. He asked about the requirement of getting a permit to install an out building on his property, and asked how many jobs was the proposed senior citizen complex going to bring to his community, and asked for a traffic light at the church on Highway 90.

Mr. Ben Cruitt – Lake Forest – spoke his opposition to Ordinance 2007-06 taking away the Mayor’s appointing authority for Department Heads.

Mrs. Vernelle Turner – Park Drive – was speaking for her father. He was asking why he had to purchase a grinder pump when his property is very high up and the flow will be downhill, and it has a 30 foot drop, and why should he pay for gravity when no one else has had to pay. She also asked if it is the homeowner’s responsibility from the house to the main sewer line.

Mr. Robert Marino – Park Drive – represented Park City residents in opposing the proposed rezoning of property for a senior citizens apartment complex in their neighborhood.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Change Order: Village Point Park/Yancey Branch/
Lakeview Loop/Resolution 2007-06**
- b.) **Prepaid Travel / Cohen/Barnette/Yelding/Lake/Scott/Resolution 2007-07**
- c.) **Prepaid Travel / Ha Le Riggio/Resolution 2007-08**
- d.) **Bid Award: Jubilee Breeze Magazine /
Interstate Printing & Graphics. /Resolution 2007-09**
- e.) **Bid Award: Payroll Time Keeping System /
Kronos, Inc. /Resolution 2007-10**
- f.) **Bid Award: Three (3) Two Wheel Drive Outfront Mowers /
Foley Implement Company. /Resolution 2007-11**
- g.) **Agreement with ALDOT: Installation of Traffic Light
at the Intersection of Lawson Road & Hwy 181. /Resolution 2007-12**
- h.) **Support Legislation that Enables the Formation of a
Voluntary Regional Storm Water Management Authority. /Resolution 2007-13**
- i.) **Fix Costs for Demolition of Unsafe Structures Located at
403 Dryer Avenue, Daphne, AL. /Resolution 2007-14**

MOTION BY Ms. Landry to waive the reading of Resolutions 2007-07, 2007-08, 2007-09, 2007-10, 2007-11, 2007-12 and 2007-13. *Seconded by Mr. Scott.*

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

MOTION BY Ms. Landry to adopt Resolution 2007-07. *Seconded by Mr. Yelding.*

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

MOTION BY Mr. Scott to adopt Resolutions 2007-08 and 2007-09. *Seconded by Mr. Yelding.*

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

MOTION BY Mr. Scott to adopt Resolutions 2007-10 and 2007-11. *Seconded by Ms. Landry.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-12. *Seconded by Ms. Landry.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-13. *Seconded by Mrs. Barnette.*

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

MOTION BY Mr. Scott to waive the reading of Resolution 2007-06. *Seconded by Ms. Landry.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-06. *Seconded by Ms. Landry.*

AYE Yelding, Scott, Landry, Palumbo, Burnam NAY Barnette

MOTION CARRIED

Resolution 2007-14 was pulled from the agenda earlier in the evening.

ORDINANCES:

2ND READ

- a.) Election and Appointing of City Employees by
City Council as Appointing Authority...../Ordinance 2007- 06

1ST READ

- b.) Annexation: Woodland Group, Inc / Estates of Tiawasse /
Property located off County Rd. 13 and Adjacent to Tiawasse
Trace Subdivision. /Ordinance 2007-07
- c.) Annexation: Mitchell Company / Dunmore Subdivision /
Property located on AL Hwy 181. /Ordinance 2007-08
- d.) Annexation: Myron Hank Miner, II / Property located
on the corner of 3rd Street and Gabel Street. /Ordinance 2007-09

Ordinance 2007-06 was pulled from the agenda.

Ordinances 2007-07, 2007-08 and 2007-09 were made 1ST READ.

9. COUNCIL COMMENTS

Ms. Barnette stated that she and Mr. Palumbo met with the Mayor today to talk about the future of Daphne, moving forward, working together, communication and a variety of other issues and she is very encouraged about how the City of Daphne continues to work together as a legislative and executive branch for doing the best job they can do for the citizens. She thanked the Mayor for his time, and looks forward to the Council as a collective body, including the Mayor, to continue to do good work for the city.

Mr. Scott recognized and thanked Louie Nady for coming to the Finance Committee meetings and challenging them to stay on top of things.

Ms. Landry commended the Civic Center, Fire Department and Police Department for a great Mardi Gras season.

Mr. Palumbo publicly thanked Commissioner Ed Bishop for helping with the traffic light at Highway 181 not only financially, but also getting ALDOT off center, if you will, and getting the situation taken

care of. It languished for too long, but it could have gone on for much longer, and thanks to his efforts this dangerous spot will soon have a traffic light.

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:25 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,
Council President
Date & Time Signed: _____

PUBLIC HEARINGS:

MARCH 5, 2007

PUBLIC HEARINGS

- 1.) Rezoning: Marino Family Trust / Property located on Pinehill Drive / From R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District**
- 2.) Amendment to the Land Use & Development Ordinance / Eastern Shore Park Overlay District / Extend Boundaries**
- 3.) Amendment to the Land Use & Development Ordinance / Revision to Zoning Map**

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development

MEMORANDUM

Subject: Zoning Amendment - Vilia
Marino/Marino Family Trust
Pinehill Drive

Date: January 26, 2007

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

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

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

Thank you,

WHE/jd

cc: file

**THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT**

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

Date Presented: JAN. 25, 2007

Name of Owner: Vilai Marino/The Marino Family Trust

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

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

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

Subdivision: N/A

Lot(s): 1 Unit 56 Units

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Dec 27, 2006).

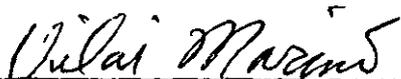
Meeting Dates:

Planning Commission: January 25, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

To build 56 affordable Elderly Apartment Units.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

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

2) Zoning change requested:

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

3) Certifications:

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

Vilai Marino
Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

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

12-20-06
Date

Vulain Marnis
Signature of Property Owner

VILAI MARINO/THE MARINO FAMILY TRUST
ZONING AMENDMENT

EXHIBIT "A"

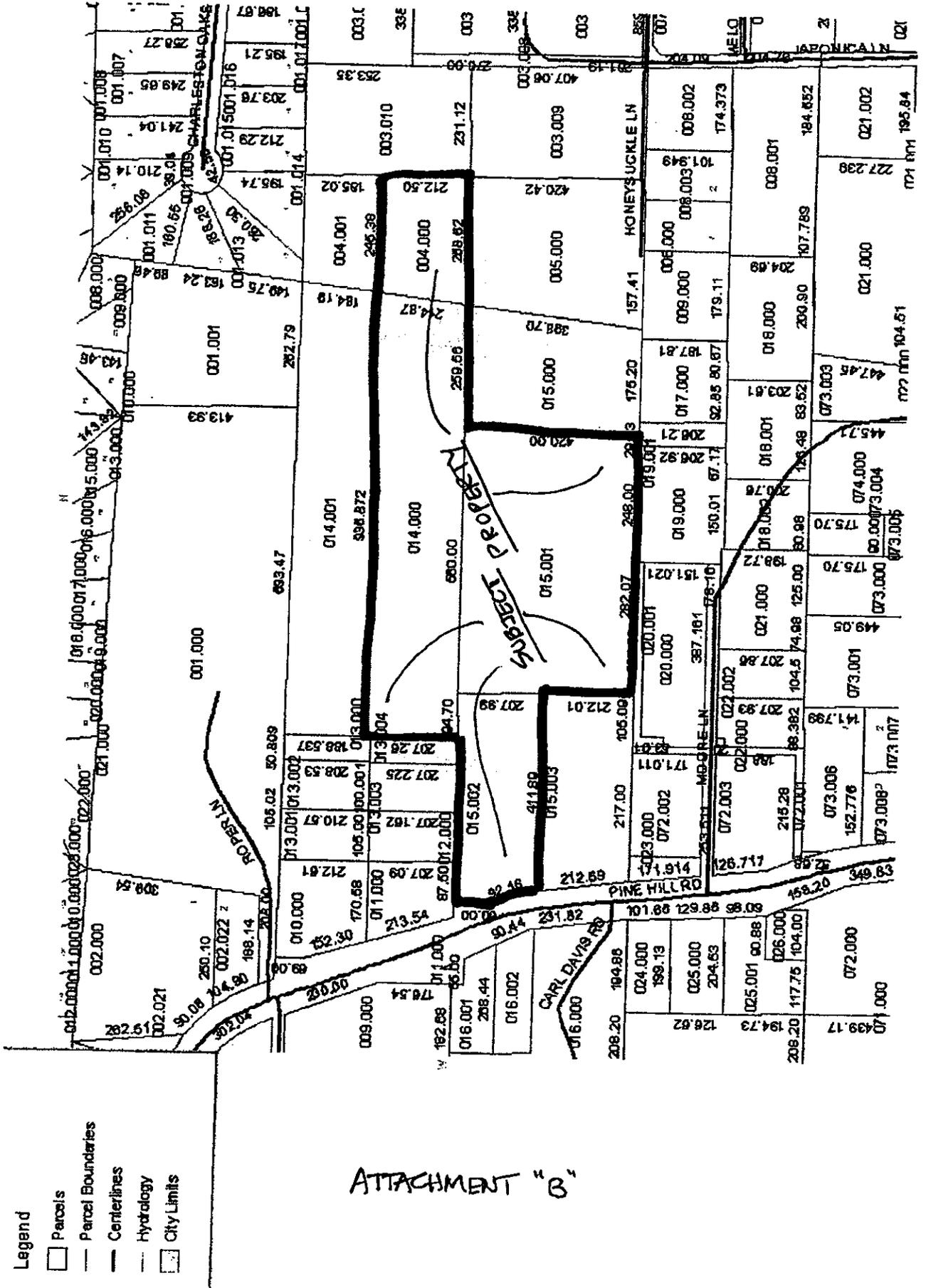
LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N89°57'28"W, 2720.09 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N89°57'128"W, 557.88 FEET TO A POINT; THENCE RUN NO0029'127"E, 212.50 FEET TO A POINT; THENCE RUN N88°13'03"W, 370.44 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PINE HILL. ROAD; THENCE RUN NORTHWESTWARDLY ALONG SAID LINE, AND ALONG A CURVE TO THE LEFT (CURVE HAVING A RADIUS OF 992.95, AND A DELTA ANGLE OF 8°49'49"), AN ARC LENGTH OF 153.03 FEET (CHORD BEARS N14°36'38"W, 152.88 FEET) TO THE P.T. THEREOF; THENCE RUN NO0029'27"E, 64.71 FEET TO A POINT; THENCE RUN S89°38'50"E, 338.42 FEET TO A POINT; THENCE RUN NO0027'15"E, 203.28 FEET TO A POINT; THENCE RUN S89°12'59"E, 1187.13 FEET TO A POINT; THENCE RUN SO0029'27"W, 233.37 FEET TO A POINT; THENCE RUN N89°12'153"W, 557.38 FEET TO A POINT; THENCE RUN SO0029'27"W, 396.32 FEET TO THE POINT OF BEGINNING CONTAINING 13.41 ACRES.

Re: Laurel Springs Apartments

Baldwin County

- Legend**
- Parcels
 - Parcel Boundaries
 - Centerlines
 - Hydrology
 - City Limits



ATTACHMENT "B"

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

December 19, 2006

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

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

13 +/- acres on Pine Hill Road.

Tax parcels included:

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

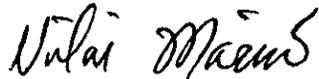
43-03-71-0-006-015.001 Book 0051 Page 0000459

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

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

Thank you.

Sincerely,



Vilai Marino

PO Box 1125
Daphne, AL 36526

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

MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file
attachment



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

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

December 4, 2006

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

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

Dear Mr. Eady:

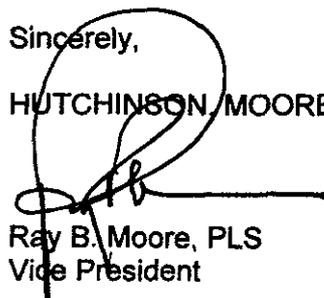
As you recall as agents for Malbis Plantation, Inc., we requested annexation and received that along with a Zoning of B-2 General Business (see attached letter) for this property along Highway 90 at Highway 13.

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

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

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



Ray B. Moore, PLS
Vice President

/djh

cc: Malbis Plantation, Inc.
Easlan Capital

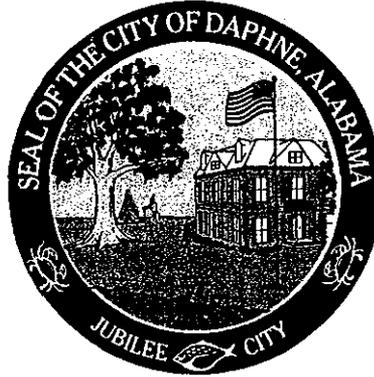
M1119/2727/06.847

FRED SMALL
MAYOR

DAVID L. COHEN, MMC
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

WILLIAM H. EADY, SR.
DIRECTOR OF COMMUNITY DEVELOPMENT



7-022-1-700
COUNCIL MEMBERS

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

October 24, 2006

To Whom It May Concern:

RE: Zoning Verification

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

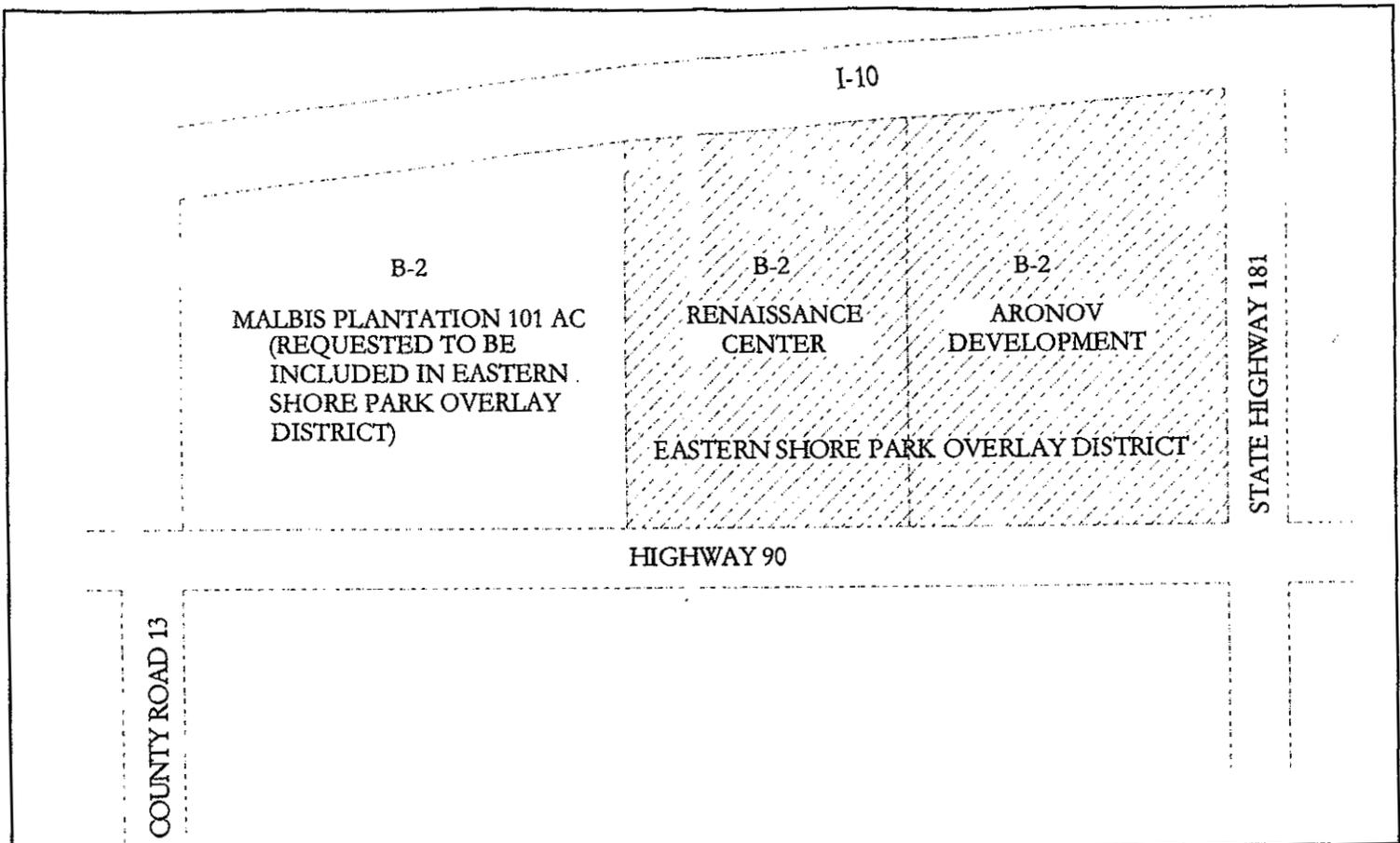
As stated by the Ordinance the property is zoned B-2 General Business.

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

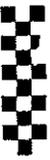
If we may be of further service, please advise.

Sincerely,

William H. Eady, Sr., Director
Community Development



			HUTCHINSON, MOORE & RAUCH, LLC 2059 MAIN STREET DAPHNE, ALABAMA 36526 ENGINEERS & SURVEYORS LAND PLANNERS		TEL (251) 826-2626 FAX (251) 826-6934 dphay@hmvengineers.com		EASTERN SHORE PARK OVERLAY DISTRICT			
							MALBIS			
DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY	
	HTL		HTL	02/26/2008	KRM				1 OF 1	



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

MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

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

**CITY 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:

SET PUBLIC HEARING DATE

FOR

APRIL 2, 2007

- 1.) Rezoning: Malbis Plantation, Inc / Property located on the SW Corner of the intersection of Lawson Rd. & County Road 13 / R-3, High Density Single Family Residential District to B-1, Local Business District
- 2.) Annexation: DMAP, Inc. (Old Field Subdv., Phase One) / Property located on Highway 181 /Requested zoning B-1, Local Business District

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Malbis Plantation, Inc. -
County Road 13 and Lawson Road
Date: February 27, 2007

MEMORANDUM

Rezoning

At the regular meeting of the City of Daphne Planning Commission, February 22, 2007, eight members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request. ~~The recommendation was for B-1, Local Business, rather than B-2, General Business as indicated on the owners 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

TO: FRED SMALL, MAYOR RICHARD MERCHANT, BUILDING OFFICIAL
CC: ROB MCELROY, UTILITIES BOARD CHIP MARTIN, FIRE MARSHAL
CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 22, 2007 - 6:00 P.M. FINAL
COUNCIL CHAMBERS, CITY HALL

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF07-02: (APPROVED)**
- Subdivision: The Resubdivision of Lots 32-35, Block 4, Yuille Subdivision**
- Location: Northwest of the intersection of Main Street and Belrose Avenue
Area: 0.387 Acres \pm , (3) lots
Owner: Belrose Partnership
Agent: Weichert Realtors - Paul Powers
Engineer: Polysurveying - Matthew Orrell
2. **File SDPF07-01: (APPROVED)**
- Subdivision: McIntyre Street**
- Location: North of McIntyre Street and East of Main Street in Montrose
Area: 1.14 Acres \pm , (3) lots
Owner: David Jones
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

C. PRELIMINARY REVIEW:

1. **File SDP06-19: (APPROVED)**
- Subdivision: The Estates of Tiawasee**
- Location: Northwest of Tiawasee Trace Subdivision on County Road 13
Area: 50.6 Acres \pm , (37) lots
Owner: Woodland Bay Group - Gary McKnight
Engineer: McCrory & Williams, Inc. - Daryl Russell

D. PETITIONS:

ZONING AMENDMENT REVIEW: (APPROVED, RECOMM AS B-1)

- 1 **File Z07-03: Malbis Plantation, Inc.**
- Location: Southwest corner of the intersection of Lawson Road and
County Road 13
Area: 14 Acres \pm
Owner: Malbis Plantation, Inc. - Bill Scourtes
Engineer: Hutchinson, Moore & Rauch - Christopher Baker
- Present Zoning: R-3 Proposed Zoning: B-2**

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 207-03 Date Plat Submitted: January 22, 2007

Date Presented: Feb. 22, 2007

Name of Owner: Malbis Plantation, Inc.

Address: 10145 Highway 90, Daphne, AL 36526 Telephone #251-626-3050
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Hutchinson, Moore & Rauch, LLC

Address: Post Office Box 1127 Daphne AL 36526 Telephone #251-626-2626
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: _____

Lot(s): _____ Unit _____

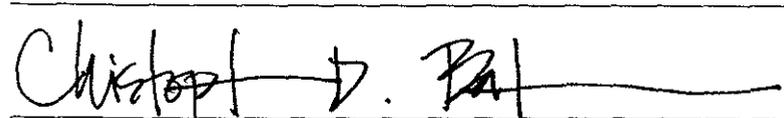
- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 01/22/07).

Meeting Dates:

Planning Commission: February 22, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:
to construct a neighborhood commercial NODE



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address Vacant
- b) Name of Subdivision NA
- c) Lot numbers involved in change 1
- d) Total acreage of change 14
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :
NA

2) Zoning change requested:

- a) Present classification of property R1 (Correction R-3)
- b) Reclassification desired B2 General Business
- c) Character of neighborhood General Business

3) Certifications:

- a) Owner's Name Malbis Plantation, Inc.
- b) Address 10145 Highway 90, Daphne, AL 36526
- c) Telephone Number 251-626-3050
- d) Date _____

Christopher D. Paul
Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

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

22 January 2007
Date

Christopher D. Bell
Signature of Property Owner

MALBIS PLANTATION, INC.
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22 AS RECORDED IN MAP BOOK 8, PAGE 73 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°18'45"-E ALONG THE EAST BOUNDARY LINE OF SAID LAKE FOREST, UNIT 22, 1191.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF LAWSON ROAD; THENCE RUN S-89°45'29"-E ALONG SAID SOUTH RIGHT-OF-WAY OF LAWSON ROAD, 532.90 FEET TO A POINT; THENCE RUN S-54°28'57"-E LEAVING SAID SOUTH RIGHT-OF-WAY OF LAWSON ROAD, 86.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13; THENCE RUN SOUTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13 AND ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 765.21, A DELTA ANGLE OF 13°55'36", A CHORD OF WHICH BEARS S-07°37'08"-W, 185.54, AN ARC DISTANCE OF 186.00 FEET TO A POINT; THENCE RUN S-14°34'56"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 905.83 FEET TO A POINT; THENCE RUN S-21°22'47"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 100.71 FEET TO A POINT; THENCE RUN S-14°32'11"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 10.01 FEET TO A POINT; THENCE RUN N-89°45'17"-W LEAVING SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 318.20 FEET TO A POINT ON THE SAID EAST BOUNDARY LINE OF LAKE FOREST, UNIT 22; THENCE RUN N-00°18'45"-E ALONG SAID EAST BOUNDARY LINE OF LAKE FOREST, UNIT 22, 23.89 FEET TO THE POINT OF BEGINNING. CONTAINING 13.41± ACRES, MORE OR LESS.

REFERENCE: WHITE – SPUNNER & ASSOCIATES

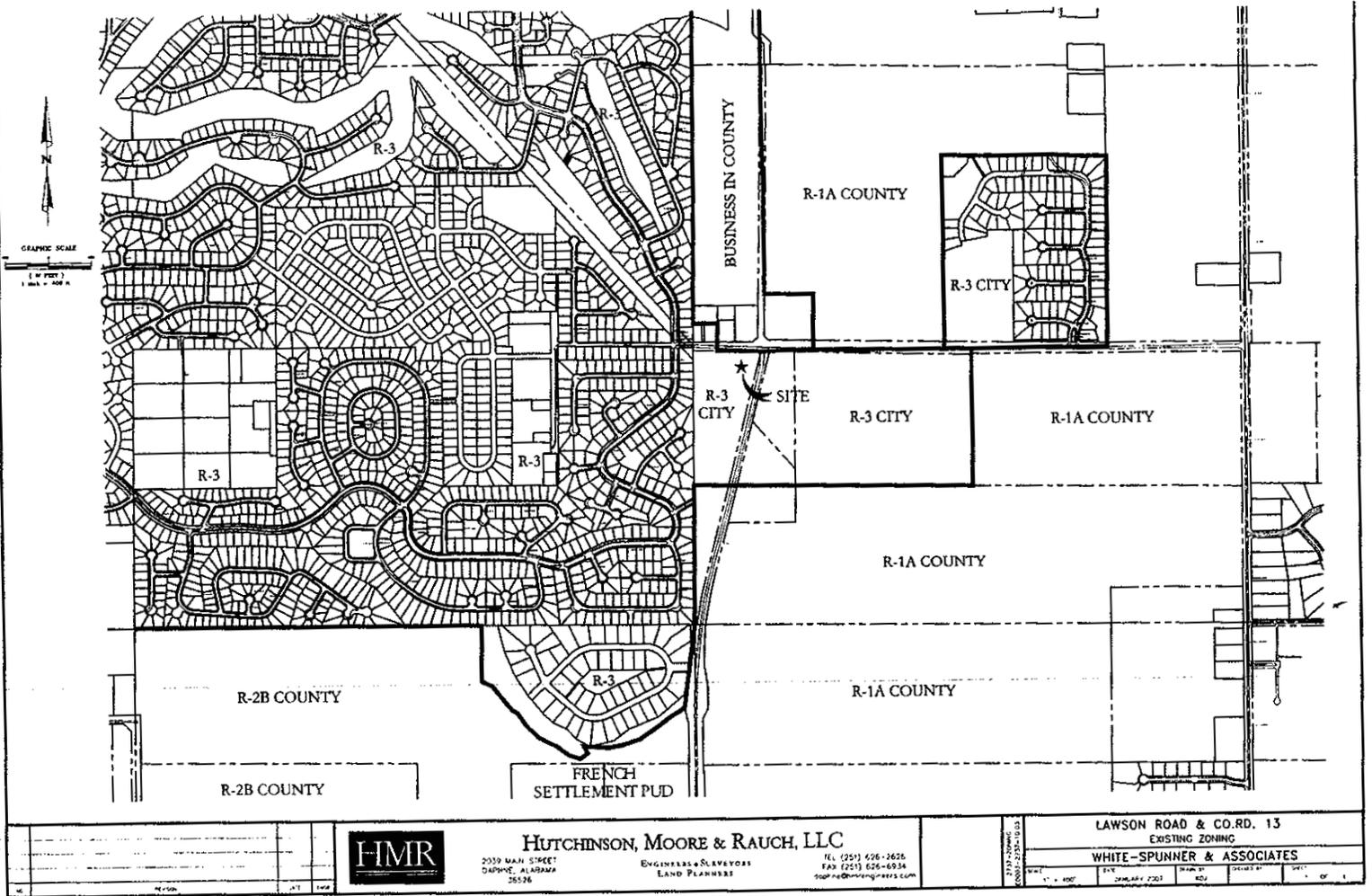


Exhibit "B"
 malbis plantation, inc
 zoning amendment
 13/lawson

**Lawson Road and County Road 13 Zoning
Adjacent Property Owners**

Eddie R and Sharon Bender
103 Vega Drive
Daphne, AL 36526
05-43-02-04-0-009-183.000

Craig A Anklam
474 Humboldt Way
Livermore, CA 94551
05-43-02-04-0-009-198.000

City of Daphne
Post Office Box 2550
Daphne, AL 36526
05-43-02-03-0-000-002.006

Allyson C Pearce
472 Ridgewood Drive
Daphne, AL 36526
05-43-02-04-0-009-223.000

William Anthony Deangelo
470 Ridgewood Drive
Daphne, AL 36526
05-43-02-04-0-009-222.000

Brett and Jennifer Dupuis
105 Grove Circle
Daphne, AL 36526
05-43-02-04-0-009-195.000

Lake Forest POA
Post Office Box 1087
Daphne, AL 36526
05-43-02-04-0-002-026.000

Richard Calhoun and Deborah Douglas
9397 Wind Clan Trail
Daphne, AL 36526
05-43-02-04-0-009-194.000

Friday Construction LLC
1444 West I-65 Service Road S
Mobile, AL 36693
05-43-02-04-0-001-028.000

Nvest, LLC
2105 Victoria Drive
Daphne, AL 36526
05-43-02-03-0-000-002.088

Van Buren Partnership, LLC
c/o Ark Inc.
Daphne, AL 36526
05-43-02-03-0-000-002.134

Anthony and Kristi Mineo
2442 Zagato Court
Middleburg, FL 32068
05-43-02-04-0-009-224.000

Charles and Carol Shore
117 Fernwood Circle
Daphne, AL 36526
05-43-02-04-0-009-201.000

James and Tomalee Ethington
114 Fernwood Circle
Daphne, AL 36526
05-43-02-04-0-009-199.000

Steven and Angela Appleton
480 Ridgewood Drive
Daphne, AL 36526
05-43-02-04-0-009-227.000

Franklin and Shirley Cain
476 Ridgewood Drive
Daphne, AL 36526
05-43-02-04-0-009-225.000

William and Laura McKelroy
103 Grove Circle
Daphne, AL 36526
05-43-02-04-0-009-196.000

Zane and Janice Yoder
482 Ridgewood Drive
Daphne, AL 36526
05-43-02-04-0-009-228.000

Eastern Shore Christian Center
9078 Lawson Road
Daphne, AL 36526
05-43-02-03-0-000-002.007

James and Daniela Micsan
Post Office Box 1465
Daphne, AL 36526
05-43-02-04-0-009-226.000

**Lawson Road and County Road 13 Zoning
Adjacent Property Owners**

Donald Grantham
116 Fernwood Circle
Daphne, AL 36526
05-43-02-04-0-009-200.000

Van Buren Partnership, LLC
29000 US Highway 98
Daphne, AL 36526
05-43-02-03-0-000-002.005

Malbis Plantation
10145 US Highway 90
Daphne, AL 36526
05-43-02-03-0-000-002.087

ORDINANCE NO. 2007 -

**Ordinance to Rezone Property Located on Southwest corner of the intersection of
Lawson Road and County Road 13 (14 Acres)
Malbis Plantation, Inc.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Local Business District, to said property is located on Southwest corner of the intersection of Lawson Road and County Road 13, Alabama, being more particularly described as follows:

Legal Description:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22 AS RECORDED IN MAP BOOK 8, PAGE 73 IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°18'45"-E ALONG THE EAST BOUNDARY LINE OF SAID LAKE FOREST, UNIT 22, 1191.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF LAWSON ROAD; THENCE RUN S-89°45'29"-E ALONG SAID SOUTH RIGHT-OF-WAY OF LAWSON ROAD, 532.90 FEET TO A POINT; THENCE RUN S-54°28'57"-E LEAVING SAID SOUTH RIGHT-OF-WAY OF LAWSON ROAD, 86.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13; THENCE RUN SOUTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13 AND ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 765.21, A DELTA ANGLE OF 13°55'36", A CHORD OF WHICH BEARS S-07°37'08"-W, 185.54, AN ARC DISTANCE OF 186.00 FEET TO A POINT; THENCE RUN S-14°34'56"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 905.83 FEET TO A POINT; THENCE RUN S-21°22'47"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 100.71 FEET TO A POINT; THENCE RUN S-14°32'11"-W ALONG SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 10.01 FEET TO A POINT; THENCE RUN N-89°45'17"-W LEAVING SAID WEST RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NUMBER 13, 318.20 FEET TO A POINT ON THE SAID EAST BOUNDARY LINE OF LAKE FOREST, UNIT 22; THENCE RUN N-00°18'45"-E ALONG SAID EAST BOUNDARY LINE OF LAKE FOREST, UNIT 22, 23.89 FEET TO THE POINT OF BEGINNING. CONTAINING 13.41± ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on February 22, 2007 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, April 2, 2007 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-1, Local Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: DMAP, INC. Annexation
Date: February 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, February 22, 2007, eight members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

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

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

Thank you,

WHE/jd

cc: file

Reference: A portion of Old Field Subdivision, Phase One
(Omitted in error with original annexation)

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**

(DMAP, INC.)

The undersigned, DMAP, INC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as OLDFIELD PHASE ONE 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, DMAP, INC, 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:

REQUESTED ZONING: B-1

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 31st day of JANUARY 2007,

Respectfully submitted,

DMAP, INC

Name of Corporation

By: 

Its: PRESIDENT

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that MICHAEL M. LAUGHLIN whose name as PRESIDENT of DMAP INC, 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 31 day of JANUARY, 2007.

Hinda Joak Smith (NOTARY SEAL)
NOTARY PUBLIC

My commission expires: 5-17-10

EXHIBIT "A"

**OLDFIELD
PROPOSED B-1**

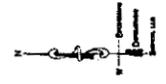
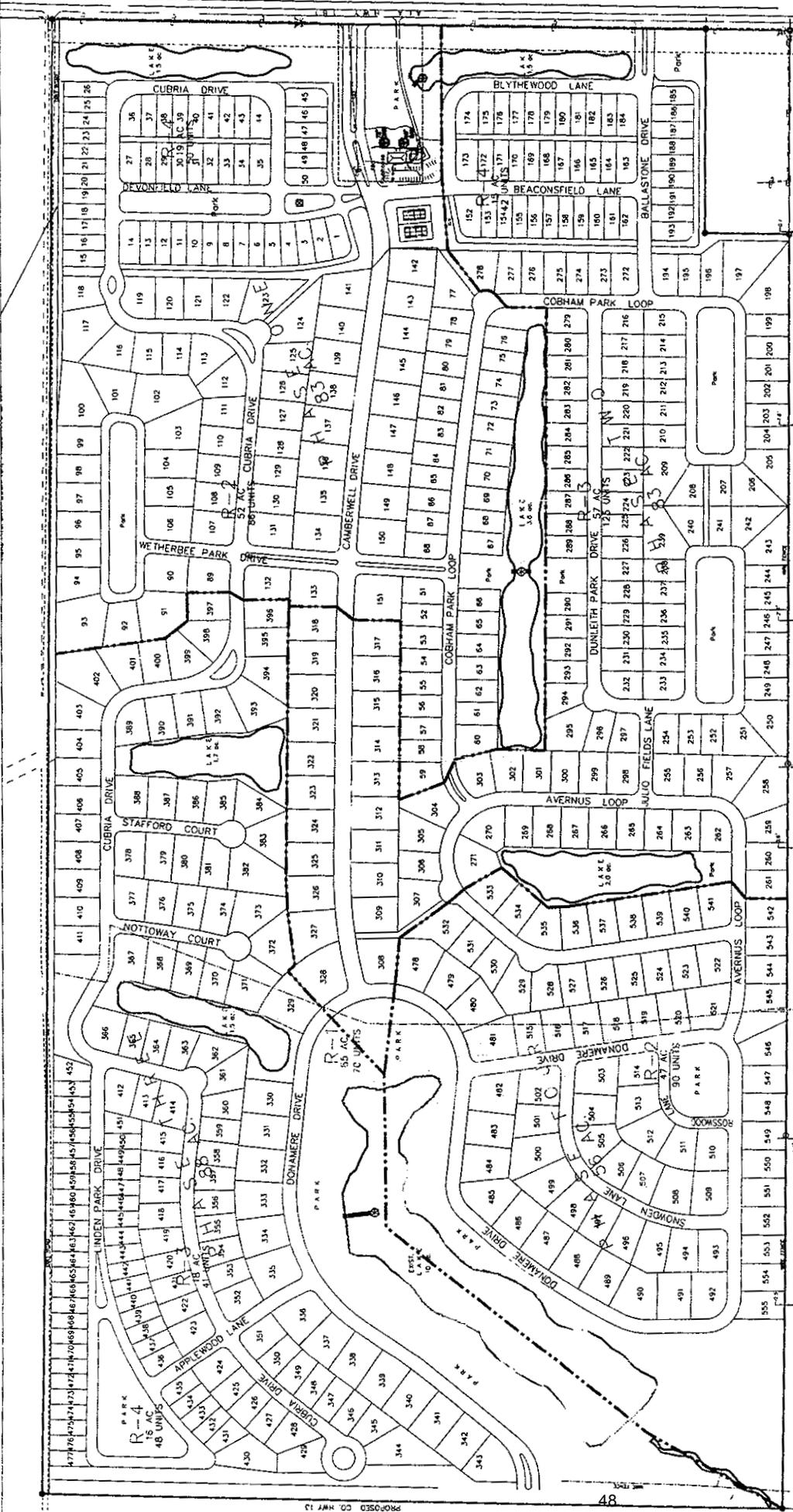
DESCRIPTION TO ACCOMPANY SKETCH OF 6.03 ACRES TO-WIT:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1033.66 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 350.55 FEET; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST, A DISTANCE OF 537.27 FEET; THENCE RUN SOUTH 85 DEGREES 33 MINUTES 41 SECONDS WEST, A DISTANCE OF 262.08 FEET; THENCE RUN NORTH 01 DEGREES 33 MINUTES 25 SECONDS EAST, A DISTANCE OF 207.83 FEET; THENCE RUN NORTH 47 DEGREES 45 MINUTES 52 SECONDS WEST, A DISTANCE OF 95.68 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 467.72 FEET, AN ARC DISTANCE OF 223.09 FEET, (CHORD BEARS NORTH 84 DEGREES 10 MINUTES 09 SECONDS EAST, 220.98 FEET); THENCE RUN NORTH 70 DEGREES 30 MINUTES 13 SECONDS EAST, A DISTANCE OF 174.96 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 140.54 FEET, (CHORD BEARS NORTH 80 DEGREES 34 MINUTES 09 SECONDS EAST, 139.82 FEET); THENCE RUN SOUTH 89 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 345.36 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 6.03 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS)



ENGINEERING DEVELOPMENT SERVICES, L.L.C.
DAVID E DIEHL AL. P.L.S. NO. 26014



OLDFIELD

MASTER PLAN

FOR
MIKE McLAUGHLIN

ZONING SUMMARY

R-1	70 Units	85 ac
R-2	179 Units	99 ac
R-3	186 Units	75 ac
R-4	140 Units	50 ac
TOTAL		595 Units 309 ac

OPEN SPACE SUMMARY

Lakes	21.8 ac.
Parks	30.1 ac.
Buffers, etc.	22.4 ac.
Open Space	74.3 ac.

Engineer: Diverman Stevens, LLC
 10000 Oldfield Drive, Suite 100
 Dallas, TX 75243
 Phone: 972-440-1111
 Fax: 972-440-1112
 www.divermanstevens.com

ORDINANCE NO. 2007-

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

**OLD FIELD SUBDIVISION
(Property located on Alabama State Highway 181)**

**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 February, 22, 2007 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on April 2, 2007 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:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A CAPPED IRON PIN MARKER ON THE WEST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NO. 181; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1033.66 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 350.55 FEET; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST, A DISTANCE OF 537.27 FEET; THENCE RUN SOUTH 85 DEGREES 33 MINUTES 41 SECONDS WEST, A DISTANCE OF 262.08 FEET; THENCE RUN NORTH 01 DEGREES 33 MINUTES 25 SECONDS EAST, A DISTANCE OF 207.83 FEET; THENCE RUN NORTH 47 DEGREES 45 MINUTES 52 SECONDS WEST, A DISTANCE OF 95.68 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 467.72 FEET, AN ARC DISTANCE OF 223.09 FEET, (CHORD BEARS NORTH 84 DEGREES 10 MINUTES 09 SECONDS EAST, 220.98 FEET); THENCE RUN NORTH 70 DEGREES 30 MINUTES 13 SECONDS EAST, A DISTANCE OF 174.96 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 140.54 FEET, (CHORD BEARS NORTH 80 DEGREES 34 MINUTES 09 SECONDS EAST, 139.82 FEET); THENCE RUN SOUTH 89 DEGREES 21 MINUTES 55 SECONDS EAST, A DISTANCE OF 345.36 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 6.03 ACRES, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

DRAFT MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ Wednesday, December 27, 2006 ♦ 5:00 p.m.

I. Call to Order

The Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman, Mr. Segalla, at 5:07 PM.

II. / Roll Call

Present: Robert Segalla, Chairman
Ron Scott, Vice-Chairman
Lon Johnston, Secretary/Treasurer
Fred Small, Mayor
Bo White

Absent: Jerry Speegle, Board Attorney
Teresa Logiotatos, Finance Manager
Deloris Brown, HR Manager *absent*

Others

Present: ✓ Rob McElroy, General Manager
✓ Voneka Nettles, Accounts Payable
Pam Kellum, Accounts Receivable
✓ Melinda Immell, Volkert V.P. Engineer
Ray Moore, HMR-Engineer
Cedric Goodloe, HR Assistant
✓ Paul Soutullo, Public Participant
Rebecca Williamson, Finance Assistant
Jessica Sandlin, Admin. Assist.- Recording Secretary

III. / Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. APPROVAL AND ACCEPTANCE OF THE MINUTES

Utilities Board Minutes from December 6, 2006

The Chairman inquired if corrections or editing was recommended for the Minutes from the December 6, 2006 Utilities Board Meeting. No editing was requested, and the Chairman entertained a motion for approval.

Mr. Johnston moved for approval of the Utilities Board Minutes for the December 6, 2006 Board Meeting; Mayor Small seconded, all members concurred and the motion carried.

V. Old Business

A. Park City Agreement

Mr. McElroy states no action on this matter.

B. Utilities Board Property—19 Acres

Mayor Small inquired of Mr. McElroy any progress on the sale of the 19 acres of Utilities Board property. Mr. McElroy responded there were no new developments have been made. Mr. McElroy discussed the possibility of splitting the property and donating a portion of the property to wet land conservation, then developing the remainder of the property.

DRAFT MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ Wednesday, December 27, 2006 ♦ 5:00 p.m.

VI. New Business

Mr. Segalla introduced and welcomed Mr. Bo White as the new Utility Board Member. The Chair also suggested the City Council thank the other nominees in the running for the open Board position.

Mr. Scott expressed some concern on the matter of the Rate Increase Resolution. He is in favor of a rate increase, but wants to ensure the public is notified prior to the meeting in which the rate increase would be voted upon. Mr. Scott suggested we place a notice on all customer's bills stating the time and place of the next Board meeting and that there would be a proposed rate increase discussed at that meeting. Ron Scott thanked Rob McElroy and Bob Segalla for the letter to the City Council notifying of the rate increase. Mayor Small also suggested a presentation and handouts to be given out at the next meeting regarding this matter.

Mr. Segalla inquired about Rick Fine and the negotiations for a property. Mr. McElroy stated that Rick Fine had made contact and was suggesting a "cash discount" for the property. Mr. Segalla stated a price had previously been set for Mr. Fine, and there will be no more price negotiations.

VII. Board Attorney's Report

Mr. Segalla noted Mr. Speegle's recommendation to change by-laws to indemnify Board Members. Mr. Segalla felt that certain sections of the by-laws needed clarification and he requested that the Board review sections 6.01, 6.02, 6.03, 7.04, and 7.10.

Mayor Small moved that the Board amend the by-laws to include Mr. Speegle's suggested alternatives. Mr. Johnson seconded the motion, all members concurred and the motion carried.

Mr. Paul Soutullo addressed a letter he received from Drew Klumpp concerning his "sewer non-connect" status. He was assured by Mr. Segalla and Mr. McElroy the matter would be taken care of and his account would reflect that he is currently working with the Utilities to settle this matter.

VIII. Financial Report

Rebecca Williamson reviewed and briefly discussed the financial summary for November 2006 statements and reports. The Board had a few inquiries regarding some report entries in the financial statements which Mrs. Williamson addressed. Mr. Segalla requested an email of account information, including length of time and interest rate be sent to all Board Members.

IX. General Manager's Report

A. GM Report

Mr. McElroy discussed the status of the warehouse. He stated that the warehouse will enable Daphne Utilities to account for materials and operations more accurately.

Mrs. Nettles made a presentation on the new security measures being taken at the administrative office. Mr. Segalla suggested an orientation from police officers, to inform employees how to react in certain situations.

Mr. Goodloe introduced himself as the new Payroll/Benefits Trainer at Daphne Utilities. He informed the Utility Board of the decision to hire 2 customer service Representatives and 1 Warehouse Manager.

Mr. McElroy discussed how strongly the zero tolerance program is being enforced, and how it is improving the safety and confidence of the utility work crews.

Mayor Small questioned the subject of staffing. All the Board Members took into consideration the matter of extra staffing and whether it is needed or not. They also discussed how extra staffing effects the Utility Finances. Elimination of certain positions was decided upon.

DRAFT MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ Wednesday, December 27, 2006 ♦ 5:00 p.m.

B. Operations Report

Mr. Lyndall discussed news article which had been recently published about a large fine imposed upon another utility company in Fairhope whereby a water service line had been connected to a sewer main line. Mr. Lyndall relayed how a similar incident had recently almost occurred at Daphne Utilities when a new sewer line had been installed with the wrong color pipe by an outside contractor working in the Dauphine Acres area. Daphne Utility employees, Larry Jackson and Tom Nettles discovered this and took the necessary steps to correct the matter promptly. Their concern and attention will hopefully keep the same type of event which happened in Fairhope from happening in our area and Mr. Jackson and Mr. Nettles were publicly commended. Board Members took the opportunity to inquire about other aspects of Utility operations. Mr. Lyndall addressed their questions

C. Engineering & Consulting Reports

a. Volkert

Mr. Segalla inquired about the design and construction of Utility tanks. Mrs. Immel reported that the site underwent compaction and boring tests, and that the site is covered under a 2 year warranty.

b. HMR

Mr. Moore reported that HMR would be preparing for an upgrade of the sewer maps for the Utility.

X. Board Action

A. Contract Award

Mrs. Immel discussed the proposal to construct a fence around the new ground water storage tank. The low bidder was Consolidated Fence.

Mayor Small moved that the Board award the Fence Construction Contract to Consolidated Fence Co. Ron Scott seconded. All members concurred and the motion carried.

XI. Public Participation

Mrs. Cheryl McClary did a presentation on a public survey conducted on Utility property. This survey was composed of how coastal Alabama residents acquire, organize, and use information in their water making decisions. Handouts of her presentation were made available.

XII. Board Comments—None

XIII. Executive Session—None

XIV. Adjournment

The Chair entertained a motion for adjournment, Mayor Small so moved, Mr. Johnston seconded. The meeting adjourned at 7:20 pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2007-15

**Acceptance of Streets and Drainage
located in French Settlement Subdivision, Phase One A**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to the French Settlement Subdivision, Phase One A on July 27, 2006 and the City of Daphne hereby recommends acceptance of said street located in French Settlement Subdivision, Phase One A; and,

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

Whereas, the Division of Public Works has accepted said streets and storm water drainage of French Settlement Subdivision, Phase One A; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of French Settlement Subdivision, Phase One A; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that French Settlement Subdivision, Phase One A according to the plat by Hutchinson, Moore & Rauch as recorded in the Judge of Probate, Baldwin County, Alabama, and said streets being named French Settlement Drive, Longue Vue Boulevard, Parlange Avenue, Felicity Lane, and Rosedown Lane are hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2007.

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

**GREG BURNAM
COUNCIL PRESIDENT**
Date & Time Signed: _____

**FRED SMALL
MAYOR**
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

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

SUBDIVISION NAME: French Settlement Phase IA

LOCATION: Daphne, Alabama

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 16th day of February, 2007 by French Settlement, LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as French Settlement Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, the Subdivider does hereby agree to provide a Letter of Credit, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$97,059) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond or letter of credit shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

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

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a six month (6 month) maintenance period as described above; and,

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of July 27, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named French Settlement Drive 521.09' and 631.53', Longue Vue Boulevard 1519.11', Parlange Avenue 637.55', Felicity Lane 463.05' and Rosedown Lane 136.00' - Total 3908.33' (27' wide)

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

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

Respectfully submitted,

Tim Hallman, French Settlement, LLC
Name of Individual or Corporation

By: Jim Hallman

Its: Member

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Jim Hallman whose name as member of French Settlement, LLC an Alabama corporation or as owner of French Settlement, LLC is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 16th day of February, 2007
Barbara B. Garner (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 1-23-10

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

Recommendation:

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

Approval:

Warren B Nish
Chairman or Authorized Representative
City of Daphne

RESOLUTION 2007-16

**Acceptance of Streets and Drainage
located in Bellaton Subdivision, Phase Two**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Bellaton Subdivision, Phase Two on August 24, 2006 and the City of Daphne hereby recommends acceptance of said street located in Bellaton Subdivision, Phase Two; and,

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

Whereas, the Division of Public Works has accepted said streets and storm water drainage of Bellaton Subdivision, Phase Two; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Bellaton Subdivision, Phase Two; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Bellaton Subdivision, Phase Two according to the plat by Engineering Development Services as recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Bellaton Avenue, Hartford Avenue, Adalade Lane, Waterford Street, Chantilly Lane, Evanston Lane, Huxford Street, and Bella Drive are hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2007.

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

**GREG BURNAM
COUNCIL PRESIDENT**
Date & Time Signed: _____

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

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

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

SUBDIVISION NAME: BELLATON - PHASE TWO

LOCATION: West side of highway 181, North of
Bellaton, Phase One

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 24th day of August, 2006 by Country Club Development, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Bellaton-Phase Two Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 289,675.00) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

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

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

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of August 24, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named _____

See attached street summary

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

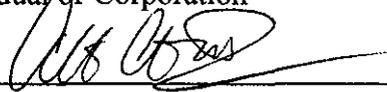
IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

COUNTRY CLUB DEVELOPMENT, LLC

Name of Individual or Corporation

By: _____



Its: _____

MEMBER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Albert Cote III whose name as member of Country Club Development an Alabama corporation or as owner of Bellaton - Phase Two is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 23 day of February, 2007

Raul A. Hill
NOTARY PUBLIC

(NOTARY SEAL)

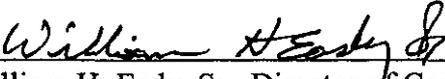
My commission expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 4, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STREET SUMMARY		
STREET NAME	LENGTH	WIDTH
BELLATON AVENUE	3000'	27' TYPICAL
HARTFORD AVENUE	1314'	27' TYPICAL- 16' LANES FOR ONE WAY
ADALADE LANE	743'	27' TYPICAL
WATERFORD STREET	516'	27' TYPICAL
CHANTILLY LANE	1422'	27' TYPICAL- 16' LANES FOR ONE WAY
EVANSTON LANE	782'	27' TYPICAL
HUXFORD STREET	182'	16' LANES FOR ONE WAY
BELLA DRIVE	211'	27' TYPICAL- 16' LANES FOR ONE WAY

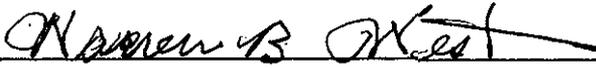
CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:



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

Approval:



Planning Commission Chairman or Authorized Representative
City of Daphne

Revised: March 18, 2004

**CITY OF DAPHNE
RESOLUTION NO: 2007-17**

**A RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE
ADOPTION OF CERTAIN TECHNICAL CODES BY REFERENCE**

WHEREAS, the City of Daphne shall heretofore by Ordinance adopt the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, 2006 Edition of the International Plumbing Code, and the 2005 Edition of the National Electric Code; and

WHEREAS, the International Code Council Incorporated has published the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, and the 2006 Edition of the International Plumbing Code, and the National Fire Prevention Association has published the 2005 Edition of the National Electric Code; and

WHEREAS, Section 11-45-8(c) provides for the adoption of codes in book form upon compliance with the requirements of such Section; and,

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

1. That a public hearing shall be held on **April 2, 2007**, concerning the adoption of an Ordinance for the 2006 Edition of the International Building Code, 2006 Edition of the International Residential Code, 2006 Edition of the International Fuel Gas Code, 2006 Edition of the International Mechanical Code, 2006 Edition of the International Plumbing Code, and the 2005 Edition of the National Electric Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Residential Code, edition 2006, as follows:
 - (a). The following section of the International Residential Code, edition 2006, is hereby revised in its entirety to read as follows:

905.2.6 Attachment. Asphalt shingles shall have the minimum numbers of fasteners required by the manufacturer. For normal application, asphalt shingles shall be secured to the roof with not less than six fasteners per strip shingle or two fasteners per individual shingle. Where the roof slope exceeds twenty (20) units horizontal (167% slope), special methods of fastening are required.

- b.) The following sections of the International Residential Code, edition 2006, are hereby deleted in their entirety:

301.1.3 Engineered Design,

301.2.1 Wind Limitations, and

301.2.1.1 Design Criteria.

- 2. That this Resolution be published once a week for two consecutive weeks prior to said hearing.
- 3. That three copies of said Codes shall be filed for not less than fifteen (15) days prior to the holding of public hearing for use and examination by the public in the Office of the City Clerk.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2006.

GREG BURNAM,
COUNCIL PRESIDENT
 DATE/TIME SIGNED: _____

FRED SMALL,
MAYOR
 DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

ORDINANCE NO. 2007- 07

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

WOODLAND BAY GROUP, INC.

THE ESTATES OF TIAWASSEE

(Property located off of County Road 13 and adjacent to Tiawasse Trace Subdivision)

**BE IT ORDAINED BY THE MAYOR AND 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 28, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, zone**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 26, 2007 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 MAYOR AND 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.

EXHIBIT "A"**LEGAL DESCRIPTION:**

BEGINNING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89° 29' 03" EAST, 2272.75 FEET; THENCE RUN NORTH 89° 26' 59" EAST, 385.67 FEET; THENCE RUN SOUTH 89° 45' 35" EAST, 609.37 FEET TO THE NORTHWEST CORNER OF TIAWASEE TRACE AS RECORDED ON SLIDE NUMBER 1778-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00° 00' 24" WEST ALONG THE WEST LINE OF SAID TIAWASEE TRACE, 537.04 FEET; THENCE RUN SOUTH 63° 43' 30" EAST, 104.34 FEET, MORE OR LESS; THENCE RUN SOUTH 39° 28' 24" EAST, 295.53 FEET, MORE OR LESS; THENCE RUN SOUTH 58° 15' 23" EAST, 61.91 FEET, MORE OR LESS; THENCE RUN SOUTH 34° 07' 36" EAST, 146.67 FEET, MORE OR LESS; THENCE RUN SOUTH 45° 50' 46" EAST, 158.08 FEET, MORE OR LESS; THENCE RUN SOUTH 64° 37' 10" EAST, 182.10 FEET, MORE OR LESS; THENCE RUN SOUTH 53° 15' 53" EAST, 152.16 FEET, MORE OR LESS; THENCE RUN SOUTH 72° 52' 23" EAST, 109.07 FEET, MORE OR LESS; THENCE DEPARTING THE SAID WEST LINE OF TIAWASEE TRACE, RUN NORTH 62° 09' 14" EAST, 133.73 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF INNISFREE AS RECORDED ON SLIDE NUMBER 2132-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 11° 19' 19" EAST ALONG THE WEST LINE OF SAID INNISFREE, 64.48 FEET, MORE OR LESS; THENCE DEPARTING THE SAID WEST LINE OF INNISFREE, RUN NORTH 89° 49' 14" WEST, 786.38 FEET, MORE OR LESS; THENCE RUN NORTH 89° 50' 14" WEST, 1697.53 FEET; THENCE RUN NORTH 03° 30' 10" WEST, 1266.69 FEET TO THE POINT OF BEGINNING, AND CONTAINING 49.84 ACRES, MORE OR LESS.

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.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

EXHIBIT "A"

LEGAL DESCRIPTION WOODLAND BAY GROUP, INC "THE ESTATES OF TIAWASEE"

BEGINNING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89° 29' 03" EAST, 2272.75 FEET; THENCE RUN NORTH 89° 26' 59" EAST, 385.67 FEET; THENCE RUN SOUTH 89° 45' 35" EAST, 609.37 FEET TO THE NORTHWEST CORNER OF TIAWASEE TRACE AS RECORDED ON SLIDE NUMBER 1778-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00° 00' 24" WEST ALONG THE WEST LINE OF SAID TIAWASEE TRACE, 537.04 FEET; THENCE RUN SOUTH 63° 43' 30" EAST, 104.34 FEET, MORE OR LESS; THENCE RUN SOUTH 39° 28' 24" EAST, 295.53 FEET, MORE OR LESS; THENCE RUN SOUTH 58° 15' 23" EAST, 61.91 FEET, MORE OR LESS; THENCE RUN SOUTH 34° 07' 36" EAST, 146.67 FEET, MORE OR LESS; THENCE RUN SOUTH 45° 50' 46" EAST, 158.08 FEET, MORE OR LESS; THENCE RUN SOUTH 64° 37' 10" EAST, 182.10 FEET, MORE OR LESS; THENCE RUN SOUTH 53° 15' 53" EAST, 152.16 FEET, MORE OR LESS; THENCE RUN SOUTH 72° 52' 23" EAST, 109.07 FEET, MORE OR LESS; THENCE DEPARTING THE SAID WEST LINE OF TIAWASEE TRACE, RUN NORTH 62° 09' 14" EAST, 133.73 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF INNISFREE AS RECORDED ON SLIDE NUMBER 2132-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 11° 19' 19" EAST ALONG THE WEST LINE OF SAID INNISFREE, 84.48 FEET, MORE OR LESS; THENCE DEPARTING THE SAID WEST LINE OF INNISFREE, RUN NORTH 89° 49' 14" WEST, 786.38 FEET, MORE OR LESS; THENCE RUN NORTH 89° 50' 14" WEST, 1697.53 FEET; THENCE RUN NORTH 03° 30' 10" WEST, 1266.69 FEET TO THE POINT OF BEGINNING, AND CONTAINING 49.84 ACRES, MORE OR LESS.

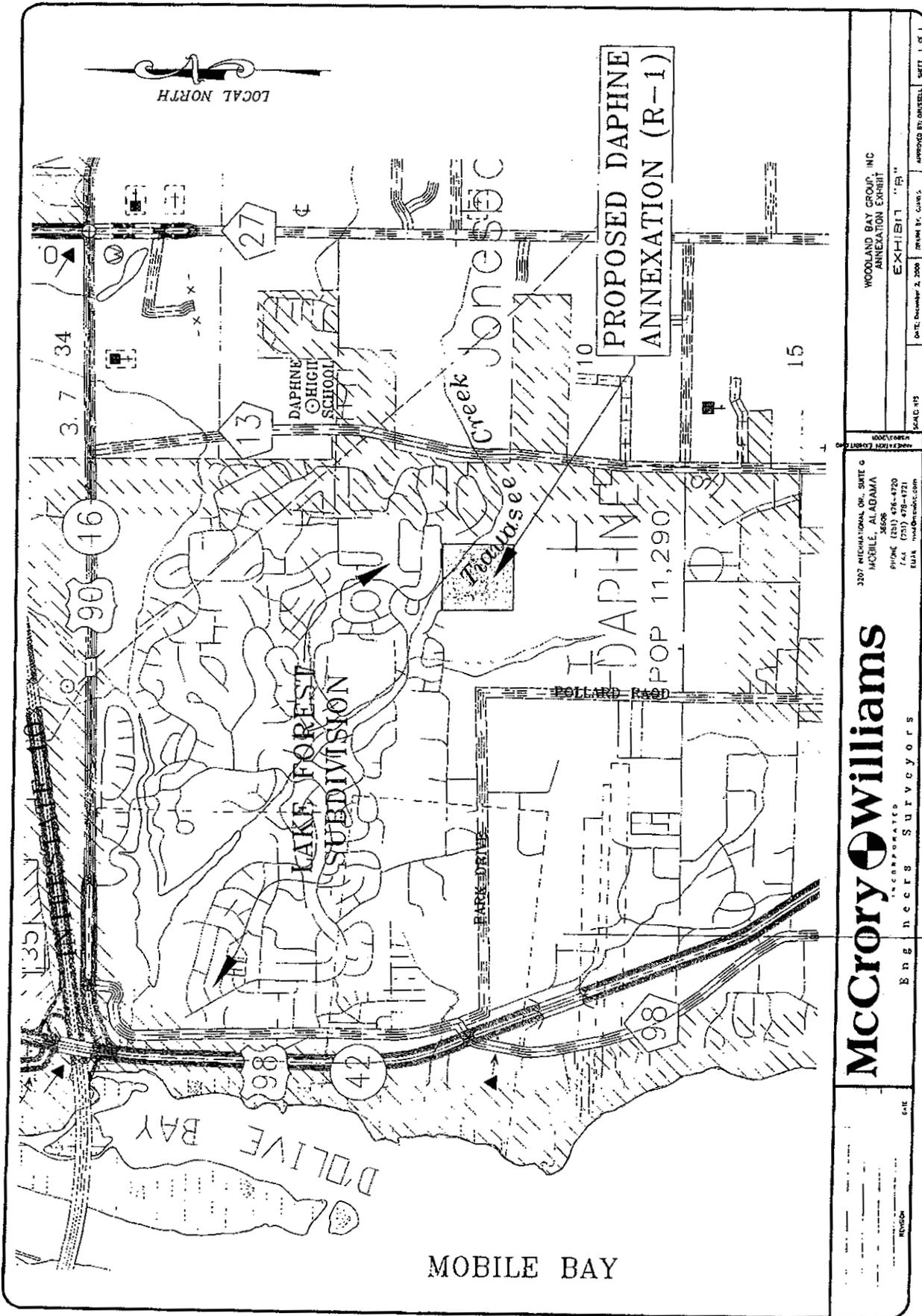


Exhibit "B"

ORDINANCE NO. 2007- 08

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

THE MITCHELL COMPANY, INC.

**DUNMORE SUBDIVISION
(Property located Alabama State Highway 181)**

**BE IT ORDAINED BY THE MAYOR AND 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 28, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential zones**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 26, 2007 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 MAYOR AND 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.

EXHIBIT "A"**LEGAL DESCRIPTION:**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, T5S-R2E, BALDWIN COUNTY, ALABAMA, SAID POINT BEING THE SOUTHWEST CORNER OF SECTION 26, T5S-R2E, BALDWIN COUNTY, ALABAMA, RUN N 89° 49' 17" E ALONG THE LINE BETWEEN SECTIONS 26 AND 35, T5S-R2E, 40.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181; SAID POINT BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 49' 17" E ALONG SAID LINE BETWEEN SECTIONS 26 AND 35, T5S-R2E RUN A DISTANCE OF 1962.76 FEET TO A POINT; THENCE RUN N 00° 14' 28" E 1335.11 FEET TO A POINT; THENCE RUN S 89° 40' 17" W 666.55 FEET TO A POINT; THENCE RUN N 00° 17' 11" E 666.69 FEET TO A POINT; THENCE RUN N 89° 35' 47" E 1332.06 FEET TO A POINT; THENCE RUN S 00° 11' 45" W 2005.27 FEET TO A POINT ON THE AFOREMENTIONED LINE BETWEEN SECTION 26 AND SECTION 35 OF T5S-R2E, BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID SECTION LINE RUN N 89° 49' 17" E 1335.18 FEET TO A POINT; THENCE RUN S 00° 40' 28" W 1323.72 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 2002.49 FEET TO A POINT; THENCE RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1962.49 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF ALABAMA STATE HIGHWAY NO. 181; THENCE ALONG SAID EAST RIGHT OF WAY LINE RUN N 00° 39' 23" E 1343.85 FEET TO THE POINT OF BEGINNING. CONTAINING 162.2680 ACRES. THIS DESCRIPTION INCLUDES LOTS 11, 12, 21 AND 28 SITUATED IN SECTION 26, T5S-R2E, AND LOTS 3 THROUGH 14 IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

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.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

THE MITCHELL COMPANY
ANNEXATION

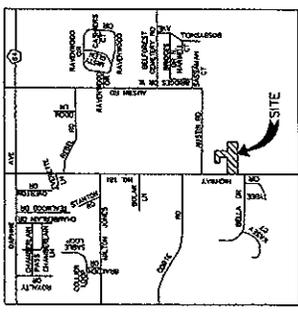
EXHIBIT "A"

DESCRIPTION:

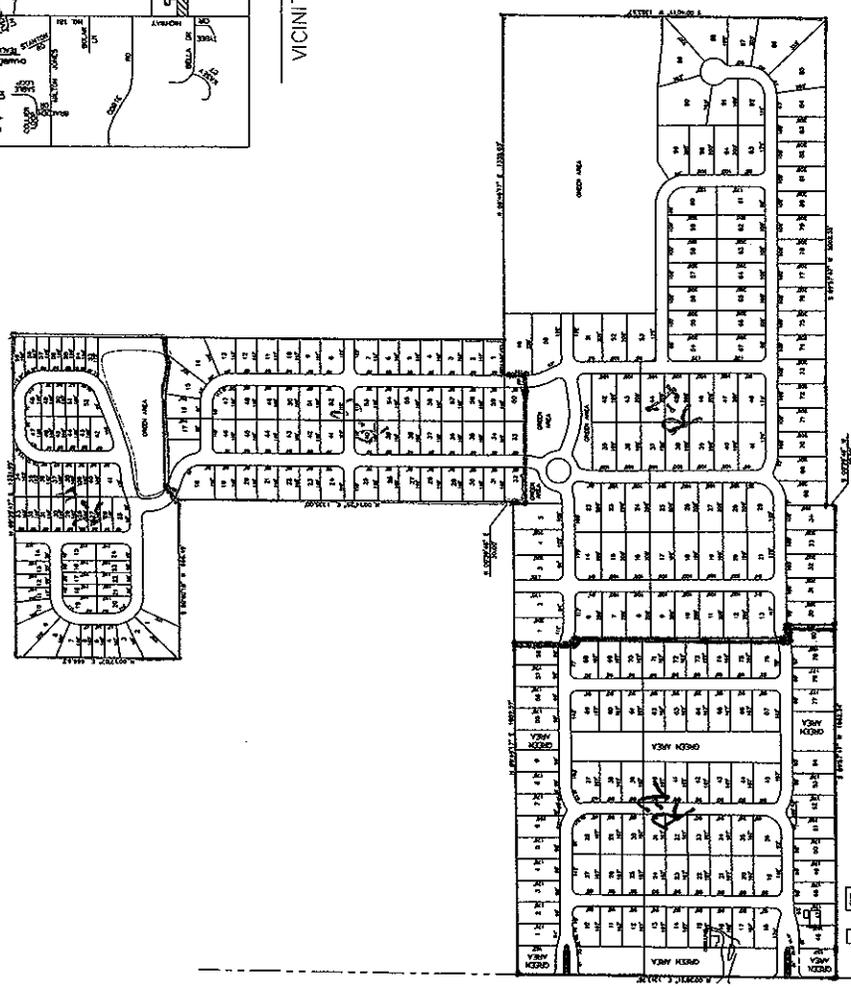
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REFERENCE: DUNMORE SUBDIVISION

EXHIBIT B



VICINITY MAP



- 1 - AREA 84 ACRES - 88 LOTS
- 2 - AREA 24 ACRES - 80 LOTS
- 3 - AREA 27 ACRES - 60 LOTS
- 4 - AREA 17 ACRES - 40 LOTS
- 5 - GREEN AREA 31 ACRES

U.S. HIGHWAY NO. 181 80' R/W
SALOM COUNTY HIGHWAY NO. 271

DANMORE (FORMERLY SHADSBORO)

REGISTER AND COLGANN
ENGINEERS, INC.
2000 WEST 10TH AVENUE
DENVER, CO 80202
TEL. (303) 733-1022

DATE: 11/15/00
SCALE: 1"=200'

NO.	DATE	BY	REVISION

ORDINANCE NO. 2007 - 09

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

MYRON HENRY MINER, II
(Property located on the corner of 3rd Street and Gabel Street)

**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 28, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on February 26, 2007 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:

COMMENCE AT THE SOUTHEAST CORNER OF SQUARE 10 IN THE VILLAGE OF MONTROSE (SAID POINT IS THE NORTHWEST CORNER OF THE INTERSECTION OF THIRD STREET AND GABEL STREET) AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN DEED BOOK “E” AT PAGE 388, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND RUN THENCE N-76°00’00”-E, 66 FEET TO AN OLD ½” IRON PIPE MARKER AT THE SOUTHWEST CORNER OF LANDS LOCALLY KNOWN AS SQUARE 27 OF THE VILLAGE OF MONTROSE FOR A POINT OF BEGINNING; THENCE CONTINUE N-76°00’00”-E, 120’ TO A POINT; THENCE RUN N-14°00’04”-W, 208.60 FEET TO A POINT; THENCE RUN S-76°00’00”-W, 120 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THIRD STREET; THENCE RUN S-14°00’04”-E ALONG SAID RIGHT-OF-WAY LINE OF THIRD STREET; 208.60 FEET TO THE POINT OF BEGINNING.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

LEGAL DESCRIPTION**MYRON HENRY MINER, II**

COMMENCE AT THE SOUTHEAST CORNER OF SQUARE 10 IN THE VILLAGE OF MONTROSE (SAID POINT IS THE NORTHWEST CORNER OF THE INTERSECTION OF THIRD STREET AND GABEL STREET) AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN DEED BOOK "E" AT PAGE 388, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND RUN THENCE N-76°00'00"-E, 66 FEET TO AN OLD ½" IRON PIPE MARKER AT THE SOUTHWEST CORNER OF LANDS LOCALLY KNOWN AS SQUARE 27 OF THE VILLAGE OF MONTROSE FOR A POINT OF BEGINNING; THENCE CONTINUE N-76°00'00"-E, 120' TO A POINT; THENCE RUN N-14°00'04"-W, 208.60 FEET TO A POINT; THENCE RUN S-76°00'00"-W, 120 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THIRD STREET; THENCE RUN S-14°00'04"-E ALONG SAID RIGHT-OF-WAY LINE OF THIRD STREET; 208.60 FEET TO THE POINT OF BEGINNING.

**CITY OF DAPHNE
ORDINANCE NO. 2007-10**

**AN ORDINANCE REPEALING ORDINANCE NO. 1994-10 AND ORDINANCE NO.
1999-04 AND ESTABLISHMENT OF SEWER CONNECTION REQUIREMENTS**

WHEREAS the City Council of the City of Daphne, Alabama, believes it to be in the best interest for the health, safety and welfare of its citizens to require the owners of private and public properties to connect to the sanitary sewer system; and

WHEREAS Sections 11-50-53 and 11-50-54 of the Code of Alabama, (1975) authorizes all cities and towns to regulate and compel the connection of private or public premises with the sewer system of said cities and towns and the power to provide for punishment and penalties to any owner of any property who fails to make said connection; and

WHEREAS the City of Daphne previously passed Ordinance No. 1994-10 requiring sewer hook up and controlling use of septic tanks and also empowering the Mayor to grant special exceptions to Ordinance No. 1994-10; and

WHEREAS the City of Daphne previously passed Ordinance No. 1999-04 amending Ordinance No. 1994-10, thereby granting the City Council (rather than the Mayor) authority to grant exceptions to septic tank users and setting forth penalties for violation of Ordinance 1999-04; and

WHEREAS the City of Daphne now deems it necessary to amend the City's ordinance(s) requiring connection to the City sewer system by providing for a more detailed penalty phase for non-compliance therewith; and

WHEREAS the City Council of the City of Daphne feels that it is appropriate to repeal the above referenced ordinances and simultaneously therewith create a new ordinance regulating the connection to City sewer system.

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

SECTION ONE:

The City of Daphne hereby establishes the following ordinance provisions governing the connection to the City sewer system as follows:

1. CONNECTION TO SEWER SERVICE REQUIRED

- (a). It shall be unlawful and an offense against the City for any person to

construct or maintain within the City any dwelling, building or other place where human beings reside, are employed, congregate, rent, lease, use or permit to be used for such purposes which is not provided with facilities for disposal of the bodily discharges connected to a sanitary sewer line in the City.

(b). All private or public premises within the City of Daphne shall be required to connect to the City sewer system within six (6) months after the City sewer system is made available.

(c). It shall be a violation of this ordinance for any person to fail or refuse to connect to the City sewer system.

(d). It shall be a violation of this ordinance for any person required to connect to the City sewer system to fail to pay the connection fee prescribed by the City and/or the Utility providing said sewer service.

(e). It shall be a violation of this ordinance for any person required to connect to the City sewer system to fail to pay any usage fee prescribed by the City and/or the Utility providing said sewer service.

2. REGULATION OF SEPTIC TANKS

The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the City to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the City.

3. USE OF SEPTIC TANK, WHEN SANITARY SEWER AVAILABLE

It shall be unlawful and an offense against the City for any person to empty raw sewage into any septic tank or by any other means or method to privately dispose of such raw sewage after the time prescribed in Section 1 hereof.

4. INSPECTION OF SEPTIC TANKS

All septic tanks within the City shall be subject to inspection or investigation by the Board of Health or its duly authorized representative(s) at all reasonable times and the Board of Health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.

5. PERMIT FOR CONSTRUCTION AND MAINTENANCE OF SEPTIC TANK

(a). It shall be unlawful and an offense against the City for any person to construct a septic tank on any property within the City without first having obtained a permit from their County Board of Health or its duly authorized representative. A copy of said permit will be provided to the City prior to construction of the septic tank. Such permit shall not be issued except in cases where the septic tank is to serve premises where a sanitary sewer is not available. The construction of the septic tank shall be

approved and inspected by the County health officer or his representative before being covered. The permit for the construction of such septic tank shall contain a statement whereby the permittee agrees to connect to a sanitary sewer line when the same becomes accessible as defined in Section Three.

(b) It shall be unlawful and an offense against the City for any person to maintain a septic tank on any property within the City without first having obtained a permit from the City and all said persons shall register within the City the location of said septic tank and provide an inspection report to the City.

6. USE OF DEFECTIVE SEPTIC TANK

It shall be unlawful for a person to use or permit the use of a septic tank which is defective, unclean or for any reason unsanitary or which does not conform to the provisions of this ordinance.

7. SPECIAL EXCEPTIONS

(a) The Board of Zoning Adjustment of the City of Daphne is hereby authorized to grant limited special exceptions to the requirements of this ordinance upon determination that compliance with the provisions thereof would impose a substantial hardship on the property owner. In determining whether a substantial hardship exists, the Board of Zoning Adjustment may consider all relevant facts and circumstances, including but not limited to: (1) the age of the improvements upon the property in relation to the availability of sewer; (2) the age and condition of the septic tank or other septic system servicing such premises; (3) the size, dimensions and topographic configuration of the property upon which the premises is located; (4) the distance from any improvements on said private or public premises from the City sewer system.

(b) The Board of Zoning Adjustment shall not be authorized to grant any exception unless (1) it is determined that the septic system servicing such premises has been approved by the State Public Health Department and (2) evidence of an inspection by the Health Department that said septic services are working properly and is submitted to the Board of Zoning Adjustment. There must be a majority vote of the Board of Zoning Adjustment when granting exceptions in excess of one (1) year. Any exception which may be granted shall be subject to user charges and other fees as may be contained in any resolution(s) of the utility service provider or user fees that are changed by the utility service provider.

8. APPEAL

In the event any applicant is not satisfied with the decision of the Board of Zoning Adjustment concerning the request for exemption, such applicant shall notify the Board of Zoning Adjustment for the City of Daphne within 15 days of the Board's decision of his/her intent to appeal to the Circuit Court of Baldwin County in accordance with the provisions of the City of Daphne Land Use Ordinance.

9. ENFORCEMENT

A. Failure to do any of the following shall be considered a violation of this ordinance:

1. Failure to connect
2. Failure to pay connection fees
3. Failure to pay usage fees

When directed by the City of Daphne and/or the Utility providing service 1) to connect to the sewer service, and/or 2) pay the required connection fee, and/or 3) to pay usage fees established by the providing Utility, each person so directed must comply within 15 days from the date of receipt of the bill or direction to connect. After the 15 day period, each day of non-compliance shall constitute a new and separate offense subject to penalties to be imposed by the Municipal Court_ expressed herein.

B. Penalties:

A violation of the provisions of this ordinance shall be punishable by a fine of not less than \$10.00 nor more than \$100.00 per day of violation and each day of non-compliance following the 15th day after notice shall be considered a separate offense.

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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION THREE: REPEALER

That Ordinance No. 1994-10 and Ordinance No. 1999-04 be and are hereby specifically repealed and that any other Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict 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 THE _____ DAY OF _____, 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date and Time Signed: _____

FRED SMALL,
MAYOR
Date and Time Signed: _____

ATTEST:

DAVID L. COHEN
City Clerk, MMC

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Sewer Connection Requirements
Date: February 27, 2007

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, February 22, 2007, eight members were present and the vote was unanimous 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.

The ordinance was prepared by and shall be forwarded by the City Attorney.

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

Thank you,

WHE/jd

cc: file

ORDINANCE 2007-11

**An Ordinance Adopted a Pay and Classification Plan:
Sworn Public Safety Employees**

WHEREAS, the City of Daphne has heretofore adopted Ordinance 2004-52 whereby a Pay and Classification Plan was established for all City of Daphne employees; and

WHEREAS, surveys of certain surrounding municipalities indicate that the rates of pay for certain City of Daphne sworn public safety employees are not competitive with the pay ranges of surrounding municipalities; and

WHEREAS, in order to retain current sworn public safety employees and attract prospective employees, the City Council deems it necessary to implement a separate Pay and Classification Plan for Sworn Public Safety employees.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

Section 1: Adoption of Pay Plan Table.

The Pay Table attached hereto as Exhibit A is hereby established as the City of Daphne Sworn Public Safety Employees Pay Table (hereinafter referred to as "Pay Table"). Such Pay Table shall be amended from time to time as cost-of-living increases are approved and adopted by the City Council.

Future cost-of-living increases shall be granted at the discretion of the City Council and approved with the adoption of the budget, or at any other such time as the Council may determine. Any future cost-of-living adjustments as approved and adopted by the City Council shall be applied uniformly to all job grades and steps and the Pay Table shall be adjusted accordingly.

Section 2: Adoption of Job Classification Schedule.

A) The following sworn public safety positions are hereby deleted from the Job Classification Schedule as heretofore adopted by Ordinance 2004-52:

Patrol Officer	Firefighter
School Resource Officer	Fire Safety Educator
Detective	Fire Inspector
Police: Corporal	Fire: Lieutenant
Police: Sergeant	Fire Marshal
Police Lieutenant	Fire: Captain
Police Captain	Fire Chief
Police Chief	Police Corporal-Detective

B) The following Job Classification positions are hereby created:

Fire Medic
Fire Battalion Chief

C) The following Job Classification Schedule is hereby established as the City of Daphne Sworn Public Safety Employees Classification Schedule:

- Grade 20: Patrol Officer
Firefighter
Fire Safety Educator
School Resource Officer
- Grade 21: Detective
Fire Medic
- Grade 22: Police: Corporal
Fire Inspector
Fire Lieutenant
- Grade 25: Police Sergeant
- Grade 26: Fire Marshal
- Grade 29: Police Lieutenant
Fire Battalion Chief
- Grade 32: Police Captain
- Grade 37: Fire Chief
- Grade 39: Police Chief

Subsequent revisions or amendments to such Job Classification Schedule shall be approved by the City Council.

Section 3: Pay and Classification Plan Implementation.

The Pay and Classification Plan will be implemented as follows:

- 1) Sworn Public Safety 80/84 hour employees: \$ 3.76 will be added to the pay rate in effect the day prior to the implementation of this Pay Table; if the computed rate does not fall on a step as set forth in the Pay Table, then the rate shall be adjusted up to the next step closest to the computed pay rate.
- 2) Sworn Public Safety 216 hour employees: \$ 2.79 will be added to the pay rate in effect the day prior to the implementation of this Pay Table; if the computed rate does not fall on a step as set forth in the Pay Table, then the rate shall be adjusted up to the next step closest to the computed pay rate.

- 3) Police Captains/Chief: \$ 2.00 will be added to the pay rate in effect the day prior to the implementation of this Pay Table; if the computed rate does not fall on a step as set forth in the Pay Table, then the rate shall be adjusted up to the next step closest to the computed pay rate.

Section 4: Authorization for revisions to existing Personnel Handbook.

The Human Resources Director is hereby authorized to draft and incorporate any appropriate amendments to the Personnel Handbook to the extent that the provisions of this Ordinance conflict with the current handbook.

Section 5: Severability.

The provisions of this ordinance shall supersede any conflicting provisions of any other ordinance(s) or resolution(s) previously adopted which pertain to the establishment of a Pay and Classification Plan.

Should any provision(s) of the Ordinance be declared to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 6. Effective Date.

The provisions of this ordinance shall be effective with the pay period beginning April 12, 2007.

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

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

City of Daphne
Public Safety
Pay Table

GRAD	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20										
1	20,332	9.78	20,782	9.99	21,232	10.21	21,682	10.42	22,132	10.64	22,582	10.86	23,032	11.07	23,482	11.29	23,932	11.51	24,382	11.72
2	21,736	10.45	22,230	10.69	22,722	10.92	23,214	11.16	23,706	11.40	24,198	11.63	24,690	11.87	25,182	12.11	25,674	12.34	26,166	12.58
3	22,932	11.03	23,447	11.27	23,962	11.52	24,477	11.77	24,992	12.02	25,507	12.26	26,022	12.51	26,537	12.76	27,052	13.01	27,567	13.25
4	24,337	11.70	24,894	11.97	25,451	12.24	26,008	12.50	26,565	12.77	27,122	13.04	27,679	13.31	28,236	13.58	28,793	13.84	29,350	14.11
5	25,533	12.28	26,111	12.55	26,689	12.83	27,267	13.11	27,845	13.39	28,423	13.66	29,001	13.94	29,579	14.22	30,157	14.50	30,735	14.78
6	26,717	12.84	27,317	13.13	27,917	13.42	28,517	13.71	29,117	14.00	29,717	14.29	30,317	14.58	30,917	14.86	31,517	15.15	32,117	15.44
7	27,913	13.42	28,534	13.72	29,155	14.02	29,776	14.32	30,397	14.61	31,018	14.91	31,639	15.21	32,260	15.51	32,881	15.81	33,502	16.11
8	29,328	14.10	29,992	14.42	30,656	14.74	31,320	15.06	31,984	15.38	32,648	15.70	33,312	16.02	33,976	16.33	34,640	16.65	35,304	16.97
9	30,502	14.66	31,187	14.99	31,872	15.32	32,557	15.65	33,242	15.98	33,927	16.31	34,612	16.64	35,297	16.97	35,982	17.30	36,667	17.63
10	31,708	15.24	32,415	15.58	33,122	15.92	33,829	16.26	34,536	16.60	35,243	16.94	35,950	17.28	36,657	17.62	37,364	17.96	38,071	18.30
11	33,123	15.92	33,873	16.29	34,623	16.65	35,373	17.01	36,123	17.37	36,873	17.73	37,623	18.09	38,373	18.45	39,123	18.81	39,873	19.17
12	34,297	16.49	35,068	16.86	35,839	17.23	36,610	17.60	37,381	17.97	38,152	18.34	38,923	18.71	39,694	19.08	40,465	19.45	41,236	19.83
13	35,713	17.17	36,527	17.56	37,341	17.95	38,155	18.34	38,969	18.74	39,783	19.13	40,597	19.52	41,411	19.91	42,225	20.30	43,039	20.69
14	36,918	17.75	37,754	18.15	38,590	18.55	39,426	18.95	40,262	19.36	41,098	19.76	41,934	20.16	42,770	20.56	43,606	20.96	44,442	21.37
15	38,092	18.31	38,949	18.73	39,806	19.14	40,663	19.55	41,520	19.96	42,377	20.37	43,234	20.79	44,091	21.20	44,948	21.61	45,805	22.02
16	39,288	18.89	40,166	19.31	41,044	19.73	41,922	20.15	42,800	20.58	43,678	21.00	44,556	21.42	45,434	21.84	46,312	22.27	47,190	22.69
17	40,493	19.47	41,393	19.90	42,293	20.33	43,193	20.77	44,093	21.20	44,993	21.63	45,893	22.06	46,793	22.50	47,693	22.93	48,593	23.36
18	41,867	20.14	42,830	20.59	43,773	21.04	44,716	21.50	45,659	21.95	46,602	22.40	47,545	22.86	48,488	23.31	49,431	23.76	50,374	24.22
19	43,083	20.71	44,047	21.18	45,011	21.64	45,975	22.10	46,939	22.57	47,903	23.03	48,867	23.49	49,831	23.96	50,795	24.42	51,759	24.88
20	44,477	21.38	45,484	21.87	46,491	22.35	47,498	22.84	48,505	23.32	49,512	23.80	50,519	24.29	51,526	24.77	52,533	25.26	53,540	25.74
21	45,672	21.96	46,700	22.45	47,728	22.95	48,756	23.44	49,784	23.93	50,812	24.43	51,840	24.92	52,868	25.42	53,896	25.91	54,924	26.41
22	46,902	22.55	47,955	23.06	49,008	23.56	50,061	24.07	51,114	24.57	52,167	25.08	53,220	25.59	54,273	26.09	55,326	26.60	56,379	27.11
23	48,161	23.15	49,242	23.67	50,323	24.19	51,404	24.71	52,485	25.23	53,566	25.75	54,647	26.27	55,728	26.79	56,809	27.31	57,890	27.83
24	49,418	23.76	50,527	24.29	51,636	24.83	52,745	25.36	53,854	25.89	54,963	26.42	56,072	26.96	57,181	27.48	58,290	28.02	59,399	28.56
25	50,687	24.37	51,825	24.92	52,963	25.46	54,101	26.01	55,239	26.56	56,377	27.10	57,515	27.65	58,653	28.20	59,791	28.75	60,929	29.29
26	51,944	24.97	53,110	25.53	54,276	26.09	55,442	26.65	56,608	27.22	57,774	27.78	58,940	28.34	60,106	28.90	61,272	29.46	62,438	30.02
27	53,202	25.59	54,492	26.14	55,684	26.68	56,884	27.24	58,084	27.81	59,284	28.38	60,484	28.97	61,684	29.54	62,884	30.11	64,084	30.69
28	54,469	26.19	55,892	26.78	56,915	27.36	58,138	27.95	59,361	28.54	60,584	29.13	61,807	29.71	63,030	30.30	64,253	30.89	65,476	31.48
29	55,738	26.80	56,990	27.40	58,242	28.00	59,494	28.60	60,746	29.20	61,998	29.81	63,250	30.41	64,502	31.01	65,754	31.61	67,006	32.21
30	56,985	27.40	58,284	28.01	59,543	28.63	60,822	29.24	62,101	29.86	63,380	30.47	64,659	31.09	65,938	31.70	67,217	32.32	68,496	32.93
31	58,254	28.01	59,662	28.64	60,870	29.26	62,178	29.89	63,486	30.52	64,794	31.15	66,102	31.78	67,410	32.41	68,718	33.04	70,026	33.67
32	59,512	28.61	60,948	29.25	62,184	29.90	63,520	30.54	64,856	31.18	66,192	31.82	67,528	32.47	68,864	33.11	70,200	33.75	71,536	34.39
33	60,780	29.22	62,145	29.88	63,510	30.53	64,875	31.19	66,240	31.85	67,605	32.50	68,970	33.16	70,335	33.81	71,700	34.47	73,085	35.13
34	62,037	29.83	63,430	30.50	64,823	31.16	66,216	31.83	67,609	32.50	69,002	33.17	70,401	33.85	71,788	34.51	73,181	35.18	74,574	35.85
35	63,296	30.43	64,717	31.11	66,138	31.80	67,559	32.48	68,980	33.16	70,401	33.85	71,822	34.53	73,243	35.21	74,664	35.90	76,085	36.58
36	64,553	31.04	66,002	31.73	67,451	32.43	68,900	33.13	70,349	33.82	71,798	34.52	73,247	35.21	74,696	35.91	76,145	36.61	77,594	37.30
37	65,811	31.64	67,288	32.35	68,765	33.06	70,242	33.77	71,719	34.48	73,196	35.19	74,673	35.90	76,150	36.61	77,627	37.32	79,104	38.03
38	67,078	32.25	68,584	32.97	70,090	33.70	71,596	34.42	73,102	35.15	74,608	35.87	76,114	36.59	77,620	37.32	79,126	38.04	80,632	38.77
39	68,327	32.85	69,860	33.59	71,383	34.32	72,926	35.06	74,459	35.80	75,992	36.53	77,525	37.27	79,058	38.01	80,591	38.75	82,124	39.48

ORDINANCE 2007-12

**An Ordinance Amending the FY 2007 Budget:
Public Safety Pay Adjustment**

WHEREAS, Ordinance 2006-75 as heretofore amended by Ordinance 2006-78 and 2007-04 approved and adopted the Fiscal Year 2007 Budget; and

WHEREAS, such budget includes a scheduled fund balance draw in the amount of \$ 1,210,000; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2007 budget, the City Council has determined that certain sworn public safety employees are being compensated at a rate that is not competitive with surrounding municipalities; and

WHEREAS, the City Council has determined that a pay adjustment is necessary in order to retain current sworn public safety employees and attract prospective employees; and

WHEREAS, the total Fiscal Year 2007 cost of such pay adjustment effective April 12, 2007 is \$ 361,235.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

The Fiscal Year 2007 budget is hereby amended as attached hereto as Exhibit A in order to fund the pay adjustment for sworn public safety employees.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

2007 Budget Amendments

	<u>2/26/2007</u>	
2007 Adopted Budget	(1,210,000)	
Public Safety Pay Adj, 4-1-2007	(361,235)	
Remove 10 New Positions	387,189	(approved with capital budget)
<u>Approve 7 New Positions Pro-Rated as of 3-1-2007:</u>		
3 Firefighters	(65,293)	
Site Containment Inspector	(23,917)	
2 Library Svc Tech	(36,910)	
Civic Center EventsSvc Supervisor	(19,720)	
Promotions: Fire Lieutenants	(17,500)	
Promotion: Mowing Sr Worker	(2,695)	
Promotions: Parks Sr Worker	(5,390)	
	<u>(171,425)</u>	
Departmental Operating Reductions	193,275	
Revised Expenditures>Revenues	<u>(1,162,196)</u>	

ORDINANCE NO. 2007 - 13
Ordinance to Rezone Property Located on Pinehill Drive (13.41 Acres)
The Marino Family Trust

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

Legal Description:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N89°05'28"W, 2720.09 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN N89°05'128"W, 557.88 FEET TO A POINT; THENCE RUN N0°02'9127"E, 212.50 FEET TO A POINT; THENCE RUN N88 0° 13 '03 "W, 3 70.44 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PINE HILL. ROAD; THENCE RUN NORTHWESTWARDLY ALONG SAID LINE, AND ALONG A CURVE TO THE LEFT (CURVE HAVING A RADIUS OF 992.95, AND A DELTA ANGLE OF 8°49'49"), AN ARC LENGTH OF 153.03 FEET (CHORD BEARS N14°03'6"38"W, 152.88 FEET) TO THE P.T. THEREOF; THENCE RUN N0°02'9'27"E, 64.71 FEET TO A POINT; THENCE RUN S89°03'8'50"E, 338.42 FEET TO A POINT; THENCE RUN N00°27'15"E, 203.28 FEET TO A POINT; THENCE RUN S89°01'2'59"E, 1187.13 FEET TO A POINT; THENCE RUN S0°02'9'27"W, 233.37 FEET TO A POINT; THENCE RUN N89°01'2'53"W, 557.38 FEET TO A POINT; THENCE RUN S0°02'9' 27"W, 396.32 FEET TO THE POINT OF BEGINNING CONTAINING 13.41 ACRES.

WHEREAS, the Planning Commission of the City of Daphne on January 25, 2007 has considered said request and set forth a negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, March 5, 2005 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Multi-Family Residential District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

CITY OF DAPHNE

ORDINANCE NO. 2007 - 14

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

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

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

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

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

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

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00E45'37" EAST, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00E45'37: EAST, LEAVING SAID NORTH RIGHT-OF- WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN NORTH 81E21'57" EAST ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN SOUTH 00E54'09" WEST, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN SOUTH 89E02'25" WEST ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

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

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

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

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

GREG BURNAM
COUNCIL PRESIDENT
Date & Time signed: _____

FRED SMALL
MAYOR
Date & time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2007-15**

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

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

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

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2007; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

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

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date and Time Signed: _____

FRED SMALL,
MAYOR
Date and Time Signed: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC