

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

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

- 3. APPROVE MINUTES:** Work Session Minutes meeting held March 15, 2007
 Council minutes meeting held March 19, 2007

- PUBLIC HEARINGS:**
- 1.) Annexation: Vilai Marino Trust / Property located SE of the intersection of Pollard Road & County Road 64
Requested Zoning – B-2, General Business District /
Ordinance 2007-17
 - 2.) Annexation: Old Field Subdivision / Property located on AL State Hwy 181 / Requested Zoning B-1,
Local Business District / **Ordinance 2007-18**
 - 3.) Rezoning: Malbis Plantation / Property located on SW Corner of the Intersection of Lawson Road & County Road 13 / 14 Acres / Requested Zoning was B-2, General Business District, **which was not approved**, / The Planning Commission approved B-1, Local Business District /
Ordinance 2007-19

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

Review minutes meeting held March 19th

a.) MOTION:

To extend the current Disaster Debris Removal & Disposal Bid through June 5, 2007
(*See Attorney's Report*)

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

a.) Review minutes meeting held March 23rd

b.) Review Beautification Committee minutes meeting held March 2nd

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

a.) Review minutes meeting held March 1st

b.) Re-appoint Glenn Swaney to Board – Term ending April, 2010

B. Downtown Redevelopment Authority - Barnette

a.) Review minutes meeting held March 12th

b.) Re-appoint Starke Irvine and Kit Smith – Terms ending April, 2010

C. Industrial Development Board - Yelding

D. Library Board - Lake

- E. Planning Commission – Barnette**
- F. Recreation Board - Palumbo**
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) *Prepaid Travel for Sandra Cushway and Tony Cross / Public Works Dept. / Attend Enviromental Resource Center – Hazardous Waste Management Conference / New Orleans, LA/ April 16 -18, 2007 / \$105 / Resolution 200-27*
- b.) *ABC License / Top of the Bay / 010 - Lounge Retail Liquor – Class I*
- c.) *ABC License / The Nautilus / 020 – Restaurant Retail Liquor*
- d.) *ABC License/ Jubilee Stop, Inc / 170 Retail Table Wine – (Off Premises Only) / 050 – Retail Beer / Off Premises Only)*

B. City Attorney’s Report

- a.) Disaster Debris Removal & Disposal Bid

C. Department Head Comments

- a.) David Cohen – City Clerk – May Day Park Recreational Trails Grant / **MOTION NEEDED**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Acceptance of Streets & Drainage / Located in the Eastern Shore Park Subdivision/Resolution 2007-25**
- b.) **Safety Award Program for Employees of the City of Daphne /Resolution 2007-26**
- c.) **Prepaid Travel / Cushway / Cross..... /Resolution 2007-27**

ORDINANCES:

2ND READ

- a.) **Amending Ordinance 2006-47 Which Re-established Policy and Procedure for Improving Sewer Service for the Citizens of Daphne, AL..... /Ordinance 2007-16**

1ST READ

- b.) **Annexation: Vilai Marino Trust / Property located on SE of the Intersection of Pollard Road and County Road 64. /Ordinance 2007-17**
- c.) **Annexation: Old Field Subdivision / Property located on AL Hwy 181. /Ordinance 2007-18**
- d.) **Rezoning: Property located on SW corner of the intersection of Lawson Road and County Road 13 / Malbis Plantation. /Ordinance 2007-19**
- e.) **Highway 90 Sewer Assessment. /Ordinance 2007-20**
- f.) **Consent by Council to Transfer Real Property / Utility Board. /Ordinance 2007-21**

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

MARCH 15, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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COUNCIL MEMBERS PRESENT: John Lake; Greg Burnam; Ron Scott; August Palumbo.

ABSENT: Bailey Yelding Cathy Barnette; Regina Landry

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Mr. Eady, Planning Director; Captain Kenny Hanak, Fire Dpt.; David Carpenter, Police Chief; Captain Joey Holasz, Fire Dpt.; Captain Scott Taylor, Police Dpt.; Lt. Danny Bell, Police Dpt.; Police Officers; Melinda Immel, Volkert & Associates.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:45 p.m.

2. DISCUSS: MORATORIUM ON HIGHWAY 181 / JAY ROSS

Mr. Ross reported that the city by itself cannot impose a moratorium because the area is outside of the city limits and comes under the Baldwin County Planning jurisdiction. He stated that the if the county agreed they could work with the county on a moratorium.

Council discussed writing a letter to the county expressing support for a moratorium.

2. HIGHWAY 90 SEWER ASSESSMENT / CHANGE TO ORDINANCE 2006-47 / MELINDA IMMEL / VOLKERT & ASSOCIATES

Mrs. Immel stated that the old ordinance limits what you can assess, and the amended ordinance makes it more general. She stated that she has met, as requested at the public hearing, with the participants and will be meeting again with them.

3. DISCUSS: PRESENTATION ON LAKE FOREST / VICTORIA PHELPS / JOHN PETERSON

Mr. Peterson gave an introduction to Ms. Phelps presentation. The presentation gave a long range plan for improvements to the Lake Forest infrastructure which includes a walking trail in the median, curbs, and a biking trail.

4. DISCUSS: PUBLIC SAFETY PAY ADJUSTMENT

Council discussed the submitted pay plan, the budget and where they would find the recurring funds to finance the adjustment as it stands.

**MARCH 15, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
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Mr. Cohen submitted questions from Mrs. Barnette, who was absent, stating that she would have a pay plan to submit on Monday.

5. ADJOURN

There being no further business to discuss, the meeting adjourned at 8:43 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,
Council President
Date & Time Signed: _____

**MARCH 19, 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 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman John Lake gave the invocation.

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

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Betsy Turner, 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; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Suzanne Henson, Senior Accountant; Ed Kirby, Code Enforcement Officer; Fire and Police Department Employees; Melinda Immel, Volkert & Associates; Lon Johnston, Utility Board; Willie Robison, BZA

Absent: Jay Ross, City Attorney

3. APPROVE MINUTES:

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The committee met before the Council meeting and the minutes will be in the next packet.

MOTIONS:

1. Library Master Plan

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with Hatch Mott MacDonald to do the Library Master Plan. *Seconded by Ms. Landry.*

ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2. Daphne Middle School Band

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract with the Daphne Middle School in the amount of \$2,000, which will come from the undesignated contribution line item. Seconded by Mr. Yelding.

AYE Yelding, Lake, Scott, Landry, Palumbo

NAY Barnette, Burnam

MOTION CARRIED

Treasurers Report / February 28, 2007

MOTION BY Mr. Scott to accept the Treasurers Report with a balance in the amount of \$27,176,556.32. Seconded by Mr. Yelding.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

SALES AND USE TAX / January 31, 2007

Collections exceeded the budget by \$9,600, and as of now the collections are \$7,000 under budget.

LODGING TAX COLLECTION / January 31, 2007

Last month collections were \$6,000 under what was collected at the same time last year. The same amount was collected in January of this year as was collected in January 2006.

AD VALOREM TAXES

\$2.9 million was budget and \$3.1 million was collected.

B. Buildings and Property Committee – Lake

The minutes for the March 2nd meeting are in the packet.

Mr. Richard Merchant, Building Official, explained the changes made to the IBC Ordinance after meeting with the County and surrounding cities. Changes were to Sections R. 106.1, Submittal of documents, 905.2.3.1.1.1 Roofing material, 905.2.6.1.1.1 Number of roofing shingle fasteners.

Mr. Lake stated at the last meeting the committee voted to recommend refunding the deposit for the Human Society for 2008 in the amount of \$450.00. Mr. Lake said that they have a new director and that they are taking fund raising in a different direction.

MOTION BY Mr. Lake to refund \$450.00 to the Humane Society for their deposit on the facilities for 2008. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam backed up to consider a motion that was overlooked to reject the bid for debris removal.

Mr. Scott stated that after the bid opening they received information that FEMA had changed the guidelines for stump removal, and since the companies did not have this information they thought it best to re-bid.

Mrs. Henson stated that the advice received from the League of Municipalities on this issue was that to be on the safe side they should re-bid.

Council discussed this issue at length.

Attorney Shawn Alves was present to represent the company that had the lowest bid. He stated that this was not fair because now everyone knows what his clients bid is, and the other companies can come back and under bid them. He stated that the stump removal can be handled in the contract and does not need to be re-bid.

Council decided to table the issue until the City Attorney can do some research and get back with them.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the March 6th meeting are in the packet, and no Council action is needed. The next meeting will be April 3rd.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The committee will meet on the 1st Tuesday of the month if there are any ordinances to consider.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report. The next meeting will be the last Friday of the month at 8:00 a.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

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There will be a meeting on April 5th at 6:00 p.m. with one (1) appeal, a special exception for a home day care at 1402 Maple Drive which is zoned R-1.

B. Downtown Redevelopment Authority – Barnette

Mrs. Barnette was not present at the last meeting and asked Mrs. Hayes to give a report.

Mrs. Hayes reported that the members are still working on funding for the Authority and finding a way to get the utilities underground. The Architectural Review Committee is making progress with coming up with a standard for the Olde Towne District. Hopefully, they will have something to present to the Council soon.

C. Industrial Development Board – Yelding

The board has not met since they do not have a quorum. Mr. Yelding stated that they are looking for members from districts 1, 6, 7.

Mr. Palumbo stated that he had sent a resume for consideration to the Council for appointment to the board.

MOTION BY Mr. Palumbo to appoint Mr. Dan Romanchuk to the Industrial Development Board. Term to expire December, 2012. Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. Library Board – Lake

The minutes for the March 12th meeting are in the packet. He reported that library usage continues to grow, it is up over 16% from last year.

E. Planning Commission – Barnette

The minutes for the February 22nd meeting are in the packet. The Planning Commission meeting will be Thursday at 6:00 p.m.

Mr. Eady addressed a motion recommended by the Planning Commission for a hydraulic and feasibility study for the Lake Forest Water shed not to exceed \$40,000.

Mrs. Barnette stated that the Commission is requesting this study because of the development on Highway 90. She said that they need to know where the water comes from and where to store it.

MOTION BY Mr. Scott to approve a hydraulic and feasibility study for the Lake Forest Water Shed not to exceed the amount of \$40,000. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Palumbo

The board has not met due to a lack of a quorum. The next meeting is scheduled for March 21st at 6:00 p.m. Mr. Palumbo mentioned that there is one (1) opening on the board.

G. Utility Board – Scott

No report.

6. REPORTS OF THE OFFICERS:

A. *Mayor’s Report*

a.) *AIG Baker Land Swap / Resolution 2007-18*

Mayor Small stated that this is for a new business that needs more room. He said that this will add to the city’s existing area.

Mr. Lake asked the Mayor to set up a meeting with AIG Baker regarding doing a sidewalk trail along the lake behind the stores, maybe putting in some picnic tables so the citizens can enjoy the beautiful view of the lake.

B. *City Attorney’s Report*

Mrs. Turner stated that NOAA has asked that additional language be added to the deed for the Tonsmiere property which is a declaration of restrictions on the property and to have it recorded. She stated that a motion is needed to allow the Mayor to execute the change.

MOTION BY Mrs. Barnette to authorize the Mayor to execute the declaration of restrictions requested by NOAA for the Tonsmiere property. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. *Department Head Comments*

Kenneth Hanak – Fire Chief – reported that repairs on the backup fire truck have been completed and it is back in service.

Mr. Eady – Planning Director – introduced the planner that was hired several months ago, Ms. Adrian Jones.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – 23 Signal Hill, Spanish Fort & business owner in Daphne – spoke in favor of approving the pay plan presented by Public Safety. He said that safety is a priority.

Ms. Angela Mayer – 110 Meadowbrook – stated that safety is an important issue and spoke in support of the pay plan.

Mr. Charlie McNichol – Van Avenue – spoke in support of the pay plan presented to Council by Public Safety. He stated that he would support a ½% sales tax increase.

Mr. Willie Robison – 560 Stuart Street – stated that safety is top priority. He said you need to pay the people and take care of Public Safety people.

Mrs. Chris Dawson – 103 Jason Circle – spoke in favor of the pay plan presented by Public Safety.

Mrs. Donna Scully – 511 Parkwood Avenue – related her experience of her child being rescued by the Police Department and spoke in favor of the pay plan submitted for Public Safety.

Mr. John Coulter – 602 Ridgewood Drive – stated that the Police and Fire Departments have always responded quickly and professionally to calls in his neighborhood and he said that they deserve a living wage and he would endorse a ½% sales tax increase.

Mr. Lon Johnston – 316 Whiting Court – spoke in favor of the pay plan submitted by Public Safety and stated that if needed budgets could be scaled back and if necessary implement an increase in sales tax.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Setting Public Hearing Date to consider the International Building Code**/Resolution 2007-17
- b.) **AIG Baker Development Agreement / Fifth Amendment and Supplement** /Resolution 2007-18
- c.) **Bid Award: Automated Refuse Collection Truck.**/Resolution 2007-19
- d.) **Bid Award: Playground Equipment**/Resolution 2007-20
- e.) **Bid Award: Public Safety Applications Software.**/Resolution 2007-21
- f.) **Prepaid Travel / Cohen**/Resolution 2007-22
- g.) **Request AL State Legislature Ban Gill Net Fishing**/Resolution 2007-23
- h.) **Declare Certain Property Surplus & Authorize Mayor to Dispose of Such Property**/Resolution 2007-24

MOTION BY Mr. Scott to waive the reading of Resolutions 2007-17, 2007-18, 2007-19, 2007-20, 2007-21, 2007-22, 2007-23 and 2007-24. *Seconded by Mrs. Barnette .*

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

MOTION BY Mr. Scott to adopt Resolution 2007-17. *Seconded by Mr. Yelding.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-18. *Seconded by Mrs. Barnette.*

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

MOTION BY Mr. Scott to adopt Resolutions 2007-19, 2007-20, 2007-21. *Seconded by Mr. Yelding.*

Mr. Scott stated that these resolutions were unanimously recommended by the Finance Committee.

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

MOTION BY Mr. Scott to adopt Resolution 2007-22. *Seconded by Mr. Yelding.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-23. *Seconded by Mrs. Barnette.*

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

MOTION BY Mr. Scott to adopt Resolution 2007-24. *Seconded by Mr. Yelding.*

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

MOTION CARRIED

ORDINANCES:

2ND READ

- a.) **Establishing Sewer Connection Requirements / Repealing 1994-10 and 1999-04/Ordinance 2007-10**
- b.) **Pay and Classification Plan: Sworn Public Safety Employees./Ordinance 2007-11**
- c.) **Amending the FY 2007 Budget: Public Safety Pay Adjustment/Ordinance 2007-12**
- d.) **Amending Land Use & Development Ordinance / Extending Boundaries of the Eastern Shore Park Overlay District./Ordinance 2007-14**
- e.) **Amending the Land Use & Development Ordinance / Revision to Zoning Map/Ordinance 2007-15**

1ST READ

- f.) **Amending Ordinance 2006-47 Which Re-established Policy and Procedure for Improving Sewer Service for the Citizens of Daphne, AL./Ordinance 2007-16**

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2007-10. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2007-10. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Ordinance 2007-11. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2007-11. *Seconded by Ms. Landry.*

Council discussed an alternate pay plan submitted by Mrs. Barnette

MOTION BY Mr. Palumbo to suspend the rules to table this Ordinance in favor of the alternate pay plan. *Seconded by Mr. Lake.*

MOTION BY Mrs. Barnette to recess for 10 minutes. *Seconded by Mr. Lake.*

AYE Barnette, Lake, Palumbo

NAY Yelding, Scott, Landry, Burnam

MOTION FAILED

VOTE ON MR. PALUMBO'S MOTION TO TABLE ORDINANCE 2007-11.

ROLL CALL VOTE

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

AYE Barnette, Lake, Palumbo

NAY Yelding, Scott, Landry, Burnam

MOTION FAILED

MOTION BY Mrs. Landry to adopt 2007-11. *Seconded by Mr. Scott.*

ROLL CALL VOTE

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

AYE Yelding, Scott, Landry, Burnam

NAY Barnette, Lake, Palumbo

MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Ordinance 2007-12. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

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

MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2007-14 and 2007-15. *Seconded by Mr. Yelding.*

AYE ALL IN AVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2007-14. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2007-15. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ordinances 2007-16 WAS MADE A FIRST READ.

9. COUNCIL COMMENTS

Mrs. Barnette stated that they made the wrong decision tonight regarding the Public Safety Pay Plan. She said that they need to have someone to address this issue, that it is not over and that they will see it again. She stated that maybe they should go ahead and get a wage study going, because it is not even close to being over. *Mrs. Barnette* stated that it would have been nice, and in the future she hopes, that as issues come before the city that

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the Council can be made aware of them before they pass the budget. She thinks that they made a bad move financially, but she is glad that the guys have a raise, but they did not do their due diligence. She thinks it is a shame that they did not take a recess so that folks could have poured over the information. She stated that this has never been an issue of value, but how they were going to do it. She stated that the Finance Committee made a unanimous recommendation to the Council to adopt this, and they talk about tightening the budget, but everything before them was a recommendation to spend the money from the Finance Committee, as well. She said that they have some work to do.

Mr. Lake said that if the Council remembers back to when they did the first pay exceptions several years ago that he told them that this would come back to bite them, and he said that this would also come back to bite them. He stated that he would not support an increase in sales tax. He said that Daphne is already the highest, and if they raised the taxes then the businesses will not be able to be competitive. He restated that he will not support a sales tax, and asked not to bring it up to him again. He said that it is the most aggressive form of taxation when you tax things people need to live like food, medication, etc.

Mr. Scott stated that he is glad that the vote went the way that it did. He stated that he hoped that all the Public Safety employees know that this entire seven (7) member Council have their best interest at heart. He stated that how they get there sometimes some times involve disagreements, and reasonable people can disagree reasonably, and he feels that that is what has taken place over the last couple of months that they have been discussing this issue. He said that he appreciated the patience of the Public Safety employees and their willingness to work with the Council. He thanked all the staff of the city, because they have made them jump through hoops getting all kinds of information for them. He promised them that their Finance Committee is diligent and they will be looking hard at ways that they can save the city money in other areas. He feels that you will not find anyone on the Council that is in favor of a sales tax increase. He stated that they need to look into some other avenues where they can increase some revenues and also to decrease expenses.

Mr. Palumbo said that there was not a word said there tonight that they had the money to do, but they did it based on what they might find, and how they might find it. He said that show me the money is the point that they were trying to make. He is sorry for the other 200 employees, loyal workers in the city who were totally ignored in this process. He just hopes that come October 1 they roll a seven.

10. ADJOURN

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

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:50 P.M.

Respectfully submitted by,

Certification of Presiding Officer:

David L. Cohen,

Greg Burnam.

MARCH 19, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.
City Clerk, MMC

12

Council President
Date & Time Signed: _____

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Annexation - Vilia Marino
Lot 2, Jubilee Ridge
Subdivision
Date: January 26, 2007

MEMORANDUM

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 affirmative recommendation of the above-mentioned ordinance.

The property owner is requesting B-2, General Business, zoning.

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA
COUNTY OF BALDWIN

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

The undersigned, Vilai Marino, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Lot 2, Jubilee Ridge Subdivision 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, Vilai Marino, 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:

B-2, General Business

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 22 day of DECEMBER, 2006.

Respectfully submitted,

By: Vilai Marino

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that VILAI MARINO whose name 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 25 day of DECEMBER, 2006.

[Signature] (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: June 2, 2011

My Commission Expires June 2, 2011

MARINO ANNEXATION
LOT 2, JUBILEE RIDGE SUBDIVISION
EXHIBIT "A"

EXHIBIT "A"

File No.: ATT-056479373

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01 DEGREE 29 MINUTES WEST 442.12 FEET; THENCE NORTH 89 DEGREE 55 MINUTES 38 SECONDS EAST 389.85 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00 DEGREE 33 MINUTES 30 SECONDS WEST 883.60 FEET; THENCE NORTH 89 DEGREE 48 MINUTES 53 SECONDS EAST 662.50 FEET; THENCE NORTH 00 DEGREE 20 MINUTES 23 SECONDS EAST 984.12 FEET; THENCE SOUTH 89 DEGREE 59 MINUTES 36 SECONDS WEST 600.23 FEET; THENCE NORTH 00 DEGREE 16 MINUTES 56 SECONDS WEST 300.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 64 (AN 80 FOOT RIGHT OF WAY); THENCE SOUTH 89 DEGREE 59 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 60.00 FEET; THENCE SOUTH 00 DEGREE 16 MINUTES 56 SECONDS EAST 402.60 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE WESTERMOST 60 FEET.

AND

EXHIBIT "B"
EASEMENT FOR INGRESS AND EGRESS

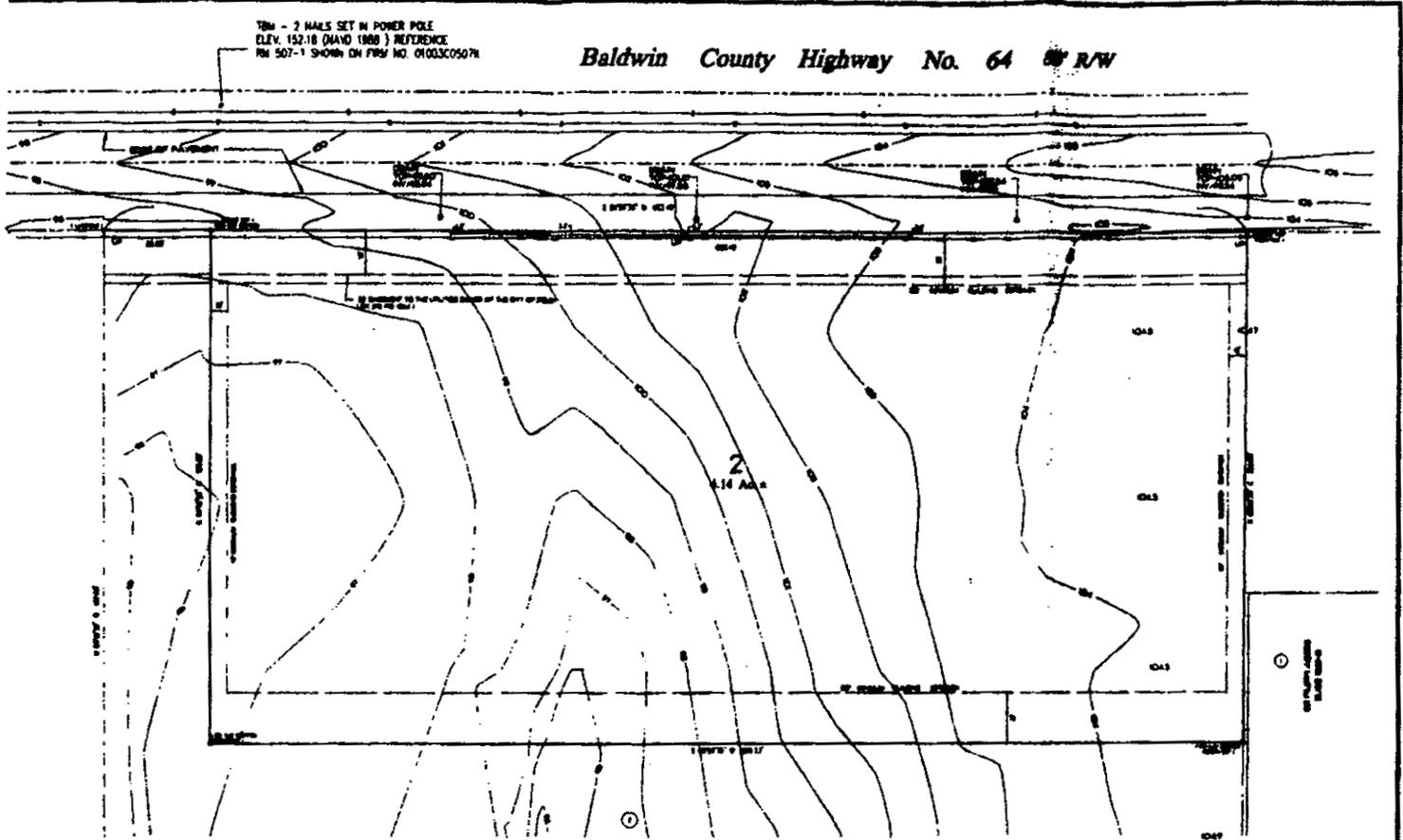
COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01°-29'-00" WEST 442.12 FEET; THENCE NORTH 89°-55'-38" EAST 389.85 FEET; THENCE NORTH 00°-16'-56" WEST 102.60 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUE NORTH 00°-16'-56" WEST 300.00 FEET TO A POINT ON THE SOUTH LINE OF BALDWIN COUNTY HIGHWAY 64; THENCE NORTH 89°-59'-36" EAST ALONG SAID SOUTH LINE 60.00 FEET; THENCE SOUTH 00°-16'-56" EAST 300.00 FEET; THENCE SOUTH 89°-59'-36" WEST 60.00 FEET TO THE POINT OF BEGINNING.

MARINO ANNEXATION
 LOT 2, JUBILEE RIDGE SUBDIVISION
 EXHIBIT "B"

COUNTY ROAD 64

784 - 2 NAILS SET IN POWER POLE
 ELEV. 152.18 (DAND 1988) REFERENCE
 RM 507-1 SHOWN ON PMS NO. 01003005074

Baldwin County Highway No. 64 R/W



NOTICE
 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN WAS OBTAINED FROM A REASONABLE AND ACCURATE SOURCE AND THAT I AM NOT PROVIDING ANY OTHER INFORMATION TO THE PUBLIC.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE ON THIS 23rd DAY OF AUGUST, 2007.
 [Signature]
SPENCER CONSTRUCTION, INC.
 10000 N. W. 11th St., Suite 100
 Fort Lauderdale, FL 33322
 Phone: 954-561-1111
 Fax: 954-561-1112
 Email: info@spencerconstruction.com
 Website: www.spencerconstruction.com

12/21/2006

Vilai Marino
1701 Hwy 98
P.O. Box 1125
Daphne AL 36526
(251) 626-4055

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

This letter shall authorize Joseph I. Harper, III to apply for zoning and other necessary approvals on my behalf in relation to the following property which I own:

4.14 acres on Highway 64
Tax parcel: 43-05-21-0-000-005.000

Thank you.
Sincerely,



Vilai Marino

JOSEPH I. HARPER
GULFWIDE ENGINEERS INC
7525 OHARA DR
SPANISH FORT AL 36527
209-1040

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 McLAUGHLIN 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.

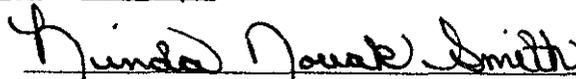
 (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 5-17-10

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.

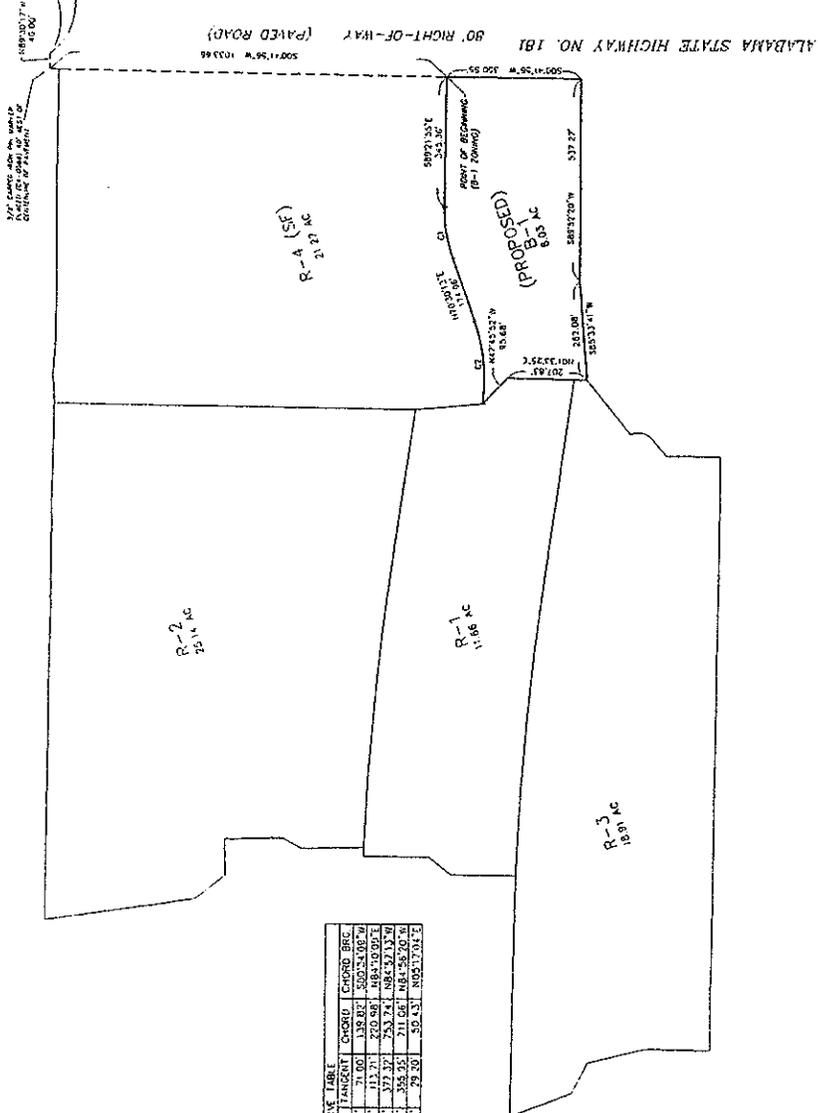
(DESCRIPTION COMPOSED FROM PROBATE RECORDS)



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

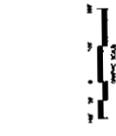
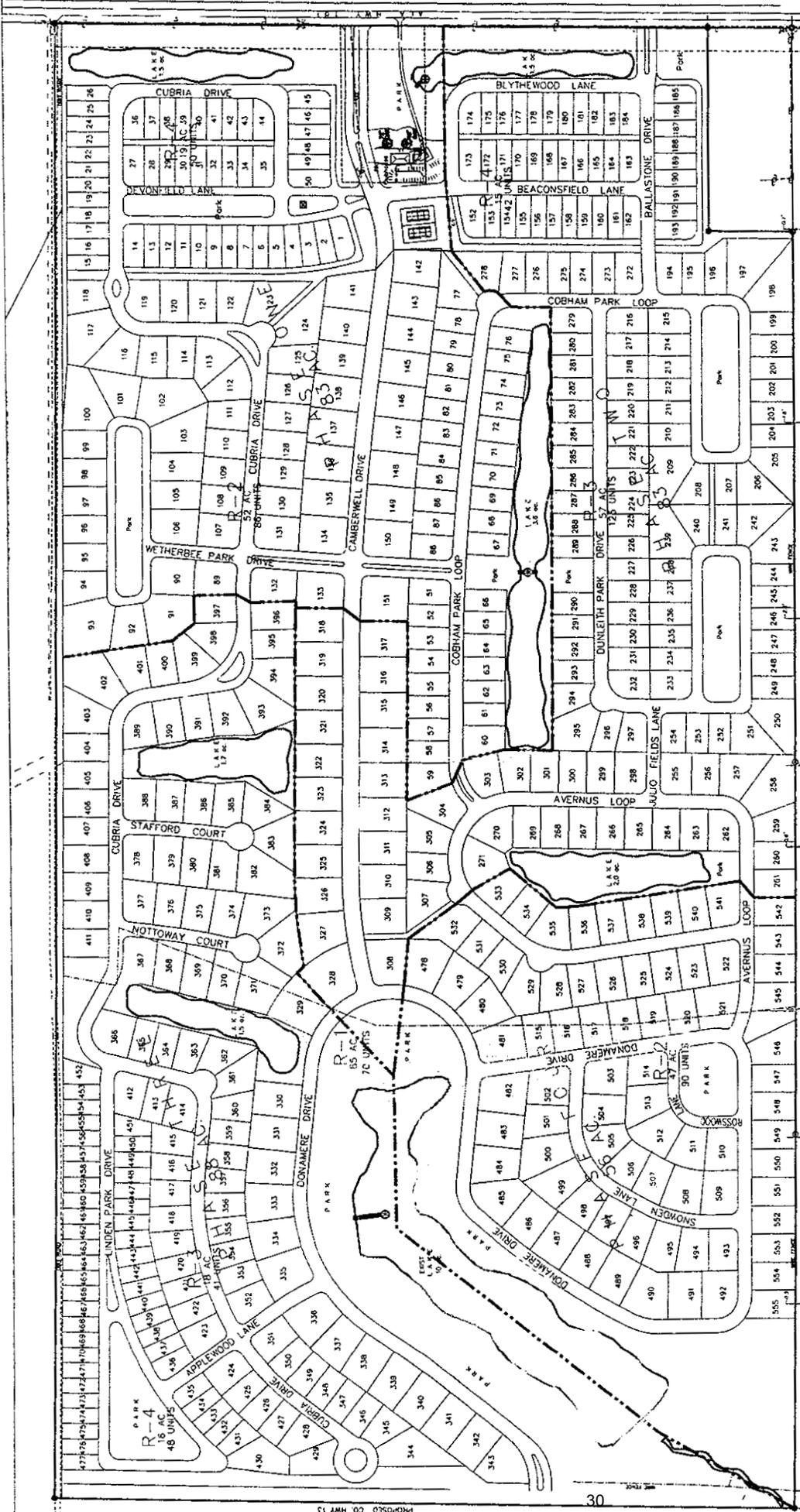
OLDFIELD
(FORMERLY KNOWN AS COTTONWOOD)

271.26
-0-
341.95



CURVE TABLE				
CURVE	LENGTH	PIQUES TANGENT	CHORD BEC.	
C1	130.24	405.93	71.00	138.82
C2	242.84	750.50	121.17	257.98
C3	242.84	750.50	121.17	257.98
C4	711.34	2130.60	355.35	711.65
C5	53.85	160.00	29.30	59.43

EXHIBIT "B"



OLDFIELD

MASTER PLAN

FOR
MIKE McLAUGHLIN

ZONING SUMMARY

R-1	70 Units	85 ac.
R-2	179 Units	99 ac.
R-3	166 Units	75 ac.
R-4	140 Units	50 ac.
TOTAL		555 Units 309 ac.

OPEN SPACE SUMMARY

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

Everness Development Services, LLC
 10000 Everness Drive, Suite 100
 Dallas, TX 75243
 Phone: 972.440.1111
 Fax: 972.440.1112
 www.evernessdevelopment.com

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 B1)

- 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

Christopher D. Paul
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

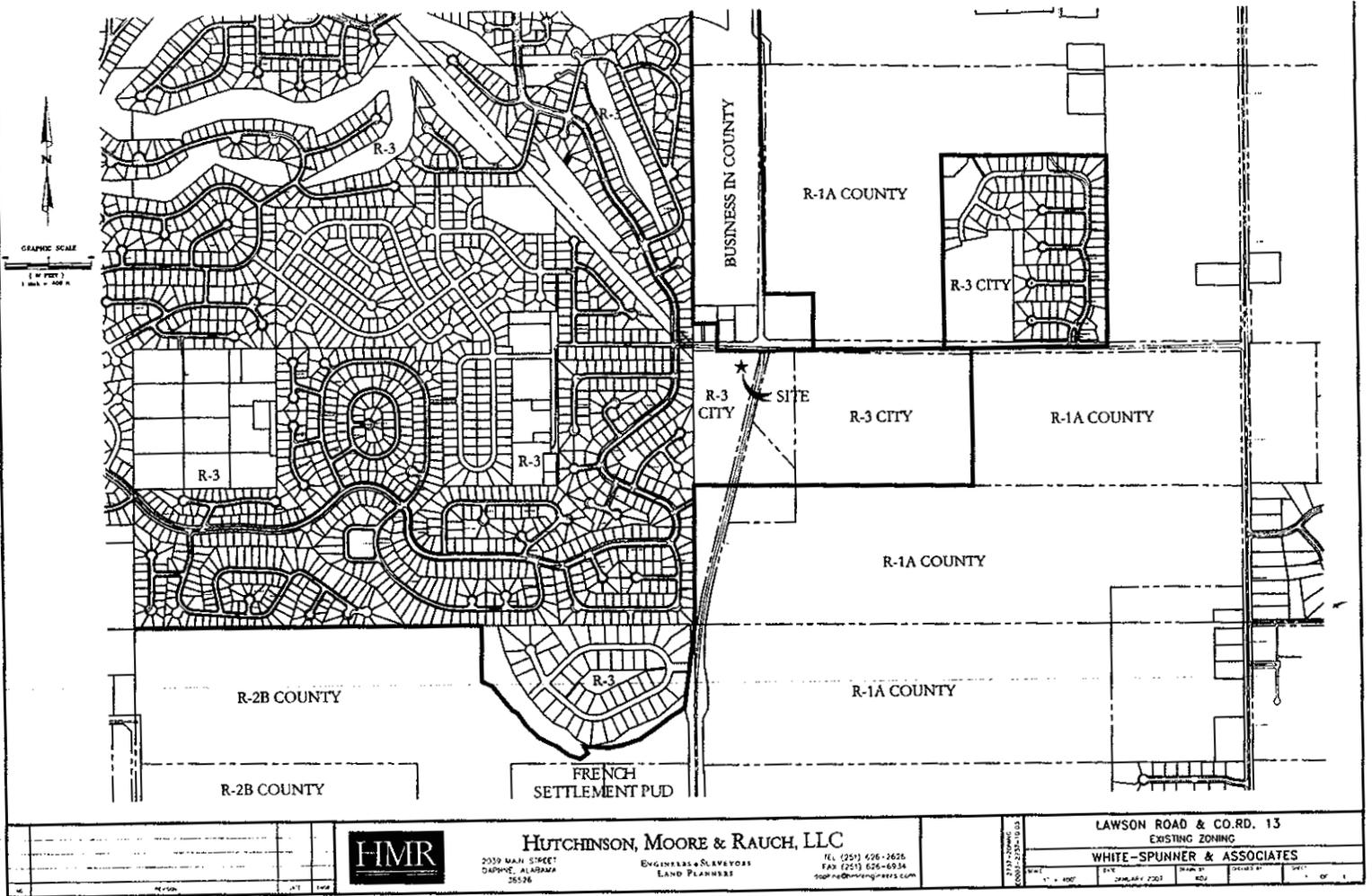
MALBIS PLANTATION, INC.
ZONING AMENDMENT

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



 <p> HUTCHINSON, MOORE & RAUCH, LLC 2059 MAIN STREET DAPHNE, ALABAMA 36526 ENGINEERS & SURVEYORS LAND PLANNERS TEL: (251) 426-2626 FAX: (251) 426-4934 hmr@hmr-engineers.com </p>	LAWSON ROAD & CO. RD. 13 EXISTING ZONING	
	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

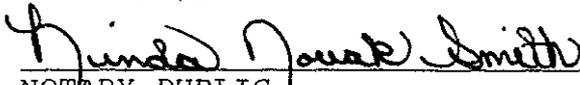
By: 

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.

 (NOTARY SEAL)
NOTARY PUBLIC

My commission expires: 5-17-10

EXHIBIT "A"

**OLDFIELD
PROPOSED B-1**

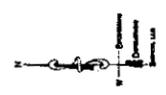
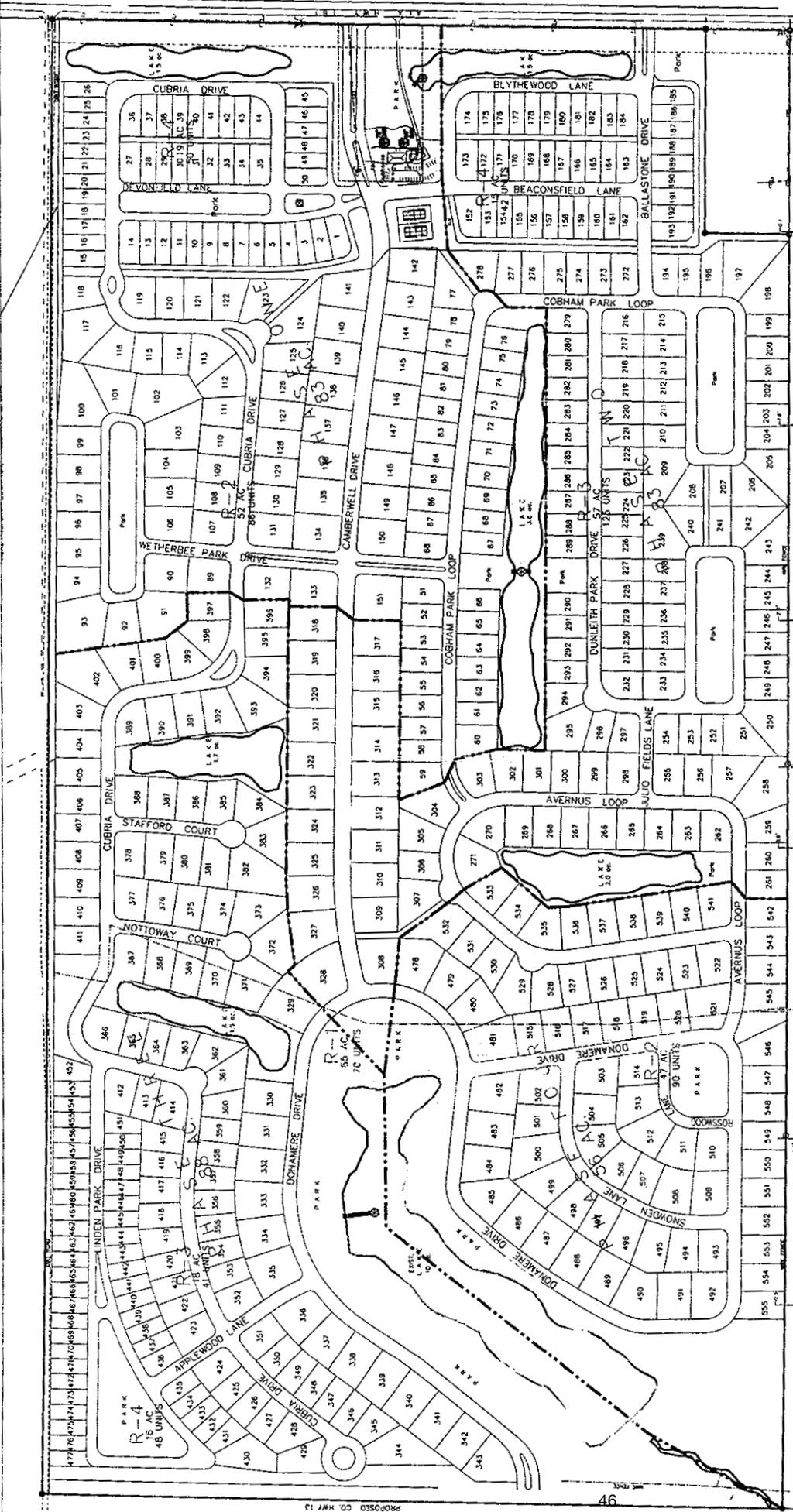
DESCRIPTION TO ACCOMPANY SKETCH OF 6.03 ACRES TO-WIT:

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
 Oldfield, VA 22973
 Phone: (803) 755-1111
 Fax: (803) 755-1112

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

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
March 19, 2007
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding, Councilwoman Regina Landry, Finance Director Kim Briley, Senior Accountant Suz anne Henson, and Accountant Donna Page.

Also in attendance were Mayor Fred Small, Councilman Gus Palumbo, Police Chief David Carpenter, Police Captain Randy Bishop, Police Captain Scott Taylor, Fire Captain Kenneth Hanak, Public Works Superintendent Melvin McCarley, Revenue Officer Cornell Smith, Recreational Director David McKelroy, and Recreational Activities Coordinator Robyn Andrews.

II. PUBLIC PARTICIPATION

Ms. Robyn Andrews, with the Recreational Department, requested funding of \$1,000.00 for advertising expenses with the Music Under the Stars event April 22 – 24, 2007. Ms. Andrews noted that she has obtained a grant and several corporate sponsors for the event. However, this year the event is for three days instead of one day as in prior years, and there are six bands participating instead of three. It was discussed that the additional \$1,000.00 expense could be offset by revenue earned from tee shirt sales during the event.

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Prepaid Travel

David Cohen, City Clerk – LWCF & Recreation Trails Program Application Workshop, Montgomery, AL, March 22-23, 2007 - \$70.

Motion by Ms. Landry to recommend to Council to adopt a resolution approving prepaid travel for David Cohen in the amount of \$70.00 (March 22-23, 2007) to attend the LWCF & Recreation Trails Program Application Workshop, in Montgomery, AL. Seconded by Mr. Yelding. All in favor.

B. Bids

Department Recommendations were made for the following bids:

1. 2007-H-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES – (Reject)

It was discussed that the FEMA requirements for debris removal have changed requiring the current bid specifications to be updated so that the City will be certain to meet those requirements.

Motion by Mr. Yelding to recommend to Council to reject Bid: 2007-H-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES. Seconded by Ms. Landry. All in favor.

Request to extend current Bid contract for 60 days (through June 5, 2007) to allow time for new bid to be awarded. Current contract expires April 5, 2007.

Motion by Ms. Landry to recommend to Council to extend current Bid: 2004-I-DISASTER DEBRIS REMOVAL & DISPOSAL through June 5, 2007. Seconded by Mr. Yelding. All in favor.

2. 2007-I-PUBLIC SAFETY APPLICATIONS SOFTWARE – Southern Software, Inc. - \$167,876.40

Captain Bishop discussed the software bid. This software is windows based and will allow the City to interface and share information with other municipalities already using Southern Software, such as Robertsdale and Foley. The bid received from Global Software did not meet all the specifications.

3. 2007-J-AUTOMATED REFUSE COLLECTION TRUCK – Four Star Freightliner, Inc. - \$195,055

Mr. McCarley discussed the refuse collection truck bid and recommended the bid be awarded to Four Star Freightliner. He noted that although their bid exceeds the \$180,000.00 budgeted for this purchase and they are not the lowest bidder, they are the only bidder to meet all of the specifications. Mr. McCarley also outlined the line items from other Public Works departments that the additional \$15,000.00 would be transferred from to cover the \$195,055 cost.

4. 2007-K-PLAYGROUND EQUIPMENT – J. A. Dawson & Co., Inc. - \$26,274

Ms. Henson noted that other vendors expressed interest in bidding, but did not want to obtain the required bid bond. It was discussed that this is playground equipment for Centennial Park and will include accessibility equipment to assist handicapped children.

Motion by Ms. Landry to recommend to Council to adopt a resolution awarding the following bids:

2007-I-PUBLIC SAFETY APPLICATIONS SOFTWARE – Southern Software Inc. - \$167,876.40

2007-J-AUTOMATED REFUSE COLLECTION TRUCK – Four Star Freightliner, Inc. - \$195,055.00

2007-K-PLAYGROUND EQUIPMENT – J. A. Dawson & Co., Inc. - \$26,274.00

Seconded by Mr. Yelding. All in favor.

C. Declare Equipment Surplus

Resolution in packet to declare two equipment items listed on Schedule A as surplus property: 1997 Husky Backpack and 2000 John Deere Hedge Trimmer.

Motion by Mr. Yelding to recommend to Council to adopt a resolution declaring Schedule A as surplus property and authorizing the Mayor to dispose of such property. Seconded by Ms. Landry. All in favor.

D. Library Master Plan Study: Architect Fees – Authorize Mayor to enter into contract

Discussion followed that the Library Master Plan is budgeted and funded through the 2006 Construction Fund.

Motion by Ms. Landry to recommend to allow the Mayor to enter into contract with Hatch Mott MacDonald for hourly fees: Principal Architect - \$175 / Project Architect - \$100 / Draftsman - \$75 plus normal reimbursable expenses not to exceed \$ 8,000, to be paid from the 2006 Construction Fund. Seconded by Mr. Yelding. All in favor.

E. Appropriation Requests:

1. Access Management Plan for State road #181 (Estimated \$30,000 - \$40,000/jurisdiction)

The Request for Proposal was discussed, and the Mayor stated he would obtain additional information requested from the Finance Committee.

Request was tabled and referred to a City Council Work Session for additional information to include a breakdown of total costs and information on what other cities and the county were contributing.

2. Daphne Middle School Band Competition in Gatlinburg, TN

Dr. Ernie Rosado, Daphne Middle School Principal, Ms. Renee' Thomas, Band Director, and Ms. Susan Fant, Parent were present with an appropriation request for Daphne Middle School Band Competition in Gatlinburg Tennessee on May 3 – 6, 2007. Discussion was made that there is \$4,000 available from undesignated Community Contribution funds in the FY07 Budget.

Motion by Ms. Landry to recommend to Council to adopt an ordinance to appropriate funds in the amount of \$2,000.00 to the Daphne Middle School Band from undesignated Community Contribution funds to be used for their Band Competition trip to Gatlinburg, Tennessee, May 3 – 6, 2007. Seconded by Mr. Yelding. All in favor.

F. Public Safety Pay Increase

The proposals presented to-date were discussed, and the proposal by Ms. Cathy Barnette, Council Member, was reviewed.

Motion by Mr. Scott to recommend to Council to adopt Ordinance 2007-11 to implement the public safety employee pay increase as presented by the police, fire and finance staff and Ordinance 2007-12 to amend the budget. Seconded by Ms. Landry. All in favor.

IV. FINANCIAL REPORTS

A. Treasurer's Report: February 28, 2007

The Treasurer's Report total is \$27,176,556.32.

Motion by Mr. Yelding to accept the Treasurer's Report as of February 28, 2007, in the amount of \$27,176,556.32. Seconded by Ms. Landry. All in favor.

B. Sales and Use Taxes: January 31, 2007

Sales and Use Tax collected for January, 2007 - \$914,876
Sales and Use Tax Budgeted for January, 2007 - \$905,217
Over Budget (for January) - \$ 9,659

YTD Budget Collections Variance (Under Budget) - (\$7,019) (.18%)

C. Lodging Tax Collections, January 31, 2007

The Lodging Tax Collections report shows \$48,012 collected for January 31, 2007 (\$48,014 was collected for January 2006).

D. Ad Valorem Tax Collection, February 28, 2007

A comparison report Ad Valorem Tax collections for the last seven years was presented.

E. Report of New Business Licenses – February 2007

A list showing new businesses for the month of February was presented.

F. Bills Paid Reports – February 2007

The Bills Paid Report for February for Fiscal Year 2007 was contained in Packet #2.

V. ADJOURN

The meeting was adjourned at 5:15 p.m.

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on March 23, 2007
Location: City Hall Council Chambers

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

I. CALL TO ORDER

The March meeting of the Public Works Committee was called to order at 8:10 a.m.

Present: Mayor Small, Councilman Bailey Yelding, Councilwoman Cathy Barnette,
Councilman John Lake, Melvin McCarley, Sandi Cushway

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. No public participation
- B. Work Request Report – No comments
- C. Correspondence - The committee reviewed the correspondence. No comments.

III. OLD BUSINESS

- A. Minutes – January 26, 2007 meeting

Councilwoman Cathy Barnette motioned to approve the minutes; Councilman C Bailey Yelding seconded the motion.

- B. Environmental Committee – Update
Ashley Campbell has reviewed the proposal and was okay with it. Would like to move forward to form Committee. Committee will be a citizens advisory board. David Cohen has resolution. Will present to Council.
- C. Sidewalks – Update
Councilman Bailey requested an update of the sidewalk project. The proposed plan is to tie Whispering Pines to Pine Hill then continue down to Pollard Road. There was discussion as to whether it would be better to go down CR 13 from the Middle School to the High School first. Melvin is going to present both plans to ensure that Grant money is utilized in compliance.

IV. NEW BUSINESS

- A. Cathy Barnette stated that at the last Planning Commission meeting a question came up about the City's storm drain at Hwy 98 and Van Ave. Ashley commented on drainage issues.
- B. Cathy Barnette also stated that she has received complaints about litter/garbage at McMillan and Captain O'Neal. McMillan access needs to be cleaned up. Mayor Small suggested that if complaints are received that they should be routed through Public Works so a work order can be generated to get the work done as soon as possible.
- C. Restrooms are needed at each of the parks. Melvin has plans for each restroom. They are basically the same plan as restrooms at Centennial only downsized a little. Parks the need restrooms are the park at the Boys and Girls Club and May Day. Councilwoman Cathy Barnette would like to see diaper changing stations in both the men's and ladies restrooms.
- D. Mayor Small commented that he would like to see a Skateboard Park in Daphne. He has visited the one in Bay Minette and feels that it is worthwhile. It would need to be located in a highly visible location for security issues and safety purposes.

V. DIRECTOR'S REPORT

- A. Hazardous Household Waste – The Fire Inspector stated that a sprinkler system is mandatory in this type of facility as well as a monitored alarm system. Melvin and Mayor Small to check with Fire Inspector to determine why system needs to be monitored by an outside source rather than being monitored by our Police Department. The lighting system in the facility has to be explosive proof so that a spark would not ignite and explosion. Additionally, an eye wash station is required. Additional costs are required due to the installation of the sprinkler system, alarm system, water lines and fire plug (required within 100 ft of bldg) to be run for the sprinkler system and two gates. Melvin passed out a breakdown of additional costs associated with the HHW building and also a comparison of having City employees lay the foundation versus having a contractor do the work. The building will NOT be a drive thru building. It will be drive up and will have to be manned.
- B. Camelia Park – Project is completed. Need to come up with a name for the park or just keep the name ‘Camelia Park’. Mayor Small would like to see it named in someone’s honor. Councilman Bailey Yelding to do research to see if there is anyone in that area that the park could be named in honor of.
- C. Haley’s Lane & Main Street – Pipes across the road is fixed. Rain will now flow into the box. Project still needs a little dressing but overall is complete.
- D. ALDOT Sidewalk Project – Whispering Pines and Park Drive are almost complete. Are currently pouring concrete. Councilman Lake would like to see 1/10 mile markers along the sidewalks so that walkers/runners would be able to know the distance they are traveling.
- E. Capital Road Improvements – Road improvements in Lake Forest. Melvin had plans from HMR designating problem areas that would need repairs prior to repaving.

VI. SOLID WASTE AUTHORITY

Malbis Subdivision alley’s behind homes are too small to get garbage/trash/recycling trucks down so right now we are using packrat to pick up there. Melvin would like to contact the POA to see if possible to have property owners put garbage in front of homes in order for trucks to be able to get in/out without tearing up yards.

Tony Cross met with Scroggins and determined that we can only collect up to one year in back fees. To collect more than that would cost more in attorney’s fees than what we would collect. Melvin would like to get with David and/or Jay Ross to see what can written into the Ordinance to strengthen our position. Melvin will also check to see if delinquent garbage bills are public information.

VII. MUSEUM COMMITTEE

- A. Minutes – 01/08/2007 & 02/12/2007

VIII. BEAUTIFICATION COMMITTEE

- A. None

IX. ENGINEER REPORT

A. NRCS Update

Cedar, Church and Hwy 64 projects all complete.

Whiting Court – Wetlands issue. Taking funds to repair 5th Ave/Church Street problem.

Bathrooms at May Day – Plans have been laid out. Bids should be in by April 10th.

Camelia – Need to lay pipes out.

Box on McPhillips has been completed.

Lake Forest entrances. It will be Monday before electricity can be installed. Delay due to Utility Dept. equipment break down.

V. FUTURE BUSINESS

A. Next Meeting – April 27, 2007, 8:00 a.m.

XI. ADJOURNMENT

Councilman Yelding motioned to adjourn. The meeting adjourned at 9:20 AM.

Daphne Beautification Committee

**1705 Main Street
Daphne, AL
10:00 a.m.**

Meeting Minutes

March 2, 2007

I. Call to order

Ann Talton, Secretary called to order the regular of the Daphne meeting Beautification Committee at 10:07 a.m. on March 2, 2007 in Council Chambers of Daphne City Hall, 1705 Main Street, Daphne, Alabama.

II. Roll call

Members present:

Carolyn Coleman , Jerry Guillott (4), Frances Harrell (1), Toni James, Secretary (1), Patty Kearney (5) , Dorothy Morrison (2), Marilyn O'Conner Moore (2), Dorothy Rankins (5), Frieda Romanchuck, (7), Audrey Rouier (6) , Judy Sholtis, Anne Talton, Chairperson (7), Selena Vaughn, Thomasina Werner (4) , Bea Wilson (2),

Members Absent

Nancy Henderson (3), Vincent Russo, Vice Chairperson (2), Jessie Prater (1), Kay Wineman (7)

Invited Guests

Daphne Public Works Representatives Marjorie Bellue and Marshall Parsons

III. Open Business

_ Anne Talton read the minutes from the last meeting. The minutes were approved as amended.

• DBC Officer vacancy

Due to the resignation of Carollee Grindel Chairperson, Ann Talton was nominated from the floor. A second nomination was made for Freida Romanchuck to which she declined the nomination. Being no further nominations, Ann Talton unanimously carried the vote for the Chairperson of the DBC. Up her acceptance of the position, Ann thanked the members and suggested that an informal social session begin twenty minutes before the scheduled meeting. Many members of the DBC are new to both Daphne and to the committee and this social time would allow member to become acquainted.

The selection of Ann Talton for Chairperson left the position for Secretary vacant. A nomination for Toni James for this position was made and seconded from the floor. The nomination was accepted and carried by a unanimous vote

Subcommittee Reports

Old Town Daphne Association: Frieda Romanchuck, DBC Liaison

Cathy Barnette will speak at the Old Town Daphne Association meeting March 6, 2007.

Finance: Freida Romanchuck, Chairperson

The DBC budget was distributed and reviewed. DBC has spent 16.3% of 2007 budget at this time. There is a current balance of \$32,222.63 in DBC fund.

Butterfly Garden: Dorothy Morrison, Chairperson

Members were advised Dorothy has been in contact with Boy/Girl Scout troops to enlist their aid in cleaning the area of the proposed butterfly garden at Alligator Alley, located South of I-10 and West of 98 at the I-10 and 98 exchange. Dorothy reported the Boy Scout troop is considering a project to build tables and benches for that area providing the DBC provide the funding for this project. Marshal Parsons requested the amount of money they will need for their material list for this project. Marshal Parsons further stated that he could provide the labor necessary to remove the large long-standing debris in this area. March 31st was the suggested date as a volunteer work date.

Dorothy Morrison shared with the committee some butterfly identification items, she obtained on a visit to Calloway Gardens located in Southwestern Georgia, which would be an added asset to this area. The committee reviewed these pictures and placed the project on the planning agenda. The concrete walkway through the butterfly garden was discussed and the committee expressed a desire to see this walkway constructed of some type of embellished concrete to enhance the beauty of the area rather than poured concrete. Marshal Parsons indicated this was easily done and will discuss specifics at a further date with the Sub-Committee for this area.

Old Town Daphne Report – Fredia Romanchuck

IV. **Public Works Report**

- **City Landscaping Projects.**

North Entrance Lake Forest Drive

Committee reviewed pictures, presented by Anne Talton, of utility power boxes on this corner. Marshall Parsons advised DBC his dept has the necessary supplies to proceed with the installation of a lattice panel to cover the power boxes as requested by the Lake Forest Homeowners Association.

Dorothy Morrison made a motion to have DBC contact the planning board and request future plans for new construction contain specific plans for screening utility boxes. Further to ask the Planning Board to allow review by DBC on this subject. Freida Romanchuck made a second to the motion. Motion carried by DBC members present

- **Riveria Utility Site**

Marshal Parsons reported he visited the site of the Riveria Utility Power sub-station on Johnson Road. He attempted a landscape design however discovered several obstacles such as water lines, deep culvert and overhead power lines. He is still studying this area to see what can be accomplished. Additionally in his discussion with officials of Riveria Utility he was advised they would approve landscaping at Johnson Road providing it was at City expense to install and maintain.

Committee member Frances Harrell raised the question why the DBC was endeavoring to landscape this particular substation when substations on Pollard and other sites were not being

considered for landscaping at City expense. General discussion by members indicated this was also a concern of other members of DBC. Chairperson, Ann Tallon recommends this project be tabled for further discussion and review.

- **Welcome to Daphne Signs**

Marshal Parsons advised the committee that he has obtained quotes for a new Welcome to Daphne sign, which will be made of a composite material rather than wood. These quotes were reviewed with the committee and Marshal was asked that he contact these companies and see if there is a considerable price reduction for purchasing multiple signs on one order.

- **Centennial Park Play Equipment**

Marshal Parsons advised the committee there is an issue of a legal nature with the purchase of the playground equipment and he has been advised of a 32-day waiting period until it can be installed in the Park.

- **Crepe Myrtle Tree Planting**

Anne Talton opened discussion on the remainder of the planting project for the Crepe Myrtle Trees removed from Highway 98. Marshal had a request for plantings long Lawson Road and he requested a list of additional locations from Anne.

- **Jubilee Courtyard**

Due to recent contact from the property owner located East of the Courtyard it was decided DBC would not proceed with plans as set forth in previous minutes.

IV.. **New Business**

Marshal Parsons opened the general session with discussion on following.

The necessity of obtaining a permit to remove trees from private property and noted this form and information could be obtained from The City of Daphne website.

Alabama Urban Forestry Association

Marshall presented a request to members of DBC to consider membership in the Alabama Urban Forestry Association. Annual 2007 conference will be held in Fairhope. Reminder that Daphne is know as a “Tree City” and suggested steps be taken to form a “Tree Board” to review issues arising from requests to remove protected trees.

- **Santa Rosa & Main Street Intersection**

Thomasina Werner brought before DBC the issues with the area of Santa Rosa and Main Street across the street from Dr. Booth’s Statue Park. This area is being eroded due to improper egress and regress by vehicles. Marshall suggested DBC forward this concern to the Dept of Public Works.

- **City Decorations**

Anne Talton reported that members are working in the storage building to take a physical inventory of all of Daphne’s decorations to determine condition of each and appropriate action for

repair, replacement or disposal. She also suggested the committee set up some discretionary funding for purchase of items needed to maintain this inventory. Discussion was held regarding the cost of printing pictures by computer; Marshall advised he had a digital camera that could be loaned to DBC for extended periods of time. He also stated DBC could use disposable camera which could be developed on the City accounts.

Marshal also requested a list of Christmas Decorations, which was previously requested.

Anne reported all Easter Decorations has been transported to the storage building and many were in need of cleaning & painting. March 6 & 13 were scheduled dates for volunteers.

- **Arbor Day 2008**

Anne Talton advised Arbor Day would be larger next year due to the State Ceremony being held in Daphne. The DBC would like to decorate the patio at the Daphne Civic Center. Marshal said he would like to put in more trees in that area to make the patio more users friendly. Dorothy Morrison motioned we table this project until we have more information.

- **Daphne Beautification Award**

Thomasina Werner and Jerry Guillot will chair this committee.

- **Daphne Community Day 2008**

Sandra Davis, Director of Daphne Civic Center presented the DBC with an overview of plans for next years event to be held the third weekend in May. The theme will be "Cajun Days" with music and food to compliment the theme. The future goal will be to promote "Community Days" into a 3-day event to be held at the future recreation center. Ms. Morris discussed how the City and private sector could come together to facilitate "Community spirit" as well as have a financial impact on the programs Daphne spends on civic causes. A call for volunteers was made as well as an invitation for DBC to have a booth with revenue being turned back to DBC budget.

- **Drainage Culverts**

It was brought to Marshal Parsons attention the drainage culverts located at Daphne Civic Center is not covered and stepping off the sidewalk into them was a safety hazard. Marshal noted his department was placing planter boxes and benches from City Hall on the sidewalks in front of these open areas to prevent injury.

There being no further business Anne Talton adjourned the meeting of DBC at 12.35 PM

Minutes submitted by Toni James, Secretary

Minutes approved by: Anne Talton, President

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

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The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

Call of Roll:

Members Present:

Walt Crimmins, Secretary
Barry Taylor
Jeri Hargiss
Glen Swaney, Chairman*
Willie Robison
Billy Mayhand, Vice Chairman

Members Absent

Frank Lamb

Staff Present:

William H. Eady, Sr., Director of Community Development
Pat Houston, Recording Secretary
Adrienne Jones, City Planner
Tony Huffman, Attorney

Staff Absent:

Jerry Speegle, Attorney

*Departed at 7:05 p.m.

The Chairman stated the first order of business is the approval of the minutes from the last month. If everyone has had a chance to read those minutes, the Chair will entertain a motion to accept the minutes as written.

Approval of Minutes:

The minutes of the December 6, 2006 meeting were considered for approval.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Crimmins** to **approve the minutes as written.**

Upon roll call vote, **the Motion carried.**

Mr. Taylor **Aye**

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Mr. Robison	Abstained
Mr. Mayhand	Abstained
Mr. Swaney	Aye
Mr. Crimmins	Aye
Ms. Hargiss	Aye

The Chairman stated I have to leave early, around seven o'clock, so I have asked Mr. Billy Mayhand, the Vice Chairman, to conduct the meeting tonight.

New Business:

Appeal #2007-01 - Donelle Weed-McBride

The Vice Chairman stated first tonight we would like to take on Appeal #2007-01 - Donelle Weed-McBride. Mr. Eady, if you would take us over this please.

Mr. Eady displayed color transparencies of 503 Lake Forest Boulevard. He stated we have a request from Ms. Donelle Weed-McBride, 503 Lake Forest Boulevard, which is an R-3 High Density Single Family Residential zone, asking from a variance from our Land Use Ordinance. The request, if granted, would allow a covered carport, at this home, to encroach the front setback line by twenty one point eighty three feet. These pictures show the home and the carport under construction. You can see from this survey the home encroaches the front setback line by point eight feet. The carport is started and under construction already.

The Chairman stated that plot plan does not show the carport on the left side of the house does it. I believe there is a carport on the left side of the house. Is it not?

Ms. Houston stated yes, it is.

Mr. Eady stated yes, sir, it is. This shot shows the house about eight tenth feet over the front setback line.

The Vice Chairman stated you have heard the presentation, are there any questions or comments?

Mr. Eady stated the property owner is here, and maybe has a comment.

The Chairman stated before we start tonight I have a question. How many people are here tonight to speak in favor of this proposal? Five. How many here against this carport? Okay.

The Vice Chairman stated madam, would you come to the podium, please.

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Ms. Houston stated state your name and address, please.

Ms. Weed-McBride stated my name is Donelle Weed-McBride. I live at 503 Lake Forest Boulevard, Daphne, Alabama, a resident for forty two years. As a citizen of Daphne, my husband and I wish to request a variance to put a carport on the front of our residence, not realizing that the setback was not at the curb. Instead it was about twelve feet off of our property. All I am asking for is variance of twenty one point eighty three feet, so we can improve our home and property, and our older friends can enter the front without getting wet because our only driveway is around on Fairway. The last work was done on December 15th and that is when we found out our contractor did not have a license, however, he does now. His wife is his office manager and we have not been able to get him to return our phone calls as of late. We talked to him right before the meeting started tonight and he stated how sorry he was, and I am sure he is. He promised me that he would do what is necessary to get this done, and I trusted him, maybe I should not have, but I did. I felt very confident that he would do a good job. I called several people from Daphne and he was the only one to call me back. Mr. Eady has explained that it does not meet the setback requirements. Long story short, Michael Parker Roofing Company, Bay Minette, had no City license and nor had he applied for a permit, but I understand he has done a lot of business here in Daphne. The carport is three quarters of the way done and it needs to be finished. Alfa Insurance has canceled our roof insurance as of March 4th and no other company will write our residence policy until the carport is complete, which means as of Sunday of this week we will not have any insurance. We have incurred many expenses thus far. We had to order a survey, which the house is older and we have since learned that it was built over the setback line a long time ago. We had to have another company, as a friend, and no payment has been made, look at the house. With the rain we have had it has come in and made circles in the dining room and damaged my antique furniture, and it is definitely a concern. Of course, we cannot do the landscaping and we had some plants moved, and it looks terrible. We are pleading with the City to help us get this done. We want to update our home. We have had new windows put in all the way around the house. We had a party with some thirty of our friends, one of which is from the Oakleigh District, she is in her nineties, handicapped, and we just need a place for them to get in and out when it rains.

The Vice Chairman stated are there any other comments on the subject?

The Chairman stated would anybody else like to speak on behalf of this?

Councilman Scott stated I am Ron Scott I live at 133 Lake Shore Drive, right around the corner. I know the Land Use Ordinance was put in

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place to make sure that we ensure the values of our properties, and I understand you all have a tough decision to make with this kind of variance, but this is a project which will actually help the neighborhood, not hurt it. We have a major problem on my street with people parking on the street. I hope they will address that some other way in the future, but these folks have been here a long time. I am trying to help them fight this problem, and this truly will be a good looking project. Once I saw the red sign go up I said, uh oh. I have spoken with them and they have gone through a nightmare. I would hope that given the neighborhood that this is located in. In fact, a lot of people think that this is a good project for the neighborhood, and I hope that you gentlemen will see it also and grant the variance.

The Chairman stated thank you, Councilman.

The Vice Chairman stated anyone else. Do any of the Board members have a question or comment?

Mr. Taylor stated I just have a question for Ms. McBride, I am curious. What will it look like when it is finished?

Ms. Weed-McBride stated I am sorry. I forgot.

Mr. Taylor stated I am just curious as to what it will look like when it is completed.

Ms. Weed-McBride stated one of the expenses we have incurred is that I have hired an architect to draw that for me. I have that picture with me for you to look at.

The Vice Chairman stated while she is passing those out, are there any other comments?

The Chairman stated I would ask of you. Has anyone in your area complained at all?

Ms. Weed-McBride stated not to my knowledge, but the City has indicated that there have been complaints. We have a neighbor that is somewhat hard to deal with. It goes back to when I sold him an old automobile for two-hundred thousand dollars and he wanted his money back.

The Chairman stated Mr. Merchant you have had complaints on this structure?

Mr. Merchant stated yes, sir, I did. I had one complaint.

Mr. Merchant stated it was the day we went out, checked it and found it in violation. We still have not had any other complaints.

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The Vice Chairman stated my question is to Ms. McBride, you mentioned handicap access. Are there any handicapped persons living in the house now?

Ms. Weed-McBride stated no, but I have a ninety four year old friend, who lives in the Oakleigh District, in Mobile, and she comes over.

The Vice Chairman stated there is no one living in the home now?

Mr. Eady stated no.

Ms. Weed-McBride stated not yet.

The Chairman stated do you plan to do anything with the front steps in the form of a ramp or anything like that?

Ms. Weed-McBride stated if we need to, we will.

Mr. Robison stated I have a couple of questions. I will address one to Ms. McBride and one to Mr. Eady. To my knowledge, Ms. McBride, I do not know of a Board of Zoning Adjustment that has honored and granted a twenty-one point eighty three feet variance going beyond the setback. How does this not open Pandora's Box to where throughout the City people will want to go twenty-feet beyond the setback? We do not know if that will happen or not, but.

Ms. Weed-McBride stated right, I did not realize it. We thought, and I regret to say that, it was from the street, and that is what I had been told. Come to find out the property line is in the middle of our front yard, and our house is actually only twenty-nine feet back off of the thirty-foot setback line.

Mr. Robison stated yes, your structure is about eight inches of a foot over the setback. Mr. Eady, do you recall, in your tenure with the City of Daphne, a variance of this magnitude.

Mr. Eady stated no, sir. We have never had an approval of a variance of this magnitude. Not in the eighteen years that I have been here.

Mr. Robison stated so we will be opening Pandora's Box by granting this with others maybe wanting to exceed it.

Mr. Eady stated yes, sir.

Mr. Robison stated thank you.

Ms. Weed McBride stated there are many houses in Lake Forest that are not compliant. We are simply trying to update, and make this look

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nicer and more efficient, since you cannot park on the boulevard. Years ago they would let you park on the boulevard, and I am glad you cannot. The City is cleaning up the Boulevard, hopefully, they will make it beautiful again.

Mr. Robison stated I think one of the things on the application when a person applies is very plainly said, I believe it is on the first page that a variance cannot be self imposed.

Mr. Eady stated it cannot be monetary, nor can it be personal.

Mr. Robison stated cannot be self imposed, monetary, nor on the individual.

Mr. Eady stated it has to be a hardship on the property.

Mr. Robison stated not a hardship on the individual. It has to be a hardship on the property, not the individual.

Ms. Weed-McBride stated the reason we thought it was a hardship is probably because there is plenty of room for sidewalks along the boulevard, even if the City wanted to do that.

Mr. Crimmins stated Mr. Eady, what is the setback on the carport on the left side? Is it in compliance?

Mr. Eady stated the carport on the left side appears not to be in compliance. I do not know. I did not measure it because I did not go out with them out there that day, so I am not sure about that. The home being eight tenths of a foot over the setback line is a grandfathered situation, so it is really not an issue. The twenty-one point plus feet encroachment into the front setback is against the Ordinance and it is not caused by a hardship on the property.

The Vice Chairman stated any other comments from the Board?

Mr. Robison stated let me say something before we take a vote. I have talked to our attorney, and I serve on the Lake Forest Property Owners Association Board, and I have checked with many other people because we have two appeals tonight that apply to property in Lake Forest. Tonight, what we are voting on affects the entire City of Daphne and not just Lake Forest Property Owners Association. So I checked with our attorney and he has assured me that since the Property Owners Association has not made a decision one way or another on the issue that I am within my right to vote on these appeals tonight, but I did want it made known up front so nobody would be surprised.

Mr. Robison stated so nobody would come back later and say that he is on the Property Owners Association, and he should not have been

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voting. I have been assured that there is nothing that is a conflict of interest and that it would not be unethical for me to vote this issue since it affects the entire City of Daphne. Thank you.

The Vice Chairman stated anything else? If not, the Vice Chairman will entertain a motion.

A Motion was made by Mr. Crimmins and no Second was receive to approve Appeal #2007-01, Donelle Weed-McBride, for a variance to allow the covered carport at 503 Lake Forest Boulevard to encroach the front setback line by twenty-one point eighty-three feet.

The Motion failed due to the lack of a Second of the motion.

The Vice Chairman stated as there is no second, the motion dies. So in a situation like this where the motion dies and there is no vote, it means the appeal has not been approved.

Ms. Weed-McBride stated so we can make an appeal?

The Vice Chairman stated yes, madam. Get with Ms. Houston after the meeting and she will give you further instructions on what to do.

Mr. Eady stated you have fifteen days to notify the City in writing that you intend to appeal this decision with the Circuit Court.

Ms. Weed-McBride stated where can I get that paperwork?

Mr. Eady stated what paperwork?

Ms. Weed-McBride stated for the appeal.

Mr. Eady stated from your attorney, I assume.

Appeal #2007-02 - Waffle House

The Vice Chairman stated the next order of business is Appeal #2007-02.

Mr. Eady displayed color transparencies of the sign located at 29100 U. S. Highway 98. He stated this is a request by the Waffle House Incorporated, 29100 U. S. Highway 98, a commercial business. They are requesting that the legal nonconforming sign at this location be allowed to remain as such. Mr. Kirby is here, he takes care of all of our signs. He can answer any questions you have about this sign.

Mr. Kirby stated good afternoon, I am Ed Kirby. I am the City of Daphne's, Code Enforcement Officer. I guess a little history might be in order, I do not know exactly where you want me to start with this.

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In 1987, I believe it was, when this was annexed into the City of Daphne, the nonconforming signs under the Land Use Ordinance were grandfathered in. In 1993, the Ordinance was changed to allow one nonconforming sign to be left on each piece of property. Some properties had two and they had to take down one. They could save one nonconforming sign. It could remain as long as the property was under that owner. If the property changed ownership the sign had to come into compliance. In 2002, the Sign Ordinance was rewritten to address what few nonconforming signs were left. At that time, the signs were given a three year period of time or until January 1, 2005, to come into compliance, and that is when the legal nonconforming status expired on everyone in Daphne. There are no more legal nonconforming signs. We have been fairly slow in enforcing this. We are trying to give people a chance to come into compliance. Several businesses up and down the highway and in other areas have come into compliance. Waffle House down on Highway 90 was built with a compliant sign. So that being a little bit of the history, we are now down to the last few signs that have to come into compliance. By compliance I mean that it cannot be more than fifty square feet per side, and not more than twenty-one feet tall. I have never measured their sign, and I do not know actually how large it is, but it exceeds that by quite a bit. It was my recommendation that the appeal be denied because I feel that it would set a precedent, especially now that most of the other signs have come into compliance. I feel if we set a precedent by granting the variance for this and we have made the other people take down their sign that could have possibly applied for a variance we are sending a mixed message.

Mr. Crimmins stated Mr. Kirby, I thought I read somewhere that they could have applied for an extension and they did not.

Mr. Kirby stated well, not from the 2005 Ordinance, there are no extensions granted.

Mr. Crimmins stated okay.

Mr. Taylor stated I have a couple of questions. When were the trees planted? Who planted them?

Mr. Eady stated they were planted in 1989, I believe.

Mr. Taylor stated was the sign there before the trees were planted?

Mr. Kirby stated I would probably say it was not because when I first started working over here thirty-two years ago the Waffle House was already here at that time.

Mr. Taylor stated what is the general space between the trees?

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Mr. Kirby stated I do not know. Most people that have come into compliance have the monument type sign where it can be seen under the trees because with the canopy type signs they find that the trees are tall enough to be blocked by the trees. Therefore, they have found out that it is best to come back and put up lower monument type signs. Express Oil is an example, they have lowered their sign.

The Chairman stated in that particular area there are not many signs that are not compliant. Microtel was built with in compliance, right?

Mr. Kirby stated yes, sir. Everything is in compliance until you get down to Waffle House; Oriental Imports just came into compliance two or three weeks ago. We are working with Burger King to come into compliance, and Exxon has submitted their plans and a permit for their new sign, which is just below this. McDonalds still has a nonconforming sign that we are working to change.

Mr. Robison stated Mr. Kirby, is the Waffle House on Highway 90 under the same ownership as the one on Highway 98?

Mr. Kirby stated I do not know, but I think most Waffle Houses are owned by the same company.

Mr. Robison stated no, they are a franchise. Is anyone here from Waffle House?

Mr. Scherer stated it depends on the territory. This particular territory is owned by corporate.

Mr. Robison stated it is owned by a corporation. I have a question for the gentlemen from Waffle House.

The Chairman stated would you step to the podium, please.

Mr. Robison stated you said that you would lose a great deal of revenue if the sign was taken down. Are there directional signs on the Interstate showing that there is a Waffle House on Highway 98? A lot of cities that I have gone into have signs listing all of the different eateries in the area, two tenths of a mile, or one tenth of a mile, at the next exit is what people traveling would use to stop.

Mr. Scherer stated I forgot to check on my way in.

Mr. Robison stated also, once again, one of the requirements is that it cannot be a financial loss. Because of not having a sign you would have a financial loss is not a reason.

Mr. Scherer stated we would not have a financial gain, sir.

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Mr. Robison stated proof of the variance would increase the financial gain from the land, so you would reverse that and do vice versa it would decrease. Is that what you are saying?

Mr. Scherer stated the loss of the sign would decrease the financial return, sir. It would not increase it.

Mr. Robison stated would it be a personal hardship to the land? Or a personal hardship to the owner?

Mr. Scherer stated primarily, Waffle House is not essentially impacted, in this case. In other words, this property is not going to make us or break us, but we try to take care of our employees. Similar losses have happened, this one in Stockbridge, Georgia, where we lost our sign and we had to come to one of these meetings, as well. We lost about three hundred dollars a day on average. Pretty much what it boils down to is, it will not affect us so much, as that coming up to sixteen thousand dollars in tips for our employees, and that is a pretty good livelihood when you are working third shift, you know, and then those tips end, that is pretty hard to do.

The Vice Chairman stated do you have another Waffle House pretty close by?

Mr. Scherer stated yes, sir, we do.

The Vice Chairman stated how close? About a fourth of a mile more or less?

Mr. Scherer stated it is about a mile.

The Vice Chairman stated right by the Interstate.

Mr. Scherer stated yes, sir.

The Vice Chairman stated I believe Mr. Kirby said they have a monument sign.

Mr. Kirby stated they have a twenty-one foot tall sign.

Mr. Scherer stated yes, sir.

Mr. Scherer stated this sign is about fifty feet. It looks exceptionally tall from here, but when you are coming off of the Interstate it is barely visible above the trees, that was one thing I was sure to look for. I have a picture here, and I am not sure if mine has changed from 2003, but it shows, I guess the trees were fairly

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new, from on top of the Phillips, Chevron, it shows the height of the trees at that time. Those trees are on the right-of-way and that is one of the problems I noticed when going down the road. You cannot really see a lot of those signs, and that is one of our consensuses that the sign is a benefactor for us.

Mr. Robison stated with a lot of other establishments coming into compliance why should you not be in compliance with what the City Land Use Ordinance says when the others are making a concerted effort. According to the Code Enforcement Officer, Mr. Kirby, which said he is working with the others and they will be coming into compliance.

Mr. Scherer stated we were first informed of this on August 7th, which is when we first learned of this. We did not know there was a problem with our sign. It is my understanding that we would be able to apply for a permit to keep our sign before the business license expired according to the 2002 code. Had we known we would have, of course, applied for the permit. Is that correct?

Mr. Kirby stated it was in the 2002 Ordinance but not in the 2005. The nonconforming permit, as such, were the ones that were issued in 1987.

Mr. Scherer stated okay. My reading was a permit for a legal nonconforming sign shall be obtained prior to the date when the next business license is due. From reading that it was our assumption that having to obtain a permit according to 33-4(a) 2 we would be able to keep it, that is the last line in that section, we would be able to keep the sign beyond the time. This sign was erected in 1979, and our usual remodel period for this type of business is thirty to thirty five years. So we are coming up to that remodel period, and we could have used that nonconforming permit upon remodeling of the sign for an exception to this business. Of course, it would be nice to roll that into capital expense, but really we are not as worried about that as our employees. So really what it comes down to is employees earning a living for their families.

The Vice Chairman stated Mr. Scherer, if you have an establishment less than a mile from this one, with a monument sign, which is actually closer to the Interstate, so how would it not be sufficient?

Mr. Scherer stated when a person is driving down the road thinking where they want to eat that sign stands out. It says hey we are here, it brings us in as an option.

Mr. Scherer stated people, if they have kids they obviously cannot commit, which could be a considerable problem. The store on the other side of the Interstate still has a twenty-one foot sign, which basically helps their visibility. So, is that what you are asking?

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The Vice Chairman stated well, what I am getting at is the Interstate traffic will see the one with the twenty-one foot height. The one on Highway 98 will be seen as well with a monument type sign just as well because they are traveling north and south.

Mr. Scherer stated right. Generally speaking we do have a lot of interchanges where we double up with one on each side to capture traffic in both directions. We want to try and make the person driving away from this Waffle House make a directional change. So if they are south bound on Highway 98 they cannot find it.

The Vice Chairman stated any other questions or comments?

Mr. Spriggs stated my name is Kevin Spriggs I am the owner and operator of the Eastern Shore Motel, located next door to Waffle House. I live at 23 Signal Hill, Spanish Fort. My father actually sold this property to Waffle House in 1979. The sign has helped us enormously in these thirty years it has been in business. The motel has been there since 1981, we built shortly after the Waffle House opened. Because we are a local independent business, meaning we are not affiliated with a franchise motel, we lean on the Waffle House visibility to the Interstate, and the Interstate traffic draws customers to us. We removed our nonconforming sign at the time because I felt like my sign was no longer necessary or effective once the Microtel Hotel was built at a higher level. The Waffle House sign and this building, which is at a higher level draws people to my hotel, gives us a chance to get traffic or clientele of a national franchise. A large corporation or a franchise has an advertising advantage that I, a local business, do not have. Myself, as a local business man, have to figure out another way. Through the years, in our advertising and marketing to the public, we have always referenced next door to the Waffle House because this sign is visible whenever you exit the eastbound ramp of Interstate 10 on to Highway 98. Over the years, a lot of the restaurants, in the area have become distressed, and part of the reason is because, I believe, a loss of visibility, due to the Sign Ordinance, from the Interstate. Now, in terms of granting exceptions to the Sign Ordinance, I will point you to up there where the Sam's Club and Lowes is, where they have a one hundred and twenty foot sign, with visibility from the Interstate. In addition to that sign they also have off premise signs. In other words they have two signs that are not on the building, and the City granted them to brand new businesses.

Mr. Spriggs stated now, you are taking a business that has been profitable in performing for thirty years and you want to take away from it. I have complied with the Sign Ordinance and I have respected Mr. Kirby's authority, however, I have always felt that the Sign Ordinance was an infringement upon the rights of people to advertise and express what their business sells. I do not have the desire to

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challenge this and go through all that because I am a small business man, and I need to focus on my customers, to make sure I can earn a living for my family. I do believe the City has lost a challenge on their Sign Ordinance because we still have the Hilton Garden sign. I do not know how tall that thing is, but it is pretty tall. When you condemn somebody's property, which the Sign Ordinance, in effect, is the condemnation of property, a sign like this, which a sign like this today would probably be in excess of fifty thousand dollars, easily. Now you are telling the business you have to get that down and we are not going to pay you for that. I feel like when the City condemns people's property they should receive some compensation, that is my personal opinion. Again, I have not challenged this or Mr. Kirby, I want to be a part of this community, but I just feel like this sign should be left alone because it is needed for visibility from the Interstate. Thank you.

Mr. Robison stated Mr. Eady, the signs at Sam's Club, Lowes and the car dealerships coming where done by Ordinance, right?

Mr. Eady stated it was done by Ordinance, and it is in an Overlay District.

Mr. Robison stated it is what is known as the Overlay District, and it was done by an Ordinance, Waffle House is not in an Overlay District.

Mr. Eady stated yes, sir.

The Vice Chairman stated anything else? If not, the Vice Chairman will entertain a motion.

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Mr. Robison** to **approve Appeal #2007-02, Waffle House for a variance to allow the legal nonconforming sign located at 29100 U.S. Highway to remain such.**

Upon roll call vote, **the Motion failed.**

Mr. Robison Nay
Mr. Mayhand Nay
Mr. Swaney Nay
Mr. Crimmins Nay
Ms. Hargiss Nay
Appeal #2007-03 - Jewel Lawson

The Vice Chairman stated the appeal has been denied. Mr. Eady, let us go on to Appeal #2007-03.

Mr. Eady displayed color transparencies of 1001 Johnson Road. He stated Ms. Jewel Lawson of 1001 Johnson Road has requested a variance

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to add onto the rear of her residence. She lives in a B-2, General Business District, however, this is a residential structure. She is making this appeal so that the Board would allow her to add on an addition to the rear of the house. The rear setback line in a B-2 zone is zero, but this is a residence in this zone. The distance from the home to the rear setback line is thirty-six point five feet, and the request is to use twenty-feet of this area.

Mr. Crimmins stated Mr. Eady, I am a little confused. If there is a zero setback line why are we considering this?

Mr. Eady stated it is in a B-2 zone. In a B-2 zone, a residential structure needs Board approve to add on.

Mr. Crimmins stated okay.

Mr. Eady continued displaying color transparencies of 1001 Johnson Road. He stated this shows you how far the twenty feet will set off from the house, and this shows how far the sixteen feet for the other addition will set off from the house.

The Chairman stated does anybody here represent the property owner?

Ms. Lawson stated I am the property owner.

The Chairman stated just one quick question. If you do not mind, would you step to the podium and state your name?

Ms. Lawson stated my name is Jewel Lawson.

The Chairman stated Ms. Lawson, what material will you use for the additions? Will they be brick as the existing home?

Ms. Lawson stated the outside of the smaller addition will be brick, if we can find the bricks to match my house. The bricks are Old Chicago Old, and I am told it is very hard to find. If not, if you would look at the picture of the front of my house, the front is also brick and wood siding. So if we cannot find the bricks to match the outside wall we want to use the same wood siding as we have on the front of the house.

The Chairman stated thank you, very much.

The Vice Chairman stated any other questions or comments?

Mr. Crimmins stated just a comment, if that is the type brick I think it is. Army quarters posted near Chicago were made with these bricks many years ago, so I can see that they would be hard to find.

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The Vice Chairman stated any other comments?

Ms. Lawson stated I just beg of the Board to please allow me to add these additions onto my home.

The Vice Chairman stated anything else? If not, the Vice Chairman will entertain a motion.

A **Motion** was made by **Mr. Swaney** and **Seconded** by **Mr. Crimmins** to **approve Appeal #2007-03, Jewel Lawson for a variance to allow the residence located at 1001 Johnson Road to add on two additions.**

Upon roll call vote, **the Motion carried, unanimously.**

Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Swaney	Aye
Mr. Crimmins	Aye
Ms. Hargiss	Aye

The Vice Chairman stated the motion is approved. You may pick that up first thing in the morning from Ms. Houston.

Ms. Lawson stated thank you, very much.

Appeal #2007-04 - Raymond Sturch

The Vice Chairman stated Mr. Eady, if you would please, Appeal #2007-04.

Mr. Eady displayed color transparencies of 129 Rolling Hill Drive. He stated this is an appeal by Mr. Raymond Sturch, 129 Rolling Hill Drive, which is R-3 High Density, Single Family Residential zone. He is making a request to allow a storage shed to be placed two point six feet from an attached, covered deck. The covered deck is connected to the house, and it is shown over the rear setback line by approximately two feet. The request for the storage shed is two point six feet from the attached deck. The picture shows two sheds here with one being an alternate location.

Mr. Eady stated it is a very nice looking building and you can see how close the connection is to the deck. It is five-feet from the side setback line and twelve-feet from the main house.

The Chairman stated one question, Mr. Eady. The outer right feature, at this point in time, is the distance from the house property, correct?

Mr. Eady stated yes, sir.

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Mr. Crimmins stated say again.

The Chairman stated in other words, I believe, the Land Use Ordinance calls for a twenty-foot distance between the house and the shed.

Mr. Eady stated yes, sir. The problem here is that the deck has a roof over it, and that makes it part of the house. Mr. Richard Merchant, Building Official, for the City of Daphne is here tonight to answer any questions.

The Vice Chairman stated is there a property owner here?

Mr. Sturch stated I am not here to plead with you. I put in writing what I wanted you all to see. I hope you all have it. I could read it, but I really do not have any additional comments. One minor item that I left out, and I probably should have put it in is that before I started any construction of this I had a meeting with a member of the Lake Forest Architectural Committee, their permanent employee, and at that point, I was told that I could put my storage shed up to the property line, which we did. We put it within another foot of the property line addition, not knowing the restrictions of the City of Daphne.

The Chairman stated as I recall you paid a permit fee to the Lake Forest Property Owners Association.

Mr. Sturch stated yes, I did.

The Vice Chairman stated any other questions or comments?

Mr. Crimmins stated Mr. Eady, your comments. I want to make sure I understand your comment. You said that the covered deck there is connected to the house and it is over the setback line.

Mr. Eady stated according to his drawing about two point four feet is over the setback line.

Mr. Crimmins stated so the covered deck is already nonconforming?

Mr. Eady stated shown like it is, yes, sir. According to his drawing it is, yes, sir. I did not measure it.

Mr. Crimmins stated two point four feet too close to the rear setback line.

Mr. Eady stated yes, sir.

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Mr. Sturch stated it is very close. I do not know the exact measurement.

Mr. Crimmins stated there is no where else to place that shed without a double violation. Since it is nonconforming there is no place to put the shed right now.

Mr. Eady stated that is correct.

The Chairman stated where the shed is now conforms to Lake Forest, correct.

Mr. Sturch stated that is correct. If I could, I would like to take one of the drawings and show you where it was initially. This is the original location of the shed, ten to fourteen feet, and it was put in that position. After it was built, the deck was under construction, and I got a word from Lake Forest you have done what you said you were going to do, we approve what you requested, however, it is not in compliance with the City setback regulations and it needs to be moved, and oh, by the way, we have received numerous complaints from the residents of Lake Forest. I contacted Mr. Merchant and talked with Mr. Eady before I spent any more funds moving this shed. I wanted to know exactly what I had to do to get in line with the City setback regulations.

The Chairman stated see if I am correct here. As I read the information for your request you indicated that you had also changed the width of the deck to comply with Lake Forest as well. You shortened it two feet.

Mr. Sturch stated correct. My initial deck went over to about that line right there. When I realized that was not going to work I cut the deck back to right here. It was fifty five feet across at one time, but I cut it back to forty two feet.

The Chairman stated thank you.

The Vice Chairman stated please step up to the microphone and state your name and address.

Mr. Franks stated my name is Ed Franks, of 130 Rolling Hill Drive, Daphne. It is my feeling that if this shed does not meet our Land Use requirements it should be denied. I am afraid it would only open up a Pandora's Box if approved. Thank you.

The Chairman stated sir, before you leave. What is your address?

Mr. Franks stated 130 Rolling Hill Drive.

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The Chairman stated thank you.

The Vice Chairman stated any other questions or comments?

Mr. Merchant stated I would just like to say that Mr. Sturch has been very good to work with. He has tried everything he could to comply. He just does not have enough room on his lot.

Mr. Lawson stated my name is Henry Lawson, I live at 104 Boosketuh Circle, and I am also on the Lake Forest Board. I am also the Chairman of the Architectural Committee. I stand here for one reason only and that is to say that Mr. Sturch has done everything within his power, to satisfy the laws and covenants, not only of Lake Forest, but also of the City of Daphne. He is in a no win situation. Every time he has been asked to do something he has done it. Invariably, it has always been some technicality. Those technicalities are the law. We are not arguing the law. We are stating that we think he needs special consideration in light of the money he has spent, and in light of the effort he has spent in trying to obey the law. The other aspect I would like for you to be aware of is that there are numerous violations of sheds. You can go on his property and from his back deck you can observe other sheds in violation, and some were grandfathered, and some have been improvements, perhaps, but at any rate, some are in that location since the City assumed control of enforcement. So what I am really saying is that he is in a no win situation, and we ask you to at least, and I think our letters are quite clear that we submitted to you, we ask you to consider the conditions that he has been placed in and how he has been trying very, very hard to satisfy the requirements, and every time he has done it he has come up losing. We would you to give him every consideration that you feel you can. Thank you.

The Vice Chairman stated anyone else?

Mr. Moss stated good evening gentlemen. My name is Jim Moss, and I am on the Board of Director's in Lake Forest. I live at 108 Boosketuh Circle. I am a member of the Architectural Committee, along with our architectural manager, who is a full-time employee.

Mr. Moss stated we kind of follow her guide on this type thing. Mr. Kirby will tell you she is a very efficient lady. When we visited Mr. Sturchs property, I heard her tell him that this is skid mounting you can put it on the property line right here, which would have cured everything, but it turned out it was not that way. As far as, Pandora's Box, Mr. Franks, I made a survey of our golf course, and I found fifty-four sheds and add-ons that are in violation of the City codes, and I do not think there are fifty-four grandfathered

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properties in Lake Forest. I feel like this man deserves special consideration. Thank you.

Ms. Hargiss stated I always drive out to check the properties before coming to the meetings, and I noticed quite a few of those along the drive too. It was a grand tour I had, but I agree with the comment from that man.

The Vice Chairman stated any other questions or comments? If not, the Vice Chairman will entertain a motion.

Mr. Robison stated several of those buildings, and I have lived in Lake Forest for almost thirty-four years, several of those buildings in there were grandfathered when the City of Daphne annexed Lake Forest. Just because a building is put up, and it is there in violation, it does not make it necessary that others should be in violation because my neighbor is in violation. I think the Architectural Committee stated that if they had known it was in violation of the City of Daphne regulations they would not have granted it. There are times when we make decisions, and we say, if we had known, we would not have done that. We have to live with the consequences that come from doing some things, and we have to come back later and change it. I think it is a nice building, it is a pretty building. Mr. Sturch has tried everything in the world that he can to abide by those rules and regulations to follow the Land Use Ordinance. The property is too shallow to have the building put in there. When I say shallow I am talking about from the setback line, I mean it is not enough room in there. I think we should not say just because everyone else is in violation, I should be in violation, that is sending the wrong message to people dealing with the Land Use Ordinance. That is all I have to say on that. Thank you.

A Motion was made by Mr. Swaney and Seconded by Mr. Crimmins to approve Appeal #2007-04, Raymond Sturch for a variance to allow the residence located at 129 Rolling Hill Drive to place a storage shed 2.6 feet from an attached deck.

Upon roll call vote, **the Motion failed.**

Mr. Robison	Nay
Mr. Mayhand	Aye
Mr. Swaney	Aye
Mr. Crimmins	Nay
Ms. Hargiss	Nay

The Vice Chairman stated we have three nays and two ayes.

Mr. Huffman stated the motion fails.

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Ms. Houston stated the motion fails.

The Vice Chairman stated what is the majority to pass?

Mr. Huffman stated four.

The Vice Chairman stated four. The motion fails by one vote.

Mr. Eady stated by two votes.

The Vice Chairman stated by two votes.

Mr. Lawson stated I wonder and this is a matter of opinion, but I did not quite understand what Mr. Robison said at the beginning about his conferring with the attorney, and since there was no one from Lake Forest recording this that he can vote. Lake Forest has residents here. They have a Committee from Lake Forest that is supporting this so may I just hear what the instructions were on this. I do not think he should have the right to vote.

The Vice Chairman stated the vote has already been taken.

Mr. Robison stated Mr. Chairman, may I make a statement to that. The Architectural Committee in Lake Forest, I believe, is autonomous from the Property Owners Association. It is appointed by the President of the Property Owners Association so, therefore, with the Architectural Committee making the decision that is not a decision made by the Lake Forest Property Owners Association Board. I believe that is correct, and if that is correct, Mr. Attorney, am I permitted to discuss this and vote on it rather than have this drag on because of it being a conflict of interest. My understanding is that if the Architectural Committee of Lake Forest makes a decision the Board cannot override their decision. Therefore, the Property Owners Association Board has not spoken to this issue in a yes or no. The other night in a meeting I asked them when they started to discuss it I said, I will excuse myself and leave the room, if you wish to discuss it at this time, and they chose not to discuss it.

Mr. Robison stated because I told them there is a hearing coming up. Now, we have Mr. Kirby, who is a former Property Owners Association Board member, and I believe he is also on the Architectural Committee. Would it be proper to ask Mr. Kirby if I am correct in saying that the Architectural Committee is autonomous from the Board and it is not actually part of the Board?

*The Chairman left the meeting.

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The Vice Chairman stated excuse me. I would like to say to you all that we have already taken a vote on this, and if you would please, follow the correct channel if you wish to appeal. Thank you.

Mr. Eady stated you have fifteen days to notify our office in writing if you wish to appeal to the Circuit Court of Baldwin County.

Appeal #2007-05 - John Gentry

The Vice Chairman stated do you understand that you have fifteen days to notify the City in writing if you wish to appeal. Mr. Eady, if you would move on to Appeal #2007-05.

Ms. Houston stated Mr. Taylor can vote now that the Chairman has left.

Mr. Eady displayed color transparencies of 1103 Lovett Lane. He stated this is an appeal filed by Mr. John Gentry, 1103 Lovett Lane, which is R-2 Medium Density, Single Family Residential zone. The request if granted would allow him to encroach the north side yard setback line by five-feet and four inches. The purpose of the encroachment is to build a handicap bathroom.

The Vice Chairman stated is there a property owner here? Do you like to make a statement or do you have any comments?

Mr. Gentry stated yes, sir. My family has owned this property since I was five years old. The house was built back in 1963 and neither of the bathrooms, at that time, was for a handicap person. I had to carry my mother in the home until March when she died. We had to lift her out of the hall into the bathroom for sixteen months. I am in the process of remodeling the home making it a permanent resident for myself, and I would like to have the bathroom planned for the future. Mr. Eady and I looked at the plans and worked on them, and we found that this was the only practical way to put it off the north side bedroom window. So I ask the City to grant this appeal that I can add this bathroom on to the house. As a matter of record, that block of Lovett Lane, all but one house of the seven houses on that block have a side line variance.

Mr. Gentry stated it is not going to reduce the value of the property. The work that I am going to do is going to increase the value of it. It will increase the tractability of it, and make it more tasteful for the neighborhood. Prior to making application I contacted all of the adjacent neighbors on each side and asked for their reactions, and they all told me it is fine with them and they have no objections to it and the support me in it.

The Vice Chairman stated anything else? Are there any questions or comments from the Board?

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Mr. Crimmins stated Mr. Eady I am frankly at a loss as to what make this appeal any different from any of the others that have been before us tonight? You recommended this one. Why? Help me out with this.

Mr. Eady stated I recommended approval because of the handicap situation.

Mr. Crimmins stated the first person up made some reference to a handicap.

The Vice Chairman stated she made reference to an elderly friend that was not handicapped.

Mr. Crimmins stated but there is no handicapped person living in the house at this time.

Mr. Gentry stated it will take away the future value of that home while people might be restricted from going there because they might have this future probability of being handicap.

Mr. Crimmins stated no. My wife and I did the same thing to her home after she passed. Mr. Eady has to help me distinguish this case from the other because I am sure they wanted their approved as well.

Mr. Eady stated the reason I recommended for this was because of the handicap situation. The first appeal did not mention handicap until tonight.

The Vice Chairman stated does the Board have any other questions or comments? If not, the Chair will entertain a motion.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Ms. Hargiss** to **approve Appeal #2007-05, John Gentry for a variance to allow the residence located at 1103 Lovett Lane to encroach the north side yard setback line by five-feet four inches.**

Upon roll call vote, **the Motion carried.**

Mr. Taylor	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Crimmins	Nay
Ms. Hargiss	Aye

The Vice Chairman stated we have four aye votes so the appeal is approved.

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Mr. Gentry stated thank you.

The Vice Chairman stated you may see Ms. Houston in the morning to pick up your paperwork. Is there any other business before the Board tonight? If not, the Chairman will entertain a motion to adjourn.

Adjournment:

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Mr. Taylor** to **adjourn. The Motion carried unanimously.**

There being no further business the meeting was adjourned at 7:19 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: April 5, 2007

Glen Swaney, Chairman

/ph

To: Fred Small, Mayor
From: William H. Eady, Sr., Director
Community Development
Subject: BZA Board Member Appointment
Date: April 6, 2007

MEMO

Mr. Glen Swaney's term on the BZA expires May 2007. The Council needs to reappoint this member.

Mr. Swaney has served well on the BZA, and attends all meetings.

I, respectfully request that he be reappointed to his position as a board member on the BZA.

cc: Becky, City Clerks Office

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
MARCH 12, 2007
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Starke Irvine called the meeting to order with a quorum present at 5:46 p.m.

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

Members Absent: Chris Donald

Board Members Present: None present.

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

Also present: Rebecca Hayes, Recording Secretary; Bob Lloyd; Mary Lloyd; Mary Riser; Jack West, Gary Carley.

MINUTES

**MOTION BY Jackie Ward to approve the minutes meetings held February 12, 2007.
Seconded by Kit Smith.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

EXTENDING THE OLDE TOWNE DISTRICT

The members discussed extending the Olde Towne District down to the southern city limits to take in the area where the former Judge Roy Beans' once stood. Mr. West explained that he wants to develop this property with a village concept. He shared an enhanced computer drawing of a replica of the old court house placed on his property housing a restaurant and the property behind it having the village concept.

MOTION BY Kit Smith to recommend extending the Olde Towne District to the southern city limits. Seconded by Glenn Glass.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ARCHITECTURAL REVIEW COMMITTEE FOR THE OLDE TOWNE DISTRICT

Mary Lloyd presented a brochure that will outline the process of submitting plans for review.

The next meeting of the committee will be Wednesday at 5:30 p.m.

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
MARCH 12, 2007
5:30 P.M.**

2

RE-APPOINTMENT OF MEMBERS

MOTION BY Ceann Wachter to re-appoint Starke Irvine and Kit Smith to 3 year terms. Terms ending April, 2010. Seconded by Glenn Glass.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

UNDERGROUND UTILITIES

Starke requested that Rebecca ask the Mayor to check with Jay Ross to see what he has found out about requiring Riviera to put the utilities underground.

NEXT MEETING

The next meeting will be April 9, 2007.

ADJOURN

The meeting adjourned at 6:40 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

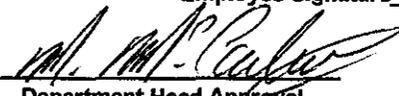
NOTES:

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME / TITLE	Sandra Cushway
DEPARTMENT	Public Works
DATES OF TRAVEL	4/16/07 - 4/18/07
SCHOOL/ORGANIZATION	Environmental Resource Center - Hazardous Waste Management
LOCATION OF TRAINING: CITY / STATE	New Orleans, LA
REGISTRATION FEE	
LODGING	
TOTAL ADVANCE REQUESTED	
(\$35 x # OF DAYS)	\$105

A complete Expense Report with itemized receipts must be submitted within one week of return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature Sandra Cushway


 Department Head Approval

 8089
 Vendor #

160200
 Org #

 52211
 Object #

 Proj#

***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL – PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT**

Environmental Resource Center

101 Center Pointe Drive • Cary, North Carolina 27513-5706 • phone 919 489 1586 • fax 919 342 0804 • www.ercwa.com

March 1, 2007

Sandra Cushway
Administration Assistant
City of Daphne
26435 Public Works Rd
PO Box 400
Daphne, AL 36526

Dear Ms. Cushway:

This letter confirms your registration for **Hazardous Waste Management: The Complete Course** to be conducted on April 17-18, 2007 in New Orleans, LA. Your confirmation number is 45847.

The seminar will be held at the Four Points by Sheraton, located at 6401 Veterans Memorial Blvd. in Metairie. Registration begins at 7:30 a.m., with training beginning at 8:00 a.m. and concluding at 5:00 p.m. If you need overnight accommodations, please contact the hotel directly at 504-885-5700. The hotel may offer discounted rates to Environmental Resource Center attendees. Additional parking fees may apply. Be sure to ask when making reservations.

You can upgrade your registration to our Annual Training Subscription for only \$1210.00. The subscription gives you the opportunity to attend any of our classes for one year at no additional cost. A subscription also includes discounts on products, consulting services, and on-site training. Call me for more information or to upgrade.

Thank you for choosing Environmental Resource Center. We look forward to seeing you in New Orleans.

Victoria A. Medlin

Victoria Medlin
Senior Customer Service Representative

Seminar	Fee
Hazardous Waste Management: The Complete Course	\$789.00
Total Fees	\$789.00
Payments	\$0.00
Amount Due	\$789.00

PREPAID TRAVEL REQUEST FORM

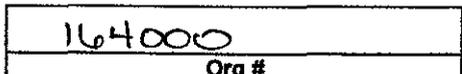
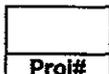
EMPLOYEE NAME / TITLE	Tony Cross
DEPARTMENT	Public Works - Solid Waste
DATES OF TRAVEL	4/16/07 - 4/18/07
SCHOOL/ORGANIZATION	Environmental Resource Center - Hazardous Waste Management
LOCATION OF TRAINING: CITY / STATE	New Orleans, LA
REGISTRATION FEE	
LODGING	
TOTAL ADVANCE REQUESTED	
(\$35 x # OF DAYS)	\$105

A complete Expense Report with itemized receipts must be submitted within one week of return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature _____


 Department Head Approval


 Vendor #

 Org #	 Object #	 Proj#
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***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL – PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT**



Environmental Resource Center

101 Clu 101 Piny Drive • Cary, North Carolina 27513-5706 • phone 919-469-1698 • fax 919-342-0807 • www.erc-center.com

March 1, 2007

Tony Cross
Solid Waste Coordinator
City of Daphne
26435 Public Works Rd
PO Box 400
Daphne, AL 36526

Dear Mr. Cross:

This letter confirms your registration for Hazardous Waste Management: The Complete Course to be conducted on April 17-18, 2007 in New Orleans, LA. Your confirmation number is 45846.

The seminar will be held at the Four Points by Sheraton, located at 6401 Veterans Memorial Blvd. in Metairie. Registration begins at 7:30 a.m., with training beginning at 8:00 a.m. and concluding at 5:00 p.m. If you need overnight accommodations, please contact the hotel directly at 504-885-5700. The hotel may offer discounted rates to Environmental Resource Center attendees. Additional parking fees may apply. Be sure to ask when making reservations.

You can upgrade your registration to our Annual Training Subscription for only \$1210.00. The subscription gives you the opportunity to attend any of our classes for one year at no additional cost. A subscription also includes discounts on products, consulting services, and on-site training. Call me for more information or to upgrade.

Thank you for choosing Environmental Resource Center. We look forward to seeing you in New Orleans.

Victoria L. Medlin

Victoria Medlin
Senior Customer Service Representative

Seminar	Fee
Hazardous Waste Management: The Complete Course	\$789.00
Total Fees	\$789.00
Payments	\$0.00
Amount Due	\$789.00

2007.3
case n

ABC LICENSE ROUTING

(init

DATE RECEIVED BY REVENUE DIV. 2/8/07 Wh

DATE FORWARDED TO POLICE DEPT. 2/8/07

DATE RECEIVED BY POLICE DEPT. 2-8-07 RAA

DATE: APPROVED DISAPPROVED

POLICE DEPT. SIGNATURE *Daniel Boel*

DATE RETURNED TO REVENUE DIV. 3/26/07 Wh

DATE FORWARDED TO CITY CLERK 3/26/07 Wh

DATE RECEIVED BY CITY CLERK 3/26/07 RAA

SCHEDULED DATE ON AGENDA 4/02/07 RAA

Council Action : APPROVED DISAPPROVED TA

COMMENTS- _____

Rescheduled for Council Agenda Date _____

Council Action : APPROVED DISAPPROVED TA

COMMENTS- _____

DATE RETURNED TO REVENUE DIV. _____

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

TYPE APPLICATION

Date Refused _____ Date Approved _____
 By: _____ 010 - Lounge Retail Liquor - Class I By: _____

Name of Applicant (s) Michelle Claprod & George Duffy
 Circle One: Ind. Part. Assoc. Corp. LLC

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Michelle Kristen Claprod	AL 7506510 Owner	3-03-1977 Lambton Canada	9653 Silverwood Dr Fairhope AL 36532	2 years
George Edward Duffy	AL 6202330 Owner	10-07-1958 Duval FL	126 Michael Loop Daphne AL 36526	15 years

Corporate Information: N/A Date _____ County _____
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Top of The Bay

Location 29049 US Hwy 98 Daphne AL 36526 County Baldwin
 Mailing Address 126 Michael Loop Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name N/A Type N/A Year N/A
 Trade Name N/A License Number N/A
 Location (location transfer only) N/A

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

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

STATE OF ALABAMA
 COUNTY OF Baldwin Signed Michelle Claprod
 Title Owner Date 02/03/2007

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

Sworn to and subscribed before me this 8th day of February, 2007

James W. Malley Signature of Notary Public
 Notary Public, State at Large My commission expires _____
Michelle Claprod Signature of Affiant
 Business Phone (251) 604-4378 Home Phone (251) 626-4953

(For Central Office Use Only) License No.: _____ Date of Issue _____ Amount of Fees _____ Total _____

GENERAL APPLICATION INFORMATION

Person: George Edward Duffy
Phone Numbers: Home: (251) 626-4953 Business: (251) 604-4378
Fax: Pager: Other:
Internet/Web Address: Email Address:

Does the premises have a fully equipped and operational kitchen? Y (N) NA
Does the establishment have restroom facilities? (Y) N
Is place of business habitually and principally used for providing food to the public? Y N (Snacks Only) NA
Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? (Y) N
Will this business be operated PRIMARILY as a package store? Y (N)
If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N (NA)

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

Will applicant engage in the sale of tobacco products? (Y) N If yes, type of business: 47 - Liquor Lounge / Club
Number of tobacco vending machines present: 0
Neighborhood investigation waived in accordance with Application Guidelines (X)
Building seating capacity: 300 License premises includes patio area Y (N)
Building Dimensions: Length 120 Width 60 Square Footage 7800 Sales and Display Square Footage
License covers: (X) Entire structure () Portion of: () Top Floor () Bottom Floor () Other
License Structure: (X) One Story () Two Story () Multi-Story () Single Structure () Shopping Center () Motel/Hotel
Structure Material: () Wood (X) Brick/Block () Metal/Pre-Fab () Other
Is location within city limits? (Y) N Police Protection: County (City)
Number of licenses issued in vicinity: () 0 (X) 1-5 () 6-10 () more than 10 Nearest: 200 yards
Nearest: School Church Private Residence
within 2 blocks within 2 blocks within 2 blocks
within 1/2 mile within 1/2 mile within 1/2 mile
(X) Exceeds Above (X) Exceeds Above (X) Exceeds Above

EXPLANATION OF LAW VIOLATIONS

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)
Name Date Violation Jurisdiction Disposition
I certify no member of this partnership has a criminal record.

FILING FEE ACKNOWLEDGEMENT

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

TRANSFER AGREEMENT

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

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

LEASE/PROPERTY OWNERSHIP

If applicant OWNS property, is copy of recorded deed attached? Y (N)
If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y (N)
If applicant is LEASING the property, is a copy of the lease agreement attached? (Y) N
A: Name of Property Owner/Lessor: Vilai Marino Contact #: (251) 344-4000
B: What is the LESSOR'S primary business? Leasing
C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y (N) (If yes, explain on an attached sheet)
D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y (N) (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Signature]
Agent/ID Samir L. Maloy 114 Supervisor [Signature]
(Review includes complete application packet)

AGENT: Application taken: 02/08/2007 Application/Investigation completed: 2/8/07 Forwarded to D.O.: 1/1
LOCAL GOVERNMENT: Submitted: 2/8/07 Received from: 1/1
SUPERVISOR: Received in District Office: 1/1 Reviewed: 1/1 Forwarded to C.O.: 1/1

2007-2

case no.

ABC LICENSE ROUTING

(initial

DATE RECEIVED BY REVENUE DIV. 1/31/07 YCS

DATE FORWARDED TO POLICE DEPT. 1/31/07 YCS

DATE RECEIVED BY POLICE DEPT. 2/1/07 RHH

DATE: APPROVED [check] DISAPPROVED

POLICE DEPT. SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 3/26/07 Why

DATE FORWARDED TO CITY CLERK 3/26/07 Why

DATE RECEIVED BY CITY CLERK 3/26/07 RHH

SCHEDULED DATE ON AGENDA 4/02/07 RHH

Council Action : APPROVED DISAPPROVED TABLE

COMMENTS-

Rescheduled for Council Agenda Date

Council Action : APPROVED DISAPPROVED TABLE

COMMENTS-

DATE RETURNED TO REVENUE DIV.

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

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

Date Refused _____ TYPE APPLICATION Date Approved _____
 By: _____ 020 - Restaurant Retail Liquor By: _____

Name of Applicant (s) Perdido Key Investment Group LLC
 Circle One: Ind. Part. Assoc. Corp. **LLC**

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Angela Marie Denton	OH RT395979 Officer	1-10-1977 Geauga OH	11151 Elysian Circle Daphne AL 36526	2 months
Judith Ellen DiPada	OH RJ721656 Officer	6-1-1945 Marion IN	50 Twin Oaks Rd Akron Ohio 44313	15 years
Samuel Joseph DiPada	OH RR235374 Officer	3-19-1943 Jefferson AL	50 Twin Oaks Rd Akron Ohio 44313	15 years

Corporate Information: Instrument # 1012116 Date 12-14-06 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name The Nautilus
 Location 29249 Hwy 98 Daphne AL 36526 County Baldwin

Mailing Address 11151 Elysian Circle Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name Glenn E. Dutton & Linda H. Dutton Type 020 Year 2006-2007

Trade Name The Nautilus License Number 3924

Location (location transfer only) N/A

- Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N
 Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N
 Are the applicant(s) named above, in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N
 What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

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

STATE OF ALABAMA Signed [Signature]
 COUNTY OF Baldwin Title Officer Date 01/31/2007

The undersigned Angela Marie Denton, Officer of Perdido Key Investment Group LLC
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

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

Sworn to and subscribed before me this 31st day of January, 2007

[Signature] Signature of Notary Public
 Notary Public, State at Large My commission expires _____
[Signature] Signature of Affiant
 Business Phone (251) 626-0783 Home Phone (251) 626-8419
 Other (330) 212-3922

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

GENERAL APPLICATION INFORMATION

Contact Person: Angela Marie Denton

Phone Numbers: Home: (251) 626-8419 Business: (251) 626-0783

Fax: _____ Pager: _____ Other: (330) 212-3922

Internet/Web Address: _____ Email Address: _____

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

Does the establishment have restroom facilities? Y N

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

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

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

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

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

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: _____

Number of tobacco vending machines present: 0

Neighborhood investigation waived in accordance with Application Guidelines

Building seating capacity 225 License premises includes patio area Y N

Building Dimensions: Length 96 Width 64 Square Footage 5606 Sales and Display Square Footage _____

License covers: Entire structure Portion of: Top Floor Bottom Floor Other _____

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

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

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

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 200

Nearest: School Church Private Residence

within 2 blocks within 2 blocks within 2 blocks

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

Exceeds Above Exceeds Above Exceeds Above

EXPLANATION OF LAW VIOLATIONS

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

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

FILING FEE ACKNOWLEDGEMENT

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

Signature of Applicant: [Signature]

TRANSFER AGREEMENT License Type: _____ License # _____

I, See separate Transfer Agreement, as _____ (Name) _____ (Title) holding current ABC License at

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

Licensee: _____ Date: _____

Applicant: _____ Date: _____

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

LEASE/PROPERTY OWNERSHIP

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

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

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

A: Name of Property Owner/Lessor: Springs Enterprises Contact #: (251) 232-9261

B: What is the LESSOR'S primary business? Commercial Leasing

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

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

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) AM

Agent/ID Jamie Maloy 114 Supervisor _____ (Review includes complete application packet)

AGENT: Application taken: 01/31/2007 Application/Investigation completed: / / Forwarded to D.O.: / /

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

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

2007-4
Case No

ABC LICENSE ROUTING

(init:

DATE RECEIVED BY REVENUE DIV. 5/13/07 Whg
DATE FORWARDED TO POLICE DEPT. 2/13/07 Whg
DATE RECEIVED BY POLICE DEPT. 2-14-07 Mttt

DATE: APPROVED DISAPPROVED

POLICE DEPT. SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 3/26/07 Whg
DATE FORWARDED TO CITY CLERK 3/26/07 Whg
DATE RECEIVED BY CITY CLERK 3/26/07 RAH
SCHEDULED DATE ON AGENDA 4/02/07 RAH

Council Action : APPROVED DISAPPROVED TAI

COMMENTS- _____

Rescheduled for Council Agenda Date _____

Council Action : APPROVED DISAPPROVED TAI

COMMENTS- _____

DATE RETURNED TO REVENUE DIV. _____

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

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

Date Refused _____ TYPE APPLICATION Date Approved _____
 By: _____ 070 - Retail Table Wine - (Off Premises Only) By: _____

Name of Applicant (s) Jubilee Stop, Inc.
 Circle One: Ind. Part. Assoc. Corp. LLC

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Johnny Morris Littleton Jr.	AL 7142899 President	1-05-1985 Mobile AL	304 Belrose Ave Daphne AL 36526	2 years
Julian George Littleton	FL Vice- President	12-24-1985 Mobile AL	301 Bayhill Dr Daphne AL 36526	2 years

Corporate information: Instrument #996470 Date 8-23-2006 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Jubilee Stop, Inc.
 Location 29117 Hwy 98 Daphne AL 36526 County Baldwin

Mailing Address P.O. Box 3199 Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee
 Licensee Name N/A Type N/A Year N/A
 Trade Name N/A License Number N/A
 Location (location transfer only) N/A

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

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

STATE OF ALABAMA Signed Johnny Morris Littleton Jr.
 COUNTY OF Baldwin Title President Date 02/12/2007

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

Sworn to and subscribed before me this 12th day of February, 2007

Signature of Notary Public _____ Signature of Applicant Johnny Morris Littleton Jr.
 Notary Public, State at Large My commission expires _____ Business Phone (251) 626-0481 Home Phone (251) 625-4504

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

GENERAL APPLICATION INFORMATION

Contact Person: Johany Morris Littleton Jr.

Phone Numbers: Home: (251) 625-4504 Business: (251) 626-0481

Fax: _____ Pager: _____ Other: _____

Internet/Web Address: _____ Email Address: _____

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

Does the establishment have restroom facilities? Y N

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

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

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

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

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

Will applicant engage in the sale of tobacco products? Y N If yes, type of business: na

Number of tobacco vending machines present: 0

Neighborhood investigation waived in accordance with Application Guidelines

Building seating capacity NA License premises includes patio area Y N

Building Dimensions: Length 90' Width 50' Square Footage 4500 Sales and Display Square Footage 3700

License covers: Entire structure Portion of: Top Floor Bottom Floor Other _____

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

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

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

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 200 yards

Nearest: School Church Private Residence

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

EXPLANATION OF LAW VIOLATIONS

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

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

FILING FEE ACKNOWLEDGEMENT

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

Signature of Applicant: [Signature]

TRANSFER AGREEMENT License Type: _____ License # _____

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

Licensee: _____ Date: _____

Applicant: _____ Date: _____

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

LEASE/PROPERTY OWNERSHIP

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

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

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

A: Name of Property Owner/Lessor: J.N. LLC Contact #: (251) 343-1673

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

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

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

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) g2

Agent/ID Jamie L. McCoy 114 Supervisor _____

(Review includes complete application packet)

AGENT: Application taken: 02/12/2007 Application/Investigation completed: 2/12/07 Forwarded to D.O.: / /

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

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

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

Name of Applicant (s) Jubilee Stop, Inc.
 Circle One: Ind. Part. Assoc. Corp. LLC

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Johnny Morris Littleton Jr.	AL 7142899 President	1-05-1985 Mobile AL	304 Belrose Ave Daphne AL 36526	2 years
Julian George Littleton	FL Vice- President	12-24-1985 Mobile AL	301 Bayhill Dr Daphne AL 36526	2 years

Corporate Information: Instrument #996470 Date 8-23-2006 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Jubilee Stop, Inc.

Location 29117 Hwy 98 Daphne AL 36526 County Baldwin

Mailing Address P.O. Box 3199 Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N
 Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N
 Are the applicant(s) named above, in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N
 What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

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

(If Yes, explain in Investigation Section) Signature of applicant Johnny Morris Littleton Jr.

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

STATE OF ALABAMA Signed _____
 COUNTY OF Baldwin Title President Date 02/12/2007

The undersigned Johnny Morris Littleton Jr., President of Jubilee Stop, Inc.
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

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

Sworn to and subscribed before me this 12th day of February, 2007

James A. Maly Signature of Notary Public Notary Public, State at Large My commission expires _____
Johnny Morris Littleton Jr. Signature of Applicant Business Phone (251) 626-0481 Home Phone (251) 625-4504

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

GENERAL APPLICATION INFORMATION

Contact Person: Johnny Morris Littleton Jr.

Phone Numbers: Home: (251) 625-4504 Business: (251) 626-0481

Fax: _____ Pager: _____ Other: _____

Internet/Web Address: _____ Email Address: _____

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

Does the establishment have restroom facilities? Y N

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

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

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

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

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

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

Number of tobacco vending machines present: 0

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity N/A License premises includes patio area Y N

Building Dimensions: Length 90' Width 50' Square Footage 4500 Sales and Display Square Footage 3700

License covers: Entire structure Portion of: Top Floor Bottom Floor Other _____

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

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

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

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 200 yards

Nearest: School Church Private Residence

within 2 blocks within 2 blocks within 2 blocks

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

Exceeds Above Exceeds Above Exceeds Above

EXPLANATION OF LAW VIOLATIONS

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

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

FILING FEE ACKNOWLEDGEMENT

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

Signature of Applicant: Johnny Morris Littleton Jr.

TRANSFER AGREEMENT License Type: _____ License # _____

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

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

Licensee	Date
Applicant	Date

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

LEASE/PROPERTY OWNERSHIP

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

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

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

A: Name of Property Owner/Lessor: J.N. LLC Contact #: (251) 343-1673

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

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

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

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) JM

Agent/ID Jamie L. Maloy 114 Supervisor JM

(Review includes complete application packet)

AGENT: Application taken: 02/12/2007 Application/Investigation completed: 2/12/07 Forwarded to D.O.: / /

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

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

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS



RIVIERA UTILITIES

700 WILSON BLVD DAPHNE ROAD • DAPHNE, ALABAMA 36526
PHONE (251) 626-5000 • FAX (251) 626-5003

WESTERN DIVISION OFFICE

To whom it may concern,

After reviewing the power at Mayday Park for the city of Daphne, Riviera Utilities has determined that it will cost \$10,000. to install underground power at this location. This price is valid only for "free and clear" digging. Riviera will not be responsible for boring under any existing roadways. Also, there are two residents being served power from the power lines on Mayday Park property. (One to the north of the park, and one to the south of the park.) Riviera Utilities will have to construct the underground feed to facilitate the continued service of power to these two customers.

Sincerely,

Leon Barber
Riviera Utilities

"Our Service Turns You On"

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2007- 25

**Acceptance of Streets and Drainage
located in the Eastern Shore Park Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Eastern Shore Park Subdivision on October 27, 2005 and the City of Daphne hereby recommends acceptance of said street(s) located in Eastern Shore Park Subdivision; and,

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

Whereas, the Division of Public Works has accepted said streets and storm water drainage of Eastern Shore Park Subdivision; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Eastern Shore Park Subdivision; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Eastern Shore Park Subdivision according to the plat by Herdon, Hicks & Associates as recorded in the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Frederick Boulevard, Dimitrios Avenue, and Justina Avenue 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 AND TIME SIGNED: _____**

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

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

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

SUBDIVISION NAME: EASTERN SHORE PARK SUBDIVISION

LOCATION: U.S. HIGHWAY 90 AND ALABAMA HIGHWAY 181

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 27 day of February, 2007 by Malbis Properties, L.L.C., hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as EASTERN SHORE PARK 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 (\$ 360,000.00) 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 OCTOBER 27, 2005. That said subdivision according to the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named Frederick Boulevard, Dimitrios Avenue, Justina Avenue

2505 LF 60/90 TOTAL, 749LF AT 60' AND 1756LF AT 90' -FREDERICK BLVD
437 LF AT 50' JUSTINA AVENUE, AND 320LF AT 100' - DIMITRIOS AVENUE
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,
MALBIS PROPERTIES, L.L.C.
By: Malbis Properties Management, Inc.
Its: Manager

Name of Individual or Corporation

By: Jake F. Aronov
Jake F. Aronov
Its: President

STATE OF ALABAMA
COUNTY OF MONTGOMERY

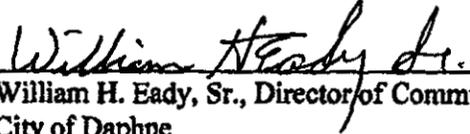
I, the undersigned, a Notary Public in and for said State at Large, hereby certify that Jake F. Aronov whose name as President of Malbis Properties Management, Inc., an Alabama corporation, acting in its capacity as Manager of Malbis Properties, L.L.C., an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its aforesaid capacity as Manager of said limited liability company as of the date hereof.

Given under my hand this 27 day of Feb., 2007.

Janice B. Nix
Notary Public
My Commission Expires: 11-8-08

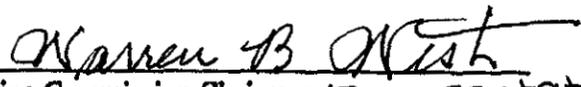
**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Recommendation:



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

Approval:



Planning Commission Chairman/Representative
City of Daphne

Revised: March 18, 2004

MAINTENANCE BCND
No. 76SB104861136

KNOW ALL MEN BY THESE PRESENTS:

That, W. S. Newell, Inc.

(hereinafter called the Principal), as

Principal, and Travelers Casualty & Surety Co. of America corporation organized and existing under the laws of the State of Connecticut with its principal office in the City of Hartford (hereinafter called the Surety), as Surety, are
held and firmly bound unto

City of Daphne, Alabama

(hereinafter called the Obligee), in the just and full sum of ---Three Hundred Sixty
Thousand Dollars & No/100---(\$360,000.00)

Dollars, to the payment of which sum, well and truly to be made, the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, for Streets for Eastern Shore Park, Daphne, Alabama

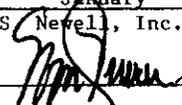
WHEREAS, said contract requires said Principal to indemnify the Obligee against defective materials and workmanship for a period of two years from the final payment under said contract.

NOW, THEREFORE, The Condition of this Obligation is such, that if the said Principal shall fully indemnify the Obligee for any loss he (they, it) may suffer through the failure of the Principal faithfully to observe and perform each and every obligation and duty imposed upon the Principal by the said Maintenance guarantee, then this obligation to be void; otherwise to remain in full force and virtue in law.

Provided, HOWEVER, it shall be a condition precedent to any right of recovery hereunder, that in event of any default on the part of the Principal, a written statement of the particular facts showing the date and nature of such default shall be immediately delivered to the Surety by registered mail.

AND PROVIDED FURTHER, that no action, suit or proceeding shall be had or maintained against the Surety on this instrument unless the same be brought or instituted and process served upon the Surety within three months after the expiration of such Maintenance period.

IN WITNESS THEREOF, the said Principal and Surety have signed and sealed this instrument this 25th day of January, 2007
W. S. Newell, Inc. (Principal)

BY 

Travelers Casualty & Surety Company of America

BY 

Jane Huddleston Attorney-in-Fact

**CITY OF DAPHNE
RESOLUTION NO. 2007-26**

SAFETY AWARD PROGRAM FOR EMPLOYEES OF THE CITY OF DAPHNE

WHEREAS, the Human Resources Department of the City of Daphne, in conjunction with the recommendation from the Safety Committee, is desirous of improving and implementing a safety award program to recognize those City employees which have displayed exemplary performance or authorized innovations that have significantly reduced costs or whose efforts have resulted in outstanding improvements in services to the public; and

WHEREAS, the Human Resources Department through its Director, has created and desires to implement certain recognition programs to establish a safety award program and has established certain criteria to do the same; and

WHEREAS, the City Council of the City of Daphne, as the governing body of the City desires to authorize the Mayor, subject to budget restraints and limitations as may be approved by the City Council from time to time, to make cash or non-cash awards, not to exceed \$1,000.00 to certain City employees, in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public; and

WHEREAS, the City Council of the City of Daphne believes that such a program would serve a public purpose that would benefit the health, welfare and safety of the citizens of the City of Daphne through its employees;

NOW, THEREFORE, BE IT RESOLVED, that the City of Daphne be, and hereby authorizes the Mayor, subject to budget restraints as approved in budgetary process from year to year to make cash or non-cash awards, not to exceed \$1,000.00 to those City employees in recognition of exemplary performance or for innovations that significantly reduce costs in outstanding improvements in services to the public as the same may be approved by his or her supervisor in conformity with the City of Daphne's Safety Program as implemented by the Human Resources Director.

APPROVED AND ADOPTED ON THE _____ DAY OF _____, 2007.

SAFETY AWARD PROGRAM FOR EMPLOYEES OF THE CITY OF DAPHNE

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

**RESOLUTION 2007- 27
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

***Sandi Cushway Environmental Resource Center / Hazardous Waste
Management / New Orleans, LA / April 16-18, 2007 / \$105***

***Tony Cross Environmental Resource Center / Hazardous Waste
Management / New Orleans, LA / April 16-18, 2007 / \$105***

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, 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

CITY OF DAPHNE

ORDINANCE NO. 2007 - 16

AN ORDINANCE AMENDING ORDINANCE NO. 2006-47 WHICH RE-ESTABLISHED POLICY AND PROCEDURE FOR IMPROVING SEWER SERVICE FOR THE CITIZENS OF DAPHNE, ALABAMA

WHEREAS on the 7th day of August, 2006, the City Council of the City of Daphne passed Ordinance No. 2006-47 which re-established policy and procedure for improving sewer service for the citizens of Daphne, Alabama, and

WHEREAS, the Mayor and City Council recognize the importance of promoting the health, safety and welfare of its citizens and the environment to provide adequate utilities including sanitary sewerage for its residents, and

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 2006-47 regarding assessable costs for the construction of sanitary sewer services;

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

SECTION I: That Paragraph (E) of Section I of Ordinance No. 2006-47 is hereby repealed and said paragraph shall hereafter read as follows:

(E) In no event shall the amount assessed against any property exceed the amount allowed by the laws of the State of Alabama or the United States.

SECTION II: Severability Clause: The provisions of the Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the part that remains.

SECTION III. Effective Date: This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama and upon publication as provided by law.

SECTION IV: The remainder of Ordinance No. 2006-47 shall remain in full force and effect.

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 and Time Signed:_____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

ORDINANCE NO. 2007- 17

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

Vilia Marino Trust

(Property located on the Southeast of intersection of Pollard Road and County Road 64)

**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 January 25, 2007 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 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:

Lot 2, Jubilee Ridge, as recorded in Slide 2248 D in the office of the Judge of Probate, 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

MARINO ANNEXATION
LOT 2, JUBILEE RIDGE SUBDIVISION
EXHIBIT "A"

EXHIBIT "A"

File No.: ATY-056479373

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01 DEGREES 29 MINUTES WEST 442.12 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 38 SECONDS EAST 389.85 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE SOUTH 00 DEGREES 33 MINUTES 30 SECONDS WEST 883.60 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 53 SECONDS EAST 662.50 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 23 SECONDS EAST 984.12 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 36 SECONDS WEST 600.23 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 56 SECONDS WEST 300.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 64 (AN 80 FOOT RIGHT OF WAY); THENCE SOUTH 89 DEGREES 59 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 60.00 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 56 SECONDS EAST 402.60 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE WESTERMOST 60 FEET.

AND

EXHIBIT "B"
EASEMENT FOR INGRESS AND EGRESS

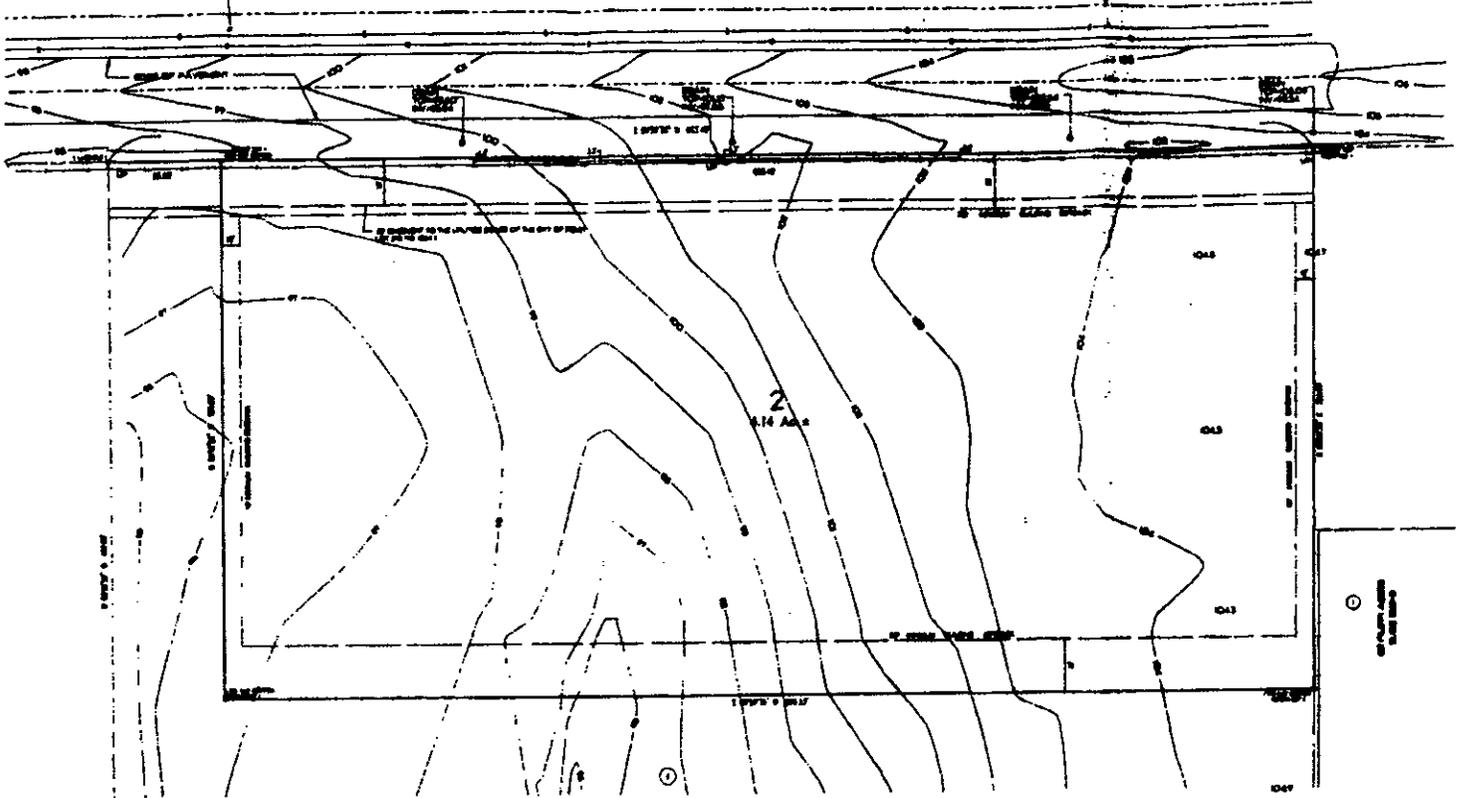
COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE EAST ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 947.80 FEET; THENCE SOUTH 01°-29'-00" WEST 442.12 FEET; THENCE NORTH 89°-55'-38" EAST 389.85 FEET; THENCE NORTH 00°-16'-56" WEST 102.60 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUE NORTH 00°-16'-56" WEST 300.00 FEET TO A POINT ON THE SOUTH LINE OF BALDWIN COUNTY HIGHWAY 64; THENCE NORTH 89°-59'-36" EAST ALONG SAID SOUTH LINE 60.00 FEET; THENCE SOUTH 00°-16'-56" EAST 300.00 FEET; THENCE SOUTH 89°-59'-36" WEST 60.00 FEET TO THE POINT OF BEGINNING.

MARINO ANNEXATION
 LOT 2, JUBILEE RIDGE SUBDIVISION
 EXHIBIT "B"

COUNTY ROAD 64

Baldwin County Highway No. 64 R/W

TRM - 2 NAILS SET IN POWER POLE
 ELEV. 152.16 (NAVD 1988) REFERENCE
 RM 507-1 SHOWN ON FIRM NO. 0100300507



NOTICE
 I, the undersigned, being a duly licensed Professional Engineer in the State of Alabama, do hereby certify that the foregoing is a true and correct copy of the original survey of the Parcel of Land of Lot 2, of the Jubilee Ridge Subdivision, Baldwin County, Alabama, as shown on the plan of the said Subdivision, and as the same appears on the records of the Public Office of the County Clerk of Baldwin County, Alabama.
 Dated this 15th day of June, 2007.
 [Signature]
 [Seal]
STEVE BRYANT, INC.
 1100 N. GULF SHORE BLVD. SUITE 100
 GULF SHORE, ALABAMA 36561
 PHONE: 904.709.1100 FAX: 904.709.1101
 WWW: WWW.STEVEBRYANT.COM

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

ORDINANCE NO. 2007 - 18

**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

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)



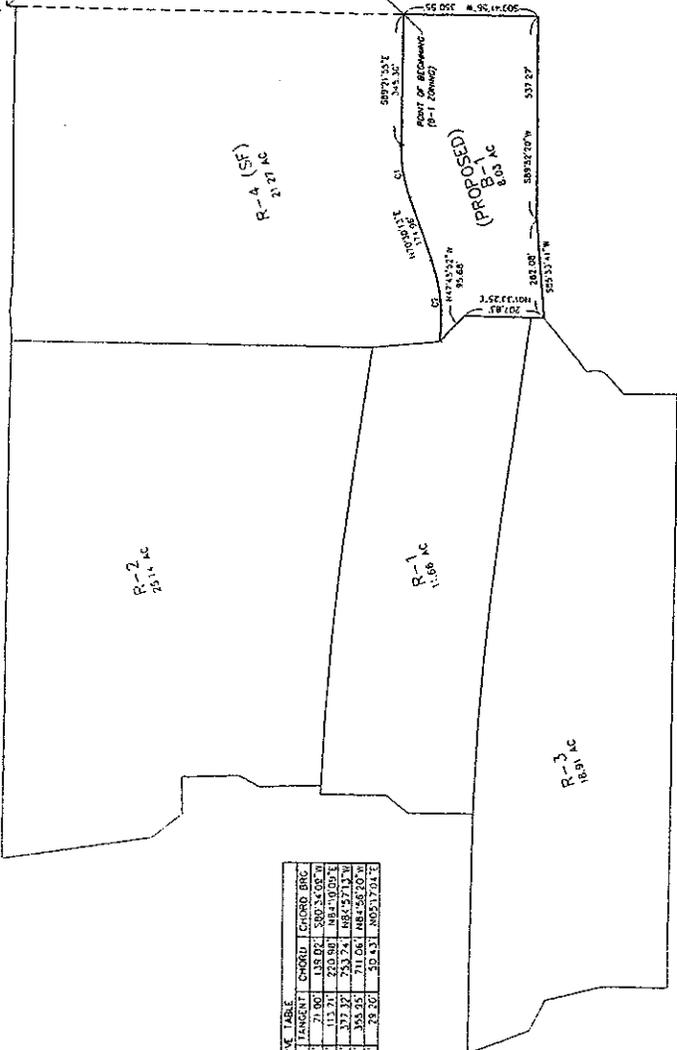
ENGINEERING DEVELOPMENT SERVICES, L.L.C.
DAVID E DIEHL AL. P.L.S. NO. 26014

OLDFIELD
(FORMERLY KNOWN AS COTTONWOOD)

271.26
10.00
34.35

ALABAMA STATE HIGHWAY NO. 181
90' RIGHT-OF-WAY (PAVED ROAD)
509+1.56 W 1033.68

NOT COMPATIBLE WITH THE MAPS OF THE COUNTY OF HALL, GA.



CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRC
C1	119.24	400.00	71.00	119.00	500.540000
C2	223.09	467.71	113.71	223.00	484.100000
C3	74.65	230.00	37.32	74.34	188.271111
C4	711.31	2250.00	354.95	711.06	1881.967000
C5	54.88	201.00	28.30	54.51	100.170000

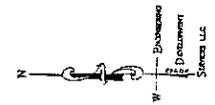
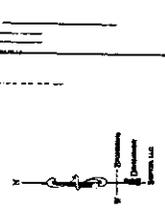
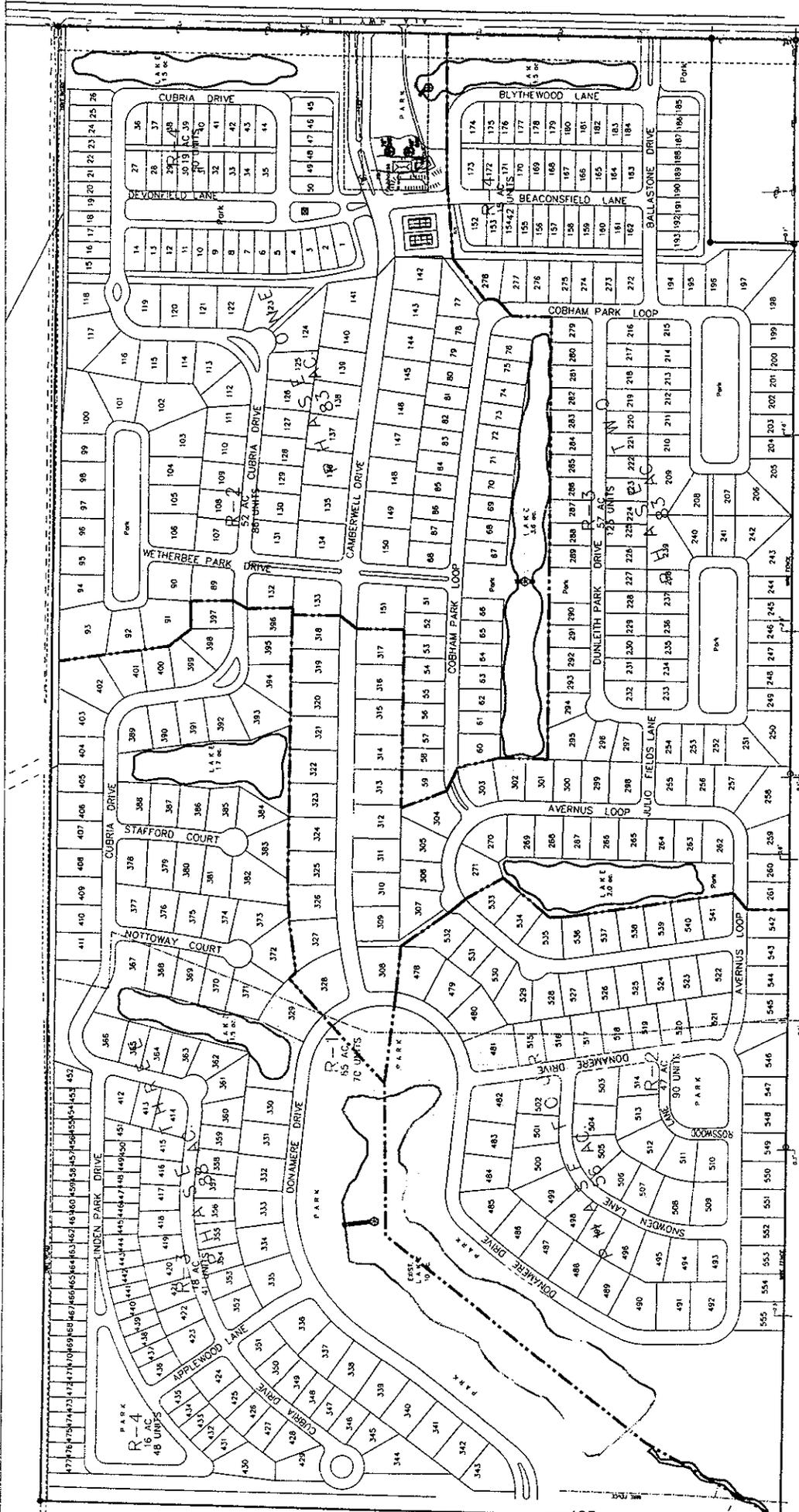


EXHIBIT "B"



OLDFIELD

MASTER PLAN

FOR
MIKE McLAUGHLIN

ZONING SUMMARY

R-1	70 Units	85 ac
R-2	179 Units	99 ac
R-3	166 Units	75 ac
R-4	140 Units	50 ac
TOTAL	555 Units	309 ac

OPEN SPACE SUMMARY

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

Engineering Development Services, LLC
 10000 Oldfield Drive, Suite 100
 Dallas, Texas 75243
 Phone: (214) 343-1111
 Fax: (214) 343-1112
 Email: info@eds-llc.com

ORDINANCE NO. 2007 - 19

**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

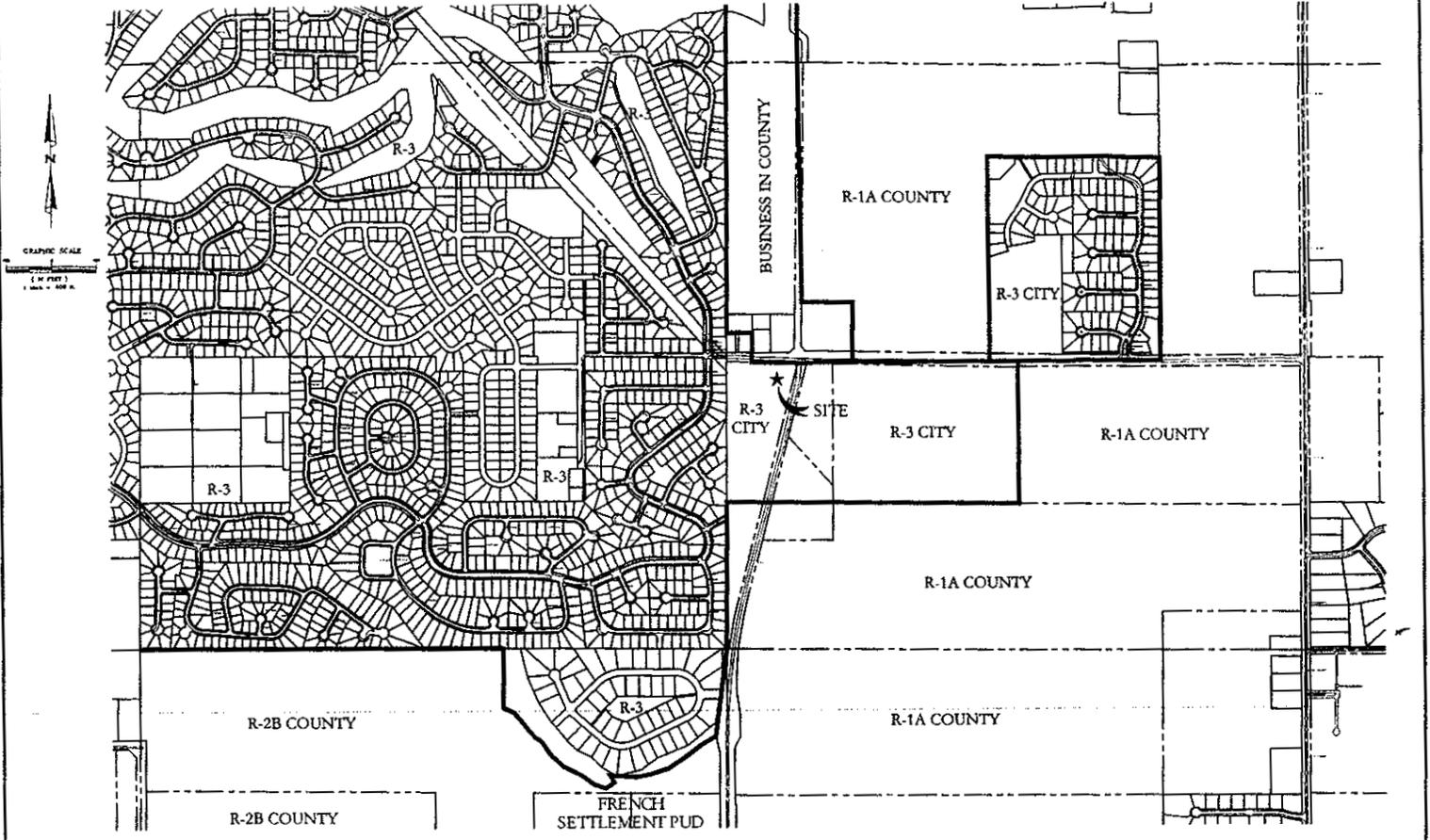
MALBIS PLANTATION, INC.
ZONING AMENDMENT

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



	HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND PLANNERS		TEL (251) 626-2826 FAX (251) 626-6934 509-nemranch@hmr.com	
	2020 MAIN STREET OPRICH, ALABAMA 36526		LAWSON ROAD & CO. RD. 13 EXISTING ZONING WHITE-SPUNNER & ASSOCIATES	

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

CITY OF DAPHNE

ORDINANCE NO. 2007-20

AN ORDINANCE FOR MODIFYING AND AMENDING SANITARY SEWER IMPROVEMENT ORDINANCE NO. 2007-05

WHEREAS, at a regular meeting of the City Council of the City of Daphne, held on the 5th day of February, 2007, Improvement Ordinance No. 2007-05 was adopted and notice of the adoption of said ordinance was given by publication of said ordinance in The Bulletin, a newspaper published in and of general circulation in the City of Daphne, in the issues of February 17, 2007 and February 24, 2007, which said ordinance stated that the City Council of the City of Daphne would meet on the 5th day of March, 2007, at 6:30 o'clock P.M. at the City Hall of the City of Daphne to hear objections, remonstrance, or protests that might be made to said improvements or the character of the material or materials to be used, and the manner of making the same; and

WHEREAS, a copy of Said Improvement Ordinance No. 2007-05 was sent by registered mail, postage prepaid, to each of the property owners of record last assessed at their last known addresses for City taxation for the property proposed to be assessed for said improvements; said notice having been mailed on the 22nd day of February, 2007, more than ten days prior to the 5th day of March, 2007 and receipt confirmation notices received for each parcel; and

WHEREAS, the persons owning property on US 90, namely, William Estes, Tripp Pittman, Mike Commiskey spoke to the sewer improvement along US 90 and were heard, and considered, and Improvement Ordinance No. 2007-05 amended and modified by permitting either gravity sewer or force main from the beginning point described in Ordinance 2007-05 point to the lift station site which is approximately 1,900 linear feet of sanitary sewer main as discussed at the public hearing on March 5, 2007. As requested by participants at the public hearing a meeting was held on March 13, 2007 at the offices of HMR with all interested parties from the public hearing that requested a meeting to review the plans. Also, additional meetings were held with interested parties on March 20 and 27, 2007; and

WHEREAS, as stated in the Public Hearing, the assessment will be based on the acreage of property included in the assessment; and

WHEREAS, there were no protests, objections, or remonstrances against said improvements, or the character of materials to be used and the manner of making said improvements have been filed in writing with the City Clerk or in that office, or have been made at this meeting except as noted above; and

WHEREAS, the Mayor and City Council recognize the importance of promoting the health, safety and welfare of its citizens and the environment by providing adequate utilities including sanitary sewer for its residents; and

WHEREAS, the Mayor and City Council desire to amend Sanitary Sewer Improvement Ordinance No. 2007-05 regarding allowing either gravity or force main in Section 1 of said ordinance;

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

SECTION I: That Section 1(a) of Sanitary Sewer Improvement Ordinance No 2007-05 is hereby modified and amended to read as follows:

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

SECTION II: Severability Clause: The provisions of the Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction, such declarations shall not affect the part that remains.

SECTION III: Effective Date: This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

SECTION IV: The remainder of Ordinance No. 2007-05 shall remain in full force and effect.

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 2007 - 21**

**AN ORDINANCE CONSENTING TO THE EXCHANGE OF CERTAIN PROPERTY BY
THE UTILITIES BOARD OF THE CITY OF DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne before it sells or exchanges property under the provisions of Ala. Code § 11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to exchange the property described on Exhibit “A” for property presently owned by Riviera Utilities, as described on Exhibit “B”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the exchange of the property described on Exhibit A for the property described on Exhibit B.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the exchange by Daphne Utilities of the property described on Exhibit “A”, which it presently owns, for the property described on Exhibit “B”, which is presently owned by Riviera Utilities.

**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

EXHIBIT "A"

Commencing at the Southwest corner of Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, run thence South 89 degrees 42 minutes 30 seconds East, 417.98 feet to a point; thence run North 00 degrees 15 minutes 01 seconds East, 40 feet to a capped steel rod, said steel rod being on the North right of way line of Johnson Road (right of way varies, paved) for the POINT OF BEGINNING; thence run North 00 degrees 15 minutes 01 seconds East, 224.93 feet to a steel rod; thence run South 89 degrees 25 minutes 33 seconds East, 231.58 feet to a point on the West right of way line of "Shop Lane"; thence run South 00 degrees 18 minutes 36 seconds West, along said West right of way line, 223.86 feet to a point; thence run North 89 degrees 41 minutes 24 seconds West, along the North right of way line of said Johnson Road, 231.34 feet to the POINT OF BEGINNING.

EXHIBIT “B”

Lots 13 and 14, Block One of the Mancini & Trione Subdivision of the Town of Daphne, Alabama, as recorded in Map Book 1, Page 41 (Slide 21A; Instrument No. 823715), Baldwin County Probate Court records.