

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
APRIL 6, 2009
BUSINESS MEETING
6:30 P.M.

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

APPROVE MINUTES: Council Meeting minutes meeting minutes meeting held March 16, 2009
Council Retreat minutes meeting held March 8, 2009
Council Work Session minutes meeting held March 12, 2009
Special Called Council meeting minutes meeting held March 24, 2009

PROCLAMATION: National Poetry Month

PROCLAMATION: Earth Day / April 25, 2009

PROCLAMATION: Honor Flight * South Alabama Day / May 6, 2009

SET PUBLIC HEARING DATE: 2009 CDBG Application for April 20, 2009

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
Review minutes meeting held March 11th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
Review minutes meeting held January 26
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
Review minutes meeting held January 22nd
Review minutes meeting held February 3rd
Review minutes meeting held February 26th
- F. Recreation Board - Burnam**
Review minute meeting held March 11th
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) Parade Permit / Daphne United Methodist Church / 5K Fun Run / April 11, 2009
 - b.) Appoint Voting Delegate for the AL League of Municipalities Convention / May 2-5, 2009
 - c.) Appoint Voting Delegate for the AMIC Annual Meeting or Proxy / May 2, 2009
 - d.) ABC License / Jacksons Market / 040 – Retail Beer (On or Off Premises) / 060 – Table Wine
(On or Off Premises)
 - e.) Authorize the Mayor to enter into an Agreement with the Ruff Wilson Youth Organization
 - f.) NOAA Coastal and Marine Habitat Restoration Project Grant / D'Olive Bay Coastal Habitat Restoration

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Streets and Drainage / Estates of Tiawasse Subdv. /Resolution 2009-21
- b.) Acceptance of Streets and Drainage / Dunmore Subdv,
Phase One. /Resolution 2009-22
- c.) Acceptance of Streets and Drainage / Yancey Branch Woods
Subdv. Unit II. /Resolution 2009-23
- d.) Fiscal Year 2009 Honor Flight South AL Contribution. /Resolution 2009-25
- e.) Authorize Application for COPS Grant. /Resolution 2009-26

ORDINANCES:

2ND READ

- a.) Appropriations of Funds: Solid Waste Worker
Senior Classifications. /Ordinance 2009-15
- b.) Appropriation Capital Reserve: Trione Soccer and
Football Complex Phase I /Ordinance 2009-16
- c.) Rezone: Howard Company / NE of the Intersection of
Guarisco and Trione Streets /Ordinance 2009-18
- d.) Revision to Zoning Map. /Ordinance 2009-19

1ST READ

- e.) Declaration of Emergency & Appropriation of
Funds: Marchand Avenue. /Ordinance 2009-20
- f.) Council Rules of Procedure. /Ordinance 2009-21

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__ __

COUNCILMAN BOULWARE

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 16, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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1. CALL TO ORDER

The City Clerk called the meeting to order at 6:30 p.m.

MOTION BY Councilman Burnam to appoint Councilman Ron Scott as Council President. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Eady.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette Greg Burnam; Ron Scott.

ABSENT: John Lake; Derek Boulware; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Bill Eady, Public Works Director; Kim Briley, Finance Director; Sandra Morse, Civic Center Director; Richard Merchant, Building Official; James White, Fire Chief; Tonja Young, Library Director; David Carpenter, Police Chief; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Adrienne Jones, Planning Director; Jane Robbins, Mayors Assistant; Willie Robison, BZA; Bob Segalla, Utility Board; Al Guarisco, Village Point Foundation; Bob Segalla, Utility Board;

Absent: Jay Ross, City Attorney.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held March 2, 2009. Seconded by Councilman Burnam.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Honor Flight / Dr. Barry Booth

Dr. Booth explained that he is representing the Honor Flight Network which Honor Flight of South Alabama is now a partner. He said that 16 million Americans served in World War II (WWII), 400,000 died, and of those that remain 1,000 – 1,200 are dying per day. It took 60 years for their efforts to be memorialized, too long. Many veterans are unable to visit Washington due to various reasons, health and financial issues are primary. The Honor Flight program was founded by a gentleman working in a VA clinic in Springfield, Ohio. He began by enlisting a couple of his friends to take a handful of WWII vets

to Washington, D.C. just to see their memorial. The program is now nation wide, and they have carried over 18,000 WWII veterans to Washington, D.C. This is one day up and back, all expenses paid. They have a charter flight that will leave Mobile on the 6th of May and will carry about 90 local WWII veterans. This is a mission that needs to take place before it is too late for them. They already have had one applicant who has passed on just in the last couple of weeks. He was not asking for funds from the city, but he did ask Council to consider designating the 6th of May, 2009 here in Daphne as WWII Veteran Honor Flight Day. By doing this he believes there will be a heightened awareness of the program, and possibly help generate the necessary funds from family, friends, and businesses to help honor these heroes of our nation. He said that we owe these veterans a profound debt of gratitude, and as everyone is aware it is a veteran that secures the rights and freedoms that everyone enjoys with this forum tonight. Dr. Booth said that 170 veterans have signed up to go, and they will be taking 90 on the first flight, and 16 are from Daphne.

MOTION BY Councilman Yelding to do a proclamation for the first meeting in April to proclaim May 6, 2009 World War II Alabama Veterans Honor Flight Day of South Alabama. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council agreed that they would like to contribute to this worthy cause whether it is taking money from their training accounts or from the contribution fund.

PUBLIC HEARINGS:

- 1. Rezone: Baldwin AL Development / Property located southwest of the intersection of Hwy 181 and Hwy 31 / B-1, Local Business to B-2, General Business**

Mr. Andy Bobe, Rester & Coleman, gave the presentation.

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

Council President Scott opened the Public Hearing at 6:43 p.m.

No one spoke for or against the proposed rezoning.

Council President Scott closed the Public Hearing at 6:51 p.m.

2. Rezone: Howard Company / Property located Northeast of the intersection of Guarisco and Trione Street / R-3, High Density Single Family Residential District to MU, Multi-Use District

Mr. Chason Wachter gave the presentation.

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

Council President Scott opened the Public Hearing at 6:57 p.m.

No one spoke for or against the proposed rezoning.

Council President Scott closed the Public Hearing at 6:58 p.m.

3. Revisions to the Zoning Map

Councilwoman Barnette stated that this is the six month update on modifications to the zoning map. She stated that this received a unanimous favorable recommendation by the Planning Commission

Council President Scott opened the Public Hearing at 6:59.

No one spoke for or against the revisions.

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

A. FINANCE COMMITTEE – Boulware

Council President Scott stated the minutes for the Special Called Finance meeting are in the packet. They met to discuss the A/C for city hall. This was important because the Planning Department has to be out of their current temporary office by May 1st. The next meeting will be April 13th.

a.) Treasurers Report / Ending February 28, 2009

MOTION BY Councilman Yelding to accept the Treasurers Report with an ending balance of \$23,811.368.16. Seconded by Councilwoman Barnette.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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b.) Sales & Use Tax Collections

Collections were down \$70,000, and year-to-date collections are \$270,000 under budget.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

Councilwoman Barnette stated that the minutes for the March 6th meeting are in the packet. The committee discussed painting the museum, and this will go to the Finance Committee.

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

No report.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

No report.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

Councilwoman Barnette announced the Spring Into Reading Festival will begin March 28th from 11:00 a.m. to 3:00 p.m. The theme is “Library Safari”. There will be games, prizes, food, stories, entertainers and more. The Mystery Book Club is the 2nd and 4th Thursday’s at 6:00 p.m., and Movie Madness every Tuesday from 6:00 – 8:00 p.m.

E. Planning Commission – Barnette

The Work Session is scheduled for March 18th at 8:00 a.m., and the Planning Commission meeting will be March 26th at 6:00 p.m. The joint meeting will be discussed Wednesday, and she will report that at the first meeting in April.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

The minutes for the January 28th meeting are in the packet. The next meeting will be the last Wednesday in April at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. Mayor’s Report

a.) ABC License / Bimini Bobs / 020 - Restaurant Retail Liquor)

MOTION BY Councilwoman Barnette to approve the ABC License for Bimini Bobs / 020 – Restaurant Retail Liquor. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Parade Permit / Bayside Medical Missions / 5K & 1 Mile Fun Run / December 5, 2009

MOTION BY Councilwoman Barnette to approve the Parade Permit for Bayside Medical Missions / 5K & 1 Mile Fun Run / December 5, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small stated that there is a situation on Whispering Pines where a business owner is painting the building with a very bright color, and he has received numerous calls regarding this. He stated that this shows the need for an architectural committee in order to have continuity within the city. The mayor thinks that the owner will work with him to tone it down.

Councilwoman Barnette stated that the leg work has already been done regarding establishing an architectural committee, and the city attorney has already reviewed it and brought recommendations forward for the enactment of the overlay district. So that should certainly be a topic for the Planning Commission, but if it were the will of the Council she thinks they could move rather quickly on that, because most of the leg work has been done.

B. City Attorney's Report

No report.

C. Department Head Comments

David Carpenter – Police Chief – asked Council to please suspend the rules to consider the ordinance to replace the police vehicle.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of Eastern Shore Motel in Daphne - spoke regarding giving money to a housing authority. He thinks they should reserve the funds for basic city expenses.

Mr. Willie Williams – 1513 Pollard Road – commented on Mr. Spriggs comment about a housing authority saying that it was not a certified housing authority.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the Honor Flight program that Dr. Booth presented to Council.

Mr. Rod Drummond – Ridgewood Drive – spoke regarding road improvements in Lake Forest.

Mr. Marvin Ussery – Daphne - spoke regarding the building that is being painted a very bright color. He wanted Council to review this and see if there was anything that could be done to fix this.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) Bid Award / Oil & Lubricants / PEPCO...../Resolution 2009-18
- b.) Fiscal Year 2009 Boys and Girls Contribution/Resolution 2009-19
- c.) Fiscal Year 2009 Baldwin County Housing Alliance Contribution...../Resolution 2009-20

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-18. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-18. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-19. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION By Councilwoman Barnette to adopt Resolution 2009-19. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to table Resolution 2009-20 until the Special Called Council meeting on March 24, 2009 or the next regularly scheduled Council meeting. Seconded by Councilman Burnam.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

1ST READ

- a.) Appropriation of Funds: Police Vehicle Replacement/Ordinance 2009-14
- b.) Appropriations of Funds: Solid Waste Worker Senior Classifications...../Ordinance 2009-15
- c.) Appropriation Capital Reserve: Trione Soccer and Football Complex Phase I...../Ordinance 2009-16
- d.) Rezone: Baldwin AL Development / SW of the Intersection of U.S. Hwy 31 & AL Hwy 181 / B-1, Local Business to B-2, General Business/Ordinance 2009-17
- e.) Rezone: Howard Company / NE of the Intersection of Guarisco and Trione Streets/Ordinance 2009-18
- f.) Revision to Zoning Map...../Ordinance 2009-19

MOTION BY Councilwoman Barnette to suspend the rules to consider Ordinance 2009-14. Seconded by Councilman Yelding.

ROLL CALL VOTE

Yelding	Aye	Burnam	Aye
Barnette	Aye	Scott	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-14. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-14. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to suspend the rules to consider Ordinance 2009-17. *Seconded by Councilman Burnam.*

ROLL CALL VOTE

Yelding	Aye	Burnam	Aye
Barnette	Aye	Scott	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-17. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-17. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2009-15, 2009-16, 2009-18 AND 2009-19 WERE MADE 1ST READ.

8. COUNCIL COMMENTS

Councilman Burnam stated that Councilman Scott did a great job conducting the meeting.

Councilwoman Barnette thanked Councilman Scott for running the meeting. She commended Dr. Booth and the Honor Flight for what they were doing, and that it is important to remember. She would

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DAPHNE, AL
6:30 P.M.**

like to raise a banner and colors in honor of the 16 Daphne men that are going to Washington. She thinks they should make a donation to the program even though the funds are limited. She thinks that they need to continue to grow the Veterans Day celebration in Daphne. Councilwoman Barnette said that is important for Publix to come into Daphne.

Councilman Yelding also stated that Councilman Scott did a great job conducting the meeting. He spoke regarding the housing alliance stating that they will help bring affordable housing to Daphne, and that there is not any affordable housing in Daphne. He said that if people would research and get in touch with Mr. Black then they would understand what they are doing.

Mayor Small echoed what Councilman Yelding stated. He thinks there is a misconception about the housing alliance. He said that they will eventually be supported by builders, banks, and other businesses, and they need seed money to get started. He said that he has worked on this project for several years. The alliance will help people that are purchasing a home to purchase the right house for them that they can afford. The county gave \$20,000 and pledged \$80,000 in matching funds. Realtors will also be coming on board with funding. Mayor Small thanked the Recreation Department and crew for all their hard work at the Softball tournament at Trione Sports Complex and at the High School fields. There were 30 players and families from out of town that were here for the tournament.

Council President Scott stated that he appreciated Mr. Robinson's comments. He commented on the roads in Lake Forest saying that they are the city's responsibility. They have a plan for road improvements and will be voting on it soon. There is \$1.6 million available for this project.

MOTION BY Councilman Yelding to adjourn. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake
Council President

**MARCH 16, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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Date & Time Signed: _____

MARCH 8, 2009
CITY COUNCIL RETREAT
1705 MAIN STREET
DAPHNE, AL
2:00 P.M.

1

The meeting was called to order at 2:15 p.m. by the moderator Mr. Bill Hart.

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

Also present: Mayor Small; David Cohen, City Clerk, Rebecca Hayes, Assistant City Clerk, Jay Ross, City Attorney.

After a round table discussion consensus of Council was that road repair is their top priority at this time.

1. ROAD REPAIR IN LAKE FOREST

1. Repair faulty road base
2. Install new road surface, curb and gutter to hold asphalt
3. Road marking
5. Narrow roads
6. Need another exit out of Lake Forest
7. Need to address utility work, because a lot of damage comes from water main breaks

2. NECESSARY ROAD MAINTENANCE

1. Need to keep current with road repairs
2. Have a maintenance schedule
3. Need turning lanes off Hwy 13 on Whispering Pines Road
4. Turning lane off Hwy 13 into Tiawassee – there is a problem with a drainage pipe

3. COUNCIL & MAYOR ACTION PLAN

Council discussed the five (5) year road repair plan.

1. Adopt Council and Mayor's Phase I five (5) year plan not to exceed \$1.6 million. Phase I is repairing Whispering Pines Road from Highway 98 to County Road 13. Council chose Whispering Pines Road because the road is in such bad disrepair it makes it dangerous for the amount of traffic going to and from the schools
2. Receive update from the Finance Director so they will know how much to spend
3. Get answer from Finance Director as to how low they can go into the reserves
4. Eliminate turn-arounds in the medians of Lake Forest
5. Update Right-of-Way ordinance to address utilities
6. Formal commitment by way of specific funding in budget for road repairs
7. Reconcile expenditures with Finance

**MARCH 8, 2009
CITY COUNCIL RETREAT
1705 MAIN STREET
DAPHNE, AL
2:00 P.M.**

2

4. REVENUE BRAINSTORMING

1. Budget money through ordinance each year
2. Assess for gutters and sidewalks
3. Impact Fees
4. Road Cut Tax
5. Heavy Equipment Tax
6. Create assessment vehicle
7. 4¢ & 7¢ gas tax
8. Exercise Police Jurisdiction
9. Audit satellite TV companies

CONSENSUS

The consensus of the Council was to adopt Council and Mayor's Phase I five (5) year plan not to exceed \$1.6 million. Phase I is repairing Whispering Pines Road from Highway 98 to County Road 13. Council also discussed a resolution to let the citizens of Lake Forest know that they are on the five (year) plan for road repairs, and that they support the plan that was presented to them at an earlier Council meeting.

The meeting adjourned at 6:40 p.m.

Respectfully submitted by:

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

John Lake
Council President

Date & Time Signed: _____

MARCH 12, 2009
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

ABSENT: Bailey Yelding.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; Kim Briley, Finance Director.

Absent: Jay Ross.

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

1. BAY RIVERS ART GUILD

Mr. Starke Irvine gave a presentation on a new proposal from Bay Rivers Art Guild (BRAG), stating that they now want to purchase the Nicholson Center. (Letter of Intent is spread out upon these minutes). BRAG would purchase the property for \$1.00, and if BRAG would ever want to dispose of the property the city would have first right of refusal.

Councilwoman Barnette stated that rezoning the property may be an issue, and that getting an exception from the BZA might be the best way to go.

Consensus of Council was that they are not opposed to the sale, but they would like a member of the Council or the Mayor to be on the board.

2. SOUTH ALABAMA REGIONAL PLANNING COMMISSION

Mr. Chris Miller and his staff made a presentation of what the commission does, and the programs that they have for the benefit of citizens of Daphne and the surrounding areas. They have a relationship with Federal and State governments that Daphne benefits from, and they worked to implement the transit link between Mobile and the Eastern Shore. They also work with Mobile NEP regarding the coastal environmental issues, and are in discussions regarding the bridge. They do not come to the Planning Commission meetings anymore because the city hired a city planner, so they did not feel that the city wanted to pay them to come and just sit.

3. BOYS AND GIRLS CLUB

Mr. Starke Irvine presented a new proposal for the Boys and Girls Club. The Daphne club will sever ties with Mobile May 1, 2009. They want to form a 501C-3 and be separate from the city. They will contract with South Alabama Regional Planning Commission who will be responsible for hiring and firing employees.

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Mr. Willie Williams – Pollard Road – stated that they need to provide services that the community wants which are educational programs that help the children.

Councilwoman Barnette wants to end funding at the end of the year instead of going a full year.

4.) ADJOURN

There being no further business to discuss the meeting adjourned at 9:00 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**John Lake
Council President**

Date & Time Signed: _____

Letter of Intent:

Nicholson Center of Daphne Sale to BRAG

Date: March 12, 2009

As you know I am representing BRAG in the matter of locating a new "home". As you ("the City") and I discussed, we are still interested in the Nicholson Center (known as "Center"). BRAG has discussed and agrees with your proposal to purchase the Center for \$1.00. We will maintain the subject property and pay for all expenses connected to it, as anyone would do with any property they own. The following contingencies exist and will have to be met in order to conclude this agreement;

1.) BRAG will furnish an owner's title insurance policy at the time of closing.

2.) The "City" warrants that there are no environmental hazards including but not limited to asbestos, lead base paint, chemicals, or tanks in the ground of any type. The "City" will furnish a Phase I Environmental report. If such exist, then "City" will at their expense remedy the situation by remediation; removal and repair. **The City reserves the right to void this agreement in the event evidence occurs from the Environmental report which discloses a problem they may not want to deal with at this time.**

3.) The "City" will provide BRAG with a perimeter and topographical survey.

4.) In the event BRAG should ever be in a position to dispose of the property, for any reason, the "City" will have first right of refusal to purchase the property from BRAG, based on the difference between an appraisal **based on values of 2007** provided by the city at the time of purchase by BRAG and a second appraisal at the time of repurchase by the "City", **if in fact the City elects to repurchase the property.** The "City" will be required to pay no more than the difference between the base appraisal and the current market appraisal or the total amount of expenditures by BRAG which ever is less. **In the event the City does not repurchase the property then BRAG agrees to split whatever profit it may obtain over and above the cost of renovations and up keep during the ownership period.** The City will have 60 days to deliver in writing their acceptance of the property being transferred to them through this agreed method. BRAGG will not have the authority to borrow funds against this asset.

5.) Ad Valorem taxes, if any are paid now, will be prorated between the "City" and Brag. BRAG will have in place at closing an insurance policy covering liability, and casualty.

6.) This proposal also is subject to the ratification of BRAG's Board of Directors.

Bay Rivers Art Guild, Inc.

By: _____

S. Starke Irvine, Agent
Recommended acceptance letter to BRAG

The attached LOI is satisfactory and the "City" here by agrees that we will inter into an agreement based on these terms. By my signature below, I give you authority to prepare a purchase agreement, submit to me and a copy to Mr. Jay Ross for his approval.
At that time I will immediately present to the City Council for ratification.

City of Daphne

By: _____

Honorable Fred Small
Mayor

Date: _____

Ruff Wilson Youth Organization Proposal

- 1.) The current Boys & Girls Club of Daphne will sever relations with South Alabama Boys & Girls Club organization, as of May 31, 2009.
- 2.) The club/organization will continue operation in a non profit 501 C-3 corporate structure to be formed.
- 3.) It will be governed by a Board of Directors consisting of the current board with a few added members of long standing in support of the organization and others who may wish to be a part.
- 4.) The New Organization, The Ruff Wilson Youth Organization, will contract with the City for services through the Recreation Dept and work jointly with the Recreation Board of the City.
- 5.) The City will finance the organization for one year with the Board committing to raise private funds in an amount to be determined.
- 6.) Also, The RWYO will contract with SABGC by way of subscribing to their programs on an annual basis.
- 7.) The current staff of the current organization will be retained.
- 8.) The City will release the SABGC from the current lease on the facilities and they will have no further liability as of May 31, 2009. Upon termination of the existing lease the City will enter into a contract with RWYO, Inc (to be formed). Terms of the lease are to be determined.
- 9.) The RWYO will contract with SARPC to manage the employees, to include hiring, firing, salaries and benefits of all the staff at the direction of the Board of Directors.
- 10.) The attached agreement is to be agreed and signed by all parties involved with this transaction.

DRAFT

Agreement

By and between the Boys & Girls Clubs of South Alabama (BGSA), the Baldwin County Advisory Board (“Advisory Board”) and the City of Fairhope (“City”) relative to the operation of the facility currently known as the Rotary Boys & Girls Club of Daphne (“Club”), hereafter referred to collectively as “ The Parties”.

Whereas Parties agree that:

1. The Facility currently housing the Club should remain open to serve the educational, developmental needs and provide assistance with issues facing today’s young people.
2. The current financial structure of the operation is not sustainable in the long term.
3. The City of Daphne agrees to assume primary responsibility for the operation of the facility to serve area youth as described above. Specifically, the City will:
 - a. Continue to furnish and pay for all utilities, building and grounds maintenance, hazard insurance and public liability insurance.
 - b. The organization will be formed under a new 501-C-3 Corporation known as: The Ruff Wilson Youth Organization Incorporated. The RWYOC will be governed by a Board of Directors. Said Directors will contract with SARPC to handle the staff, management and any other items determined by the Board.
 - c. The BGCSA and the City shall use their best efforts to enter into a Consulting Agreement whereby the BGCSA will provide programs, support and training for the RWYO employees and/or contractors as maybe by

DRAFT

requested the Board for implementation of programs as selected and determined by the Board.

It is understood that the RWYO will not use the name or logo of the Boys & Girls Club without prior, written permission of the BGCSA.

- d. All Personal Property on the site shall continue to be available for use in the operation of the facility. The BGCSA shall transfer title to said personal property which is presently located on the premise.

- e. All funding for the operation of the Facility shall be provided by the City and the Board of Directors; provided, however, that the income and/or increase in value of 25% of the Wilson fund (that portion of the Fund designated for Daphne) shall be distributed to the City in a prorated manor upon signing of this agreement and on January 15th of each year there after. In the event of shortage of funds for operation, the City and the Advisory Board may request and receive a special distribution of principal not to exceed 5% of the then value of the account in any one year, subject to the following approval process.

The determination for the need for such special distribution of principal disbursement shall be reviewed and approved by or denied by a committee consisting of two members of the Board of Directors, the Executive Director of the BGCSA, the President of the Board of the BGCSA and the Mayor of the City Daphne , or its designee.

If a majority of the aforementioned committee shall agree to such a distribution of the principal, the BGCSA shall direct The Community Foundation of South Alabama to make such a distribution.

DRAFT

4. The term of this Agreement shall be the balance of the current year commencing on May 1, 2009 through December 31, 2009 and will automatically renew for successive one year terms beginning January 1, 2010. This agreement may be cancelled by any of the named parties with written notice delivered to all Parties at least 90 days prior to the end of the initial term, or succeeding one year terms.

This agreement shall be binding on the Parties and its successors or assigns.

By Boys & Girls Club of South Alabama:

Its

Date

By City of Daphne:

Its

Date

By Proposed Board of the Ruff Wilson Youth Organization:

Its

Date

Its

Date

Daphne Boys & Girls Club

	City of Daphne Other Club		Total
	2009 Budget	Expenses	
Contributions	20,000		20,000
Building Maintenance	2,500	2,300	
Field Maintenance	500		
Electrical Maintenance	500		
Vehicle Maintenance		3,495	
Total Maintenance	3,500	5,795	9,295
Telephone		2,929	
Cell Phone		600	
Water/Gas/Sewer	5,000		
Electricity	16,050		
Total Utilities	21,050	3,529	24,579
Total	44,550	9,324	53,874
Salaries & Wages		85,066	
FICA		6,508	
Retirement*		2,471	
Medical/Dental Insurance*		8,742	
Life & Disability Insurance*		252	
SUI		100	
Workers Compensation		1,300	
Total Personnel		104,439	104,439
* Denotes one full time employee eligible for benefits			
Vehicle Insurance		12,725	
General Liability Insurance		11,000	
Total Insurance		23,725	23,725
Membership Dues		788	
Vehicle Fuel		1,750	
Athletic & Contracted Prof Fees		267	
Program Supplies		4,736	
Awards & Incentives		2,060	
Events & Activities		795	
Field Trips		2,325	
General Office Supplies		365	
Equipment Purchase/Lease/Rental		1,700	
Club Operations Expense		17,631	
Program Expenses		32,417	32,417
Total Expenses	44,550	169,905	214,455
Contribution Credit	(20,000)		(20,000)
Net Expenses	24,550	169,905	194,455
Revenue Sources			
Cigarette Tax		25,181	25,181
Foundations		10,000	10,000
United Way		8,333	8,333
Program & Membership Fees		19,400	19,400
Fund Raising		18,296	18,296
Other Contributions		12,000	12,000
Funding Sources		93,210	93,210
Funding Requirement			(101,245)

**MARCH 24, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

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

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, Attorney; Sharon Cureton, Human Resource Director; Kim Briley, Finance Director.

I. ORDINANCE 2009-13 / BOYS AND GIRLS CLUB

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-13. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-13. *Seconded by Councilman Yelding.*

MOTION BY Councilwoman Barnette amending the amount from \$90,527 to \$65,466. *Seconded by Councilman Yelding.*

MOTION BY Councilwoman Barnette to add “through December 31, 2009.” *Seconded by Councilman Yelding.*

After discussion Councilwoman Barnette withdrew her motion, and Councilman Yelding withdrew his second.

MOTION BY Councilwoman Barnette to amend the agreement to remove item #4. *Seconded by Councilman Yelding.*

After discussion Councilwoman Barnette withdrew her motion. Councilman Yelding withdrew his second.

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-13 with the amendment to change the amount to \$65,466. *Seconded by Councilman Yelding.*

Council discussed the ordinance. **Councilman Scott called for the question.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**MARCH 24, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 PM**

Councilman Palumbo stated for the record that this is the only funding that he will vote for.

II. RESOLUTION 2009-20 / BALDWIN COUNTY HOUSING ALLIANCE

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-20. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Palumbo, Lake

NAY Burnam, Scott, Boulware

MOTION CARRIED

MOTION BY Councilwoman Barnette to amend Resolution 2009-20 to change the amount from \$20,000 to \$10,000. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Palumbo, Lake

NAY Burnam, Scott, Boulware

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-20 as amended changing the amount from \$20,000 to \$10,000. *Seconded by Councilman Yelding.*

ROLL CALL VOTE

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

AYE Yelding, Barnette, Lake

NAY Burnam, Scott, Boulware, Palumbo

MOTION FAILED

MARCH 24, 2009
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 PM

**III. RESOLUTION 2009-24 / TRANSPORTATION ENHANCEMENT PROJECT FOR
STREET AND ROAD INFRASTRUCTURE PROJECTS**

MOTION BY Councilwoman Barnette to suspend the rules to consider Resolution 2009-24. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-24. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-24. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adjourn. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 8:30 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

John Lake, Council President
Date & Time Signed: _____

**City of Daphne
Street Improvements
2009 - 2014**

NO	DESCRIPTION	FY09	FY10	FY11	FY12	FY13	FY14	COMMENTS
1	Whispering Pines Rd: Pollard Rd to CR 13	\$ 510,000.00						This section was constructed in 1994. Heavy traffic to schools, recreation areas, etc. have used up the surface and it has deteriorated to the point that the sand clay base is visible. The longer you wait, the more costly the repairs will be because of base failures.
1a	Intersection @ Whispering Pines Rd & CR 13 (including right turn lane traveling South on CR 13)	\$ 450,000.00						Due to heavy school traffic from Daphne High School, the Lake Forest Subdivision to Daphne Middle School and other schools, this intersection needs to be re-worked at the same time as the Whispering Pines resurfacing.
1b	Intersection @ Pollard Rd and Whispering Pines Rd	\$ 300,000.00						Due to heavier impact from housing, recreation and schools this intersection needs to be reconfigured with the resurfacing of Whispering Pines. (we will get the most return on our money if all of this project is completed at same time by the same contractor)
1c	Public Works Rd (replace base with asphalt base)	\$ 350,000.00						Street was constructed during wet weather and the base is not stable. We have heavy trucks hauling in and out daily and the foundation is not strong enough.
2	Ridgewood: Lawson Rd to Bayview Dr South Sec							This area was leveled and overlaid in 1990. Failure due to utility bores, utility repairs, heavy traffic, tree roots, and settlement. (See 3-ring binder handed to Council at January work session that shows condition.)
3	Ridgewood: Lawson Rd To Bayview Dr North Section							
4	Bayview Dr from Hwy 90 to Ridgewood Dr							
5	Ridgewood: Bayview Dr to Windsor Dr Entrance		\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,430,000.00	\$ 834,000.00		
2a	Whispering Pines Rd: US 98 to Pollard Rd (mill, level and overlay 2 lanes)		\$ 575,000.00					Resurfaced in 1994. Due to schools and recreation areas, this street is a major east/west corridor.
2b	Intersection @ Whispering Pines Rd & US 98		\$ 400,000.00					Due to heavy westbound traffic, intersection needs to be widened with turn lanes. Traffic backs up to Old Spanish Trail Road during peak hours.
3a	Main St: Lea Ave to US 98 (mill and overlay)			\$ 614,150.00				Resurfaced in 1990. This is the major street for all City activities and the gateway to our downtown area. Needs resurfacing; basically the wearing surface is worn thin. There are patches & low areas due to utility.
3b	Main St: South City Limits to Van Ave (mill and overlay)			\$ 305,660.00				
4a	Hwy 13: North from Whispering Pines to Lawson Rd (mill and resurface)				\$ 424,500.00			Heavily traveled road between High School, Middle School, Recreation Areas and major subdivisions. It is showing some signs of base failure at this time. Traffic will increase with the addition of from the off ramp from I-10.
6	Timber Creek Blvd: Alabama 181 to US 31 (mill and overlay)						\$ 339,622.00	Constructed in 1997. Pavement is beginning to deteriorate due to heavy traffic from US 31 to shopping center on Hwy 181.
6a	Pine Run: From Timber Creek Blvd to Hickory Ct (mill and overlay)						\$ 140,000.00	Constructed in 1997. Pavement is beginning to deteriorate due to heavy traffic.
6b	Daphmont Resurfacing (see attached)						\$ 962,261.00	See attached
TOTAL COST PER YEAR		\$ 1,610,000.00	\$ 2,475,000.00	\$ 2,419,810.00	\$ 1,854,500.00	\$ 834,000.00	\$ 1,441,883.00	

ADDITIONAL HIGH PRIORITY PROJECTS

	Intersection of Daphne Ave & US 98	\$ 1,000,000.00						insufficient turn lanes. This needs to be a HIGH priority. (Will work with State to seek additional funding)
	Urgent Care & Dimitrous Dr on Alabama 181	\$ 30,000.00						Pedestrian crossing: safety for citizens. Requested by Councilman Palumbo.
	Van Buren Ave to West Service Rd on US 98	\$ 25,000.00						Pedestrian crossing: safety for citizens. Requested by Councilman Palumbo.
	US 98 @ Microtel Hotel to West Service Rd	\$ 25,000.00						Pedestrian crossing: safety for citizens. Requested by Councilman Palumbo.
	Well Rd & Pollard Rd to CR 13 (grade, drain, base & pave)	\$ 1,000,000.00						This will be new construction to connect US 98 with CR 13. It will be an east/west corridor to serve schools, recreation, churches and residential developments. Will also relieve traffic on CR 64.
	Upgrading of Wilson Ave	\$ 700,000.00						The addition of Well Road will create a new East/West Corridor to Hwy 13.

City of Daphne

Proclamation

NATIONAL POETRY MONTH APRIL 2009

WHEREAS, the Academy of American Poets established the month of April as National Poetry Month in 1996; and

WHEREAS, National Poetry Month seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children's education; and

WHEREAS, as National Poetry Month, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; and

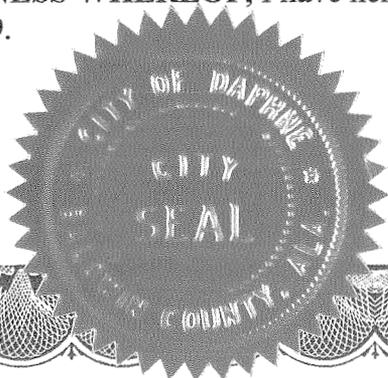
WHEREAS, poetry enhances and enriches the lives of all Americans; and

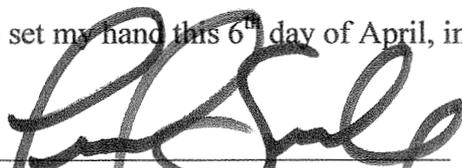
WHEREAS, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

WHEREAS, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

Now, therefore, I, Fred Small, Mayor of the City of Daphne, do hereby proclaim April 1 through April 30, 2009, as National Poetry Month. I call upon public officials, educators, librarians, and all the people of Daphne to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role poetry in creating and sustaining this great nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, in the year 2009.




Fred Small, Mayor

City of Daphne

Proclamation

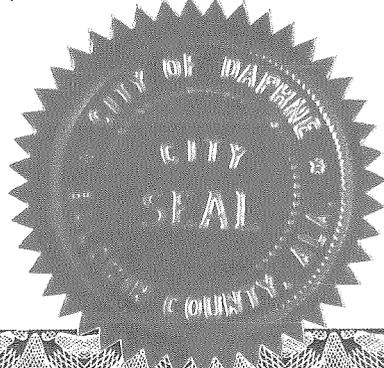
WHEREAS, to focus the nation's attention on the importance of caring for the Earth, the Earth Day Mobile Bay Committee is working with partner organizations to provide opportunities for all interested citizens to become active at a local level to voice concerns about the environment; and

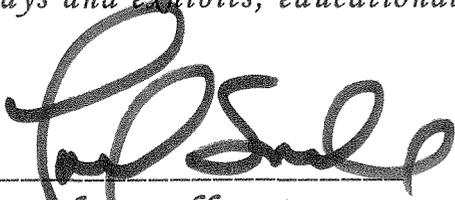
WHEREAS, the Committee is emphasizing the need to expand the definition of environment to include all issues that affect our health, our communities and our environment, such as air and water pollution and environmental health issues; and

WHEREAS, the Committee promotes civic participation in order to develop a sense of environmental responsibility among all citizens; and

WHEREAS, the Committee will be hosting the 19th Annual Mobile Bay area celebration of Earth Day, inspired by the worldwide Earth Day Network, in order to promote environmental citizenship and steer environmental awareness around the world.

NOW THEREFORE, I, Fred Small, as Mayor of the City of Daphne by virtue of the authority vested in me do hereby proclaim April 25, 2009, Earth Day, in Daphne, with the Earth Day Mobile Bay celebration being held on April 25, 2009 at Fairhope South Beach Park. The celebration will include environmental displays and exhibits, educational activities, live music and art.




Fred Small, Mayor

Office of the Mayor
Daphne, Alabama

PROCLAMATION

*"Honor Flight * South Alabama Day"*

WHEREAS, World War II threatened the United States of America's very existence; and

WHEREAS, the United States of America is a culturally diverse and free society; and

WHEREAS, we recognize that we as a nation enjoy these freedoms because of the tremendous sacrifices made by the World War II veteran; and

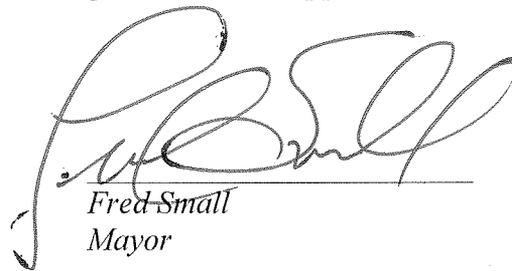
WHEREAS, a National Memorial was dedicated to the "Greatest Generation", the World War II veteran, in 2004 in Washington, D.C.; and

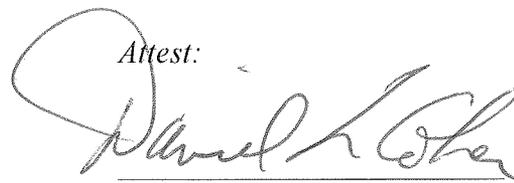
*WHEREAS, Honor Flight * South Alabama was created to honor American veterans for their sacrifice; and*

*WHEREAS, Honor Flight * South Alabama transports our heroes to Washington, D.C. to visit and reflect at **their** memorial.*

*NOW THEREFORE, the Mayor and City Council of the City of Daphne do hereby proclaim **May 6, 2009**, as **WORLD WAR II VETERANS HONOR FLIGHT * SOUTH DAY** in the City of Daphne, and in the spirit of honoring our veterans encourage our citizens, businesses, and organizations to support Honor Flight * South Alabama.*




Fred Small
Mayor

Attest:

David L. Cohen
City Clerk, MMC

David Cohen

From: "JANEY GALBRAITH" <grantslady@msn.com>
To: <daphnecc@bellsouth.net>
Cc: "STACY MCKEAN" <mckean7@msn.com>
Sent: Wednesday, April 01, 2009 3:02 PM
Attach: Daphne Public Hearing Notice.doc
Subject: 2009 CDBG Project

David,

Attached is the public hearing notice for the 2009 CDBG application. If the council chooses it would be very good to have this hearing at the April 20 meeting and then approve the project at the May 4 meeting.

When the council has set the time and date for the hearing please fill in the blanks and send to the Mobile Register for publication before April 10. It can be a legal ad.

Call me if you have any questions.

Thanks-
Janey Galbraith
Galbraith & Associates, LLC
1900 Schillinger Road South
Mobile, AL 36695
251-633-6727 251-604-6034 (cell)
251-633-2099 (fax)

ATTENTION

RESIDENTS OF THE CITY OF DAPHNE

NOTICE OF PUBLIC HEARING

THE CITY OF DAPHNE WILL HOLD A PUBLIC HEARING ON _____,
2009 AT _____ AT THE DAPHNE CITY HALL LOCATED ON 1705
MAIN STREET. THE PURPOSE OF THIS HEARING WILL BE TO
DISCUSS THE SUBMISSION OF AN APPLICATION TO THE ALABAMA
DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. THESE GRANT
FUNDS MUST PRIMARILY BENEFIT LOW AND MODERATE INCOME
PERSONS IN THE CITY. INFORMATION TO BE PRESENTED INCLUDES
THE AMOUNT OF GRANT FUNDS AVAILABLE, THE RANGE OF ELIGIBLE
ACTIVITIES THAT MAY BE UNDERTAKEN AND A DISCUSSION OF THE
PROPOSED PROJECTS WHICH THE CITY INTENDS TO SUBMIT AN
APPLICATION TO THE STATE OF ALABAMA REQUESTING COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS.

ALL CITIZENS ARE URGED TO EXPRESS THEIR VIEWS ON THE
COMMUNITY'S MOST PRESSING HOUSING AND COMMUNITY
DEVELOPMENT NEEDS.

THIS HEARING WILL BE ACCESSIBLE TO ALL PEOPLE IN ATTENDANCE. IF
YOU HAVE A DISABILITY WHICH MIGHT REQUIRE SPECIAL MATERIALS OR
ASSISTANCE PLEASE NOTIFY THE CLERK AT 621-9000 AT LEAST 24 HOURS
PRIOR TO THE MEETING.

Fred Small, Mayor
City of Daphne

**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

Public Safety Committee

Wednesday, March 11, 2009

Councilman Greg Burnam, Chairman Councilman Gus Palumbo Councilman Derek Boulware Fire Chief James White PW Sup. Bill Eady	Police Chief David Carpenter Captain Scott Taylor Captain Daniel Bell Tracy Bishop - Secretary
--	---

Committee Members Attending:

Councilman Greg Burnam, Councilman Gus Palumbo, Councilman Derek Boulware, Chip Martin, Mr. Bill Eady, Chief David Carpenter, and Captain Danny Bell.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:40 p.m.

PUBLIC PARTICIPATION –

Christina Hellmich from 513 Polo Trace was in attendance requesting that an electronic crosswalk be placed at Belrose Avenue/Main Street (crossing Belrose) for the children walking home from Christ the King School after school due to children driving fast coming from Bayside Academy. Councilman Burnam stated that they had just discussed several other locations to have crosswalks placed in a recent work session. Contact numbers:(625-3414/454-5277) She was told that it would be looked into, that it may not be this school year but most likely next school year and to call if she had any more problems.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 2009 Meeting

Mr. Palumbo made a motion to approve the minutes with a second from Mr. Burnam. The motion passed.



FIRE DEPARTMENT

A. New Business

1. Statistics for January 2009 were reviewed. Chip Martin was in attendance representing Chief White. Chip mentioned that charging a fee for burn permits would be inconvenient for the citizens because they would limit where they could be purchased from and on the weekends there would be no administrative staff to purchase them. If you do start charging, some would not be able to afford it. They will burn regardless, and then they will get cited. Most complaints come from Lake Forest. We mentioned to let POA handle it. Burnam asked if we could limit the amount of permits issued per month. If there is a change in the ordinance, it must go through Ordinance committee. Palumbo said it sounded like the fire department sounded like they see no problem. Martin agreed. They're recommendations are to leave the ordinance as is, let POA govern the covenants, and the third would be to do away with burning all together.

There is no way to keep up with permits issued since they are issued at any station. Boulware stated he didn't think this issue should be put off on the POA. Palumbo said that is not what he meant; he meant the covenant wouldn't allow that property owner to get numerous amounts of burn permits. He believes we should limit the amount of permits one can get, and keep up with who gets the permits and the date that they requested it.

The fire department is in the process of hiring 5 firefighters which will give them 12 on a shift.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for January 2009 were reviewed. Reported that we had one robbery at Bayhouse parking lot. Palumbo asked if we still had our interdiction officer. We still have an interdiction officer, homeland security grant funded. The DARE vehicle that we just purchased was purchased with drug money. We are continuously receiving drug monies. Palumbo asked how the fingerprint program (AFIX) was working, and Bell and Chief explained how much training we have had on the correct way to fingerprint, which also cuts down on training expense because they will come to the department and do the training.

Councilman Boulware ran into Mr. Lemieux at the SEEDS race and he asked what we were doing about speeding in Lake Forest. Boulware asked "Can anything be done about speeding on Ridgewood Dr?" Chief stated nothing other than stop signs, lower speed limit, D-runs, etc. Lake Forest needs to put it in their newsletter, local papers, etc. asking citizens to obey the speed limits or tickets will be issued. Chief stated that our speed trailer was broken and that we are in the process of getting it repaired. We make no money on tickets issued. Only the jail and magistrate gets money from a ticket issued.

Replacement for #504, Finance sent it to the council, everyone is in agreement to replace that car. Insurance gave us little to nothing. The overall city funds needed is \$13, 115.00 in order to replace that car. The mayor did say he was looking to Jay Ross to recoup our losses since the accident was not our fault. Even if this passes, it will take 8 months or so to get the car back on the road. Palumbo said it looks like this is all we're going to get out of insurance, even though it's not right. Burnam asked what the prisoner transport seat was and Bell explained that it is a vinyl back seat that is one piece where a prisoner cannot hide anything in the cracks and can easily be cleaned should a prisoner get blood, urine, excretions, etc. on the seat vs. a cloth seat.

COPS Grant was sent by e-mail to PSC members. They are offering 1 billion dollars nationwide to law enforcement. It's on a three year basis, the federal government will pay three year salary in full. The mayor is skeptical at the moment, but we would like to apply for five officers, one officer per shift, to help with the new neighborhoods being built and brought into our evergrowing city. The grant starts at the end of this

month. We must apply online. This does not cover the equipment. It would cost a little over \$40,000 per officer. Palumbo said that by next months' meeting we should have the application with the deadlines. If PSC makes recommendation, then will be the time to do it. Chief reminded them about the cost per officer, \$200,000 would be a one time expense. COPS Grant will pay 100% salary plus benefits for three years. Palumbo said that the PSC would do a Resolution for the council after it makes it through this committee. It won't need two reads because it would be a resolution.

Old Business

OTHER BUSINESS

Problem with sign carriers on the weekends. Lonnie is off on the weekends, so Palumbo asked if patrol could monitor this problem on the weekends. Chief stated that the problem with that is that most of the area in which they are walking is not in the city limits of Daphne, or the city limits of Spanish Fort. It is in the county.

POA brought to Palumbo's attention a problem at Timbercreek Blvd. and Hwy 31 at the light. They make a U-turn at the light if they might have forgotten something at home turning into oncoming traffic. He asked could we place a No U-Turn sign up at that location.

ADJOURN

There being no further business to discuss, Mr. Burnam adjourned the meeting at 6:00 p.m. The next meeting will be Wednesday, April 15, 2009 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: January 2009

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	2	2
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	1	1
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	1	1
14-Natural Vegetation Fire	0	0
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	89	89
4-Hazardous Conditions (No fire):	4	4
5-Service Call:	17	17
6-Good Intent Call:	10	10
7-False Alarm & False Call:	12	12
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	0
Total Emergency Calls:	132	132
Monthly Total Calls:	136	136
Response Time:		
Highest:	10	10
Lowest:	<1	<1
Average (Minutes/Seconds) :	1/10	1/10
Miscellaneous Reports:		
Training Hours	58	58
Property Loss - \$	0	0
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	50	50
Number of Patients Treated	90	90
Child Passenger Safety Seat Inspections/Installations	6	6
Fire Prevention Awareness/Education:		
Classes	3	3
Persons Attending	12	12
Bureau of Fire Prevention:		
Plan Reviews	5	5
Final/Certificate of Occupancy	0	0
General/Annual Inspections	118	118
General/Re-Inspections (Violation Follow-up - Annual)	2	2
Business Licenses	4	4
Consultations-	0	0
All Other/Misc. Activities	1	1
Total Activities:	130	130

Authorized by:

James White

Chief James White

Daphne Police Department		Monthly Report					JANUARY 2009			
Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/ Lt. Yelding)				
						YTD				
# Complaints	1,032	# New Cases Received:	40	Total Arrestees Received & Processed:	186	658		Arson	0	
# Misd. Arrests	76	# Previous Unsolved Cases:	190	Arrestees by Agency:			#Complaints	54	Burglary – Commercial	4
# Felony Arrests	3	# Cases Solved:	49	Daphne PD	134	511	#Follow-ups	86	Burglary – Residence	0
DUI Arrests	15	Resulting in Total Arrests:	24	BCSO	5	12	#Citations	5	Burglary - Vehicle	5
Alias Warrant Arrests	37	Felonies:	23	Loxley PD	0	0	#Warnings	6	Criminal Mischief	8
Citations	347	Misdemeanors:	1	Silverhill PD	17	39	#Felines Captured	12	Disorderly Conduct	0
Close Patrols	252	Houses Searched	0	Spanish Fort PD	28	89	#Canines Captured	34	Domestic Disturbance	24
Warnings	132			Troopers	2	6	#Other Captured	7	False Info to Police	2
Motorist Assists	214			INS	0	0	#Returned to Owner	13	Felony Assault	1
Roadway Accidents	34	Warrants:		Other Agencies	0	0	#Adopted Out	22	Felony Theft	11
Private Property Accidents	12	Bettner Served	57				#Euthanized	27	Harassment	8
Traffic Homicide	0	Agency Assists	34	Highest	31				Identity Theft	6
		Recalls (Pd Fines)	22	Lowest	27				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	113						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	2,361	10,938			Menacing	0
		Sex Offender:		Medical Cost	7,936	\$29,563.00			Misdemeanor Assault	0
# Misd. Marijuana Arrest	3	New Registration:	1	Worker Inmate Hours	556	2,161			Misdemeanor Theft	20
# Felony Marijuana Arrest	0	Contact Verification	2						Murder	0
# Controlled Substance Arrest:	1	Total # registered in Daphne	3						Other Death Investigations	1
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	2
Vehicles Searched	77	# Hours Report Writing:	2						Public Lewdness	0
		# Students Instructed SRO	425						Receiving Stolen Property	0
Drugs Seized:	2	# Students Instructed DARE	95						Reckless Endangerment	3
Type: cocaine, marijuana		# Police Reports by SRO	1						Resisting Arrest	0
Money Seized	0	# Arrest by SRO	0						Robbery	1
Vehicles Seized	0								Sex Crime Investigations	0
		CODE ENFORCEMENT:							Suicide	0
Commercial Vehicle Inspections	7	Warnings:	0						Suicide, attempted	1
		Citations	1						Theft of Services	0
		Warning Compliance	17						Unauthorized Use of Services	1
		Follow – Up	0						Weapon Offenses	0
									White Collar Crimes	3
Approved by:				David Carpenter, Chief of Police						

**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:

January 26, 2009

CITY OF DAPHNE, AL

INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Dennis Kerney, Tom Byrne, Brian Groeschell, Dan Romanchuk, Phillip Ellis

Also present – David Cohen, Robert Ingram, Josh Thorton, Pfil Hunt, Larry Jackson, Mayor Fred Small

2. OLD BUSINESS

a. October 27, 2008 IDB Board Minutes

Motion by Mr. Byrnes Seconded by Mr. Kerney To Approve Minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

David Cohen gave the report based on the statements.

**Motion by Mr. Kerney Seconded by Mr. Byrnes To appoint Brian
Groeschell as Treasurer.**

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. NEW BUSINESS

a. Property on US Hwy. 90 was discussed.

b. Pfil Hunt to discuss district financing.

c. New Prospect was discussed.

5. OTHER BUSINESS

a. Website design report was given by Mr. Ellis.

b. Discuss Strategic Plan and Comprehensive Plan was discussed to have a work session with the City Council.

5. **ADJOURN**

Motion by Mr. Kerney

Seconded by Mr. Byrnes

To adjourn.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:20 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 22, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Frank Martin
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason
Chief James "Bo" White

Members Absent:

Cathy Barnette, Councilwoman
Victoria Phelps

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Erick Bussey, Associate Attorney
Ashley Campbell, Site Containment Officer

Staff Absent:

Lonnie Jones, Code Enforcement Officer
Jay Ross, Attorney
Misty Gray, Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect that Ms. Barnette and Ms. Phelps are not present.

The next order of business is review of the minutes.

APPROVAL OF MINUTES:

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 22, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

The minutes of December 18, 2008 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

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

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry **to approve the minutes of the December 18, 2008 regular meeting. The Motion carried unanimously.**

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

OLD BUSINESS:

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Dr. Barry Booth, one of the owners. On behalf of Ms. Wallace and myself we are requesting an extension of the one year requirement for the site disturbance permit issued for the Apalachee Residential Community. We have received approval of the site plan and site disturbance permit. We have continued working on the project with the design staff and financial institutions to have everything in place to proceed once the economy improves.

Mr. Terry: What is the current date of the expiration of the site disturbance permit?

Dr. Booth: February 2009.

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

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

Chairman: We hope the economy will get better and you can go to work.

The next order of business is site plan review for Big Daddy Eastern Shore Car Lot.

SITE PLAN REVIEW:

File S08-29:

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

Site: Big Daddy Eastern Shore Car Lot
Zoning: *Pending City Council decision on January 20, 2009*
Location: U. S. Highway 98
Area: 1.69 Acres +
Owner: Johnnie Littleton

An introductory presentation was given by Mr. Del Dapremont, representing Big Daddy Eastern Shore Car Lot, requesting site plan review of the renovation of an existing building facility located on U.S. Highway 98 for an automobile and motorcycle sales facility. I will be happy to answer any questions you may have.

Chairman: I do understand from staff that you did get your zoning approved. Do any of the Commissioners have any questions or comments regarding the site plan? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Terry and **Seconded** by Mayor Small **to grant approval to the site plan for Big Daddy Eastern Shore Car Lot. The Motion carried unanimously.**

The next order of business is site plan review for North Fork Apartments.

File S08-33:

Site: North Fork Apartments
Zoning: *R-4, High Density Multi-Family Residential, and R-3, High Density Single Family Residential*
Location: Southeast of the intersection of U. S. Highway 98 and Park Drive, Lot 2 of North Fork Subdivision
Area: 14.97 Acres +
Owner: Patrick Klaas
Developer: Spitfire Funding, L.L.C. - Steve Hydinger
Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Jason Estes, Engineering Development Services, requesting site plan review of an apartment complex facility located Southeast of the intersection of U. S. Highway 98 and Park Drive to be located on lot two of North Fork Subdivision.

The site is located on the South side of Park Drive. The developer is proposing to connect to existing water main located on U. S. Highway 98, run the line through the site, and tie onto the Park City's water

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 22, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

line. The utility agreement is in place, and they are just waiting for a meeting for the parties to sign. I will be happy to answer any questions you may have.

Mayor Small: The Utilities Board has agreed on the agreement as written and allowed the general manager to forward that agreement to Park City Water Authority.

Chairman: I understand that we do have a copy of the letter of intent.

Mayor Small: I think that the Chairman of Park City Water Authority has actually signed the agreement.

Chairman: Being that it is our Board's agreement, I guess they will sign it.

Mr. McElroy: We are just waiting for the Utility Board meeting for the document to be signed by the Utilities Board of the City of Daphne.

Mr. Estes: Mr. Eady pointed out that he wanted a performance bond for Park Drive in place to protect the condition of Park Drive. We have agreed on an amount for the performance bond. It will be given at the time of the issuance of the site disturbance permit. The only issue is we were having trouble with tree replacement. It would be very difficult to comply with the Landscape and Tree replacement requirement for two-to-one on this site; therefore, the developer is asking for the Planning Commission to make an exception and allow tree replacement of one-to-one on this site. The contractor will address Ms. Campbell's concerns at the time of the commencement of construction, but may not be able to meet all of them.

Chairman: Do any of the Commissioners have any questions or comments? I understand that there was a question regarding placing a temporary retention/detention facility prior to clearing the entire site.

Mr. Estes: We are trying to put together a plan on how we are going to clear the site and address all of the comments that she had.

Mr. Chason: Mr. Chairman, just to clarify this. Looking at the maintenance agreement which we have, I see that the person who signed that document is a representative for North Fork Manager, L.L.C. It is signed by Robert Fields as the manager. Does he understand that we are looking for an individual, not an entity to be the person that we call to be responsible for the maintenance of the detention pond? In other words, if this L.L.C. dissolved do we have a document which says Mr. Fields is responsible?

That is why we have this form. We had entities in which we did not know who to go to if we had a problem if the L.L.C. dissolved. The commercial indemnification form presented makes an L.L.C. accountable.

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

Do we want the responsible party to be an L.L.C. or an individual? If an L.L.C. dissolves, then you would not have anyone responsible for the maintenance of the detention pond.

Mr. Estes: At the time of construction the owner of the apartments will be responsible.

Mr. Chason: So he understands that the person that will be responsible will be Mr. Fields or is it the owner of the apartment complex?

Mr. Estes: It will be very difficult to get one person to sign to be responsible if it is an L.L.C.

Mr. Chason: Looking at the signature that is not what it says. I think that we need to amend the signature part to make it clear that it is not the L.L.C., but rather an individual. It does not have to be Mr. Fields. It can be anybody that is responsible.

Mayor Small: Then he needs to remove the L.L.C. from the end.

Mr. Chason: The responsible party needs to be an individual, not an L.L.C.

Chairman: Any problem with that?

Mr. Estes: No sir.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to grant approval to the site plan for North Fork Apartments with the agreement that the commercial indemnification detention pond agreement shall be reissued to reflect an individual and not an L.L.C. as the responsible party for the maintenance of the detention facility. The Motion carried unanimously.

Ms. Jones: What they are requesting for the landscaping is different from the Ordinance. I need for you to make a motion to reflect that.

Mr. Chason: If you want to discuss, we can or I can amend my motion.

Ms. Jones: Or you can make a second motion.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain another motion.

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

~~A Motion was made by Mayor Small and Seconded by Mr. Chason to waive the Landscape and Tree Ordinance requirement of two-to-one and allow one-to-one tree replacement for North Fork Apartments. The Motion carried unanimously.~~

The next order of business is preliminary plat review for Paradiso Subdivision.

PRELIMINARY PLAT REVIEW:

File SDP08-02:

Subdivision: Paradiso

Zoning: *R-2, Medium Density Single Family Residential*

Location: Main Street

Area: 12.68 Acres +, (17) lots

Owner: Herndon Oil Company - Beth Pierce

Engineer: Volkert & Associates - Steve Pumphrey

An introductory presentation was given by Mr. Steve Pumphrey, representing Volkert & Associates, requesting preliminary plat review of a twelve-point six eight-acre subdivision consisting of seventeen lots located West of Main Street. All permits for the site are in hand. The other thing that is going on is the work being done by the University of South Alabama. There are onsite now recovering and removing the artifacts and/or findings from the site. Whatever they find on the site will be removed. Since the last time we talked at site preview about the issue of the delineation of wetlands. We have realigned the lot lines to exclude any construction in the wetlands. We have added the verbiage on the plat to tie it and the restrictive covenants to the ownership of the streets. The streets are private and will remain private. The streets will be owned and maintained by the property owners' association. There is a note on the plat to that effect. Also, we have met with some of the adjacent property owners and tried to address each of their concerns with the trees, flooding and the fence. We are proposing to construct a fence. This is not a subdivision requirement. It will be installed in such a manner as not to impede the flow of storm water onto this site although it is not required. As far as I know we have addressed all of the comments, and we feel as if we have met and do exceed all of the land use requirements for this site. As far as I know, staff is satisfied that we have met all of the regulations. I will be happy to answer any questions you may have.

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

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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

~~A Motion was made by Mayor Small and Seconded by Mr. Chason to approve the preliminary plat for Paradiso Subdivision. The Motion carried unanimously.~~

Mr. Pumphrey: The developer has asked that I make one statement. If you go onto the site, you will notice that the University of South Alabama has dug a lot of holes on the site. We have posted no trespassing signs on this property. This is only intended to be for the safety of others. It is for your protection so no one enters onto the property and gets hurt.

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

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Nancy Anderson, GIS Technician, of a revision to the City of Daphne Zoning and Street Maps. This is a revision of the zoning and street maps with a listing of changes made in the City for the last six months of annexations, zoning amendments and other projects which have been approved by you, as well as, an indication of the newly adopted extraterritorial jurisdiction. We had fourteen subdivisions, three zoning amendments, and two annexations approved and reflected on the zoning map. There were no changes to the street map. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Do you need a recommendation or a motion to approve this?

Ms. Dickson: You need a recommendation to City Council.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain another motion.

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

Chairman: Thank you. It was very good work.

The next order of business is an administrative presentation for Milton Jones Road.

An introductory presentation was given by Ms. Adrienne Jones, Director of Community Development, requesting annexation of the right-of-way of Milton Jones Road. What we have is the City of Daphne is acquiring

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~~five hundred twenty six point four feet of Milton Jones right-of-way from County Road 13 to Alabama Highway 181. I will be happy to answer any questions you may have.~~

Chairman: Do any of the Commissioners have any questions or comments? We already have the right-of-way from County Road 64 along County Road 13 to Milton Jones Road.

Mayor Small: We have a business on Milton Jones Road which would like to annex into the City of Daphne, and we need to give a way for them to do that.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain another motion.

Mr. Chason: At the regular meeting, I will be abstaining at the time of the vote.

A Motion was made by Mr. Terry and Seconded by Mayor Small for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of the right-of-way of Milton Jones Road from County Road 13 South to Alabama Highway 181. The Motion carried. Mr. Chason abstained.

The next order of business is the election of officers - vice chairman.

Chairman: Since the Planning Commission is missing one member and awaiting an appointment by the Mayor. I would like to hold over the election of a vice chairman until such time the appointment of a new member is made.

Mr. Terry. I will make a motion to table the election of the vice chairman.

A Motion was made by Mr. Terry and Seconded by Mr. Chason to table the election of officers and selection of a vice chairman until we have a full Planning Commission. The Motion carried unanimously.

The next order of business is an administrative presentation for Beau Chene Subdivision.

An introductory presentation was given by Mr. Jeff Thompson, representing South Malbis, L.L.C., requesting the release of a six hundred and three thousand, seven hundred and two-dollar landscape bond for Beau Chene Subdivision. I will be happy to answer any questions you may have.

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

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Ms. Jones: Mr. Thompson has all of his paperwork in order including letters of acceptance from Kent Broom, Landscape Architect and verification from Ms. Campbell, the Site Containment Officer.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain another motion.

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Chason **to approve the release of the performance bond for the landscaping from South Malbis, L. L.C. for Beau Chene Subdivision in the amount of six hundred and three thousand, seven hundred and two-dollars. The Motion carried unanimously.**

The next order of business is master plan and site plan review for the Springs @ Eastern Shore.

SITE PLAN REVIEW:

File S09-01:

Site: Springs @ Eastern Shore

Zoning: Pending City Council decision on January 20, 2009

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road

Area: 20.57 Acres +

Owner: Big Sandy, L.L.C. - Richard Inge

Developer: Continental 249 Fund, L.L.C. - Scott Davis

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting to table the master plan and site plan review for the Springs @ Eastern Shore because there is a title issue with the property which we are trying to work out.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Terry **to table the master plan and site plan review for the Springs @ Eastern Shore. The Motion carried unanimously.**

The next order of business is final plat review for Dunmore Subdivision.

FINAL PLAT REVIEW:

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

File SDF09-01:

Subdivision: Dunmore

Zoning: *R-1, Low Density Single Family Residential, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-4, High Density Single Family Residential*

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

Area: 95.15 Acres +, (151) lots

Owner: Hearthstone Multi-Asset Entity

Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting final plat review of a ninety-five acre subdivision consisting of one hundred and fifty-one lots located on the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road. From the site preview meeting there were two issues that we needed to address. One was the addition of and reconstruction of the turn arounds from the Fire Marshal. The other one was the landscaping comments from the Site Containment Officer. Although we have addressed her comments, she has requested that the performance bond for the landscaping remain in place. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? I believe that we have the letter from Ms. Campbell which says it is satisfactory. Ms. Jones, do you have any comments?

Ms. Jones: The project is acceptable.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry **to approve the final plat for Dunmore Subdivision. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A," Unit Three, Resubdivision of Lot 3.

PRELIMINARY/FINAL PLAT REVIEW:

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

File SDPF09-01:

Zoning: *B-1, Local Business, and B-2, General Business*

Subdivision: *TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A," Unit Three, Resubdivision of Lot 3*

Location: Southwest corner of Highway 31 and Alabama Highway 181

Area: 12.58 Acres +, (5) lots

Owner: Baldwin AL Development - Wayne Cave

Engineer: Rester & Coleman Engineers - Andy Bobe

Related Project: Baldwin AL Development Zoning Amendment

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting preliminary/final plat review of a twelve-point five eight-acre subdivision consisting of five lots located Southwest corner of Highway 31 and Alabama Highway 181. We tried to subdivide and rezone this property approximately one year ago. The owner is proposing to divide two lots into five new lots. He will be asking to rezone a portion of lot three to B-2, General Business, in order to combine it with lot one. I will be happy to answer any questions you may have.

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

Mr. Terry: A representative from the property owners' association spoke at our work session, and I received an email from Mr. Palumbo, the City Council representative for that area, to recommend approval of the zoning amendment.

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

A Motion was made by Mr. Terry and **Seconded** by Mr. Chason **to approve the preliminary/final plat for TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A," Unit Three, Resubdivision of Lot 3. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Wachter Subdivision.

File SDPF09-03:

Zoning: *R-3, High Density Single Family Residential*

Subdivision: *Wachter*

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Location: Northeast of the intersection of Guarisco and Trione Street
Area: 0.453 Acre +, (1) lot
Owner: The Howard Company - Chason Wachter
Engineer: Jinright & Associates - Trey Jinright

Related Project: The Howard Company Zoning Amendment

An introductory presentation was given by Mr. Trey Jinright, representing Jinright & Associates, and Mr. Chason Wachter, the owner, requesting preliminary/final plat review of a zero point four five acre subdivision consisting of one lot located northeast of the intersection of Guarisco and Trione Street. The owner is simply proposing to combine three lots into one which are vacant. I will be happy to answer any questions you may have.

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

Mr. Chason: I will be abstaining at the time of the vote.

Chairman: A subdivision and zoning amendment review requires six affirmative votes; therefore, the agenda item for Wachter Subdivision would have to be tabled until the next regular meeting.

Ms. Dickson: That would be true for the subdivision and the zoning amendment.

Mr. Jinright: What do we need to do?

Ms. Dickson: Table it.

Mayor Small: We have one member out-of-town and one sick unless Mr. Chason would like to vote. Are you going to abstain?

Mr. Chason: I have no financial interest in this property, but Mr. Wachter and I are related.

Mayor Small: You do not have any money making interest in the property.

Chairman: Maybe we need to get an opinion from the attorney.

Mr. Chason: Before I vote I would just like to know what the rules are about a conflict of interest.

Ms. Jones: Ms. Dickson has several dates to choose from. What we can do is to try to schedule a special meeting, if you agree.

Chairman: Well, I do not have the six votes. Would you like to table it and waive the thirty-day requirement? It can be for the next regular meeting or we can schedule a special meeting.

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Ms. Jones: Possibly the first Tuesday in February, the 3rd.

Ms. Dickson: The days available are Tuesday, the 3rd, Wednesday, the 4th or Friday, the 6th.

Ms. Jones: We need time to advertise the special meeting.

Mayor Small: You have more than a week so go ahead and send it out by email tomorrow so that we can get everybody there.

Mr. Jinright: Is that for the subdivision or the zoning amendment?

Ms. Dickson: You have to do the subdivision first and then the zoning amendment. Processing a zoning amendment from Planning Commission to City Council takes three months.

Chairman: Why don't we have both of them on this agenda and make it a special meeting. So you are requesting to be tabled?

Mr. Jinright: We are requesting to be tabled, and we will waive the thirty-day requirement.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain another motion to table this to the next regular or a special meeting.

A Motion was made by Mayor Small and Seconded by Mr. Terry to table the preliminary/final review for Wachter Subdivision. The Motion carried. Mr. Chason abstained.

Chairman: Do we need to do that again for the zoning amendment?

Ms. Dickson: Yes sir. May I ask that when you finish the motions that you pick a tentative date for a special meeting? Only one I need a commitment from is Ms. Barnette.

The next order of business is a zoning amendment for the Howard Company.

PETITIONS:

ZONING AMENDMENT:

File Z09-01: The Howard Company

Present Zoning: R-3, High Density Single Family Residential

Proposed Zoning: MU, Multi Use

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Location: The northeast intersection of Guarisco and Trione Street
Area: 0.45 Acres +
Owner: The Howard Company - Chason Wachter
Engineer: Jinright & Associates - Trey Jinright

An introductory presentation was given by Mr. Trey Jinright, representing Jinright & Associates, and Mr. Chason Wachter, the owner, requesting the rezoning of a four-point five acre parcel located northeast of the intersection of Guarisco and Trione Street from an R-3, High Density Single Family, to a MU, Multi Use, zone. I will be happy to answer any questions you may have.

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

Mr. Chason: At the regular meeting, I will be abstaining at the time of the vote.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Terry **to table the zoning amendment review for the Howard Company zoning amendment. The Motion carried. Mr. Chason abstained.**

The next order of business is a zoning amendment for Baldwin AL Development.

File Z09-02: Baldwin AL Development

Present Zoning: B-1, Local Business

Proposed Zoning: B-2, General Business

Location: Southwest of the intersection of Highway 31 and Alabama Highway 181
Area: 0.85 Acres +
Owner: Baldwin AL Development, L.L.C. - Wayne Cave
Engineer: Rester & Coleman Engineers - Andy Bobe

An introductory presentation was given by Mr. Andy Bobe, representing Rester & Coleman Engineers, requesting the rezoning of a zero-point eight five-acre parcel located Southwest of the intersection of Highway 31 and Alabama Highway 181 from a B-1, Local Business, to a B-2, General Business, zone. This is a portion of lot three of TimberCreek Village, Resubdivision of lot one and TimberCreek Commercial, Resubdivision of Parcel "A," Unit Three, Resubdivision of Lot 3. One year ago we presented this proposal and the property owners' association opposed the rezoning of the entire portion of lot three. The developer met with the TimberCreek property owners'

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association and Councilman Gus Palumbo to address their concerns. We are only rezoning a portion of lot three to B-2, General Business, in order to combine it with lot one. Now the property owners' association is in favor of the zoning amendment. I will be happy to answer any questions you may have.

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

Mr. Dane Haygood, a member of the property owners' association: The developer of the property had met with the TimberCreek property owners' association and they support the zoning amendment.

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

A **Motion** was made by Mayor Small and **Seconded** by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the zoning amendment for Baldwin Al Development zoning amendment. The Motion carried unanimously.*

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

ATTORNEY'S REPORT:

Ms. Gray, attorney: no report.

PLANNING COMMISSION DISCUSSION:

Mr. Chason: Discussion regarding limiting copies of plans to pertinent plan sheets only by eliminating construction details and requesting the cost of the reproduction be incurred by the engineer.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

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

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted by:

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Jan Dickson, Planning Coordinator

APPROVED: March 26, 2009

Ed Kirby, Chairman

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**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
SPECIAL MEETING OF FEBRUARY 3, 2009
COUNCIL CHAMBERS, CITY HALL - 8:30 A.M.**

CALL TO ORDER:

The number of members present constitutes a quorum and the special meeting of the City of Daphne Planning Commission was called to order at 8:30 a.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Frank Martin
Don Terry, Secretary
Ed Kirby, Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Larry Chason
Victoria Phelps

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Misty Gray, Attorney

Staff Absent:

Lonnie Jones, Code Enforcement Officer
Jay Ross, Attorney
Erick Bussey, Associate Attorney
Ashley Campbell, Site Containment Officer

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

OLD BUSINESS:

The first order of business is preliminary/final plat review for Wachter Subdivision.

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File SDPF09-03:

Zoning: *R-3, High Density Single Family Residential*

Subdivision: Wachter

Location: Northeast of the intersection of Guarisco and Trione Street

Area: 0.45 Acre +, (1) lot

Owner: The Howard Company - Chason Wachter

Engineer: Jinright & Associates - Jackie Ward

Related Project: The Howard Company Zoning Amendment

Chairman: Do you want to recap it for us right quick?

An introductory presentation was given by Mr. Chason Wachter, the owner, requesting preliminary/final plat review of a zero-point four-five acre subdivision to consist of one lot located northeast of the intersection of Guarisco and Trione Street. Currently this lot is divided into three parcels and what we are trying to do is to make it into one lot. I will be happy to answer any questions you may have.

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

Mr. Martin: Is it the piece on the corner?

Mr. Wachter: It is the piece on the corner of Guarisco and Trione Street.

Chairman: He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chairman will entertain a motion.

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

The next order of business is a zoning amendment for the Howard Company.

PETITIONS:

ZONING AMENDMENT:

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File Z09-01: The Howard Company

Present Zoning: *R-3, High Density Single Family Residential*

Proposed Zoning: *MU, Multi Use*

Location: The northeast intersection of Guarisco and Trione Street
Area: 0.45 Acres +
Owner: The Howard Company - Chason Wachter
Engineer: Jinright & Associates - Jackie Ward

Chairman: Do you want to recap it for us right quick?

An introductory presentation was given by Mr. Chason Wachter, the owner, requesting the rezoning of a zero-point four-five parcel located northeast of the intersection of Guarisco and Trione Street from an R-3, High Density Single Family, to a MU, Multi Use, district. What I want to do is a mixed use development with residential and/or business. In order to do that we felt like a Multi Use zone was the way to go. We looked at several different options in the beginning. Originally, we were going to develop duplexes, but we decided a single unit cottage-style theme would better fit the neighborhood. The City Attorney's legal opinion for a Multi Use designation says that the use does have to be a residential and business mix. I will be happy to answer any questions you may have.

Chairman: The opinion said there would have to be some commercial included with the residential use at site plan review. Right now all we are looking for is a recommendation to the City Council for the zoning change. Do any of the Commissioners have any questions or comments?

Chief White: Do you ever see this becoming a total commercial project?

Mr. Wachter: That was kind of what I wanted to do. Right now, it is residential in the front and business in the rear. At some point, I do envision the development in this area will change. I want to keep the cottage-style look, but I would like to do a plan that would also be flexible. If someone wanted to turn one of the units into an office, then I wanted to be able to accommodate that.

Ms. Barnette: I guess from a Downtown Redevelopment Authority standpoint, we have discussed that ideally down the road this whole section could become some sort of commercial and retail square. It would be the corridor to stop and shop downtown which would consist of commercial, retail, residential, playgrounds, and the park. I can see that this site may change, and you would want the diversity.

Mr. Terry: This is kind of what Mr. Eady wanted to see with a Multi Use zone, but he wanted to see them build up (two-story) with commercial

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on the bottom and residential on the top.

Ms. Jones: That is the precedent that has been established. The HMR parcel is in a Multi Use zone and was designed to be a mix of residential and business uses on one parcel of land. Traditionally, a Multi Use development was designed to be two-story, but there is nothing which specifically states in the Ordinance that it has to be.

Mr. Terry: This looks like it would match what is existing much better than a two-story building would.

Mr. Wachter: Well, originally they were two-story, but then I changed the concept to the cottage-style side by side units.

Ms. Jones: Just a note about the comment that it is commercial in this area. From U.S. Highway 98 to Main Street, on both sides, it is a residential (R-3) and commercial mix. Some of the properties like the Daphne Post Office and Daphne Utilities are still zoned R-3, High Density Single Family Residential and have been allowed in this district by a special exception given by the Board of Zoning Adjustments.

Mayor Small: So that area is not in the downtown district?

Ms. Jones: It is. That is what make it possible for them to do this.

Chairman: I have one question. Since it is currently an R-3, High Density Single Family Residential, zone and you are proposing to make it a MU, Multi Use, zone if at such time it were to become totally commercial wouldn't it have to be rezoned to a commercial zoning to accommodate the use?

Mr. Wachter: I want it to be Multi Use. That is the way it is in downtown Fairhope which is a mix of residential and commercial. I think at some point that it is going to shift to a business use. Isn't that what you envision for this area of the district? So let me clarify, is it ok to do the one-story units?

Chairman: The precedent has been set for the two-story buildings in the past. This is the first time that we have seen a one-story building. Our attorney says it has to be a residential and commercial use, but did not say it had to be two-story. As far as I know, there is nothing that requires commercial downstairs and residential upstairs.

Mayor Small: Mr. Chairman, if I may. It seems that if it is a Multi Use designation, then we need to write it into the Ordinance that it

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can be either residential or commercial. If it is in this zoning district, then you should be able to do residential or commercial and not have to rezone it back and forth if you change the use.

Ms. Barnette: I know we have not been consistent with this, but the last legal opinion we had said that if you rezone it to a Multi Use zone it stays that way. If they rezone it to a B-1 or B-2 zone and change the use, then they would have to come back before us.

Chairman: The MU means Multi Use zone, and it stays that way forever. If it ever went totally commercial, then it would have to be rezoned.

Mr. Wachter: I guess what the Chairman is saying is if I want it to be totally commercial I would have to rezone the property again.

Chairman: If it was ever a totally commercial use, then it would not be considered to be multi use. It would have to be rezoned to a commercial zoning.

Mayor Small: I think the intent of an overlay district was for it to be multi use designation for residential or commercial development, but the use would not necessarily have to be in one building.

Chairman: It was. The use does not necessarily have to be in one building, but on one piece of property.

Mayor Small: I am trying to understand how you come up with that when you have area which can be either residential and commercial. If we write it in the Ordinance, the use will be tied down as to what can be put there and from that point on you would not have all of the rezoning they have go through.

Chairman: There are some things in our Multi Use zoning designation in the downtown redevelopment area which needs to be worked out so it is better understood by all of us.

Mr. Martin: That area can have a positive affect because you can still walk in Daphne. Out on the four-lane you do not stop and walk store to store, but in this little area here it is kind of unique in itself. I was in Charleston last week. I started walking the area, and there were houses, restaurants and a conglomerate of stuff that works.

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

Ms. Gray: If the development proposed becomes something other than a mix of commercial and residential uses, Mr. Wachter would have to rezone the property to a business/commercial zone.

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A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the zoning amendment for the Howard Company zoning amendment from an R-3, High Density Single Family, to a MU, Multi Use, zone. The Motion carried unanimously.*

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

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

There being no further business, the meeting was adjourned at 8:38 a.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: March 26, 2009

Ed Kirby, Chairman

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THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 26, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

CALL OF ROLL:

Members Present:

Frank Martin
Victoria Phelps
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason
Cathy Barnette, Councilwoman
Chief James "Bo" White
Joel Lemoine

* Mr. Lemoine arrived at 6:03 p.m.

Members Absent:

Fred Small, Mayor

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Missty Gray, Attorney
Lonnie Jones, Code Enforcement Officer
Ashley Campbell, Site Containment Officer

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect that Mayor Small is not present. The next order of business would have been the approval of the minutes, but I understand that we do not have minutes to review.

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The first order of business under old business is the election of officers - vice chairman.

OLD BUSINESS:

ELECTION OF OFFICERS:

Chairman: The floor is open for nominations for vice chairman.

Mr. Martin nominated Mr. Terry for vice chairman.

A **Motion** was made by Mr. Martin and **Seconded** by Ms. Phelps **to nominate Mr. Terry as Vice Chairman. The Motion carried unanimously.**

Chairman: Are there any other nominations? Now that the secretary is vice chairman, the floor is open for nominations for secretary.

Mr. Chason nominated Mr. Martin for secretary.

Mr. Martin: What do I have to do?

Chairman: Nothing.

Ms. Dickson: All you have to do is sign and talk.

Mr. Martin: I can do that.

A **Motion** was made by Mr. Phelps and **Seconded** by Mr. Terry **to nominate Mr. Martin as secretary. The Motion carried unanimously.**

Chairman: Now we have a complete set of officers.

The first order of business under new business is the introduction of a new member of the Planning Commission.

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

Chairman: It is my honor to introduce our new member, Mr. Joe Lemoine. We would like to welcome you to this Commission.

Joe Lemoine: I apologize for being late because I had six thirty on my mind.

Chairman: That is all right.

Mr. Terry: We all had six thirty on our minds too.

Chairman: We are glad to have you with us, and we appreciate you

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taking the time to do this.

The next order of business is master plan review for Summer Oaks Town Homes.

An introductory presentation was given by Mr. Don Rowe, representing Rowe Engineering, requesting master plan review for Summer Oaks Town Homes. This is the master plan which was approved by the Planning Commission in 2002. There actually have not been any changes made to the plan. We are just here to have the original master plan approval affirmed. The dark outlined lots to the Southeast and the West are the ones that have not been constructed and the plat has not been recorded. At the work session, someone asked why there were so many phases in the development. Well, that is how it was originally set up years ago. The utilities are already in place so we will probably present it as one phase for your review. I will be happy to answer any questions you may have.

Chairman: If I am correct, the streets, utilities, and street lights are in?

Mr. Rowe: Yes sir. Everything is already in place.

Chairman: Do any of the Commissioners have any questions or comments? We are reaffirming the master plan for Summer Oaks. If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Terry to approve the master plan for Summer Oaks Town Homes. The Motion carried unanimously.

The next order of business is site plan review for the Bay Front Park Parking Lot and Landscaping Improvements.

SITE PLAN REVIEW:

File S09-02:

Site: Bay Front Park Parking Lot and Landscaping Improvements

Zoning: B-2, General Business

Location: Bay Front Drive along Mobile Bay

Area: 5.6 Acres +

Owner: The City of Daphne

Engineer: Hutchinson, Moore & Rauch - Jay Robertson

An introductory presentation was given by Mr. Jay Robertson, representing Hutchinson, Moore & Rauch, requesting site plan review of

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the renovation of parking lot and landscaping improvements for the Bay Front pavilion on Bay Front Drive along Mobile Bay.

Mr. Robertson: Basically, what we are proposing to do is to remove the existing parking lot on the west side and add a thirty-space gravel parking lot to the east side of the pavilion. We will be installing landscaping and grass on the west side where the previous parking was located with a five-foot sidewalk. Also, there will be four by four bollard posts with copper caps to keep pedestrians from cycling through the sidewalk area.

Chairman: I apologize that I was not at the preview meeting. Do any of the Commissioners have any questions or comments?

Ms. Barnette: For the record, in our staff report the previous landscape plan was not consistent with Daphne's Ordinance. I know they have revised it to comply with the Ordinance. I would like to affirmate that for the record.

Chairman: I did see an updated drawing from a distance.

Ms. Barnette: I just want the record to clarify that.

Ms. Jones: That is correct.

Chairman: Do you know how many parking spaces you are taking out verses how many you are replacing?

Mr. Robertson: We are taking out approximately thirty-five and adding thirty.

Chairman: Then really all you are doing is swapping locations. You are not going to lose a great number of parking spaces.

Mr. Lemoine: I just have one question. What is the approximate size of the trees to be planted?

Mr. Robertson: Three inch caliper Cypress and Oak trees.

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

Ms. Barnette: I think the only other question was are you going to use a movable bollard so they could be relocated. The other primary discussion point was the phasing of the project.

Mr. Robertson: Correct. The parking lot will be done first.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion. A **Motion** was made by Ms. Barnette and **Seconded** by Ms. Phelps to **approve the site plan for the Bay Front Park Parking Lot and Landscaping Improvements. The Motion carried unanimously.**

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The next order of business is preliminary/final plat review for the Italian Settlement Business Park.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF09-02:

Subdivision: Italian Settlement Business Park

Zoning(s): *R-2 B, Single Family Residential, B-1, Professional Business District, and B-2, Local Business District*

Location: Southeast of the intersection of County Road 64 and Friendship Road

Area: 69.14 Acres +, (2) lots

Owner: AJD Family Limited Partnership - Patsy Defillipi

Engineer: Hutchinson, Moore & Rauch - Christopher Baker

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting to table the review of the preliminary/final plat of a sixty-nine point one four acre subdivision consisting of two lots located Southeast of the intersection of County Road 64 and Friendship Road. As a result of the preview meeting last week, there were some questions about the owner annexing the property into the City of Daphne. We met with our client, which represents the family partnership, and the Mayor to talk about annexation. We are currently working to address all of those issues, and the owner needs more time to work with the members of her family. I understand after talking briefly with Adrienne and Jan today that if you would indulge us and allow a public hearing tonight it would save our client a little bit of money on advertising.

Chairman: I would rather do the public hearing at the same time we hear the request for the subdivision so we can keep it all together. Do any of the Commissioners have any questions or comments? Do you agree to waive the thirty-day rule?

Mr. Baker: Yes sir.

Chairman: If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry **to table the preliminary/final plat for Italian Settlement Business Park. The Motion carried unanimously.**

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

ATTORNEY'S REPORT:

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Mr. Ross, attorney: no report. Nothing specific.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Mr. Chason: I have been discussing with Adrienne how we can have more communication with her to see what our role is as the Planning Commission. This discussion started when the Commission asked when will the revision of the Ordinance be coming to us. With a smaller agenda, I think once we have the Ordinance in final form we need to sit down and discuss the direction we would like to go and set a particular time to discuss the direction of the Planning Commission.

Mr. Kirby: In the past, the Planning Commission presented and recommended a capital improvement plan to the City Council. All Public Works projects are supposed to come to the Planning Commission for review and approval. What I am seeing now is when the projects are presented to us they are already in their final form. We need to turn it around a little bit. We used to sit down, plan, and make recommendations to the City Council. I talked to the Mayor about it, and he said that he would like to put together a group to provide capital project recommendations.

Mr. Chason: Wouldn't it be appropriate once we have the Ordinance in order to have a joint meeting with the City Council?

Mr. Kirby: Good idea. Maybe then we can all get on the same page and find out what their ideas are too.

Ms. Phelps: I want to echo that. I believe some of these ideas need to be incorporated into our Comprehensive Plan which was done I think in 1996.

Ms. Barnette: It was adopted in 1999.

Ms. Phelps: Then you can see that those documents are out of date.

Ms. Barnette: I agree. The Planning Commission needs to have a discussion on a regular basis. I would like to see if we can add an additional hour of discussion time to the next work session. I guess to follow-up with that I would like to see us go through the Strategic Plan, Comprehensive Plan and the Ordinance. All three of those different layers. The Industrial Development Board has some money they are willing to contribute to the plans.

I think we probably need to have a work session with the City Council to see what their perception, issues or questions regarding the Ordinance are for the Planning Commission before we go through the

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formal advertisement and gets to the City Council level. We need to ~~invite them to a meeting, maybe at the April work session. We should have thought about it all along I guess. I think it would be a good idea.~~

Ms. Phelps: Mr. Ross, I would like a follow-up I guess. Could you update us on the status of the Lamar Sign lawsuit and the nonconforming signs in Daphne? I understand that we just have a handful left of each. If you can, please tell us where we are at on the lawsuit.

Mr. Ross: I will be happy to. The Lamar lawsuit was pending in Federal Court. The Federal Court basically placed the case on indefinite administrative status last Fall claiming that the case should be argued or liquidated in State Court which is Baldwin County Circuit Court. By doing this, it would put the responsibility back on Lamar's shoulders to bring an action in Baldwin County Circuit Court. As of today, Lamar has not filed a case. There is a case similar to it where Lamar Signs sued the Baldwin County Commission for the erection of the billboard (sign) on Alabama Highway 181. It is pending because it is believed that the expansion of Highway 181 will cause the removal of the sign, if you will, make the sign go away. Right now we are in a limbo state. There is no mandate that Lamar must bring an action against us. If you go to Federal Court and look on the docket, it is listed under administrative suspense awaiting a resolution of their claim against the City of Daphne in State Court.

Ms. Phelps: There has been some discussion regarding proposed amendments to the Sign Provisions of the Land Use Ordinance. Do you think the Sign Ordinance should be amended or should we wait until the lawsuit is settled?

Mr. Ross: That is of some debate and this issue has come up with Councilman Palumbo. We have given an opinion to the Ordinance Committee that it would best to wait until the issue with Lamar is completely resolved. I spoke with AMIC, the insurance company, and the attorney likewise feels the same way. For the benefit of this Commission, Tameron Honda approached the Ordinance Committee with a proposal for an expansion or a modification of the Sign Ordinance so they could get more letters or more space on the interstate side of the building. It has met with some resistance at the Ordinance Committee level which members consist of Councilman Greg Burnam, Councilman Derek Bouleware, and Councilman Gus Palumbo. Where that will go, I do not know. My recommendation was not to tweak it or do anything for fear that the lawsuit may arise.

Ms. Phelps: Where are we on nonconforming signs?

Mr. Ross: The Mayor continues to work with the people with nonconforming signs. We have written letters and the police department is involved. You can see where Waffle House and McDonald's have come down. Mayor Small has been working with them to get them down in a non legal manner or without legal intervention. The sign where Hilton

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 26, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

Garden is may never come down, but the Mayor continues to work on that. It was grandfathered years ago because the Supreme Court opined that our Ordinance was invalid or unconstitutional. The Mayor has taken the approach let me see if I can make it happen. The last thing I will comment on regarding signage is the part of the Ordinance which prohibits parking vehicles with signage or logos on the right-of-way such as Lenny's Subs, Badcock Furniture, and Planet Fitness. The Code Enforcement Officer at the direction of the Mayor issued some Municipal Offence Tickets against Lenny's and Planet Fitness about six weeks ago, and it created a review of the Ordinance. After the review, the City Prosecutor and I decided that the Ordinance was too vague to be criminally enforceable. We will be rewriting that section and will bring it to the next Ordinance Committee meeting. We are going to move it from the Ordinance Committee toward the City Council for consideration and approval. I hope that answers your question.

Mr. Kirby: We have gotten Waffle House, McDonald's, Burger King, and Taco Bell, and now we have to work on the billboards.

Mr. Ross: The billboards are tied up in the Lamar Sign lawsuit. At some point either we will have to initiate an action in State Court or they will. It was my anticipation that if it had continued in Federal Court we would have been able to resolve the billboard issue there.

Ms. Phelps: Visual clutter or the lack of is something that is in our Comprehensive Plan. As you look around you find things getting closer and closer to us, but this is the thing that makes Daphne unique.

Mr. Kirby: One thing I would like to say. You were talking about bringing that portion of the Sign Ordinance back to the City Council for review and subsequent approval.

Mr. Ross: We are talking about the signage or logo for an vehicle.

Mr. Kirby: I understand, but it is part of the Land Use Ordinance.

Mr. Ross: That is right. It would have to come back to the Planning Commission. That is correct. It somehow ended up with Mr. Palumbo. Thank you for the point. Whatever the Ordinance Committee does, I will make sure that it comes back here.

Ms. Barnette: Somehow the Ordinance Committee has done that and it always relates to signs. We have had some struggles with signage. Although I am aware of Councilman Lake's problem with the citations which were given to local businesses, the issue should have been addressed to Ms. Jones. She should be the one to work with the Ordinance Committee or Planning Commission for a resolution.

**THE CITY OF DAPHNE
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Mr. Ross: Good point.

Ms. Barnette: I do not believe it should go to the Ordinance Committee when it is a part of the Land Use Ordinance. We have seen that a couple of times in the past few years. The Ordinance Committee has a place, but I guess personally I do not feel it is their place if it is a part of the Land Use Ordinance. It was given to the City Attorney with discussion of how they are going to tweak and modify it, but there are a lot of other issues. It is the principal of the issue that I feel needs to be resolved.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

I am excited that you are excited about updating the Land Use Ordinance, as well as, the Comprehensive Plan. I would like to make you aware that the University of North Alabama is offering Planning Commission courses which would be very helpful, especially, for the new comers. These classes would be very good for those who need refresher courses or for those of you that have not had any courses at all. This would be a good time to get all of you on the same level. I am going to have to get it approved by the Mayor before I can distribute the information. Go ahead and mark your calendars for classes in Bay Minette on Friday, March 20, 2009 for Legal Foundations of Planning and Zoning and on Friday, April 17, 2009 for the Power, Duties of the Board of Zoning Adjustment and Planning Commission members. This one would be a very good place to start. It would let you find out legally as a Planning Commission member what you are able to do. Also, on Friday, April 17, 2009 there is a course on the Comprehensive Plan and how to prepare for it. I have talked to several of you to let you know where I am on updating the Land Use Ordinance. You have to remember when I began revising it I was in a different seat than I am now. Now I am giving the recommendation rather than receiving the recommendation so I am looking at it with a different pair of eyes. I am looking at it to make sure when I am done that everything fits and we have closed the loopholes. Also, I am addressing issues you have brought up in the past.

Ms. Barnette: Do you know what the cost is?

Ms. Jones: Seventy-nine dollars for both sessions. I am saying this because you get a discount if three or more people attend.

Mr. Kirby: Let me just say one thing about that. Those courses are required to become a certified Planning and Zoning Official.

Ms. Jones: Some of you may need to be recertified. There are different

THE CITY OF DAPHNE
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~~courses for recertification.~~

Mr. Ross: Years ago Mr. Kirby and I attended some of the courses and they are very good.

Mr. Kirby: I will say this. The first year they offered this program the City of Daphne had the most certified Planning and Zoning members in the state.

Ms. Jones: Something that I should have told you earlier. I would like for all of the utility companies involved in the review process to go over the Land Use Ordinance as well so they can make recommendations. I was thinking the same thing about having the City Council involved up front rather than later on so we can educate them on our thought process and what we are trying to accomplish. That is something that I had thought of, but just did not know how to work it out.

Ms. Barnette: If she can bring the classes down here for training. If you can find out what the cost is then I would lobby the City Council for the cost of that training. I would certainly give some of my training money from my budget for it.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

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

There being no further business, the meeting was adjourned at 6:41 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: March 26, 2009

Ed Kirby, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 26, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 26, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF FEBRUARY 26, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, Al. 36526
March 11, 2009
6:30 pm

Members Present: Chairman Ed Nelson, Eric Smith, Lynn Thompson-Yates, Glenn Vickery

Members Absent: Matt Cunningham, John Peterson, Kit Smith and Rick Cleveland

Advisory Staff Present: David McKelroy, Parks and Recreation Director and Councilman Greg Burnam

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:35 pm.

Review and approval of Minutes

Motion was made by Eric Smith and seconded by Lynn Thompson-Yates to approve the February 11, 2009 minutes. Motion passed.

Program Reports

Athletics Information and participation numbers were provided by Charlie McDavid about current programs.

Community Activities Megan White provided information on upcoming events. The Easter Egg Hunt at Lott Park and Music Under the Stars are events in April.

Senior Adults Mary Jensen provided monthly calendar and participation information for senior activities.

Old / New Business

1. **Trione Sports Complex Update** Information was provided about construction of the Soccer / Football fields at Trione Sports Complex. A lighting proposal was presented by Musco Lighting for putting sports lighting at the facility. It is the recommendation of the Recreation Board that the city examine the possibility of installing lighting at the time of construction. This would allow the fields to be used immediately for City of Daphne programs during the week nights and alleviate the overcrowding on the existing fields.

2. **Boys and Girls Club** Information was provided the board about the possible changes at the Daphne Boys and Girls Club. More information will be provided to the board upon the city's decision as to what city support and involvement is given to the club.

3. Restroom at Joe Patrick Lewis Information was provided the board about a concrete restroom at the park. The board reviewed proposals and recommended the purchase of a solid concrete restroom from Modular Connection, LLC of Bessemer, Alabama.

Adjourn

The meeting was adjourned at 7:43 pm.



Trione Sports Complex
Daphne, AL
Date: March 4, 2009
To: David McKelroy

Equipment Description

Light Structure Green™ System delivered to your site in Five Easy Pieces™

- Pre-cast concrete bases
• Galvanized steel poles
• UL Listed remote electrical component enclosure
• Pole length wire harness
• Factory-aimed and assembled luminaires

Also Includes:

- Energy savings of more than 50% over standard lighting system
• 50% less spill and glare light than Musco's prior industry leading technology
• Lighting Contactor Cabinet
• 10-Year warranty including ten years parts, two years labor. Lamps are warranted for two years, with the first year including lamps and labor, and the second year lamps only

Sales tax is not included as part of this budget estimate.

Budget Estimate

Musco's Light Structure Green™ as described above and delivered to the job site..... \$363,500 - \$381,700.

Estimate for installation and underground wiring\$134,000 - \$140,700.

- Musco is a lighting manufacturer and not an electrical contractor. Installation estimates are based upon projects similar in scope.
• Getting electrical power to the site, coordination with the utility, and any power company fees are responsibility of the owner.

Pricing furnished is effective for 60 days unless otherwise noted and is considered confidential.

- Delivery to the job site from the time of order, submittal approval, and confirmation of order details including voltage and phase, pole locations is approximately 30-45 days. Due to the built-in custom light control per luminaire, pole locations need to be confirmed prior to production. Changes to pole locations after the product is sent to production could result in additional charges.

Notes

Estimate is based on:

- Shipment of entire project together to one location
• Field size of 330' x 195' for Soccer/Football Fields #1 & #2
• Field size of 330' x 195' for Soccer Fields #3 & #4
• Structural code and wind speed = 2003 IBC-C, 140 MPH.
• Confirmation of pole locations prior to production

Thank you for considering Musco for your sports-lighting needs. Please contact me with any questions.

Jimmy Jumper
Sales Representative
Musco Sports Lighting, LLC
Phone: 256-483-5433

E-mail: jimmy.jumper@musco.com
Fax: 256-383-8541



Musco Finance, LLC
 100 1st Avenue West
 Oskaloosa, IA 52577
 Phone: 800-825-6020
 Fax: 641-673-6360

Lease Purchase Proposal

Customer Name: City of Daphne	Date: March 4, 2009
City, State Daphne, AL	
Contact Person: David McKelroy	Sales Rep: Jimmy Jumper
Opportunity Name: Trione Sports Complex	Project # 129766

	Materials Only	Materials & Installation
Estimated Equipment Cost	\$363,500.00	\$497,500.00
Down-payment (Due with Order)	\$50,000.00	\$50,000.00
Total Amount Financed	\$313,500.00	\$447,500.00
Term of Contract (Years)	7	7
Interest Rate (Annual)	5.19%	5.19%
Payments per Year	1	1
Payment Amount	\$54,800.00	\$78,223.00
Number of Payments	7	7

- At the end of the term, clear title passes with the completion of payments.
- Amount does not include sales tax. Proof of exemption is required.
- Down payment is due with the project order.
- \$500.00 documentation fee due at lease signing.
- Proposal assumes first payment is due one year from quote date.

The interest rate quoted is based on current market rates and will be adjusted when the lease closes. The lease must qualify for “Federal Income Tax Exempt” status for the Lessor as defined by Section 265(b)(3)(B) of the Internal Revenue Code of 1986*.

This proposal is subject to acceptance of documentation and credit approval. The finance agreement is to be executed within 14 days of the execution of the equipment purchase contract.

Required information may include three years audited financial statements, current year’s budget, and most current quarter interim profit and loss statement. Additional information may be requested.

*Lessee must certify that it reasonably anticipates that it and all of its subordinate entities will not issue more than \$10,000,000 of “qualified tax-exempt obligations during the calendar year in which the Lease is executed. The interest rate may vary if this is not the case.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne United Methodist Church</i>
CONTACT PERSON:	<i>Neal Beasley</i>
ADDRESS:	<i>P.O. Box 609 2401 Main Street Daphne, AL 36526</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>626-2287 626-7728 FAX 709-1222 (Neil)</i>
TYPE OF PARADE:	<i>Annual 5K Fun Run</i>
DATE OF PARADE:	<i>April 11, 2009</i>
ROUTE TO BE TRAVELED:	<i>See attached map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>100 - 175</i>
START TIME:	<i>8:00 A.M.</i>
STOP TIME:	<i>9:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne United Methodist Church 2401 Main Street</i>
ASSEMBLY TIME:	<i>7:45 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>March 12, 2009</i>
APPROVAL	
POLICE: Chief David Carpenter:	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Bill Eady	<i>William Eady Jr</i>
CITY COUNCIL APPROVAL: 4/06/09	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>March 12, 2009</i>
NOTIFICATION:	

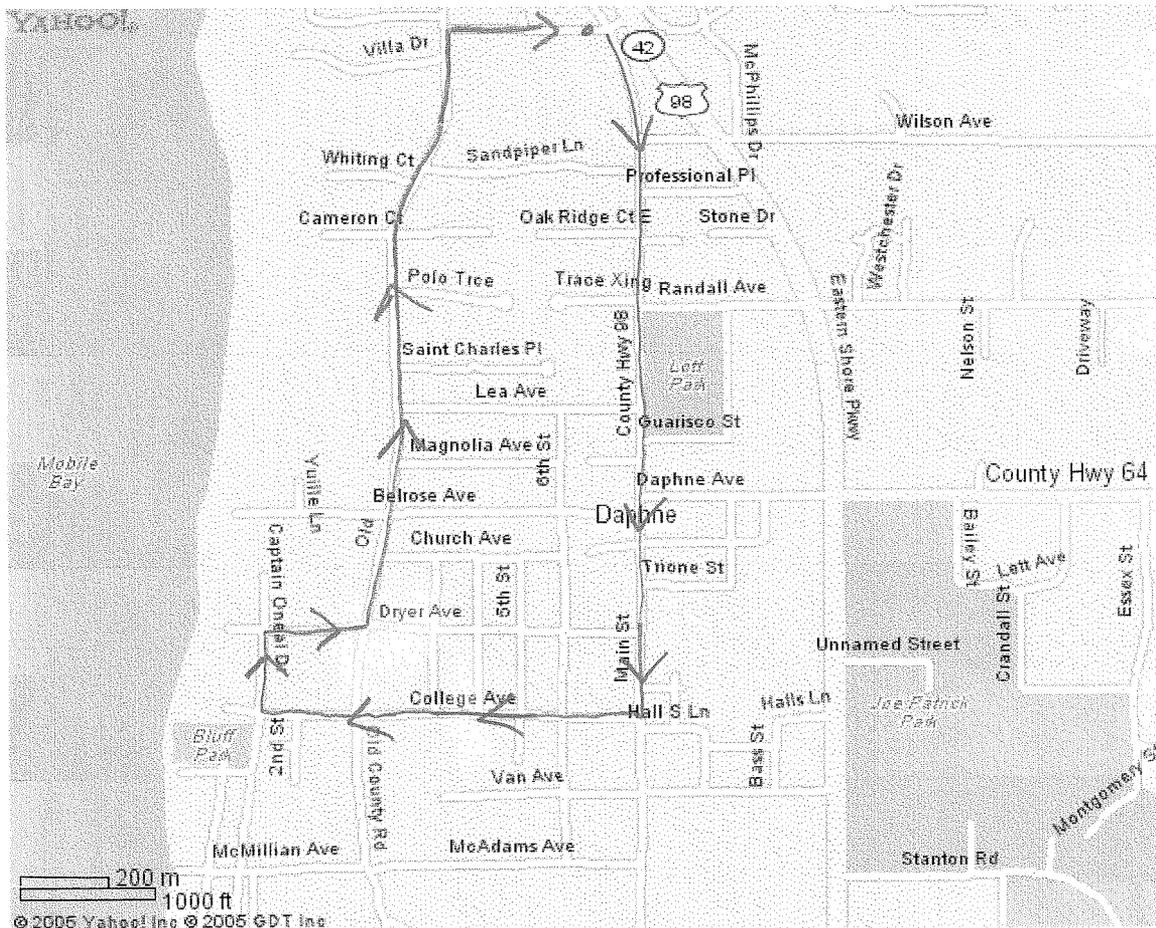
Daphne United Methodist Church Community Life Center

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

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

Saturday April 11th 8:30 - 9:30 AM
6th Annual 5k & Fun Run

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



PRESIDENT:
MELVIN DURAN
MAYOR, PRICEVILLE

EXECUTIVE DIRECTOR:
PERRY C. ROQUEMORE, JR.
MONTGOMERY



Alabama League of Municipalities

Official Publication: Alabama Municipal Journal

P.O. BOX 1270
MONTGOMERY, ALABAMA 36102
TELEPHONE (334) 262-2566

Web address: www.alalm.org

535 ADAMS AVENUE
MONTGOMERY, ALABAMA 36104
FAX (334) 263-0200

Serving Alabama's Home-Town Governments and Home-Town Officials

February 20, 2009

TO: All Mayors and Clerks

FROM: League Headquarters *PK*

SUBJECT: Voting Delegate, Annual Convention Business Meeting

ENCLOSURE: Voting Delegate Designation Form

The annual convention of the Alabama League of Municipalities will be held May 2-5, 2009, in Montgomery, at the Renaissance Montgomery Hotel & Spa at the Convention Center. The Annual Business Session will be held at 8:30 a.m. on Tuesday morning, May 5, in the Alabama Ballroom Salon A & B, in the hotel.

The League Constitution contains the following provision pertaining to voting powers at the annual convention business session:

"Each member municipality shall have one vote in the Convention proceedings of the League, such vote to be cast by the delegate authorized by the governing body of such town or city. The League shall send to the mayor of each member municipality a form to be used by the municipal governing body to designate the municipality's voting delegate, first alternate voting delegate and second alternate voting delegate. In order for the municipality to be eligible to cast its vote during convention proceedings, the official delegate designation form must be returned to the League Headquarters not later than fifteen (15) days prior to the first day of the Annual Convention."

In accordance with the League Constitution, a copy of the official Voting Delegate Authorization Form, which should be used by your municipal governing body to designate the official voting delegate and alternates eligible to cast the municipality's vote during the business session of the convention, is being sent to each mayor. An additional copy is being sent to each clerk, but **only one completed form** should be returned by each League member municipality.

Please have the enclosed form completed and returned to the League by April 17, so that your city or town will be eligible to cast its vote at the convention.

We look forward to seeing a good delegation from your municipality in Montgomery.

THIS FORM MUST BE RETURNED TO THE ALABAMA LEAGUE OF MUNICIPALITIES NOT LATER THAN APRIL 17, 2009, IN ORDER FOR THE MUNICIPALITY NAMED BELOW TO BE ELIGIBLE TO HAVE ITS DESIGNEE CAST A VOTE AT THE OFFICIAL BUSINESS SESSION OF THE LEAGUE ON TUESDAY MORNING, MAY 5, 2009, AT 8:30 A.M., IN THE RENAISSANCE MONTGOMERY HOTEL & SPA AT THE CONVENTION CENTER.

VOTING DELEGATE AUTHORIZATION FORM

The following person(s)* is authorized to cast the municipality's vote at the business session of the annual convention of the Alabama League of Municipalities on May 5, 2009:

Voting Delegate /Title (PLEASE PRINT)

1st Alternate Voting Delegate /Title
(To vote only in absence of Voting Delegate)

2nd Alternate Voting Delegate / Title
(To vote only in absence of 1st Alternate Voting Delegate)

*******IMPORTANT NOTICE *******

THE LEAGUE CONSTITUTION REQUIRES THAT VOTING DELEGATES AND ALTERNATES BE ELECTED MUNICIPAL OFFICIALS.

Signed by _____
(Please Print)

Title _____

City/Town _____

Date _____



ALABAMA MUNICIPAL INSURANCE CORPORATION

110 NORTH RIPLEY STREET • MONTGOMERY, AL 36104
PHONE: 334-386-3863 • FAX: 334-386-3873 • TOLL FREE: 1-866-239-AMIC (2642)
WWW.AMICENTRAL.ORG

MEMORANDUM

DATE: March 13, 2009

TO: All Voting Members of the Alabama Municipal Insurance Corporation

FROM: Steve Wells, President *SW*

RE: Notice of Annual Membership Meeting
Naming of Voting Delegates

The Board of Directors of the Alabama Municipal Insurance Corporation has set the annual membership meeting of the Corporation.

Saturday, May 2, 2009, at 1:00 p.m.
Renaissance Montgomery Hotel
Montgomery Meeting Room 7

The Bylaws of the Alabama Municipal Insurance Corporation authorize the mayor of each voting member municipality or chairman of each policy holder utility board to appoint the voting delegate and a first and second alternate for this meeting.

Attached is the voting delegate form which must be completed and returned to the Alabama Municipal Insurance Corporation at its offices in Montgomery, Alabama. A self-addressed envelope is enclosed for your convenience.

THE VOTING DELEGATE FORM MUST BE RECEIVED IN THE OFFICES OF THE CORPORATION NO LATER THAN April 22, 2009 FOR YOUR MUNICIPALITY TO BE ELIGIBLE TO VOTE. PLEASE ATTEND TO THIS MATTER IMMEDIATELY.

***** The voting delegates should NOT be the same as the person you named on your proxy form*****

AMIC VOTER DESIGNATION FORM

VOTING DELEGATES FOR ANNUAL MEMBERSHIP MEETING OF THE ALABAMA MUNICIPAL INSURANCE CORPORATION TO BE HELD IN MONTGOMERY, ALABAMA ON MAY 2, 2009.

REMEMBER. DO NOT NAME SOMEONE WHO HAS ALREADY BEEN NAMED AS PROXY AS YOUR VOTING DELEGATE OR 1ST OR 2ND ALTERNATE VOTING DELEGATE.

Member: Daphne

Voting Delegate : _____

1st Alternate Delegate: _____

2nd Alternate Delegate: _____

Signed: _____

Honorable Fred Small, Daphne

Dated: _____

THIS FORM MUST BE IN THE OFFICE OF THE CORPORATION NO LATER THAN APRIL 22, 2009 FOR YOUR MUNICIPALITY TO BE ELIGIBLE TO VOTE.



CASE NO. 2009-3

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 2/25/09 (initial) YCS

DATE FORWARDED TO POLICE DEPT. 2/25/09 YCS

DATE RECEIVED BY POLICE DEPT. 2/26/09 MCAH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 3/23/09 MCAH

DATE FORWARDED TO CITY CLERK 3/23/09 YCS

DATE RECEIVED BY CITY CLERK 3/24/09 RH

SCHEDULED DATE ON AGENDA 4/06/09 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

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
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090225095829711



Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) State: \$150.00 County: \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) State: \$150.00 County: \$75.00

Trade Name: JACKSONS MARKET Filing Fee: \$100.00

Applicant: SPYCO LLC Transfer Fee:

Location Address: 6900 US HWY 90 SPACES J24 J25 J26 DAPHNE, AL 36526

Mailing Address: 7196 PENBRIDGE AVE FAIRHOPE, AL 36532

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO Type Ownership: LLC

Book, Page, or Document info: INSTRUMENT 1138775 Do you sell Draft Beer: Y

Date Incorporated: 09/16/2008 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 09/16/2008

Name: Title: Date and Place of Birth: Residence Address:

DANIEL THOMAS SPYBEY 6110996 - AL	MEMBER	04/04/1968 FRANKLIN OH	7196 PENBRIDGE AVE FAIRHOPE, AL 36532

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

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

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation 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? NO

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? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DANIEL SPYBEY

Home Phone: 251-610-7397

Business Phone: 251-610-7397

Cell Phone:

Fax:

E-mail:

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090225095829711



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **AIG BAKER DAPHNE LLC 251-972-9626**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3100** Display Square Footage:
 Building seating capacity: **90** Does Licensed premises include a patio area? **YES**
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**
 Number of licenses in the vicinity: **6** Nearest: **.5**
 Nearest school: **4 miles** Nearest church: **2 miles** Nearest residence: **2 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

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(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20090225095829711

Initial each

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

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.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein 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 license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that 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.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): DANIEL T. Spivey

Signature of Applicant: [Signature]

Notary Name (print): Charlotte Jernigan

Notary Signature: [Signature]

Commission expires: 06/04/2012

Application Taken: 2/25/09 App. Inv. Completed:

Submitted to Local Government: 2/25/09

Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

DRAFT

Agreement

By and between the Boys & Girls Clubs of South Alabama (BGSA), the Baldwin County Advisory Board (“Advisory Board”) and the City of Daphne (“City”) relative to the operation of the facility currently known as the Rotary Boys & Girls Club of Daphne (“Club”), hereafter referred to collectively as “ The Parties”.

Whereas Parties agree that:

1. The Facility currently housing the Club should remain open to serve the educational, developmental needs and provide assistance with issues facing today’s young people.
2. The current financial structure of the operation is not sustainable in the long term.
3. The City of Daphne agrees to assume primary responsibility for the operation of the facility to serve area youth as described above. Specifically, the City will:
 - a. Continue to furnish and pay for all utilities, building and grounds maintenance, hazard insurance and public liability insurance.
 - b. The organization will be formed under a new 501-C-3 Corporation known as: The Ruff Wilson Youth Organization Incorporated. The RWYOC will be governed by a Board of Directors. Said Directors will contract with SARPC to handle the staff, management and any other items determined by the Board.
 - c. The BGCSA and the City shall use their best efforts to enter into a Consulting Agreement whereby the BGCSA will provide programs, support and training for the RWYO employees and/or contractors as maybe

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requested by the Board for implementation of programs as selected and determined by the Board.

It is understood that the RWYO will not use the name or logo of the Boys & Girls Club without prior, written permission of the BGCSA.

- d. All Personal Property on the site shall continue to be available for use in the operation of the facility. The BGCSA shall transfer title to said personal property which is presently located on the premise.
- e. All funding for the operation of the Facility shall be provided by the City and the Board of Directors; provided, however, that the income and/or increase in value of 25% of the Wilson fund (that portion of the Fund designated for Daphne) shall be distributed to the City in a prorated manor upon signing of this agreement and on January 15th of each year there after. In the event of shortage of funds for operation, the City and the Advisory Board may request and receive a special distribution of principal not to exceed 5% of the then value of the account in any one year, subject to the following approval process.

The determination for the need for such special distribution of principal disbursement shall be reviewed and approved by or denied by a committee consisting of two members of the Board of Directors, the Executive Director of the BGCSA, the President of the Board of the BGCSA and the Mayor of the City Daphne , or its designee.

If a majority of the aforementioned committee shall agree to such a distribution of the principal, the BGCSA shall direct The Community Foundation of South Alabama to make such a distribution.

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4. The term of this Agreement shall be the balance of the current year commencing on June 1, 2009 through December 31, 2009. This term will renew for successive one year terms beginning January 1, 2010, after the City Council has reviewed and approved the operation finances. This agreement may be cancelled by any of the named parties with written notice delivered to all Parties after the end of the initial term, and after succeeding one year terms if the operation is not performing financially.

This agreement shall be binding on the Parties and its successors or assigns.

By Boys & Girls Club of South Alabama:

Its

Date

By City of Daphne:

Its

Date

By Proposed Board of the Ruff Wilson Youth Organization:

Its

Date

Its

Date

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

March 17, 2009

VIA E-MAIL (wettermark@cityofmobile.org)
AND FIRST CLASS MAIL

Lawrence M. Wettermark, Esq.
City Attorney
Government Plaza
9th Floor, South Tower
205 Government Street
Mobile, Alabama 36602

VIA E-MAIL (jay@rossandjordan.com)
AND FIRST CLASS MAIL

Jay M. Ross, Esq.
County Attorney
Ross & Jordan
Post Office Box 210
Mobile, Alabama 36601

VIA FACSIMILE 251-847-3115
AND FIRST CLASS MAIL

Michael Onderdonk, Esq.
Turner, Onderdonk, Kimbrough, Howell,
Huggins & Bradley, P.A.
Post Office Drawer 1389
Chatom, Alabama 36518

Re: Altapointe, Inc. / Proposed Bond Issue

Gentlemen:

As I am sure you know, Altapointe, Inc., the successor to the Mobile-Washington County Mental Health Mental Retardation Board, is the “310 Board” for the City of Mobile, Mobile County and Washington County. Its directors are appointed by the governing bodies of those three entities. Altapointe proposes to finance various improvements with proceeds of a tax exempt loan from Wachovia. Because portions of their facilities are or may be used by various nonprofit entities, the loan constitutes a “private activity bond” for purposes of federal tax law. As a result, we will need to comply with the public notice and approval provisions applicable to such borrowings. The approval is required from each jurisdiction on whose behalf the Board acts, being the City of Mobile and both counties, as well as the “host jurisdiction” for the facilities. All of these facilities will be located within Mobile County, except for one to be located in the City of Daphne. As a result, we require approval from four governmental entities for this single borrowing.

March 17, 2009

Page 2

The approval is only a requirement of federal tax laws, and will not create any liability on the part of the approving jurisdictions. Both the approval and the basic documents will so state.

I am attaching a copy of a notice that is scheduled to be published in the Mobile Press Register and in the Washington County News. The hearing will be held on April 3, conducted by the Board. Immediately following that hearing we will forward a certificate with respect to its conduct and would ask that you help us in arranging for the necessary approval. In the case of each County action by the County Commission will be required. Mayor Jones is authorized to approve on behalf of the City of Mobile, as the highest elected official, as is Mayor Small in Daphne. Based on prior experience, I assume that Mayor Small will ask the City Council to approve that action, although it is not required by the tax laws.

We understand that both County Commissions are scheduled to meet on April 13 and that the Daphne City Council meeting most closely following the hearing will be April 6. Assuming it meets with your approval we will prepare necessary proceedings for each of those entities and forward them to you prior to the hearing, following up with the final certificate immediately after the hearing.

Please let me know if you have any questions or if you have any concerns about this procedure. Thank you for your assistance.

Very truly yours,

R. Preston Bolt, Jr.

RPB/sc

cc: Kevin Markham
Millie Hartzog

Enclosure

876575_1

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that AltaPointe Health Systems, Inc., a public corporation under the laws of the State of Alabama (“AltaPointe”), on the 3rd day of April, 2009, at 5750-A Southland Drive, Mobile, Alabama 36693 at 10:00 o’clock a.m, local time, will conduct a public hearing with respect to the issuance of a certain revenue bond entitled Variable Rate Revenue Bond, Series 2009 (the "Bond"). The Bond is to be issued in an aggregate amount not to exceed \$8,200,000 and for the purposes financing or refinancing the costs of acquiring and/or renovating certain facilities to be owned by AltaPointe and of acquiring certain equipment. A portion of the proceeds of the Bond, not to exceed \$6,557,000, will be applied to the costs of acquiring and renovating an existing facility at 7400 Roper Lane, Daphne, Alabama (the “Roper Lane Facility”). The Roper Lane Facility comprises approximately 42,185 square feet of space appropriate for use as an inpatient psychiatric facility, and a portion of the Facility will be initially leased by AltaPointe to The Shoulder of the Central Gulf Coast, Inc., a non-profit Alabama corporation (“ The Shoulder”). The Shoulder is an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986. A portion of the proceeds of the Bond, not to exceed \$2,200,000, will be applied to the costs of acquiring and renovating a new facility at 3650 Old Shell Road, Mobile, Alabama (the “Old Shell Road Facility”). The Old Shell Road Facility comprises approximately 10,000 square feet of space appropriate for use as an outpatient facility. Additional portions of the proceeds of the Bond will be applied to the costs of renovations to the following facilities owned by AltaPointe: a 8,536 square foot facility located at 501 Bishop Lane, Mobile, Alabama, in an amount not to exceed \$450,000; a 57,000 square foot facility located at 5800 Southland Drive, Mobile, Alabama, in an amount not to exceed \$100,000; and a 7,500 square foot facility located at 5750-A Southland Drive, Mobile, Alabama, in an amount not to exceed \$90,000. All three facilities are and will be initially used by AltaPointe in the provision of mental health services, but each could in the future be subject to related use by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986.

All interested persons are invited to attend such public hearing to express their views with respect to the aforesaid project and the issuance of the Bond.

ALTAPOINTE HEALTH SYSTEMS, INC.

Publication Dates: March 20, 2009 and March 27, 2009

CERTIFICATE WITH RESPECT TO APPROVAL OF BOND

As Mayor of the City of Daphne, Alabama, I hereby consent to and approve the issuance by the Altapointe Health Systems, Inc., a public corporation under the laws of the State of Alabama (the "Altapointe") of its revenue bond entitled Variable Rate Revenue Bond, Series 2009 to be issued in an aggregate amount not to exceed \$8,200,000 and for the purposes of financing or refinancing the costs of acquiring and/or renovating certain facilities to be owned by AltaPointe and of acquiring certain equipment. A portion of the proceeds of the Bond, not to exceed \$6,557,000, will be applied to the costs of acquiring and renovating an existing facility at 7400 Roper Lane, Daphne, Alabama (the "Roper Lane Facility"). The Roper Lane Facility comprises approximately 42,185 square feet of space appropriate for use as an inpatient psychiatric facility, and a portion of the Facility will be initially leased by AltaPointe to The Shoulder of the Central Gulf Coast, Inc., a non-profit Alabama corporation ("The Shoulder"). The Shoulder is an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986. A portion of the proceeds of the Bond, not to exceed \$2,200,000, will be applied to the costs of acquiring and renovating a new facility at 3650 Old Shell Road, Mobile, Alabama (the "Old Shell Road Facility"). The Old Shell Road Facility comprises approximately 10,000 square feet of space appropriate for use as an outpatient facility. Additional portions of the proceeds of the Bond will be applied to the costs of renovations to the following facilities owned by AltaPointe: a 8,536 square foot facility located at 501 Bishop Lane, Mobile, Alabama, in an amount not to exceed \$450,000; a 57,000 square foot facility located at 5800 Southland Drive, Mobile, Alabama, in an amount not to exceed \$100,000; and a 7,500 square foot facility located at 5750-A Southland Drive, Mobile, Alabama, in an amount not to exceed \$90,000. All three facilities are and will be initially used by AltaPointe in the provision of mental health services, but each could in the future be subject to related use by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986.

In granting this consent, I have carefully considered the nature of the transaction as contemplated in the Bond Resolution and the record of a public hearing held by Altapointe with respect to the issuance of the Bond on March 25, 2009, a copy of the record of which is attached hereto.

My approval is being given pursuant to, and solely for the purpose of, the provisions of the Internal Revenue Code of 1986 relating to the issuance of obligations such as these, and my consent to and approval of the issuance of the Bond by the Altapointe should not be construed as expressing any view whatsoever as to the financial feasibility of Altapointe or its ability to make the payments contemplated by the aforesaid Bond Resolution. This Certificate shall never be taken to impose any liability of any kind whatsoever upon the undersigned, in either an individual capacity or in the capacity of Mayor of the City of Daphne, or upon the City of Daphne.

Given this ____ day of April, 2009.

Mayor, Daphne, Alabama

DRAFT

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2009-21

**Acceptance of Streets and Drainage
Located in the Estates of Tiawasee 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 the Estates of Tiawasee Subdivision on September 25, 2008, and the City of Daphne hereby recommends acceptance of said street(s) located in the Estates of Tiawasee Subdivision; and,

Whereas, an inspection has been made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said street(s) and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection has been made by the Director of the Division of Public Works who has accepted said streets and storm water drainage of the Estates of Tiawasee Subdivision; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of the Estates of Tiawasee Subdivision; and,

Whereas, the developer has provided to the City a two-year maintenance 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 the Estates of Tiawasee Subdivision according to the plat drawn by McCrory & Williams, Inc., as recorded in the office of the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Cowles Crossing, Payne's Gray, and North Lamhatty 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 _____, 2009.

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

**JOHN LAKE
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: The Estates of Tiawasee

LOCATION: Northwest of County Road 13, 2 miles north of County Road 64

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 12 day of September, 2008 by Gary McKnight, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as The Estates of Tiawasee 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: (\$ 154,395.00) 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 September 28, 2008. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named _____

Cowles Crossing (540 LF with 80 ft right-of-way); Payne's Gray (859 LF with 80 ft right of way);
North Lamhatty (1962 LF with 80 ft right-of-way)

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,

Woodland Bay Group, Inc.
Name of Individual or Corporation

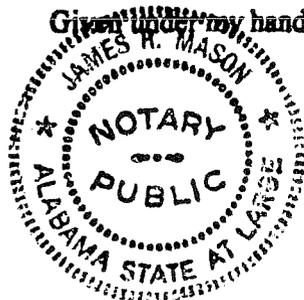
By: Kate Sam McKnight

Its: Vice President

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that GARY MCKNIGHT whose name as Vice Pres. of WOODLAND BAY GROUP, INC. an Alabama corporation or as owner of SAME is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 17th day of Sept., 2008



James H. Mason (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: 12-29-09
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

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

Recommendation: *on 3/26/09*

Adrienne D. Jones 3/27/09
Adrienne D. Jones,
Director of Community Development
City of Daphne

Approval:

EA Kirby
Planning Commission Chairman
City of Daphne

Revised: March 18, 2004

RESOLUTION 2009-22

**Acceptance of Streets and Drainage
Located in Dunmore Subdivision, Phase One**

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 Dunmore Subdivision, Phase One on December 22, 2008, and the City of Daphne hereby recommends acceptance of said street(s) located in Dunmore Subdivision, Phase One; and,

Whereas, an inspection has been made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said street(s) and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection has been made by the Director of the Division of Public Works who has accepted said streets and storm water drainage of Dunmore Subdivision, Phase One; and,

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

Whereas, the developer has provided to the City a two-year maintenance 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 Dunmore Subdivision, Phase One according to the plat drawn by Rester & Coleman Engineers as recorded in the office of the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Wexford Lane, Dublin Drive, Dunmore Drive, Kilkenny Lane, Flynt Drive, Doireann Street, Limerick Lane, Tullamore Drive, Ahern Drive, Scully Lane, Fionn Loop, and Wilshire Way 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 _____, 2009.

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

**JOHN LAKE
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: Dunmore, Phase One

LOCATION: East side of Hwy 181, South of Austin Road, North of Dick Higbee Road

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 21st day of
NOVEMBER 08 by Hearthstone Multi-Asset Entity D, L.P., hereinafter called the Subdivider,
owner of certain property located in Baldwin County, Alabama known as
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 (\$344,749.58) 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 DECEMBER 18, 2008. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named Wexford Lane, Dublin Drive, Dunmore Drive, Kilkenny Lane, Flynt Drive, Doireann Street, Limerick Lane,

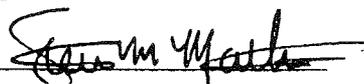
Tullamore Drive, Ahern Drive, Scully Lane, Fionn Loop, and Wilshire Way

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 set forth above.

Respectfully submitted,

Hearthstone Multi-Asset Entity D, L.P.
Name of Individual or Corporation

By: Steve Mathison, 

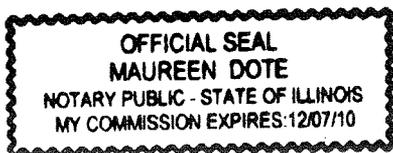
Its: Senior Investment Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Steve Mathison whose name as Senior Investment Manager of Hearthstone Multi-Asset Entity D, L.P., a California corporation or as owner of Dunmore Subdivision, Phase One is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 21 day of November, 2008.

Maureen Dote (NOTARY SEAL)
NOTARY PUBLIC
My commission expires:



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

Recommendation: *on 3/26/09*

Adrienne A Jones 3/29/09

Adrienne Jones, Director of Community Development
City of Daphne

Approval:

EA Kerley

Planning Commission Chairman
City of Daphne

Revised: March 18, 2004

RESOLUTION 2009-23

**Acceptance of Streets and Drainage
Located in Yancey Branch Woods Subdivision, Unit II**

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 Yancey Branch Woods Subdivision, Unit II on March 26, 2009, and the City of Daphne hereby recommends acceptance of said street(s) located in Yancey Branch Woods Subdivision, Unit II; and,

Whereas, an inspection has been made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said street(s) and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection has been made by the Director of the Division of Public Works who has accepted said streets and storm water drainage of Yancey Branch Woods Subdivision, Unit II; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Yancey Branch Woods Subdivision, Unit II; and,

Whereas, the developer has provided to the City a two-year maintenance 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 the Yancey Branch Woods Subdivision, Unit II according to the plat drawn by Hutchinson, Moore & Rauch as recorded in the office of the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Parker Lane is 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 ____, 2009.

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

**JOHN LAKE
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: Yancey Branch Woods - Unit II

LOCATION: North of Whispering Pines Road and East of US Highway 98

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 4th day of March, 2009 by YBW II, LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Yancey Branch Woods - Unit II 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 (\$100,000.00) 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**

Recommendation: on 3/26/09

Adrienne D. Jones 3/27/09
Adrienne D. Jones, Director of Community Development
City of Daphne

Approval:

EA Kirby
Chairman or Authorized Representative
City of Daphne

**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 March 26, 2009. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named Parker Lane-370 Total LF

ROW 50' - 230 LF, ROW 95' - 140 LF

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,

Bruce Q. White, Jr. ~ YBW II, LLC
Name of Individual or Corporation

By: *Bruce Q. White, Jr.*
Its: Managing Member

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Bruce Q. White, Jr. whose name as Managing Member of YBW II, LLC, an Alabama corporation or as owner of _____ is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 5th day of March, 2009.

Kelly E. Henderson (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: My Commission Expires
4/25/09

RESOLUTION 2009-25

Fiscal 2009 Honor Flight South Alabama Contribution

WHEREAS, the City Council of the City of Daphne recognizes the health, safety, and welfare benefits derived by the citizens of Daphne through the services performed by community agencies and the promotion of the City of Daphne fostered by community events; and

WHEREAS, the City of Daphne has made appropriations in its Fiscal 2009 Budget for the benefit of certain community agencies and events; and

WHEREAS, the Honor Flight of South Alabama (HFSA) is a non-profit program established to recognize and honor the services and sacrifices made by those who served in World War II (WWII); and

WHEREAS, the HFSA has scheduled a flight from Mobile to Washington DC on May 6, 2009 in order that the veterans of WWII, of which 16 reside in Daphne, may visit the WWII memorial and be awarded the recognition they deserve.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that the Mayor and City Clerk are hereby authorized to execute the agreements necessary for the City to make contributions in the amount of _____ to Honor Flight South Alabama so that veterans of World War II may travel to Washington, DC on May 6, 2009 to visit the WWII memorial and receive the recognition they deserve for their service and sacrifice.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION NO. 2009-26

COPS Hiring Recovery Program Grant

WHEREAS, the City of Daphne proposes to apply for the COPS Hiring Recovery Program Grant to provide for the health and well being of the general public by increasing the community policing capacity and crime-prevention efforts; and

WHEREAS, the city intends to make application to the Department of Justice for five police officers; and

WHEREAS, the CHRP GRANT will provide funding to pay 100% of the salaries of newly hired police officers which are in addition to current staffing for the first three years.

NOW, THEREFORE, BE IT RESOLVED, that the City of Daphne make application for the CHRP GRANT through the Department of Justice; and

BE IF FURTHER RESOLVED, that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable federal laws, rules, and regulations and commit to fully funding these police officer positions for the next four years.

APPROVED AND ADOPTED ON THE ____ DAY OF _____, 2009.

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

ORDINANCE 2009-15

**An Ordinance Appropriating Funds:
Solid Waste Worker Sr Classifications**

WHEREAS, the Fiscal 2009 budget includes a combined total of nine Solid Waste Worker Senior positions in the Solid Waste, Garbage, and Recycling department budgets; and

WHEREAS, there are currently twelve solid waste, garbage, and recycling vehicles in operation; and

WHEREAS, in order to operate such vehicles a Commercial Driver’s License (“CDL”) is required; and

WHEREAS, a factor differentiating a Senior Worker from a Solid Waste Worker is the possession of a CDL; and

WHEREAS, it has come to the attention of management that there are not enough Solid Waste Senior positions included in the budget to equal the number of garbage, recycling, and solid waste vehicles in operation and thus some employees are not receiving the compensation they deserve for holding a CDL and operating such equipment; and

WHEREAS, the Fiscal 2009 cost to properly classify the three employees currently classified as Solid Waste Workers, but holding a CDL and operating such equipment that requires such CDL is \$ 14,034.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a combined total of three Solid Waste Worker positions in Solid Waste, Garbage, and Recycling be reclassified as Solid Waste Worker Seniors and that \$ 14,034 is hereby appropriated for such reclassification. Such reclassification shall not increase the number of authorized positions; the number of authorized Solid Waste Worker Senior positions shall increase from 9 to 12 and the number of Solid Waste Worker positions shall decrease from 11 to 8.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2009-16

**Capital Reserve Appropriation
Trionne Soccer and Football Complex Phase I**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Resolution 2008-66 heretofore awarded the bid for the Trione Soccer and Football Complex Phase I to James Brothers Excavating Inc; and

WHEREAS, such bid award totaled \$ 837,218 and included an additional Capital Reserve appropriation in the amount of \$ 147,731; and

WHEREAS, subsequent to the execution of such contract, certain change orders relating to the parking lot and irrigation are required; and

WHEREAS, the net cost of such change orders is \$ 14,059; and

WHEREAS, such additional cost is not included in the budget for the project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Capital Reserve appropriation in the amount of \$ 14,059 for the execution of change orders for the Trione Soccer and Football Complex Phase I and the Mayor is hereby authorized to execute such change orders on behalf of the City.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE NO. 2009 - 18

**Ordinance to Rezone Property Located Northeast of the Intersection of Guarisco and Trione Street (.453 Acres)
Howard Company**

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 District, to MU, Multi Use, Residential & Commercial District, to said property is located Northeast of the Intersection of Guarisco and Trione Street, being more particularly described as follows:

Legal Description:

Lots 13, 14, and 15 in Block 2 of the Mancie and Trione Subdivision of the Northwest One-Quarter of the Northwest One-Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East, according to plat recorded in Map Book 1, Page 41, of the Baldwin County Probate Records, less the South 5 feet of Lot 13 in said Block 2, which was heretofore conveyed to the City of Daphne for a right of way by instrument dated September 8, 1962, and recorded in Deed Book 332, Page 280 of said Probate Records.

WHEREAS, the Planning Commission of the City of Daphne on February 3, 2009 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, March 16, 2009 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 District, to MU, Multi Use, Residential & Commercial 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 _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

HOWARD COMPANY LLC

ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 13, 14, and 15 in Block 2 of the Mancini and Trione Subdivision of the Northwest One-Quarter of the Northwest One-Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East, according to plat recorded in Map Book 1, Page 41, of the Baldwin County Probate Records, less the South 5 feet of Lot 13 in said Block 2, which was heretofore conveyed to the City of Daphne for a right of way by instrument dated September 8, 1962, and recorded in Deed Book 332, Page 280 of said Probate Records.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY THE CITY OF DAPHNE PLANNING COMMISSION

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY THE CITY OF DAPHNE PLANNING COMMISSION

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF COMMUNITY DEVELOPMENT

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY AT&T

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES

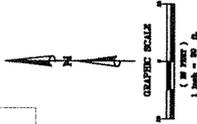
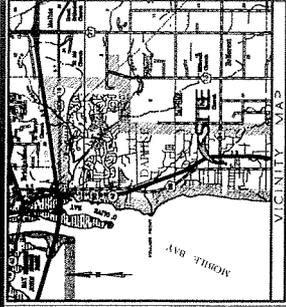
BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

NOTARY PUBLIC
STATE OF ALABAMA
COUNTY OF BALDWIN

Wachter Subdivision

A RESUBDIVISION OF LOTS 13, 14 AND 15,
BLOCK 2, MANCÉ-TRIONE SUBDIVISION



PROPERTY OWNER
HOWARD COMPANY, LLC
114 GENERAL CANNERY DRIVE
SPRINGPORT, AL 36082

SURVEYOR
ROBERT B. HOBBLEY, P.L.S.
A.L.A. NO. 13465

ZONING
R-3, HIGH DENSITY, SINGLE-FAMILY RESIDENTIAL

UTILITIES
WATER, SEWER, GAS, CABLE TV UTILITIES
ELECTRICITY: POWER UTILITIES
TELEPHONE: AWT

SITE DATA
PARCELS ID NO. 05-03-04-00-000-006.000
TOTAL AREA OF SITE = 19,719.87 SF, OR 0.4513 ACRES
NUMBER OF LOTS = 1

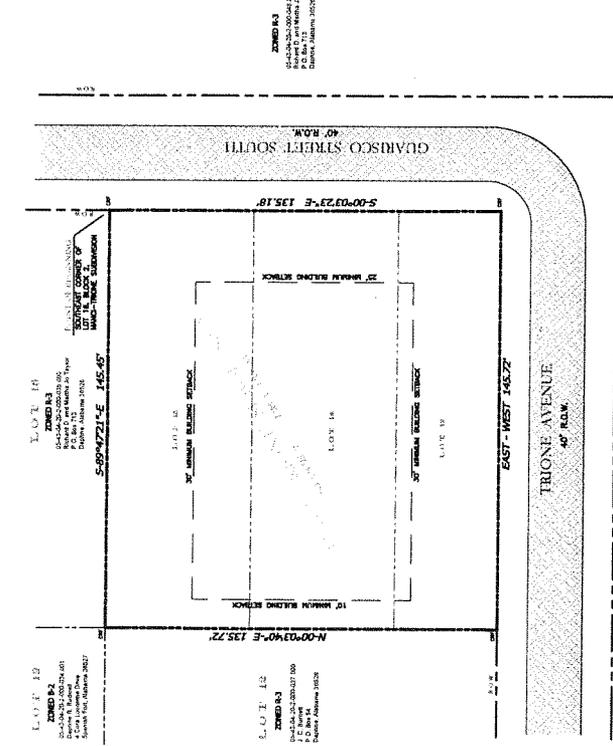
MINIMUM BUILDING SETBACKS
FRONT: 30'
SIDE: 10'
REAR: 10'

SIDE CORNER LOT: 27

LEGEND

• PROPERTY LINE
• PROPERTY CORNER
• CONCRETE MONUMENT SET
• MONUMENT MARK
• EXISTING CURB

GRAPHIC SCALE
1 inch = 20' A.



LOT 13
ZONED R-3
Parcel ID: 05-03-04-00-000-006.000
P.O. Box 113
Springport, Alabama 36082

LOT 14
ZONED R-3
Parcel ID: 05-03-04-00-000-006.000
P.O. Box 113
Springport, Alabama 36082

LOT 15
ZONED R-3
Parcel ID: 05-03-04-00-000-006.000
P.O. Box 113
Springport, Alabama 36082

LOT 16
ZONED R-3
Parcel ID: 05-03-04-00-000-006.000
P.O. Box 113
Springport, Alabama 36082

LOT 17
ZONED R-3
Parcel ID: 05-03-04-00-000-006.000
P.O. Box 113
Springport, Alabama 36082

PROPERTY DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

I, ROBERT B. HOBBLEY, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HAVE MADE A SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATUTES OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

A RESUBDIVISION OF LOTS 13, 14 AND 15, BLOCK 2, MANCÉ-TRIONE SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 11, IN THE OFFICE OF THE CLERK OF BALDWIN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

RESUBDIVISION AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 2, MANCÉ-TRIONE SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 11, IN THE OFFICE OF THE CLERK OF BALDWIN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

RESUBDIVISION AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 2, MANCÉ-TRIONE SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 11, IN THE OFFICE OF THE CLERK OF BALDWIN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

RESUBDIVISION AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 2, MANCÉ-TRIONE SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 11, IN THE OFFICE OF THE CLERK OF BALDWIN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE POLICY AND THE ALABAMA FLOOD INSURANCE POLICY, AND NO DISCREPANCIES HAVE BEEN FOUND. THE AREAS RETURNED TO BE OUTSIDE THE 2% CHANCE FLOODING ARE AS SHOWN ON THE ATTACHED FLOODING MAP.

STATE OF ALABAMA
A.L.A. NO. 13465



Jeffrey & Associates Development Engineers
114 Ridge Avenue
P.O. Box 1991
Springport, Alabama 36082
251.928.3443 (ext.)
251.928.3665 (fax)
jadesurveyors.com

PRELIMINARY / FINAL PLAT
WACHTER SUBDIVISION
CHASON WACHTER

NO.	REVISION	DATE	APPR.

408 800-NORTH 34TH ST
DUNEDIN, FL 33511
SCALE: 1" = 20'
DATE: 10/17/2014
DRAWN BY: JADE
CHECKED BY: JADE
PROJECT NO. 1401

CERTIFICATE OF APPROVAL BY AT&T
THE UNDERSIGNED, AS AUTHORIZED BY AT&T, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF AT&T

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES
THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF RIVERA UTILITIES

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR
THE UNDERSIGNED, AS AUTHORIZED BY THE PUBLIC WORKS DIRECTOR, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF PUBLIC WORKS DIRECTOR

CERTIFICATE OF APPROVAL BY THE CITY OF DAPHNE PLANNING COMMISSION
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF DAPHNE PLANNING COMMISSION, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF CITY OF DAPHNE PLANNING COMMISSION

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF COMMUNITY DEVELOPMENT
THE UNDERSIGNED, AS AUTHORIZED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF DIRECTOR OF COMMUNITY DEVELOPMENT

CERTIFICATE OF APPROVAL BY THE CITY OF DAPHNE
THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF DAPHNE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF CITY OF DAPHNE

CERTIFICATE OF APPROVAL BY THE STATE OF ALABAMA
THE UNDERSIGNED, AS AUTHORIZED BY THE STATE OF ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

DATED THIS _____ DAY OF _____, 20____.

AUTHORIZED REPRESENTATIVE OF STATE OF ALABAMA

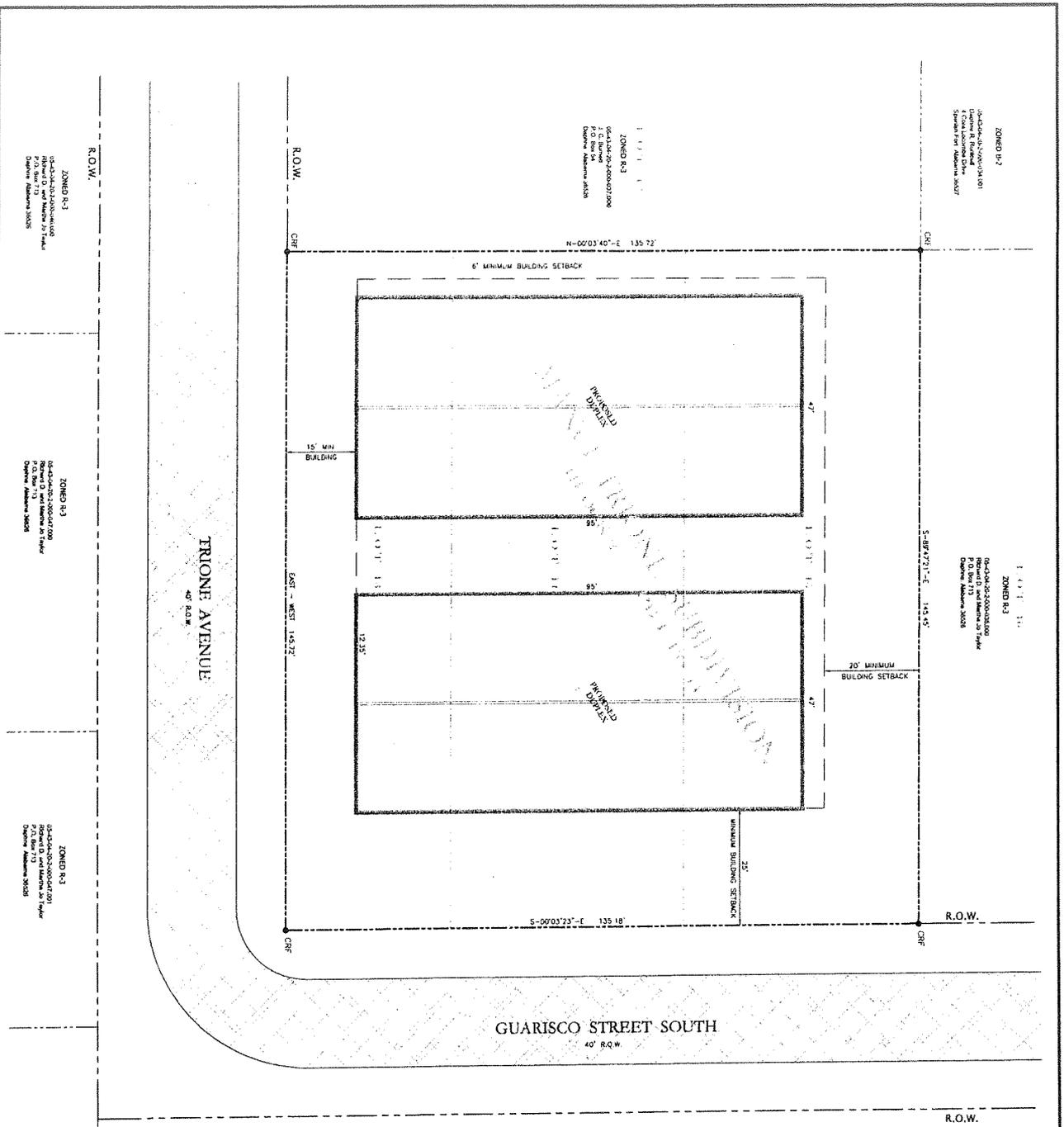
HOWARD COMPANY LLC

ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 13, 14, and 15 in Block 2 of the Mancini and Trione Subdivision of the Northwest One-Quarter of the Northwest One-Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East, according to plat recorded in Map Book 1, Page 41, of the Baldwin County Probate Records, less the South 5 feet of Lot 13 in said Block 2, which was heretofore conveyed to the City of Daphne for a right of way by instrument dated September 8, 1962, and recorded in Deed Book 332, Page 280 of said Probate Records.



ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

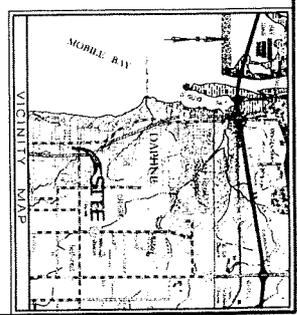
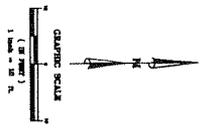
ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

ZONED R-3
 06-14-2013-000001000
 P.O. Box 713
 Daphne, Alabama 36628

GUARISCO STREET SOUTH
 40' R.O.W.



- LEGEND**
- 1" = 10'
 - 2" = 20'
 - 3" = 30'
 - 4" = 40'
 - 5" = 50'
 - 6" = 60'
 - 7" = 70'
 - 8" = 80'
 - 9" = 90'
 - 10" = 100'
 - 11" = 110'
 - 12" = 120'
 - 13" = 130'
 - 14" = 140'
 - 15" = 150'
 - 16" = 160'
 - 17" = 170'
 - 18" = 180'
 - 19" = 190'
 - 20" = 200'
 - 21" = 210'
 - 22" = 220'
 - 23" = 230'
 - 24" = 240'
 - 25" = 250'
 - 26" = 260'
 - 27" = 270'
 - 28" = 280'
 - 29" = 290'
 - 30" = 300'
 - 31" = 310'
 - 32" = 320'
 - 33" = 330'
 - 34" = 340'
 - 35" = 350'
 - 36" = 360'
 - 37" = 370'
 - 38" = 380'
 - 39" = 390'
 - 40" = 400'
 - 41" = 410'
 - 42" = 420'
 - 43" = 430'
 - 44" = 440'
 - 45" = 450'
 - 46" = 460'
 - 47" = 470'
 - 48" = 480'
 - 49" = 490'
 - 50" = 500'

PROPERTY OWNER
 Howard Company, LLC
 118 General Cadley Drive
 Spanish Fort, AL 36527

SITE DATA
 Total Acreage of Property = 3.27187 S.F. / 0.4538 Acres
 Current Zoning of Property = R-3, Single-Dwelling, Single-Family, Residential
 Old Towne Daphne District
 Requested Zoning of Property = M1, Medium-Density Residential

PROPERTY DESCRIPTION
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 CITY OF DAPHNE
 LOTS 13, 14 AND 15, BLOCK 2, HANCOCK-TRIONE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 41, IN THE OFFICE OF THE CLERK OF PROBATE, BALDWIN COUNTY, ALABAMA, AND LOTS 13, 14 AND 15, BLOCK 2, HANCOCK-TRIONE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 41, IN THE OFFICE OF THE CLERK OF PROBATE, BALDWIN COUNTY, ALABAMA, AND LOTS 13, 14 AND 15, BLOCK 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

EXHIBIT "B"

NO.	REVISION	DATE	APPR.

JADE

Jwright & Associates Development Engineers
 114 Fairhope Avenue Fairhope, Alabama 36532
 P.O. Box 191 Fairhope, Alabama 36531
 251-913-9100
 www.jwright-engineers.com

ZONING AMENDMENT REQUEST
 OLDE TOWNE DAPHNE DUPLEXES
 CHASON WACHTER

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-19**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 22, 2009, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56 ; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, and Ordinance 2008-56 ; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 16, 2009; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, 2007-48 and 2008-56 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

Ordinance 2009-20

**Declaration of Emergency & Appropriation of Funds:
Marchand Avenue**

WHEREAS, the City of Daphne experienced a significant rain event on March 26-28, 2009 (rain); and

WHEREAS, such rain event caused flooding of the storm drainage systems; and

WHEREAS, a pipe was broken and “washed out” on Marchand Avenue in the Sehoy Subdivision; and

WHEREAS, such “wash out” has caused significant flooding and requires immediate action to prevent damage to property; and

WHEREAS, the City of Daphne does not have the OSHA required safety equipment to correct the “wash out”.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the drainage damage on Marchand Avenue is hereby declared to be an emergency and an appropriation in the amount of \$ 40,000 is hereby approved for such drainage repairs. Should emergency funds from the state become available such appropriation will be “reimbursed”.

APPROVED AND ADOPTED by the City Council of the City of Daphne this _____ day of _____, 2009.

John Lake
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

Sehoy Marchand Ave

JAMES BROS. EXCAVATING, INC.

P.O. BOX 1948

9652 A MILTON JONES RD.

DAPHNE, AL 36526

PHONE (251) 626-3483

FAX (251) 626-3967 *storm drainage*

> washed - pipe broke

> 12' deep pipe

> don't have OSHA reg.

egpt (4mend box)

to correct

FAX TRANSMITTAL

DATE: March 30, 2009

TO: Bill Eady

City of Daphne

FAX NO.: 621-3189

FROM: Mark H Boyett

Number of Pages Transmitted: 1 including cover.

MESSAGE

MOB/DEMOB		\$3000.00
INSTALL PIPE		\$16500.00
BACKFILL	160CY@10	\$1600.00
REPLACE DRIVEWAY	175SY@45	\$7875.00
REPACE SIDEWALK	25SY@45	\$1125.00
REPLACE FENCE	50LF@35	\$1750.00
REPAIR SPRINKLER	1LS@500	\$500.00
SOD	200SY@5	\$1000.00
TOTAL		\$33350.00

Does not include any fees from Riveria utilities if required.

If there are any problems with this transmission, please call our office. Thank you.

Mark 379-6326

=====
CITY OF DAPHNE
ORDINANCE NO. 2009-21
=====

=====
AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL INSTANCES
FOR MEETINGS OF THE CITY COUNCIL
=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure In All Instances For Meetings of the City Council shall be as follows:

SECTION I:

That the Rules of Procedure herein contained shall govern the liberations and meetings of all of the Council of the City of Daphne, Alabama.

SECTION II

That the regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:30 p.m. at the City Hall Council Chamber and all meetings, regular and special, shall be opened to the public, except when Council meets in executive session as authorized by State law.

SECTION III:

That special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty fours before the time set for such special called meeting. All special meetings may be held as provided by Section 11-43-50 Code of Alabama, 1975, (as amended). Furthermore, any two (2) Council members shall have the right to call for a special meeting. Notice of all special meetings shall be posted on a bulletin board and appropriate customary media notified, and is accessible to the public twenty-four hours prior to such scheduled meeting.

SECTION IV:

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama, 1975, (as amended).

SECTION V:

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Role Call/Invocation/Pledge of Allegiance
3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
 - Finance Committee
 - Building/Property Committee
 - Planning/ Zoning Code Enforcement Committee
 - Public Safety/Ordinance Committee
 - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
 - Board of Zoning Adjustment
 - Downtown Redevelopment Authority
 - Industrial Development Board
 - Library Board
 - Planning Commission
 - Recreation Board
 - Utility Board
6. Report of Officers:
 - a. Mayors Report
 - b. City Attorney Report
 - c. Department Heads Report
7. Public Participation
8. Resolution Ordinances and Other Business
9. Council Comments
10. Adjournment

SECTION VI:

That any item including all background material to be placed on agenda must be turned in by 5:00 P.M. on the Wednesday before the council meeting to the City Clerk subject to the review of the Council President. The council packet will be sent to the full City Council by 12:00 P.M. Friday before the City Council Meeting.

SECTION VII:

That no member shall speak more than twice on the same subject without permission of the presiding officer, and after all other council members have had the opportunity to speak.

SECTION VIII:

That no individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three minutes, unless approved by the presiding officer. No person shall be allowed to address the Council on any matter which shall be the subject of a public hearing scheduled by the Council until the meeting under which the public hearing on that matter is scheduled to be heard. An individual wishing to speak to the council with permission of the Council President will be allowed 5 minutes. The individual must provide in writing a synopsis of the topic to be discussed. This synopsis is to be delivered to the City Clerk by the Wednesday before the council meeting by 5 P.M.

SECTION IX:

That those motions to reconsider must be made by a council member who voted with the majority at the same or next succeeding meeting of the Council.

SECTION X:

That whenever it shall be required by one or more members the "ayes" and the "nays" shall be recorded, and any member may call for a division on any question.

SECTION XI:

That all questions of order shall be decided by the presiding officer of the Council with the right of appeal to the Council.

SECTION XII:

That the presiding officer of the Council may, at his or her discretion, call any member to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XIII:

That motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest sum shall be first put.

SECTION XVI:

That Council may meet in executive session only for purposes authorized by State law. When a council person makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to vote. If the majority of the council shall vote in favor of the motion for executive session the body shall then move into executive session for discussion of the matter for which executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

SECTION XV:

That a motion for adjournment shall always be in order.

SECTION XVI:

That the rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.

SECTION XVII:

That the rules of the Council may be temporarily suspended by vote of two-thirds of the members present.

SECTION XVIII:

That the chair of each respective committee, or the council member acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.

SECTION XIX:

That all ordinances, resolutions or propositions submitted to Council which require the expenditure of money will lie over until the next Council meeting; provided that such ordinance, resolution or propositions may be considered earlier by unanimous consent of the Council members present at such meeting by roll call vote and provided further that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the city.

SECTION XX:

That all motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Council members by twelve noon one full city work day before the Council meeting in which it is to be presented. (e.g. if city offices are not open, the Friday before the Monday council meeting, then the writings and documentation shall be supplied to each city council member by placing same in each member's mailbox at City Hall by noon Thursday).

- a. It is desired that information be supplied to the City Clerk in time to be made part of the agenda packet.
- b. When a work session is called or scheduled between two council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at council meeting.
- c. Notwithstanding Sections a. and b. here and above, in the situation of an actual emergency sections a. and b. here and above shall not apply. For purposes herein an actual emergency exist from failure to act will result in an immediate and irrefutable harm to the City or any of its citizens and or otherwise it was physically impossible to comply with a notice requirements set forth herein as the same may be determined by the presiding officer of the Council.

SECTION XXI:

That the City Clerk, City Engineer, City Attorney, Chief of Police and Fire Chief and all and such other officers and employees shall, when requested, attend all meetings of the City Council shall otherwise remain in the Council Chamber for such length of time as the Council, presiding officer or Mayor may direct.

SECTION XXII:

That no ordinance, resolution or motion of a permanent and general nature shall be adopted at the meeting at which it is first introduced unless unanimous consent be obtained for the immediate consideration of such ordinance, resolution or motion, and such consent shall be by roll call vote of the council members present at such meeting.

SECTION XXIII:

That the City Council may have the ability to have a discussion on any motion.

SECTION XXVI:

That Roberts' Rules of Order be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XXV:

Any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XXVI:

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence and part thereof separately and independently of each other.

SECTION XXVII:

This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Daphne upon publication required by law to be effective _____, 2009.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the ____ day of _____, 2009.

CITY OF DAPHNE, AN ALABAMA MUNICIPAL CORPORATION

JOHN LAKE
COUNCIL PRESIDENT

FRED SMALL
MAYOR

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC