

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**MAY 15, 2006**  
**6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION:  
PLEDGE OF ALLEGIANCE:**

**3. APPROVE MINUTES:** Council Meeting Minutes meeting held May 1, 2006

**PROCLAMATION:** National Police Week – May 14-20, 2006

**PRESENTATION:** People to People / Jean Yelding Singleton

**PUBLIC HEARING:** Rezone: Two Step Partners / Property Located  
Corner of 2<sup>nd</sup> Street and Van Buren Street

**PUBLIC HEARING:** Amendment to the Land Use and Development  
Ordinance / Sign Provisions

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Review minutes meeting held May 1<sup>st</sup>

- a.) Declare NRCS Projects Emergency /  
Appropriate Matching Funds / *Ordinance 2006-38*

**B. BUILDINGS & PROPERTY - Lake**

Review minutes meeting held May 5<sup>th</sup>

- a.) Forward New Position of Maintenance Director to Work Session
- b.) Forward to Finance Committee:
  - 1.) Assist BRAG with:
    - i.) Vinyl Flooring
    - ii.) Building a Shelf
    - iii.) Build a Closet
    - iv.) Used Desk
  - 2.) Forward Sealing and Re-Striping Civic Center Parking Lot
  - 3.) Forward Appraisal for Bayfront Land Swap with Mr. Irvine
- c.) Forward changes to Permit Fees to the Ordinance Committee

**C. PUBLIC SAFETY – Burnam**

Review minutes meeting held May 2<sup>nd</sup>

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding**

- a.) Review minutes meeting held February 24<sup>th</sup>
- b.) Review minutes meeting held April 28<sup>th</sup>
- c.) Review Daphne Museum minutes meeting held March 13<sup>th</sup>
- d.) Review Beautification minutes meeting held May 5<sup>th</sup>

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

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

**6. REPORTS OF OFFICERS:**

- A. *Mayors Report*
  - a.) *School Committee minutes meeting held May 2<sup>nd</sup>*
- B. *City Attorney’s Report*
- C. *Department Head Comments*

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Authorize Mayor to Sign Contract with ADECA for Recreational Trails Grant / May Day Park Boardwalk. .... /Resolution 2006-46**

**ORDINANCES:**

**1<sup>st</sup> READ**

- a.) **Rezone: Two Step Partners / Property Located on the Corner of 2<sup>nd</sup> Street and Van Buren Street R-3 High Density Single Family Residential District to B-@ General Business District. .... /Ordinance 2006-17**
- b.) **Declaring Certain NRCS Project an “Emergency” and Authorizing the Mayor to Execute a Contract and Appropriating Match. .... /Ordinance 2006-38**
- c.) **Amend the Land Use & Development Ordinance / Sign Provisions. .... /Ordinance 2006-39**

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

PRESENT\_\_ ABSENT\_\_ \_

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN BURNAM

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN SCOTT

PRESENT\_\_ ABSENT\_\_ \_

COUNCILWOMAN LANDRY

PRESENT\_\_ ABSENT\_\_ \_

COUNCILMAN PALUMBO

PRESENT\_\_ ABSENT\_\_ \_

**MAYOR**

MAYOR SMALL

PRESENT\_\_ ABSENT\_\_ \_

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_\_ ABSENT\_\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**MAY 1, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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**1. CALL TO ORDER**

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

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE**

Mr. Eady gave the invocation.

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

ABSENT: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Joey Holasz, Firefighter; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Nancy Seale, Library; Kim Briley, Finance Director; Willie Robison, BZA; Al Guarisco, Village Point; Melinda Immel, Vokert & Associates.

ABSENT: Jay Ross, City Attorney.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the minutes of the Council Work Session meeting held April 13, 2006. *Seconded by Mrs. Landry.***

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

**MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held April 17, 2006, as amended by Mrs. Hayes in an e-mail to the Council (Motion to suspend the rules to consider Ordinance 2006-36 stated the motion carried, when in fact it failed because Mrs. Barnette and Mr. Lake voted nay, the minutes were amended to state Motion Failed.). *Seconded by Mrs. Landry.***

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

**PRESENTATION:** People to People Ambassadors / Jan Yelding Singleton

*Mrs. Singleton* introduced two ambassadors from Daphne High School and one 6<sup>th</sup> grader from the middle school. These students will travel and represent Daphne.

*Mrs. Mary Hanson*, the area People to People Director, gave a presentation of how People to People came about and their mission, which is to spread peace wherever they go.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

*Mr. Scott* stated that they had a special meeting before the Council meeting to discuss a Resolution and Ordinance that will be considered later in the meeting.

**MOTION BY Mr. Scott to approve the emergency for the repair of a Knuckleboom garbage truck, based on the interpretation provided by Mrs. Briley of what emergency means. *Seconded by Mr. Yelding.***

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

*Mr. Scott* said that the next meeting will be June 12<sup>th</sup> at 5:00 p.m. in the Executive Council Chambers.

**B. BUILDINGS AND PROPERTY COMMITTEE – Lake**

**a.) Land Swap / AIG Baker**

*Mrs. Barnette* stated that this is the information provided for the land swap that the Council approved at the last meeting.

*Mr. Palumbo* said that the next meeting will be Friday at 10:00 a.m.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

*Council President Burnam* stated that the Committee will meet tomorrow at 4:30 p.m.

**E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**

The Committee will meet after the Public Safety meeting to consider an Ordinance.

**F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding**

*Mr. Yelding* stated that the Committee met last Friday and the minutes will be in the next packet. He asked Mr. Eslava to report on the mowers that are on the agenda.

*Mr. Eslava* explained that five (5) mowers are on a three (3) year lease plan for \$123,000. The Mayor suggested that he compare the lease price versus purchasing them. The comparison was made for a 24 month period for five (5) mowers, and the result is, that the city will save \$26,000 by purchasing the mowers, and at the end the city will own \$35,000 worth of equipment. He stated that it would be better to go with purchasing the mowers vs leasing. Mr. Yelding stated that the lease is almost up so immediate action is needed, and the Ordinance is a 1<sup>st</sup> read tonight, and it is urgent that they take care of this tonight.

*Mr. Yelding* asked Mr. Eslava to update the Council regarding the NRCS funding.

*Mr. Eslava* stated that NRCS has received funding for the projects, and they are waiting final approval for the project worksheets and the green light to start work. Mr. Eslava signed Concurrence documents that afternoon with NRCS, which simply states that he concurs with the proposed design and repair methods submitted for approval. The official contracts will be received in a week or two, which will enter the City of Daphne and the NRCS into a formal agreement, and will contain the full terms and conditions of the contract. He stated that NRCS received funding about 309 days ago, which means that they are that many days into the schedule of 200 calendar days for all projects to be completely finished. Official documentation, including Finance Committee and full Council approvals must happen immediately in order for them to be able to meet Federal guidelines. The projects and funding amounts are as follows: 1.) Cedar Circle / Bryants Gulley / \$227,000, 2.) Lakeview Loop (D'Olive Creek) / \$86,000, 3.) Montclair Place (Lake Forest) / \$89,500. 4.) Yancey Branch (Village Point Park) / \$310,000, 5.) Whiting Court (& Church Street) / \$862,000, 6.) County Road 64 (Widening @ two (2) lane portion, will be three (3) lanes) / \$54,000, Grand Total / \$1,628,500. He stated that these will be on the May 15<sup>th</sup> agenda, so if the Council has any questions to please call him beforehand for answers.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Eady**

There will not be a meeting in May.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that there will not be a meeting in May. She stated that the Authority is still concerned about the affects of the new school in the Olde Towne District.

**C. Industrial Development Board – Yelding**

*Mr. Yelding* stated that the minutes for the March meeting are in the packet.

**D. Library Board – Lake**

*Mr. Palumbo* stated that the minutes for the last meeting are in the packet. The next meeting will be May 8<sup>th</sup> 4:30 p.m. at the Library.

**D. Planning Commission – Barnette**

The approved minutes for the March 30<sup>th</sup> and April 7<sup>th</sup> minutes are in the packet. The Site review meeting will be May 17<sup>th</sup> 9:00 a.m. and the Planning Commission meeting will be May 25<sup>th</sup> 6:00 p.m.

**F. Recreation Board – Burnam**

*Mr. Palumbo* stated the first meeting was held last month which was an organizational meeting. The Board decided to meet the Wednesday before the Council Work Session at 6:00 p.m. He stated that he

would like to discuss at the next Work Session the possibility of cutting the members down from nine (9) to seven (7), and making it a Standing Committee instead of a Board. Mr. Palumbo stated that the next meeting will be May 10<sup>th</sup> 6:00 p.m.

*Council President Burnam* instructed the City Clerk to put this on the next Work Session agenda.

**G. Utility Board – Scott**

The minutes for the March 1<sup>st</sup> and 29<sup>th</sup> meetings are in the packet. The next meeting will be next Wednesday at 5:00 p.m. in the Council Chambers.

**6. REPORTS OF THE OFFICERS:**

*A. Mayor’s Report*

*1.) ABC License / Naman’s Catering, Inc. / 140 Special Event Retail*

*Mayor Small* stated that this is for the Zydeco Festival.

**MOTION BY Mrs. Barnette to approve the ABC Special Events Retail License for Naman’s Catering, Inc. *Seconded by Mrs. Yelding.***

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

*Mayor Small* asked the Council to enter into Executive Session later on in the meeting to discuss the good name and character of an employee.

*B. City Attorney’s Report*

No report.

*C. Department Head Comments*

*David McKelroy – Recreation Director* – thanked the Civic Center for their help with Jazz in the Plaza on Sunday. Due to rain it had to be moved indoors and the Civic Center staff was a great help in moving indoors. He stated that the event had a good turnout.

*Ken Eslava – Public Works Director* – stated that the Hurricane Preparedness meeting was very informative. He stated that paving of Lawson Road will begin tomorrow.

**7. PUBLIC PARTICIPATION**

**Ms. Diane O’Connor Page – Daphne** – spoke regarding who represents the citizens of Daphne and stopping the LNG plant, spot zoning, eminent domain, and environmental pollution.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Prepaid Travel / David Cohen /  
2007 ADECA Grant Writer Work Shop ..... /Resolution 2006-43
- b.) Bid Award: 2006-O-PW- (5) Four Wheel Drive  
Outfront Mowers ..... /Resolution 2006-44

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-43. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-43. *Seconded by Mr. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading to Resolution 2006-44. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-44. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) Annexation: Reynolds Property located on the  
Corner of US Hwy 98 and McIntyre Street ...../Ordinance 2006-32
- b.) Appropriation of Funds: Trail Blazers. .... /Ordinance 2006-36

**1<sup>ST</sup> READ**

- c.) Appropriation of Funds: Purchase of Five (5) Outfront  
Deck Mowers. .... /Ordinance 2006-37

MOTION BY Mrs. Barnette to **wave the reading** of Ordinance 2006-32. *Seconded by Mr. Scott.*

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

MOTION BY Mrs. Barnette to **adopt** Ordinances 2006-32. *Seconded by Mrs. Landry.*

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

MOTION BY Mrs. Barnette to **wave the reading** of Ordinance 2006-36. *Seconded by Mrs. Landry.*

Discussion was held regarding the amount of the contribution. Council said that they had previously discussed contributing \$1,000.

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

MOTION BY Mrs. Barnette to **adopt** Ordinance 2006-36 contributing the amount of \$1,000 with 100% of the contribution to be spent for Daphne. *Seconded by Mrs. Landry.*

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

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinance 2006-37. *Seconded by Mr. Yelding.*

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Aye	Palumbo	Aye
Scott	Aye	Burnam	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-37. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-37. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

*Mr. Palumbo* introduced a resolution requesting ALDOT not to issue permits in Daphne's Planning Jurisdiction. He stated that ALDOT is honoring the request of other cities in Baldwin County.

MOTION BY Mr. Palumbo to waive the reading of Resolution 2006-45. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-45. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**8. COUNCIL COMMENTS**

*Mrs. Barnette* stated that the Library did a wonderful job on the storytelling festival. She said she took her son and had a great time. She said this is the kind of activities, like Jazz in the Plaza, that make Daphne a unique community, and she commended the department heads for the work that make these events possible. She stated that is what makes Daphne special.

*Mr. Scott* stated that the Jubilee Girls are having trouble getting started. He does not want to see this program go away. He stated he did not know what the procedure would be, but if they could allow Mrs. Landry one more opportunity to talk to the folks to see what they need to do in order to get this group started.

*Mr. Landry* stated that the girls are not introduced until the Jubilee Festival in September, so if there is a way to get together to re-organize another group, she thinks it is appropriate to not have a pageant until that time. She stated that basically the group felt like they did not have the support from the Council and they could not continue on. She stated that she did not know where the breakdown in communication was, but she encouraged everyone to work to find a happy medium.

*Mr. Palumbo* stated that the Jazz in the Plaza yesterday was an outstanding program. He said that he has been to it for the last several years, and this one was by far the best. He also reiterated what Mr. McKelroy stated about the Civic Center staff, on rather short notice moved everything inside, and still put everything on in time and did a great job. He stated that several people came up to him to comment on the facility, and in fact, some of the entertainers said that they were not aware of what a fine facility that the city has, and some of these bands play all over the world. He said that is a feather in the city's cap. He said it is very difficult to single out an individual, but he thinks it calls for singling out a new city employee, a young lady who was given the task on rather short notice, Mrs. Robyn Andrews. Mr. Palumbo said that she did a great job, she made the city proud.

*Mr. Yelding* commented that he has nothing against the Miss Jubilee Program, but if it is going to be sanctioned by the city, he wants some new guidelines established, and he wants it done in a manner that is appropriate, and in a manner that they have control of, because he is not going to support anything where they do what they want to, and the city sponsors it.

*Mrs. Barnette* stated that they have talked about this twice, and the city has a strong commitment for the scholarship fund. She does not know where the confusion would be. She does not feel that it is the Council's responsibility for the \$1,000 in the middle of the year because of whatever happened. The city should be committed to the scholarship fund for this program. She said unfortunately, the program just had a bad year, and she does not think that it is the city's job to bail them out. The parents becoming board members for a program that their daughter is in, is not necessarily a perpetual way to make a program run. She stated that whether the city gets more involved or less involved is to be determined, but she said that they have never been unclear that they want to support the scholarship program, and she would like to see them continue to do that.

**MAY 1, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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*Mr. Scott* stated that maybe they need to look at putting the program under the Recreation Department. He said that he is open to anything, he just hates to lose a program that has been meaningful to a lot of folks.

*Mrs. Landry* said that the confusion is just what has been said, because Mr. Yelding said he did not want to do it if they cannot be 100% involved the Council needs to know what they are doing, and then the other was just do the scholarship and let them do their own thing. She stated that she brought back their by-laws, and then it was should we do this 100% or should we just do the scholarship, she thinks that is where the confusion was, it is how far is the city going to be involved, 100% involved or just scholarships.

*Mr. Palumbo* stated that on two separate occasions, and this is the third time this has come up in recent months, and this Council the first time around made a decision that they would support the scholarship fund, and so that none of the past problems would arise, they would have the funds deposited for the young ladies in the program. He said it is a fair and equitable plan, and this Council agreed to do that. He said this organization came back to them again to ask for money again, after the Council had said what the plan would be for the city. Again, the Council turned those funds down, reiterating that it is a scholarship program, and here it is again. Mr. Palumbo said that they have bigger things on their plate, they need to move past this, instead of having it come up again and again. He said when it is time for funding the scholarships, he thinks this Council will do what they said that they are going to do. He said if it comes to putting out money for some type of pageant, that he doesn't know about the rest of the Council, but he does not want phone calls from mothers wanting to know why their daughters were not chosen or why their daughter was not elected queen and so on and so forth. He said that is not the function of this Council. He said that they have spent too much time on this.

*Mayor Small* stated that the Art Guild has painted murals on the walls of the children's section of the Library, and those who have not seen it should go and look and it, he said it is extraordinary, and congratulated them for a job well done. He stated that when the renovation of city hall is complete he would like to expand their building and give them more support, because they do a great job with the arts. Mayor Small thanked the Council for the hard work that they do, and the great job that they do. He said that there are some tough decisions that have to be made, and there are going to be tougher ones, he said his hat is off to them.

*Council President Burnam* stated regarding the Jubilee Girls, he doesn't think it could be said any better than what Mrs. Barnette and Mr. Palumbo stated. He said to him it was as clear as it could be that the Council was for it all the way for the scholarship program. He said as for the other group, they did not go away, they are thriving, and they are thriving without any government money.

MAY 1, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
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**MOTION BY Mrs. Barnette to enter into Executive Session to discuss the good name and character of an employee. Seconded by Mrs. Landry.**

**The City Attorney certifies that the Executive Session is warranted for the reasons stated. The session will last for 15 minutes.**

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

**Council entered into Executive Session at 7:27 p.m.**

**Council returned from Executive Session at 7:45 p.m.**

**9. ADJOURN**

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

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

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:46 P.M.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam  
Date & Time Signed: \_\_\_\_\_

Office of the Mayor  
Daphne, Alabama

PROCLAMATION

"NATIONAL POLICE WEEK"  
MAY 14-20, 2006

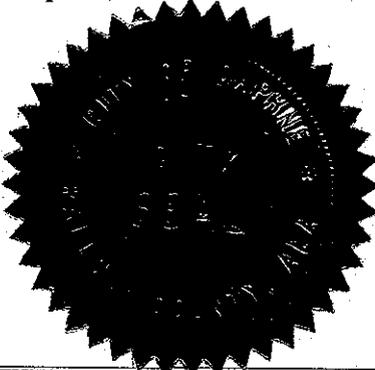
**WHEREAS**, the Congress of the United States of America has designated the week of May 14<sup>th</sup> to be dedicated as "National Police Week" and May 15<sup>th</sup> of each year to be "Peace Officer's Memorial Day"; and

**WHEREAS**, the law enforcement officers are our guardians of life and property, defenders of the individual right to be free men and women, dedicated to the preservation of life, liberty and the pursuit of happiness; and

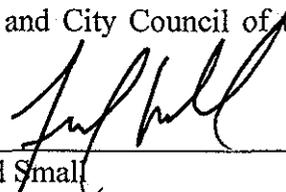
**WHEREAS**, it is known that every fifty-seven hours an American Police Officer will be killed in the line of duty somewhere in the United States and 136 officers will be seriously assaulted in the performance of their duties. Our community joins with other cities and town to honor all peace officers everywhere.

**NOW, THEREFORE**, the Mayor and City Council of the City of Daphne proclaim the week of **May 14 through May 20, 2006** to be "**National Police Week**" and call upon all our citizens in this community to especially honor and show our sincere appreciation for the police officers of this city. We call upon all our citizens to make every effort to express their thanks to our men and women who make it possible for us to leave our homes in safety each day and to return to our homes knowing we are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama this 15<sup>th</sup> day of May, 2006.



Attest:

  
Fred Small  
Mayor

  
David L. Cohen  
City Clerk, MMC

CITY COUNCIL MEETING  
MAY 15, 2005  
PUBLIC HEARING  
FOR:

1. REZONE: Two Step Partners / Property located on Corner of 2<sup>nd</sup> Street and Van Buren Street / From R-3 High Density Single Family Residential District To B-2, General Business District
2. Amendment to the Land Use and Development Ordinance / Sign Provisions

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Two Step Partners - Zoning  
Amendment  
Date: March 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, March 30, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned zoning amendment.

The Planning Commission's recommendation was to favorably recommend rezoning of the subject parcel from to a R-3, High Density Single Family Residential, zone to a B-2, General Business, zone.

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

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

Thank you,

WHE/jd

cc: file



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

Application Number: Z06-01 Date Plat Submitted: Dec. 27, 2005  
Date Presented: Jan 26, 2006

Name of Owner: TWO STEP PARTNERS, L.L.C.

Address: 3632 DAUPHIN ST., STE. 101B MOBILE, AL 36608 Telephone# 251-626-3211  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: HUTCHINSON, MOORE & RAUCH, DOUG BAILEY

Address: P O BOX 1872 FOLEY, AL 36535 Telephone# 251-970-2422  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: PARK CITY

Lot(s): 4, 5, 6, 7 Unit BLOCK 56

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 12-27-05).

Meeting Dates:

Planning Commission: JANUARY 26, 2006

City Council: March 6, 2006

Reason(s) for requesting the Zoning Amendment:

CONVERT TO USE THE EXISTING STRUCTURE ON THIS SITE AS THE PROJECT OFFICE  
FOR THE PROPOSED RESIDENTIAL COMMUNITY DEVELOPMENT

[Signature] (owner)  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

### APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 28720 2ND STREET
- b) Name of Subdivision PARK CITY
- c) Lot numbers involved in change 4, 5, 6, AND 7, BLOCK 56
- d) Total acreage of change 0.6 ACRES
- e) Recorded in Map Book MISC BK 1 Page 230-1
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B-2
- c) Character of neighborhood BUSINESS

3) Certifications:

- a) Owner's Name TWO STEP PARTNERS, L.L.C.
- b) Address 3632 DAUPHIN ST., STE. 101-B MOBILE, AL 36608
- c) Telephone Number 251-626-3211
- d) Date DECEMBER 27, 2005

*[Handwritten Signature]*  
Signature of Property Owner

*[Handwritten Signature]*  
Signature of Property Owner

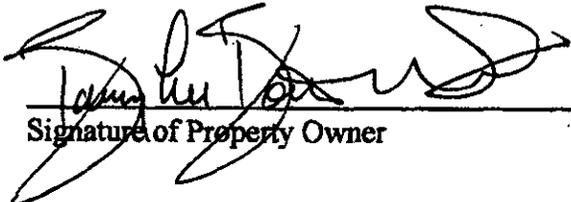
**AGREEMENT**

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

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

DECEMBER 27, 2005

Date

  
Signature of Property Owner

**TWO STEP PARTNERS, LLC  
ZONING AMENDMENT**

**EXHIBIT "A"**

**Legal Description:**

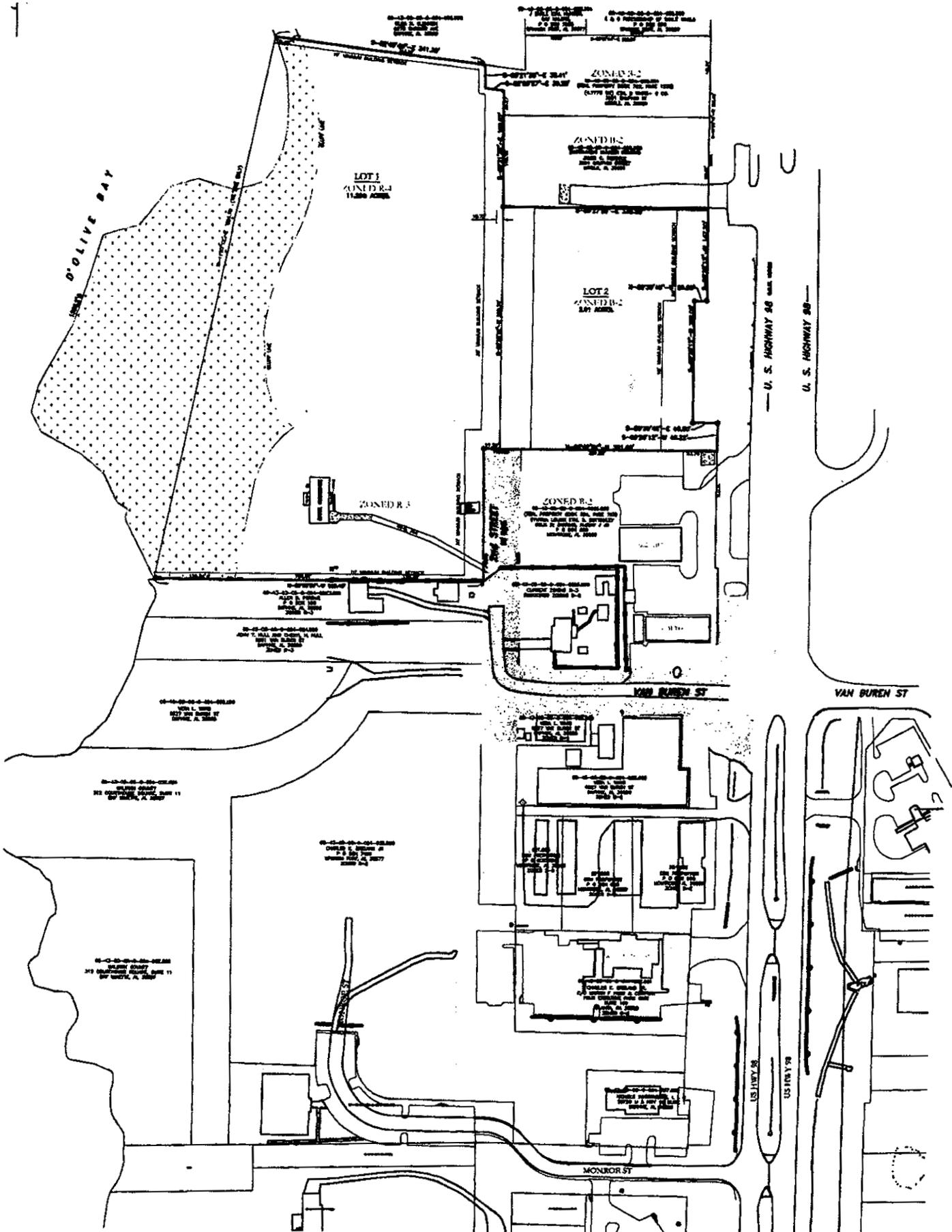
**Parcel A:**

**Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.**

**Parcel B:**

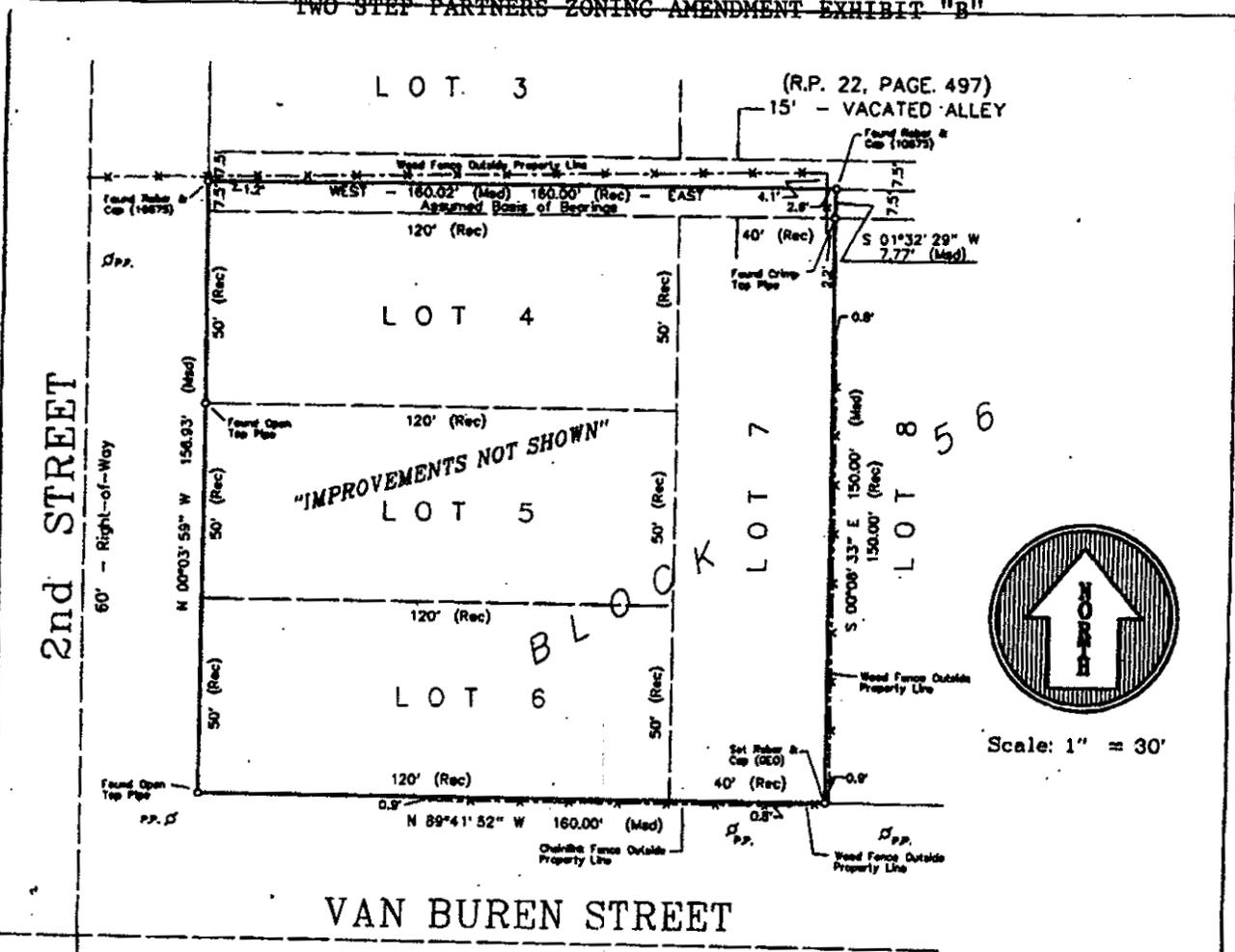
**Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.**

**Reference: formerly Cecil Parrish property located at 28720 2<sup>nd</sup> Street**



TWO STEP PARTNERS  
 ZONING AMENDMENT EXHIBIT "B"

TWO STEP PARTNERS ZONING AMENDMENT EXHIBIT "B"



NOT VALID WITHOUT EMBOSSED SEAL

(STATE OF ALABAMA)  
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT THIS IS A TRUE AND CORRECT MAP OF THE FOLLOWING DESCRIPTION.

LOTS 4, 5, 6, AND 7, BLOCK 56; PARK CITY, ACCORDING TO PLAT OF PARK CITY RECORDED IN MISC. BOOK 1, PAGE 230-231 AND PAGE 287 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, TOGETHER WITH THAT CERTAIN PARCEL OF PROPERTY LYING BETWEEN THE NORTH LINE OF LOTS 4 & 7 AND THE CENTER LINE OF A VACATED ALLEY LYING BETWEEN LOTS 3 AND 4, AND LOTS 7 AND 24, AS FORMED BY A NORTHWARD EXTENSION OF THE EAST AND WEST LINES OF SAID LOTS 4 & 7 TO THE CENTER LINE OF SAID VACATED ALLEY. (Description copied from deed supplied)

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY; AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, NOR RIGHTS-OF-WAY VISIBLE ON THE SURFACE, EXCEPT AS NOTED HEREOF.

ALL ACCORDING TO MY SURVEY MADE THIS THE 25<sup>TH</sup> OF FEBRUARY, 2005.

I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

*Matthew S. Kountz*  
MATTHEW S. KOUNTZ, P.L.S.  
ALABAMA REG. NO. 28359

BOUNDARY SURVEY FOR  
CECIL PARRISH  
(PARCELS IN PARK CITY SUBDIVISION)

PROJECT NO.	25049
DATE	02/25/05
SCALE	1" = 30'
DRAWN BY	MK
FIELD DATE	02/21
FIELD BOOK NO.	SDR
SHEET	07

**GEO-SURVEYING, INC.**  
 PROFESSIONAL LAND SURVEYING  
 P.O. BOX 579  
 FAIRHOPE, ALABAMA 36533  
 Phone: (251) 990-0815 Fax: (251) 990-0866

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 28 2006	
FBI - BALDWIN	

TWO STEP PARTNERS ZONING AMENDMENT  
ADJACENT PROPERTY OWNERS LIST

H & M RENTALS INC  
6460 VAN BUREN ST  
DAPHNE, AL 36526  
43-03-06-0-004-003.004

GLENNON, OLGA R  
6275 SHRINER AVE  
DAPHNE, AL 36526  
43-03-06-0-004-005.000

E & G PARTNERSHIP OF EARLE MARLO  
P O BOX 896  
SPANISH FORT, AL 36527  
43-03-06-0-004-006.000

B CO. (4.777% INT) ETAL B WHITE-  
3201 DAUPHIN ST  
MOBILE, AL 36606  
43-03-06-0-004-006.001

BEDSOLE, JAMES C (10% INT) ETAL  
3201 DAUPHIN STREET  
MOBILE, AL 36606  
43-03-06-0-004-008.000

PERDUE, ALLEN D  
P O BOX 189  
DAPHNE, AL 36526  
43-03-06-0-004-023.000

PARRISH, CECIL A ETAL PARRISH, D  
28720 SECOND STREET  
DAPHNE, AL 36526  
43-03-06-0-004-025.000

BOTTOMLEY, CYNTHIA LOUISE ETAL D  
CELIA D; DARRING, ALBERT J JR  
P O BOX 868  
MONTROSE, AL 36559  
43-03-06-0-004-026.000

HULL, JOHN T AND CHERYL H.  
6251 VAN BUREN STREET  
DAPHNE, AL 36526  
43-03-06-0-004-024.000

BRELAND, CHARLES K JR.  
P.O. BOX 7430  
SPANISH FORT, AL 36577  
43-03-06-0-004-032.000

submittal date: march 10, 2006

TWO STEP PARTNERS ZONING AMENDMENT  
ADJACENT PROPERTY OWNERS LIST

H & M RENTALS INC  
6460 VAN BUREN ST  
DAPHNE, AL 36526  
43-03-06-0-004-003.004

GLENNON, OLGA R  
6275 SHRINER AVE  
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BRELAND, CHARLES K JR.  
P.O. BOX 7430  
SPANISH FORT, AL 36577  
43-03-06-0-004-032.000

submittal date: march 10, 2006

**ORDINANCE NO. 2006 – 17**

**Ordinance to Rezone Property Located  
on the corner of 2<sup>nd</sup> Street and Van Buren Street  
Two Step Partners, L.L.C.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, said property is located on the corner of 2<sup>nd</sup> Street and Van Buren Street in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

Parcel A:

Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.

Parcel B:

Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.

**WHEREAS**, the Planning Commission of the City of Daphne on March 30, 2006 has considered said request and set forth 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, May 15, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,**  
**THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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



To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Proposed Amendment to the City  
of Daphne Land Use and  
Development Ordinance - Sign  
Provisions

# MEMORANDUM

Date: April 7, 2006

At the special meeting of the City of Daphne Planning Commission on April 7, 2006, seven members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the ordinance.

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

Due to the fact that additions and/or deletions were made during the meeting, the revisions to the ordinance shall be provided to your office by the City Attorney.

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

Thank you,

WHE/jd

cc: file

**CITY OF DAPHNE  
ORDINANCE NO. 2006 - 39**

---

**AN ORDINANCE ADDING/AMENDING THE FOLLOWING SECTIONS OF THE CITY OF DAPHNE, ALABAMA LAND USE AND DEVELOPMENT ORDINANCE, ORDINANCE 2002-22, ADOPTED ON SEPTEMBER 3, 2002, THEREBY ADOPTING A REVISION TO ARTICLE XXXIII, SIGN PROVISIONS**

---

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama, at their special meeting held on April 7, 2006 considered certain amendments to the Sign Provisions of the City of Daphne Land Use and Development Ordinance (Ordinance No. 2002-22) and set forth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

**WHEREAS**, due notice of said revision of the ordinance has been presented to the public as required by law through publication and a public hearing was held before the City Council on May 15, 2006 concerning said amendments; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne, after due consideration deem that said amendments are proper and believed to be in the best interest of the City that amendments be affirmed.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT THE DESCRIBED AMENDMENT BELOW IS HEREBY ADOPTED AS FOLLOWS:**

**SECTION I:**

**This Section hereby repeals the following sections in their entirety:**

**Article XXXIII, Section 33-5 (e)(2), Section 33-5 (h), 33-5 (1), 33-9 (a), 33-10 (title name), and 33-10 (j) (2) currently read as follow:**

**33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July), retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two

(2) square feet and forty-two (42) inches in height.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

(1) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers, information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign.

**SECTION II:**

This Section hereby amends the City of Daphne Land Use and Development Ordinance by establishing the following sections to replace those previously repealed under Section I of this Ordinance and hereby adding Sections 33-10 (k) and (1).

Article XXXIII, Sections 33-5 (e)(2), 33-5 (h), 33-5 (l), 33-9 (a), 33-10 (title name), 33-10 (j)(2), 33-10(k), and 33-10(l) thereby providing for "Interstate Corridor Signs" (33-10(k)) and "Commercial/Retail Development Interior Street Signs" (33-10(l)), and shall read respectively as follows:

### 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

(1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name of the business, but may not contain advertisements for sales, specials, and the like.

(2) Property Owners Associations (i.e., "POA's") will be allowed to place interior directional signs along city right of ways in neighborhoods. Said signs shall be no greater than 2 square feet and not to exceed 42 inches in height, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to 2 ½ square feet in dimensions. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the code enforcement officer.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

- (2) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for signs requiring sign permits in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road in front of a school or public building, or on or around the supporting structure of the sign.

(k) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of 200 feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or Interstate Right of Way with a right of way that has no property other than a city, county, or state right of way between the subject real property and the interstate right of way. No sign shall be erected on any lot or parcel containing less than 200 feet of said frontage space. The sign shall be located at or very near the interstate right of way of the parcel, and shall contain no more than 250 square feet of signage.

Said sign shall be no greater than 40 feet in height, measured from the finished grade of the property and shall be no greater than 20 feet in width. Any sign to be erected shall be subject to the approval of the Planning Commission."

- (1) Commercial/Retail Development Interior Street signs:

Inasmuch as commercial developments continue to arise within the City limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument style or "Street Lamp, hanging sign" style. Said signs shall be limited to 30 square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than 5 feet, and Street Lamp style signs shall be no higher than 20 feet, both to be measured from the finished grade. Any proposed sign must first be approved by the Planning Commission prior to being erected.

### **SECTION III: CONFLICTS**

This Section provides for conflicts with other articles, ordinances, or regulations. If the provisions of this article conflict with other articles, ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

### **SECTION IV: SEVERABILITY**

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

### **SECTION V: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
May 1, 2006  
6:00 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 6:00 pm. Present were Chairman Ron Scott, Councilman Bailey Yelding; Councilwoman Regina Landry; and Finance Director Kim Briley.

Also in attendance was Public Works Director Ken Eslava.

**II. ISSUES REQUIRING ACTION BY CITY COUNCIL**

**A. Bid & Appropriation**

**1. 2006-O-PW-(5) Four Wheel Drive Out Front Mowers - Lease**

Mr. Eslava discussed the previous recommendation for the lease of these 5 mowers had been "pulled" from the last City Council agenda so that a lease vs. purchase comparative could be made. Lease payments due over the 36 month lease term total \$ 123,660. Additionally, Mr. Eslava noted that after two years, the City has to start doing major repairs on the mowers to keep them in the proper condition to be turned in at the end of the lease. The option of purchasing the mowers for a total purchase price of \$ 119,905 is the best option for the City because: 1) Less total dollar outlay; and 2) Repairs and maintenance will be made to equipment owned by the City- once repairs become cost prohibitive, the mowers can be sold via the City's surplus sale. It was noted that \$ 17,175 is budgeted in FY 06 for the lease of these mowers and that an additional \$ 102,730 needs to be appropriated in order to purchase the mowers. It was also noted that the current lease expired on April 30 so this item needs to be adopted tonight so there won't be any mowing "back logs."

***Motion by Ms. Landry to recommend to Council to adopt a resolution awarding Bid 2006-O-PW (5) Four Wheel Drive Out Front Mowers to Beard Equipment Co. for a total purchase price of \$ 119,905. Seconded by Mr. Yelding.***

***Motion by Ms. Landry to recommend to Council the appropriation of an additional \$ 102,730 for the purchase of five (5) Out Front Mowers. Seconded by Mr. Yelding.***

**B. Declare Knuckleboom Truck Repair Emergency**

Mr. Eslava stated that the state bid law, according to the League of Municipalities, requires the public bid for any equipment repair over \$ 15,000. He further stated that one of the City's 4 knuckleboom trucks is inoperable because the "arm" is not functional. The cost to replace the "arm" is \$ 25,730. This is the height of the trash season, and it is critical to have all of the trucks on the streets to prevent delays in trash pick-up. The time required to draft specs, advertise, and award the bid will lead to the accumulation of trash and possible public health and safety (fire) issues. Mrs. Briley stated that an emergency can be declared for public health, safety, or convenience. The committee discussed the need to declare the repair of the knuckleboom truck an emergency so that the truck will be back in operation as soon as possible.

***Motion by Ms. Landry to recommend to Council that the repair of the knuckleboom truck be declared an emergency due to public health and safety concerns. Seconded by Mr. Yelding.***

### **III. OTHER BUSINESS**

Mrs. Briley stated that the City has been approved for a NRCS (Natural Resources and Conservation Services) grant in the amount of \$ 1,628,500. This is a 75/25 grant and requires cash and/or in-kind contributions of \$ 542,833 (including engineering). These are projects resulting from Hurricane Katrina.

Mr. Eslava stated the following projects would be included in this grant:

- Cedar Circle/Bryant's Gully
- Lakeview Loop (D'Olive Creek)
- Montclair Place (Lake Forest)
- Yancey Branch (Village Point Park)
- Whiting Court ( & Church St)
- CR 64 (Widening @ 2 lane portion)

It was further discussed that the grant agreement states that the projects must be completed by August 22, 2006, so they will need to be declared emergency projects.

This will be on the May 15 City Council agenda.

### **IV. ADJOURN**

The meeting was adjourned at 6:20 pm

**Buildings and Property Committee Meeting**

**Friday, May 5, 2006**

**10:00 a.m.**

**City of Daphne**

**Council Chambers**

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Ken Eslava, Public Works, Director

Richard Merchant, Buildings Inspector

Ragan Lambert, Building Department

Ashley Campbell, Erosion Control

Minutes

**Presentation Re: Proposed Daphne Marina by Mr. Philip Speir**

Mr. Speir stated that the new marina committee consisted of Ms. Cathy Barnett, Ms. Marie Bush, Mr. Al Guarisco, Mr. Starke Irvine, and himself. The Committee has met on several occasions and thoroughly discussed possible locations for the proposed marina. Mr. Speir stated that the City of Daphne's comprehensive plan states of the city "To be preferred residential waterfront community in south Alabama for families, retirees and businesses" and that the marina would be a good starting point toward the fulfillment of the plan.

The purpose of the Marina, description, three (3) possible locations, and proposed cost estimates were presented. **(See Attached)**

Mr. Dick Scott represented the Lake Forest Yacht Club and proposed the possibility of the City locating the Marina adjacent to the Lake Forest Yacht Club. Mr. Scott presented available property that could be used that is owned by the Lake Forest Yacht Club. **(See Attached)**.

Mr. Stark Irvine stated that Bayfront Park Drive listed as Site 1 (North of Bel Air Dr.) is the only viable site in his opinion with the view of future development in mind. Mr. Irvine spoke about possible grant monies that could become available due to the nature of the property.

Councilman Palumbo stated that he received a letter from Mr. Joseph Brown **(See Attached)** which in his opinion stated that the Ennis property which is proposed Site 3 could not be acquired for use.

**Motion** by Councilman Palumbo and **seconded** by Mayor Small to have the City attorney look into the possibility of whether the Ennis property could be acquired. **Motion Approved.**

Councilman Lake discussed the possibilities of working in conjunction with the Lake Forest Marina and would like to continue to look into those possibilities. Councilman Lake thanked Mr. Speir and the Marina Committee for their hard work researching the presented possibilities.

**City of Daphne-City Hall Renovation Projection – update.** Mr. Jeff Hudson was not available to make a report. Mayor Small requested that Mr. Hudson make a report at the next Buildings & Property Committee Meeting. Mayor Small stated that there were some minor changes made to the overall plan, such as, positioning of windows. Mayor Small also stated that bids for the project might go out by the end of the summer.

**Presentation by Bay Rivers Art Guild: Request for flooring, used desk, and closet.** Ms. Myra Knight of the Bay Rivers Art Guild presented a request for the City of Daphne to assist them with vinyl flooring to cover rough concrete flooring that could tear children's clothes as they paint this summer. The type of vinyl requested is easy to clean up after paint spillage. Ms. Knight stated that the bids for the vinyl came in at \$1,423.77. **(See Attached)** Ms. Knight also requested assistance to build a shelf as well as the gift of a used office desk. The Committee thanked the Guild for all their hard work. **Motion** by Councilman Palumbo to forward the approved request to the Finance Committee for funding. Mayor Small stated that he would research the surplus items to see if a desk is available. **Seconded by Mayor Small. Motion Approved.** Ms. Knight invited all to come to the reception for the new mural at the Library, Sunday, May 21, 2006 from 2-4 p.m.

**Ms. Sandra Morse, Director, Daphne Civic Center discussed up coming community projects presented by the Civic Center department.** Discussed were the Gulf Coast Zydeco Music & Crawfish Festival May 19-21, 2006, The Taste of the Eastern Shore, August 4, 2006, and a Ballroom dance Friday, June 16, 2006. Ms. Morse presented information about the electronic signage and worked to bring about a meeting to discuss the fine points of the signage. Ms. Morse stated that she had obtained enough information to prepare a bid document but needed to include the positioning of the signage into the bid document.

**New position. Maintenance Director.** Mayor Small discussed the need for a maintenance department head to handle the duties of purchasing items related to city buildings. Councilman Lake also stated that this position is needed as the city has grown and this position would be beneficial. **Motion** by Councilman Palumbo to forward to the next Council work session the review of the position of Department Head for the Maintenance Department with a job description and pay scale recommendation from Ms. Sharon Cureton, Human Resources Director. **Seconded By Mayor Small. Motion Approved.**

**Civic Center lighting.** Councilman Palumbo discussed the lighting situation at the Civic Center Complex. Mr. Glenn Swaney stated that he was waiting on a report from Mr. Ken Eslava concerning the lumens of the bulbs. Councilman Lake discussed placing reflective decals on the culverts so that they can be seen at night.

**Civic Center parking lot sealed and re-stripped.** The Committee discussed the need to have the parking lot in the Civic Center Complex sealed and re-stripped. This process is needed so that major repairs will not have to be performed. **Motion** by Councilman Palumbo to forward to the Finance Committee the sealing and re-stripping of the Civic Center parking lot and to have Mr. Ken Eslava obtain quotes for the project. **Seconded** by Mayor Small. **Motion Approved.**

**Affordable Housing.** A presentation was made by Mr. Wayne Anderson and Mr. Lance Clements concerning affordable modular housing. Mr. Anderson and Mr. Clements represent Pollard Properties' affordable housing units. The Committee discussed the problem of affordable housing in the City of Daphne. Pollard Properties is building 115 units priced between \$130,000 to \$175,000 in the County. The Company is requesting to bring this property into the City of Daphne. Mr. Clements stated that there will be a meeting with Mr. Bill Eady and the Mayor Thursday, May 11, 2006 at 10:00 a.m. in the Mayors office. Mr. Clements invited the Committee to the meeting.

**Proposed land swap at Bayfront Park.**

Mr. Stark Irvine requested an update on the presented land swap presentation at Bayfront Park. Mayor Small stated that it appears the next step is the appraisal of the property. **Motion** by Councilman Palumbo to request funding from the Finance Committee for the appraisal of the proposed lands that would be swapped. **Seconded** by Mayor Small. **Motion Approved.**

**Presentation of proposed rate change, Building Department.**

Mr. Richard Merchant, Building Official discussed the need to make changes to the commercial and residential permit fees. **(See Attached)** The Mayor requested that these changes be referred to the Ordinance Committee and be placed on their next agenda. **Motion** by Councilman Palumbo to place these proposed items on the Ordinance Committee agenda. **Seconded** by Mayor Small. **Motion Approved.**

Meeting adjourned at 11.59 a.m.

DAVID  
COHEN

Presentation  
To  
Building and Property Committee

May 5, 2006  
By  
Marina Subcommittee

Philip Speir  
Cathy Barnett  
Marie Bush  
Al Guarisco  
Starke Irvine

The Marina Subcommittee respectfully submits this information as a result of discussions by our subcommittee and request guidance from the Building and Property Committee as to what further actions you wish our subcommittee to take.

**Daphne Comprehensive Plan:**

"To be preferred residential waterfront community in south Alabama for families, retirees and businesses". A good starting point to accomplish this goal would be to construct a marina.

**Purpose Of Marina:**

- To improve the quality of life for citizens of Daphne.
- To provide a safe harbor for boats.
- To provide a home port for boats available for excursions for families, groups and businesses that wish to entertain their employees or clients.
- To provide a location where programs can be conducted for youth and adults to learn boating safety and skills.

**Description**

- A channel would have to be dredged to deep water in bay to access the marina.
- The marina should have from 50 to 100 boat slips.
- An exterior dry storage area should be provided. (no roof)
- A boat ramp should be provided to launch boats stored in dry storage.
- A hoist should be provided to launch keeled boats stored in dry storage.
- Holding tank pump out station.
- Parking lot and roads.

**Locations**

Site 1 - North of Bel Air Dr.

The Village Point Board has expressed their approval of this location for construction of a marina if one is to be constructed on the Village Point

property.

Site 2 - South of Bel Air Dr. in area of Tonsmeire property.

Site 3 - Campbell Spring. This site would consist of 20 acres of Utility Board property and 5 acres of Ennis Property. Both of these properties would have to be acquired. The Ennis property is required in order to provide access to bay from the Utility property. A channel would have to cross the Ennis property. The major advantage of this site is that a short channel of approximately ½ mile will take boats to deep water in the bay. A channel of approximately 1 ½ miles would be required for site 1 or site 2. The longer channel would be expensive to dredge originally and expensive to maintain. The longer channel would be undesirable to boaters in that it would take longer to reach the deep water in bay. The smaller sail boats have small engines and move very slow. The water in bay at Campbell Spring site is deep enough to conduct youth and adult classes in boating safety and skills. Boats in the marina would have protection from hurricanes and local storms since the terrain rises in elevation on each side of property. If this site is chosen an added dimension to the project will result in the acquisition of the Ennis home. This is a beautiful structure on a beautiful location on the bay. This house can be used for receptions, municipal meetings, business meetings, neighborhood meetings, club meetings, conferences, seminars and workshops. The construction of a marina would benefit the neighbors over and above having a place to keep their boats and the use of the Ennis home for neighborhood meetings and other uses. The spoil from dredging of the channel could be used for beach re-nourishment. Approximately 20 ft. of beach has been lost in this area. Also the bulkhead in the channel will give protection to neighbor to north on adjoining property. They had severe erosion from hurricane Katrina and had to haul in 40 loads of soil to replace that lost during the hurricane.

#### Cost

While no attempt has been made to conduct an engineering study and develop accurate cost, some attempt has been made at developing order-of-magnitude cost on major items. See Exhibit C.

#### Financing

- Lodging Tax
- \$3 million over 5 years from existing motels, more motels are coming to Daphne.

#### Action Items

- Submerged Aquatic Vegetation (SAV)/Sea Grass Survey
- Permit for channel
- Permit for marina
- Detail design of channel

- Detail design of marina and amenities.
- Detail cost estimate.

#### Site 3 Specific

- Study to determine if channel can be constructed across Ennis property.
- Appraisal of Ennis property.
- Financing

#### ADDENDUM

##### Exhibit A

Location map-land

##### Exhibit B

Location map-Bay

##### Exhibit C

Order-of-magnitude cost estimate of some of major items

##### Exhibit D

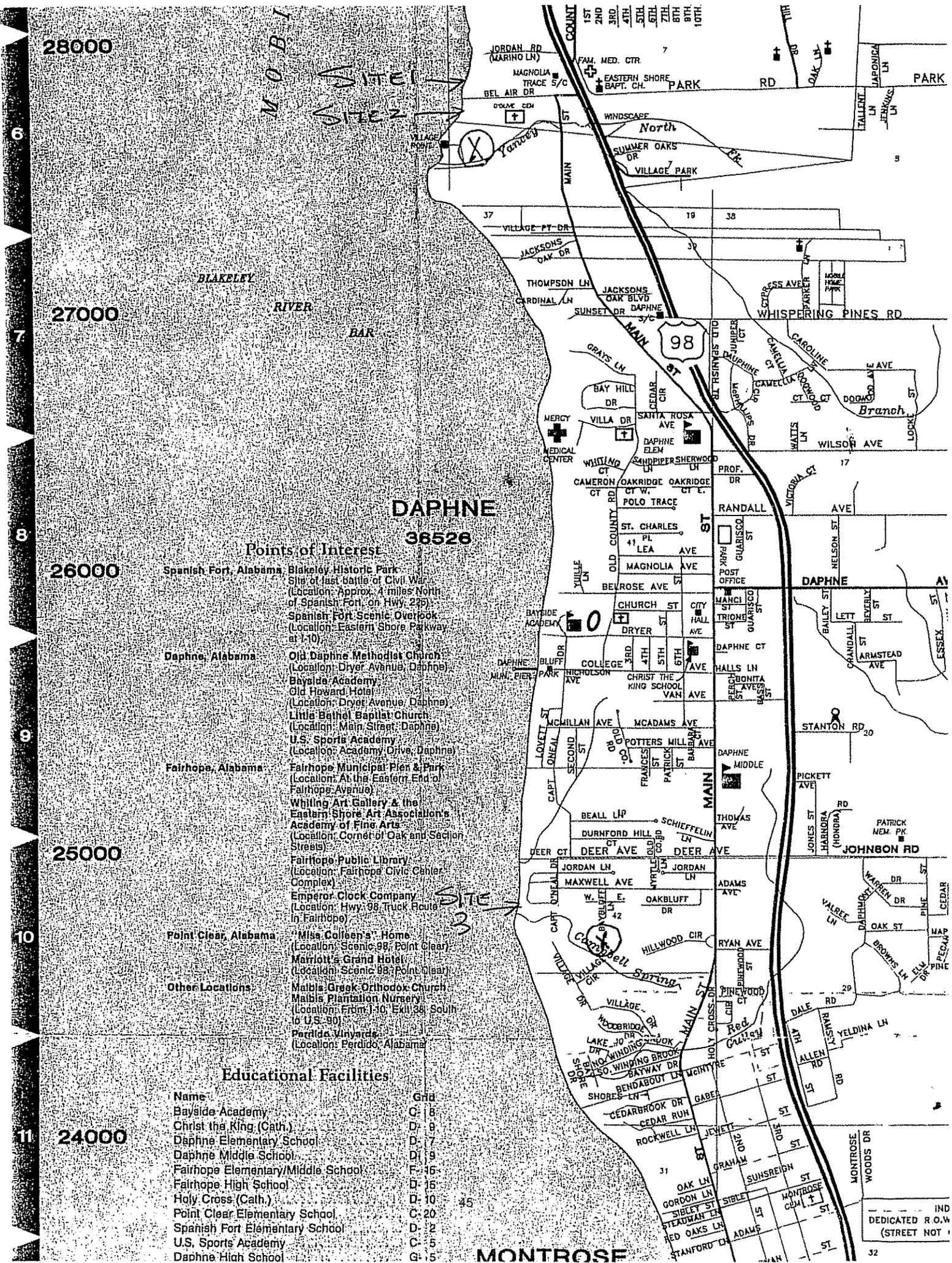
Photos of Ennis House

##### Exhibit E

Submerged Aquatic Vegetation (SAV)/Sea Grass literature

##### Exhibit F

Corps of Engineering permit application form.



## DAPHNE 36526

### Points of Interest

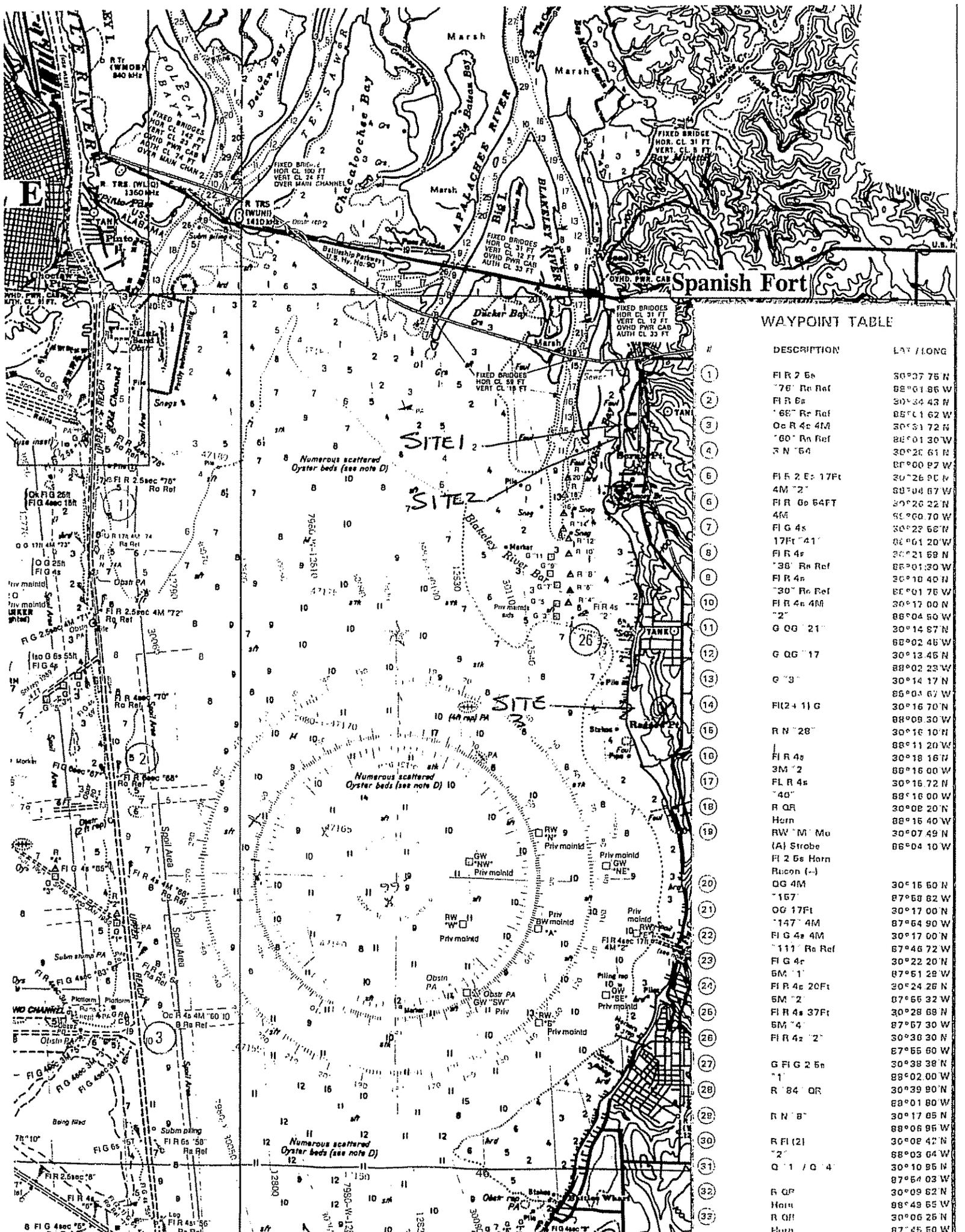
- Spanish Fort, Alabama** - Blakeley Historic Park  
Site of last battle of Civil War  
(Location: Approx. 4 miles North of Spanish Fort, on Hwy. 235)
- Spanish Fort Scenic Overlook**  
(Location: Eastern Shore Parkway at 7-10)
- Daphne, Alabama** - Old Daphne Methodist Church  
(Location: Dryer Avenue, Daphne)
- Bayside Academy**  
Old Howard Hotel  
(Location: Dryer Avenue, Daphne)
- Little Bethel Baptist Church**  
(Location: Main Street, Daphne)
- U.S. Sports Academy**  
(Location: Academy Drive, Daphne)
- Fairhope, Alabama** - Fairhope Municipal Pier & Park  
(Location: At the Eastern End of Fairhope Avenue)
- Whiting Art Gallery & the Eastern Shore Art Association's Academy of Fine Arts**  
(Location: Corner of Oak and Section Streets)
- Fairhope Public Library**  
(Location: Fairhope Civic Center Complex)
- Emperor Clock Company**  
(Location: Hwy. 98, Truck Route in Fairhope)
- Point Clear, Alabama** - "Miss Callie's" Home  
(Location: Scenic 98, Point Clear)
- Mariott's Grand Hotel**  
(Location: Scenic 98, Point Clear)
- Other Locations** - Malbis Greek-Orthodox Church  
Malbis Plantation Nursery  
(Location: From I-10, Exit 38, South to U.S. 90)  
Parrish Vineyards  
(Location: Perdido, Alabama)

### Educational Facilities

Name	Grid
Bayside Academy	C-8
Christ the King (Cath.)	D-9
Daphne Elementary School	D-7
Daphne Middle School	D-9
Fairhope Elementary/Middle School	F-15
Fairhope High School	D-15
Holy Cross (Cath.)	D-10
Point Clear Elementary School	C-20
Spanish Fort Elementary School	D-2
U.S. Sports Academy	C-5
Daphne High School	G-15

IND DEDICATED R.O.W (STREET NOT)

MONTROSE



**WAYPOINT TABLE**

#	DESCRIPTION	LAT / LONG
1	FIR 2 6e	30°07' 75" N
2	"76" Ra Ref	88°01' 86" W
3	FIR 6a	30°04' 43" N
4	"66" Ra Ref	88°01' 62" W
5	Oc R 4c 4M	30°01' 72" N
6	"60" Ra Ref	88°01' 30" W
7	3 N 76d	30°26' 61" N
8	07°00' 97" W	88°00' 97" W
9	FIR 2 6e: 17Ft	30°26' 90" N
10	4M 72"	88°04' 67" W
11	FIR 0c 64FT	30°26' 22" N
12	4M	88°00' 70" W
13	FIG 4s	30°22' 66" N
14	17Ft 41"	88°01' 20" W
15	FIR 4s	30°21' 69" N
16	"38" Ra Ref	88°01' 30" W
17	FIR 4s	30°18' 40" N
18	"30" Ra Ref	88°01' 76" W
19	FIR 4c 4M	30°17' 00" N
20	"2"	88°04' 60" W
21	G 00 21"	30°14' 87" N
22		88°02' 46" W
23	G 00 17"	30°13' 46" N
24		88°02' 23" W
25	G 3"	30°14' 17" N
26		88°03' 67" W
27	FI(2+1) G	30°16' 70" N
28		88°09' 30" W
29	R N 28"	30°16' 10" N
30		88°11' 20" W
31	FIR 4s	30°18' 16" N
32	3M 2	88°16' 00" W
33	FL R 4s	30°16' 72" N
34	"40"	88°16' 00" W
35	R QR	30°08' 20" N
36	Horn	88°16' 40" W
37	RW "M Mo	30°07' 49" N
38	(A) Strobe	88°04' 10" W
39	FI 2 6s Horn	
40	Racon (-)	
41	OG 4M	30°16' 60" N
42	"167"	87°58' 82" W
43	OG 17Ft	30°17' 00" N
44	"147" 4M	87°54' 90" W
45	FIG 4s 4M	30°17' 00" N
46	"111" Ra Ref	87°46' 72" W
47	FIG 4r	30°22' 20" N
48	6M 1"	87°51' 29" W
49	FIR 4c 20Ft	30°24' 26" N
50	6M 2"	87°56' 32" W
51	FIR 4s 37Ft	30°28' 69" N
52	6M 4"	87°57' 30" W
53	FIR 4s 2"	30°30' 30" N
54		87°55' 60" W
55	G FIG 2 6e	30°38' 38" N
56	"1"	88°02' 00" W
57	R 84" QR	30°39' 90" N
58		88°01' 80" W
59	R N 8"	30°17' 85" N
60		88°06' 95" W
61	R FI (2)	30°02' 42" N
62	"2"	88°03' 04" W
63	Q 1 / O 4"	30°10' 95" N
64		87°54' 03" W
65	R QR	30°09' 62" N
66	Horn	88°49' 55" W
67	R QR	30°06' 26" N
68	Horn	87°45' 60" W

# EXHIBIT C

(1)

## COST ESTIMATE CAMPBELLSPRING SITE

WHILE NO ATTEMPT HAS BEEN MADE TO CONDUCT AN ENGINEERING STUDY AND DEVELOP ACCURATE COST, SOME ATTEMPT HAS BEEN MADE AT DEVELOPING ORDER-OF-MAGNITUDE COST ON MAJOR ITEMS.

- HYDROLIC DREDGING OF CHANNEL IN BAY  
0.5 MILE X 50 FT WIDE X 5 FT MATERIAL REMOVED  
= 660,000 FT<sup>3</sup>  
ESTIMATE 3 FT OF WATER CURRENTLY.  
REMOVAL OF 5 FT OF MATERIAL  
WOULD RESULT IN 8 FT OF WATER  
IN CHANNEL. ASSUMED SPOIL CAN  
BE USED FOR BEACH RENOURISHMENT.  
 $660,000 \text{ FT}^3 \div 27 \text{ FT}^3/\text{YD}$   
= 24,444 YDS MATERIAL REMOVED  
 $24,444 \text{ YDS} \times \$7.50/\text{YD}$   
= \$183,333
- EXCAVATION OF CHANNEL FROM  
BAY TO MARINA AND REMOVAL OF  
MATERIAL FROM SITE  
350 FT X 50 FT WIDE X 13 FT MATERIAL REMOVED  
= 227,500 FT<sup>3</sup>

ESTIMATED 5 FT OF MATERIAL REMOVED  
ABOVE WATER LEVEL AND 8 FT BELOW  
WATER LEVEL.

$$227,500 \text{ FT}^3 \div 27 \text{ FT}^3/\text{YD}^3$$

$$= 8,425 \text{ YD}^3$$

$$8,425 \text{ YD}^3 \times \$10.00/\text{YD}^3$$

$$= \$84,250$$

- EXCAVATION OF MATERIAL FROM EXISTING  
GRADE TO 5 FT ABOVE ELEVATION OF  
WATER LEVEL AND REMOVAL OF  
MATERIAL FROM SITE

$$150,000 \text{ FT}^2 \times 10 \text{ FT}$$

$$= 1,500,000 \text{ FT}^3$$

ESTIMATED 10 FT OF MATERIAL  
REMOVED TO GET TO 5 FT ABOVE  
ELEVATION OF WATER LEVEL

$$1,500,000 \text{ FT}^3 \div 27 \text{ FT}^3/\text{YD}^3$$

$$= 55,555 \text{ YD}^3$$

$$55,555 \text{ YD}^3 \times \$10/\text{YD}^3$$

$$= \$555,550$$

- EXCAVATION OF MARINA AND REMOVAL  
OF MATERIAL FROM SITE

$$150,000 \text{ FT}^2 \times 13 \text{ FT}$$

$$= 1,950,000 \text{ FT}^3$$

ESTIMATED 5 FT OF MATERIAL REMOVED  
ABOVE WATER LEVEL AND 8 FT BELOW  
WATER LEVEL,

$$\begin{aligned} 1,950,000 \text{ FT}^3 &\div 27 \text{ FT}^3/\text{YD}^3 \\ &= 72,222 \text{ YD}^3 \\ 72,222 \text{ YD}^3 &\times \$10/\text{YD}^3 \\ &= \$722,220 \end{aligned}$$

- BULKHEAD

$$\begin{aligned} 2650 \text{ FT} &\times \$200/\text{FT} \\ &= \$530,000 \end{aligned}$$

- PILING

$$\begin{aligned} 205 \text{ PILING} &\times 35 \text{ FT LONG} \\ &= 7175 \text{ FT} \\ 7175 \text{ FT} &\times \$15/\text{LINEAR FT INSTALLED} \\ &= 107,625 \end{aligned}$$

- PIER DECKING

$$\begin{aligned} 100 \text{ FT} &\times 4 \text{ FT WIDE} \\ &= 400 \text{ FT}^2 \\ 400 \text{ FT}^2 &\times \$10/\text{FT}^2 \\ &= \$4000 \end{aligned}$$

- ENNIS PROPERTY

1,895,000 POSSIBLY CAN ARRANGE  
FOR LEASE-PURCHASE AGREEMENT

- UTILITY PROPERTY

SUMMARY OF ABOVE COST

183,000	DREDGING OF BAY CHANNEL
81,250	EXCAVATION OF CHANNEL FROM BAY TO MARINA
555,550	EXCAVATION FROM EXISTING LEVEL TO 5 FT ABOVE WATER LEVEL
722,220	EXCAVATION OF MARINA
530,000	BULKHEAD
107,625	PILING
4,000	PIER DECKING
<u>* 2,186,645</u>	TOTAL

\* DOES NOT INCLUDE FOLLOWING PURCHASE OF PROPERTY

SITE PREPARATION

CHANNEL MARKERS

PARKING LOT / ROAD

MITIGATION FOR WETLANDS AND

SEAGRASS

MOVE PUMPING STATION AND SEWER LINE

HARBOR MASTER HOUSE

BOAT RAMP

HOIST

PUMP OUT STATION

ELECTRICAL

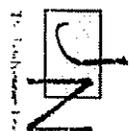
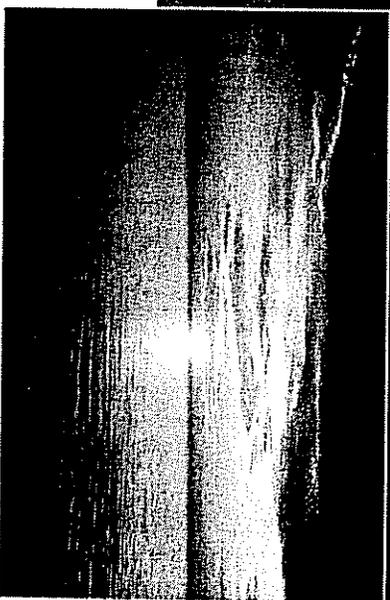
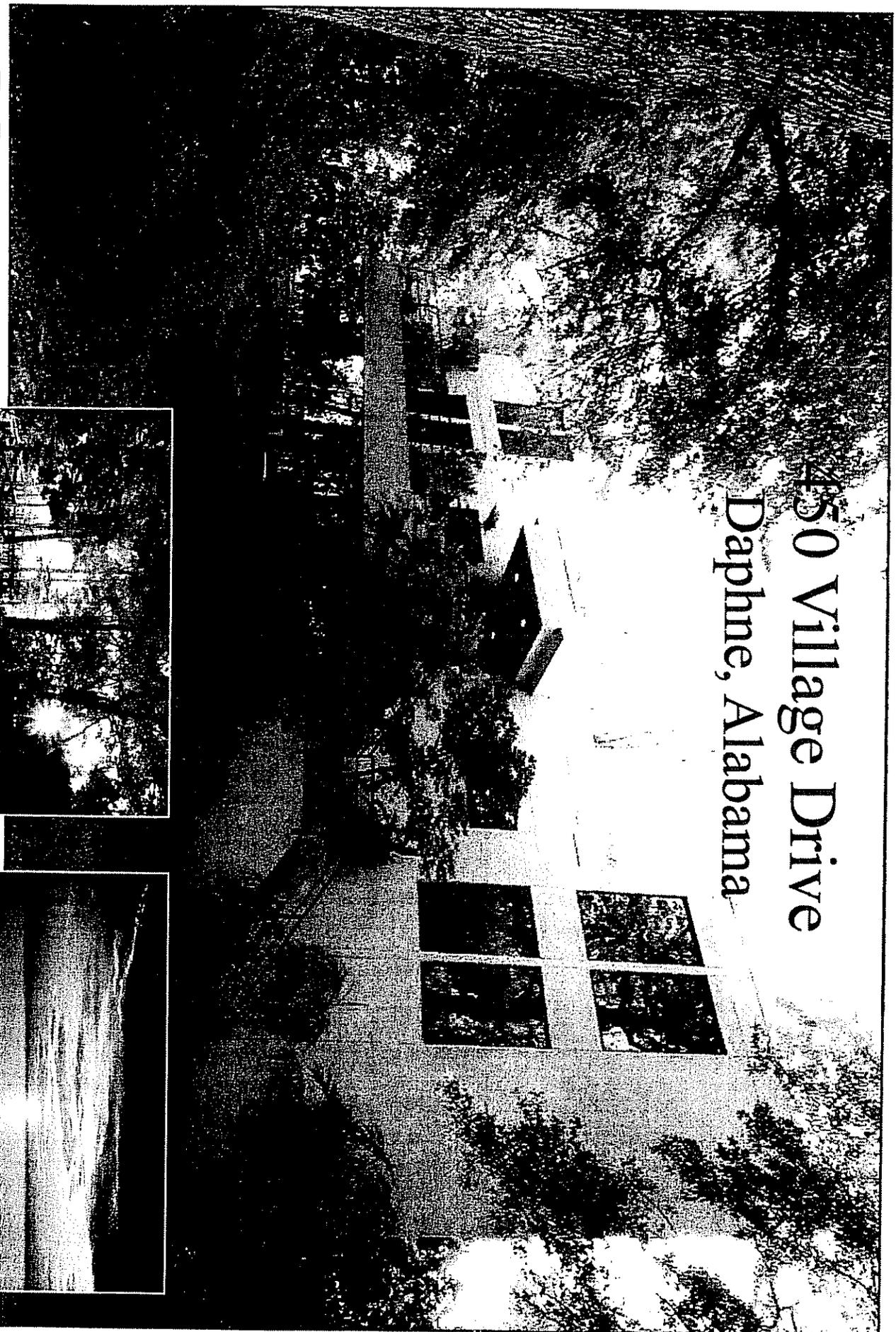
PLUMBING

BOAT DRY STORAGE

CONSULTANT FEES

ETC.

# 450 Village Drive Daphne, Alabama



Remax Properties

The Neighborhood



This extraordinary home sits perched among the trees, well above the ebb and flow of the tides. Its allure is the adventure of living like you are on a private island but still located so close to town.

Stairs lead you up and through the entryway which acts as a portal to your personal sanctuary. An open floor plan is the highlight of the first floor that contains the living area, study and library, kitchen and one bedroom, all with glorious views.

The second floor is accessible by stairs on opposite sides, one leads you up to the master suite with a balcony and the

other leads to another bedroom, also with a balcony. The roof is easily accessible and can be used as an extension of the living space.

Distinctive and different, this wonderful three story home is inspired by the designs of Frank Lloyd Wright.

Open floor plan is full of light & surrounds you with nature while it provides you with views of beautiful Mobile bay.

mls# 56269/131835

*an exclusive listing by...*

**RE/MAX BY THE BAY**

The Judy Niemeyer Team

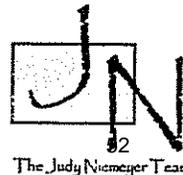
23800 US Hwy 98, Bldg. A, Fairhope, AL 36532

(251) 583-5020 / (251) 928-7474

Toll Free: (866) 560-7474

www.judyniemeyerteam.com

email: judy@judysells.com



ADDRESS: 450 VILLAGE DR

PRICE: \$ 1,895,000

SUBDIVISION: MONTROSE VILLAGE

BEDROOMS: 4

BATHROOMS: 4.1

YEAR BUILT: 1986

STORIES: THREE

SQ.FT. (APPROX): 3599

LOT DIMENSIONS: 5 ACRES

SCHOOL DISTRICT: DAPHNE

ROOM SIZES:

KITCHEN	13 x 15
DINING RM	11 x 16
FOYER	11 x 25
DEN	15 x 17
LIVING RM	20 x 25
MASTER BR	15 x 16
BEDROOM 2	13 x 15
BEDROOM 3	14 x 15
BEDROOM 4	9 x 16



Above the Crowd!<sup>SM</sup>

**JOINT APPLICATION AND NOTIFICATION  
U. S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

This form is to be used for proposed activities in waters of the United States  
within the political boundaries of the State of Alabama.

PLEASE TYPE OR PRINT IN INK

1. Date: _____ month      day      year	APPLICATION NUMBER (TO BE ASSIGNED BY CORPS)
2. Applicant: Name and Address:  Telephone Number during business hours: A/C ( ) _____ Residence A/C ( ) _____ Office	Official Use Only  Coe _____ ADEM _____ State Clearinghouse _____ Date Received _____
3. Designation of Agent, Statement of Authorization, I hereby designate and authorize _____  _____  to act on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.  _____ Signature of Applicant                      Date	Agent: Name and Address:  Telephone Number during business hours: A/C ( ) _____ A/C ( ) _____

4. Project Location:

Street Address \_\_\_\_\_ City/Community \_\_\_\_\_

Name of Waterway \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

Geographic Location: Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ County \_\_\_\_\_

Loran C coordinates (if applicable) \_\_\_\_\_

5. Project Description, including all aspects of the project. Describe completely and in detail. Include any structures such as piers, wharfs, bulkheads, pipelines, boathouses, boatramps, groins, jetties, and appurtenances, as well as any dredging, excavation, or fill activities. Attach additional sheets if necessary.

5. Project Description (continued)

6. Dredging Project Specifications (Show locations and dimensions of proposed dredge areas on attached plans. Include existing and proposed depths.).

New Work \_\_\_\_\_ Maintenance Work \_\_\_\_\_  
Cubic yards of material to be removed \_\_\_\_\_ Type of material \_\_\_\_\_  
Surface area (square feet) impacted \_\_\_\_\_  
Method of excavation \_\_\_\_\_  
Nature of area to be dredged (check one) Upland \_\_\_\_\_ Wetland \_\_\_\_\_ Waterbottom \_\_\_\_\_  
Other (explain) \_\_\_\_\_

7. Specifications for Discharge of Dredged or Fill Material (Show locations and dimensions of all disposal or fill areas on attached plans.).

Cubic yards of fill \_\_\_\_\_ Type of fill \_\_\_\_\_  
Surface area (square feet) impacted \_\_\_\_\_  
Source of fill material (check one) Commercially obtained \_\_\_\_\_ Dredged material \_\_\_\_\_ Borrowed on-site \_\_\_\_\_  
Other (explain) \_\_\_\_\_  
How will discharged material be contained? (Include erosion control measures, levees, etc.) \_\_\_\_\_  
Nature of disposal/fill areas (check one) Upland \_\_\_\_\_ Wetland \_\_\_\_\_ Waterbottom \_\_\_\_\_  
Other (explain) \_\_\_\_\_

8. Additional information relating to the proposed activity.

Are oyster reefs located within or near the project area? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain: \_\_\_\_\_

Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes \_\_\_\_\_ No \_\_\_\_\_

Is the project area greater than 25 acres in size? Yes \_\_\_\_\_ No \_\_\_\_\_

Is any portion of the activity for which authorization is sought now complete? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain: \_\_\_\_\_

Month and year activity took place \_\_\_\_\_

If project is for maintenance work of existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form of authorization \_\_\_\_\_

9. Describe the purpose and public benefit, if any, of the project. Describe the relationship between the project and any secondary or future development the project is designed to support. \_\_\_\_\_

Intended use: Public \_\_\_\_\_ Private \_\_\_\_\_ Commercial \_\_\_\_\_ Other (explain) \_\_\_\_\_

10. Project Schedule:

Proposed start date \_\_\_\_\_ Proposed completion date \_\_\_\_\_

11. Names and address of adjoining property owners, lessees, etc. whose property also adjoins the waterway. Also identify the owners on the plan views in Attachment. \_\_\_\_\_

12. List all authorizations or certifications received or applied for from federal, state or local agencies for any Structures, construction, discharges, deposits or other activities described in or directly related to this application. Note that the signature in Item 13 certifies that application has been made to or that permits Are not required from the following agencies. If permits are not required place NA in space for Type Approval.

Agency      Type Approval      Identification No.      Date of Application      Date of Approval      Date of Denial

AL Dept. of Environmental Management

U. S. Army Corps of Engineers

Alabama State Docks

City/County \_\_\_\_\_

Other \_\_\_\_\_

13. Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. For projects within the coastal area of Mobile and Baldwin Counties, I certify that the proposed project for which authorization is sought complies with the approved Alabama Coastal Area Management Program and will be conducted in a manner consistent with the program. I agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with responsible for the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.  
**(SIGNATURE OF APPLICANT OR AGENT REQUIRED BELOW)**

\_\_\_\_\_  
 Signature of Applicant or Agent

\_\_\_\_\_  
 Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or make any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

14. In addition to the completed application, the following attachments are required:

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with existing structures and proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and across section or elevation. All plans and attachments must be of reproducible quality on 8 1/2 inch \*11 inch paper. **FEES ARE REQUIRED IN CONJUNCTION WITH ADEM CERTIFICATION. ADEM WILL CONTACT APPLICANT WITH FEE REQUIREMENTS.**

**15. APPLICATION SUBMISSION INFORMATION**

Contact the Corps of Engineers prior to submittal with any questions or to request acceptable alternate content/format. An instruction package, example PAP and SPCC plans, and other information are available upon request. Complete this form, attach additional information as necessary, and submit signed original to:

(Statewide, Except Tennessee River Watershed)  
 District Engineer, Attn: Regulatory Branch  
 U.S. Army Corps of Engineers - Mobile District  
 Post Office Box 2288  
 Mobile, Alabama 36628-0001  
 Phone: (251) 690-2658 Fax: (251) 6902660  
 WebPage: [www.sam.usace.army.mil/](http://www.sam.usace.army.mil/)

**OR**

(Tennessee River Watershed Only)  
 District Engineer, Attn: Regulatory Branch  
 U.S. Army Corps of Engineers - Nashville District  
 3701 Bell Road  
 Nashville, Tennessee 37214  
 Phone: (615) 369-7500 Fax: (615) 3697501  
 WebPage: [www.orn.usace.army.mil/](http://www.orn.usace.army.mil/)

Submit signed copy of application and attachments to:

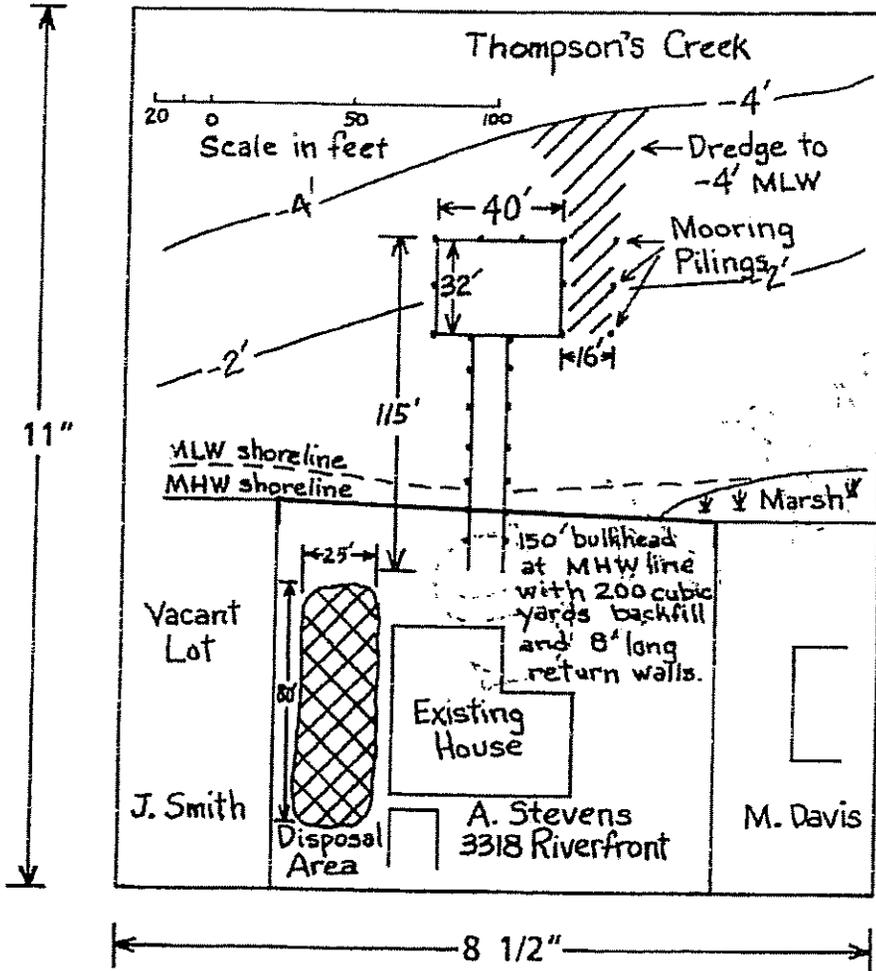
(Statewide)  
 Mining & Nonpoint Source Section  
 Field Operations Division, ADEM  
 PO Box 301463  
 Montgomery, AL 36130-1463 or  
 1400 Coliseum Boulevard  
 Montgomery, AL 36110-2059  
 Phone: (334) 394-4311 Fax: (334) 394-4326  
 Email: [mnps@adem.state.al.us](mailto:mnps@adem.state.al.us)  
 WebPage: [www.adem.state.al.us](http://www.adem.state.al.us)

(Mobile, Baldwin, & Washington Counties Only)  
 Coastal Section - Mobile Branch  
 Field Operations Division, ADEM  
 4171 Commander's Drive  
 Mobile, AL 36615  
 Phone: (251) 432-6533 Fax: (251) 4326598  
 Email: [coastal6@adem.state.al.us](mailto:coastal6@adem.state.al.us)  
 WebPage: [www.adem.state.al.us](http://www.adem.state.al.us)

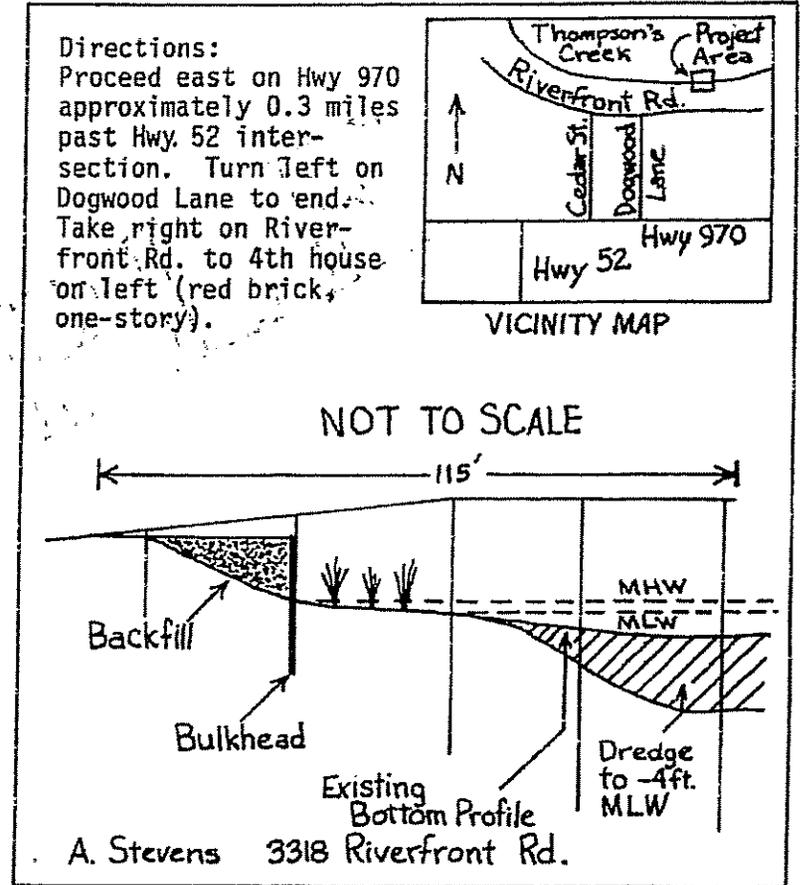
(Statewide)  
 Alabama State Port Authority  
 Environmental, Health & Safety  
 1400 ASD Boulevard Room 216  
 Mobile, AL 36602  
 Phone: (251) 441-7085  
 Fax: (251) 441-7255  
 WebPage: [www.asdd.com](http://www.asdd.com)

# Sample Attachments

Sheet 1



Sheet 2



## City of Daphne/ Interest in a public marina complex for Daphne

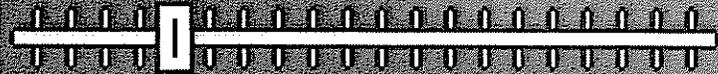
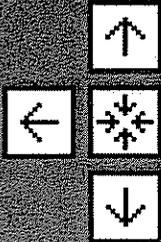
### Talking Points May 5, 2006

- A. Daphne does not currently have such a facility.
- B. A marina owned and operated by the City, or with operations contracted to a third party, can be profitable. Biloxi is one example.
- C. Shared public and private use of a waterway or harbor has many precedents, including Fly Creek in Fairhope, Biloxi, and Dog River in Mobile.
- D. A marina in a protected inlet is preferable to one constructed out into the bay.
- E. Any marina will require dredging and maintenance of an adequate channel.
- F. Any marina, regardless of location, will have to go through extensive permit processes prior to construction.
- G. A shared (compatible) use of water access would reduce cost and enhance participation.
- H. There are only a limited number of possible locations for a marina in Daphne.
- I. The west end of Village Point Preserve should not be considered as one of these options. It should remain a Park Preserve, as prescribed in the process of acquisition and funding.
- J. The property immediately in front and to the north of the Richard Scardamalia Pavilion is a one candidate due to public road access and adjacent facilities at 6200 Bayfront Drive.
- K. Enhancement and shared use of the 6.0 acres owned by the **Lake Forest Property Owners Association** and used by the private **Lake Forest Yacht Club** would be the logical choice, assuming satisfactory arrangements can be made. This should be explored immediately.

## **Lake Forest Property Owners Association/Lake Forest Yacht Club**

### **Talking Points    May 5, 2006**

- Lake Forest POA owns the land and facilities on the Bay.
- Lake Forest Yacht Club, a private club, uses these facilities by arrangement.
- Hurricane Katrina caused significant damage to these facilities.
- The “marina” for LFYC suffers from an inadequate channel to Mobile Bay.
- Level of interest of the general membership of POA re facilities at the bay versus Golf Course and clubhouse, and common property is a factor.
- Today’s meeting is to explore options for enhancing the channel and general usability of these facilities while retaining private status of LFYC.



1000 ft

©2005 Google - Imagery

©2005 DigitalGlobe, Map data ©2005

US, VTEC, Terra, USA

Map

Satellite

Hybrid







LAW OFFICES

**Cunningham, Bounds, Crowder, Brown and Breedlove, L. L. C.**

1601 DAUPHIN STREET  
MOBILE, ALABAMA 36604  
(251) 471-6191

GREGORY B. BREEDLOVE\*  
JOSEPH M. BROWN JR.\*  
TOBY D. BROWN\*  
JOHN T. CROWDER JR.\*  
ROBERT T. CUNNINGHAM JR.\*  
RICHARD T. DORMAN\*\*\*  
GEORGE W. FINKBOHNER III\*  
DAVID G. WIRTES, JR.  
MICHAEL A. WOREL\*\*

GEORGE M. DENT  
R. EDWIN LAMBERTH\*\*\*  
DAVID S. CAIN JR.  
R. TUCKER YANCE  
BRYAN E. COMER

\* (Certified as a Civil Trial Specialist by the  
National Board of Trial Advocacy)  
\* (also admitted in Georgia)  
\*\* (also admitted in New York and  
District of Columbia)  
\*\*\* (also admitted in Mississippi)

OF COUNSEL

JAMES A. YANCE\*  
RICHARD BOUNDS

ROBERT T. CUNNINGHAM, SR. (1918-2001)

MAILING ADDRESS  
POST OFFICE BOX 66705  
MOBILE, ALABAMA 36660

WEBSITE  
WWW.CBCBB.COM

FAX  
(251) 479-1031

E-MAIL  
ADM@CBCBB.COM

May 1, 2006

Honorable Fred Small  
Mayor  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable Bailey Yielding, Jr  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable Cathy Barnette  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable John L. Lake  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable Greg W. Burnam  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable Ron Scott  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable Regina Landry  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable August Palumbo  
Daphne City Council  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Honorable David Cohen  
Clerk, City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

RE: "Proposed" Marina at or near Rag Swamp  
Woodbridge Subdivision: 450 Village Drive  
City of Daphne, Alabama

Ladies and Gentlemen:

May 1, 2006  
Page 2.

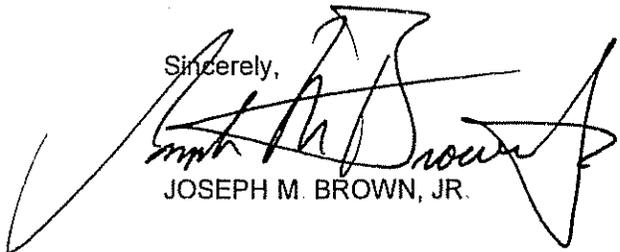
It has come to my attention recently that the City Council, City Clerk, and/or other individuals employed by or acting on behalf of the City of Daphne have indicated an interest in purchasing a certain lot located in the Woodbridge Subdivision and owned by Dr. Larry Ennis and his wife, Linda, for the purpose of locating a marina on that property and the property's abutment with Mobile Bay. As you may be aware, Dr. Ennis' property is located on the North side of the circle at the end of Village Drive in the Woodbridge Subdivision. It is my understanding that the subject property is currently for sale by Dr. Ennis and listed for \$1.9 Million. Apparently, the City of Daphne owns a rather large piece of property adjacent to Dr. Ennis' property but which is located largely in an uninhabitable area of Rag Swamp. This property is located to the North and East of Dr. Ennis' lot. The City property has, to my understanding, approximately 20' of the Western most edge of the property which abuts Mobile Bay.

It would be appreciated if someone would correspond with me at your earliest opportunity in order to let me know exactly what is contemplated with regard to the City expending public funds for the purpose of purchasing the subject property. I enclose herewith a copy of the Restrictive Covenants for the Woodbridge Subdivision which provide at Paragraph 1 that the lots within this subdivision shall remain residential lots only. Purely and simply, the Restrictive Covenants would prevent the owner of the property from attempting to change the character and nature of the property from residential to commercial or quasi commercial. The same would hold true for any attempt to convert this property to any type of "public use" purpose.

In addition to the above, it would appear that due to the low lying nature of the area in question, and the restrictions placed upon the same secondary to the fact that the lot in question is likely in a designated wetlands area, the Corps of Engineers would probably intervene adversely in any attempt to alter the character and nature of this property.

As noted hereinabove, the purpose of this letter is, at this juncture, simply to draw to your attention some of the problems associated with any plan to purchase the subject property and to convert it to a marina area. It may very well be that the information which I have received concerning this proposal is in error, and if that is the case, please forgive my intrusion. However, should the City in actuality be contemplating an expenditure of public funds in order to proceed with this project, it would be appreciated if you would allow me the courtesy of information in that regard, and to keep me abreast of all public hearings that would address this topic. I may be reached at virtually any time of the day at my office 471-6191 or on my cellular telephone 422-9268. I am certain that the adjacent property owners both in the Woodbridge Subdivision as well as the Captain O'Neal area of Daphne who would be affected by this plan would want to weigh-in on the subject. Should plans for constructing a marina in this area be in progress.

Sincerely,

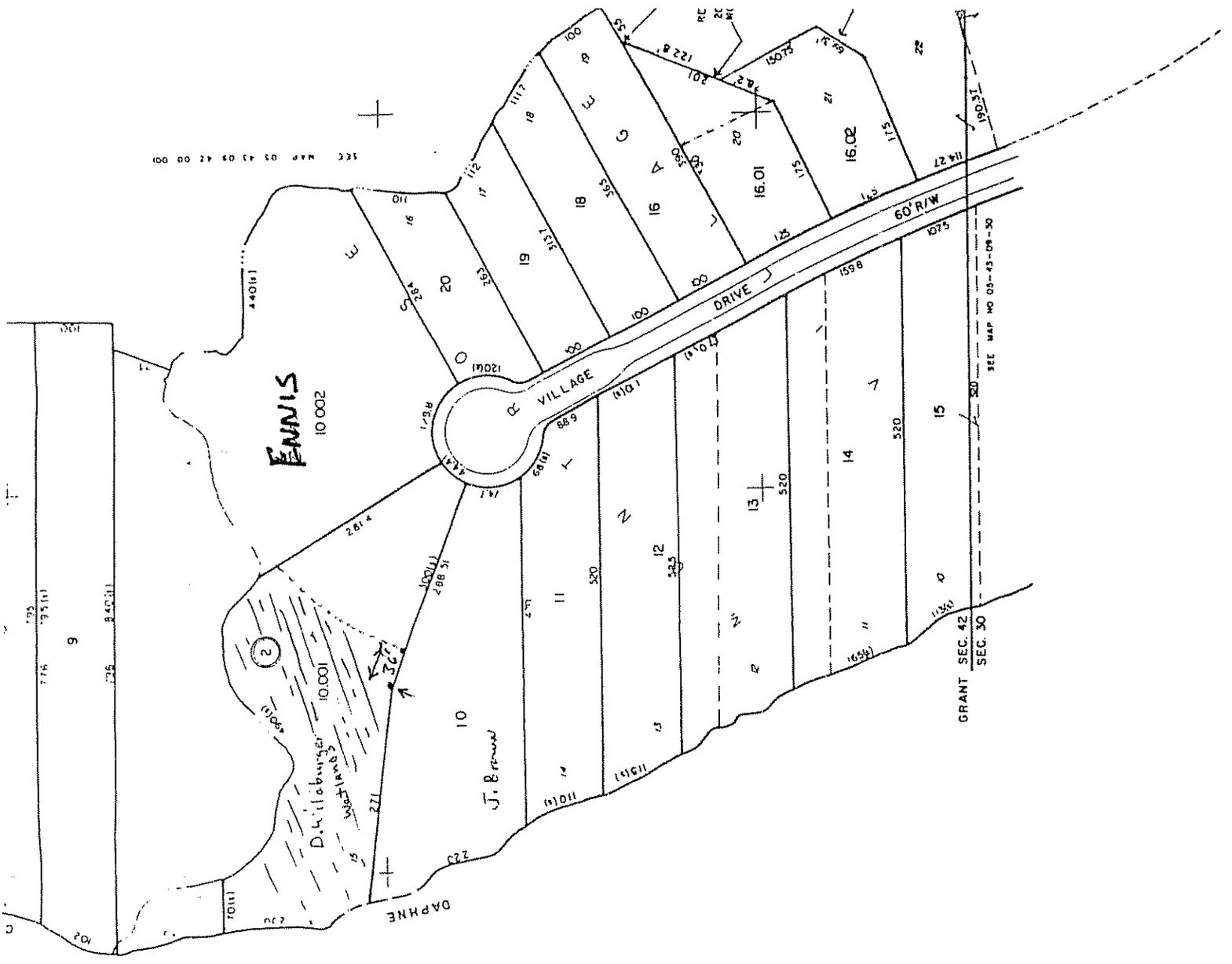


JOSEPH M. BROWN, JR.

JMBjr/mv

cc: Samuel N. Crosby, Esquire  
T. Jeffrey Stein, Esquire  
Andrew T. Citrin, Esquire  
Gregory B. Breedlove, Esquire  
Vincent F. Kilborn, Esquire  
Mark B. Reed, Esquire  
Woodmont Neighborhood Association Members

BAY



2756 R  
2757  
Baldwin

STATE OF ALABAMA  
COUNTY OF BALDWIN

RESTRICTIVE COVENANTS FOR MONTROSE VILLAGE

WHEREAS, Pecan Properties, Inc., a corporation organized and existing under the laws of the State of Alabama, is the owner of certain lots, parcels of land and real property known as "Montrose Village" and located in the County of Baldwin, State of Alabama, as more particularly shown by plat of Montrose Village recorded in:

Real Property Book - Map Book 8  
Page 63  
Offices of the Judge of Probate  
Baldwin County, Alabama, and;

WHEREAS, said Pecan Properties, Inc. is desirous of subjecting said lots, parcels of land and real property, and any and all conveyances of the same, to the covenants, terms, conditions, restrictions and limitations hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, and for other good and valuable considerations, the receipt of which, in full, is hereby acknowledged, it is hereby agreed and declared that said property and each of said lots and parcels of land shall become subject to the following covenants, terms, conditions, and restrictions effective the date hereof, that is to say:

1. All lots in the tract shall be known and described as residential lots and no lot shall be used except for residential purposes. No building or structure shall be erected, altered, placed or permitted to remain on any residential lot other than one detached single-family dwelling, not to exceed two stories in height (except that an attic or a basement floor under the ground surface shall not be considered a story for this purpose) and a private garage or carport for not more than three (3) automobiles, servants' quarters, and other appropriate outbuildings incidental to residential use.

2. No building, structure, or installed swimming pool shall be erected, altered, placed or permitted to remain on any residential lot until:

(a) Two copies of the final building or construction plans, specifications and plot plan showing the location of each building, structure or pool have been submitted to and approved by the Architectural Control Committee for Montrose Village as to conformity and harmony of external design with the existing or planned structures in the subdivision of Montrose Village and as to location of the building, structure or pool with respect to topography and finished ground elevation;

(b) Such Committee shall have indicated its approval by causing one copy of said building or construction plans, specifications and plot plan showing the location of such building, structure or pool to be endorsed to such effect and signed by a majority of said Committee.

3. The said Architectural Control Committee referred to herein shall be composed of Jack D. Cummings, Y. Charles Earl, Jr., Carlton G. Niemeyer. In the event of death

EXEM  
23-11-897

or resignation of any one or more members of said Committee, the remaining member or members, as the case may be, shall have the full authority to approve and disapprove any of the above mentioned plans, specifications, and/or plot plans and to have and exercise all authority herein granted and given unto the said Committee, including the power and authority to appoint a successor to fill the vacancy created by the death or resignation of any member of said Committee, said successor to be selected from the then owners of said lots in Montrose Village. None of the members of said Committee shall be entitled to any compensation for services rendered pursuant hereto. The actions of the Committee shall be governed by majority vote.

4. No residential building or structure shall be erected or placed on any lot which contains less than 20,000 square feet and all residential structures shall have their front entrance facing the front street lot line. Bay front houses to have front entrance facing street.

5. The ground floor area of the main building or structure, exclusive of one story open porches, open carports and garages, shall contain not less than 2,000 square feet in the case of a one story building or structure; or, not less than 1700 square feet in the case of a story and a half building or structure; or not less than 1500 square feet in the case of a two story building or structure; unless otherwise approved in writing by the Architectural Control Committee. For purposes of this paragraph No. 5, a basement floor or other area beneath the ground surface and/or an attic shall not be included in computing the designated minimum square footage.

6. No building shall be located on any lot nearer than 35 feet from the front lot line nor any nearer than 30 feet to any side street line unless otherwise approved in writing by the Architectural Control Committee. No building, except a detached garage or other outbuilding located 100 feet or more from the front lot line, shall be located nearer than 15 feet from any side lot line unless otherwise approved by the Architectural Control Committee. In any event no garage or other outbuilding shall be located nearer than ten feet to any side lot line.

7. No asbestos shingles nor concrete block shall be used on the exterior of any building or structure on any of said lots unless otherwise approved in writing by the Architectural Control Committee.

8. No air conditioning or heating unit, blower, tower, condenser, water well or structure related thereto shall be erected, placed, constructed or permitted to remain between the side of any building or structure and the side lot line on which such building or structure is located unless the same are properly enclosed in conformity with the general architecture of the primary residential building or structure.

9. No trade or business activity nor noxious or dangerous activity of any kind whatsoever shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance, nuisance, health hazard or safety hazard to the neighborhood without the written consent of the Architectural Control Committee.

file  
23  
in  
898

10. No trailer, tent, shack, garage or any other out-building on a lot shall at any time be used as a residence, temporary or permanent, nor shall any structure of a temporary character be used as a residence.

11. No fence, wall, or other dividing structure shall be erected or placed on any lot nearer than the front lot line set back line of 35 feet unless otherwise approved in writing by the Architectural Control Committee. Furthermore, in the case of Bay frontage lots 2 through 15, no fence, wall or dividing structure may be erected in the area between the "bluff line", as indicated on the plat, and the Bay. Additionally, no jetties, bulkheads or other means of trapping or channeling water and/or sand will be permitted on or in front of lots 2 through 15. Similarly, no channeling, damming, diverting or any other unnatural act will be permitted along the stream that runs along the rear lot lines of lots 15 through 18 without the express approval of the Architectural Control Committee, in writing.

12. No animals, livestock or poultry of any kind shall be raised, bred, harbored or kept on any lot except that the owner may keep no more than an aggregate total of two dogs or household cats, provided that they are not kept for any commercial use or purpose, and provided further that they, or either of them do not become an annoyance or nuisance to the neighborhood.

13. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste material shall not be kept on any lot except in sanitary containers. All incinerators, garbage cans and other equipment for the storage or disposal of such material shall be kept in a clean, sanitary condition and shall not be kept or maintained so as to be visible from the streets of Montrose Village.

14. No sign or signboard of any kind shall be displayed to the public view on any lot other than signs of not more than five square feet each as may be used by a builder while a residential building or structure or swimming pool is under construction on the lot or one of the same size if a house is being offered for sale.

15. No oil drill, oil development operations, oil refining, quarrying, or mining operations of any kind whatsoever shall be permitted upon any lot, nor shall oil wells, derricks, tanks, tunnels, mineral excavations, or shafts be erected or permitted to remain upon any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected or permitted to remain on any lot.

16. No lot shall be divided or re-subdivided or reduced in size without the express approval of the Architectural Control Committee, in writing. However, any purchaser of two or more adjacent lots may erect a residential building or structure in the middle (or thereabouts) of said lots so long as the covenants, terms, restrictions, conditions and limitations herein contained are otherwise complied with.

17. No clothes line or other outside apparatus for drying clothes shall be erected or permitted to remain on any lot unless completely concealed and enclosed and unless the same is located not closer than one hundred thirty five (135) feet from the front property line.

EX-28 2018/11/19

18. The covenants, terms and conditions, restrictions and limitations herein contained are to run with the land and shall be binding upon all parties and all persons claiming under them and shall inure to the benefit of, and shall be binding upon their, and each of their heirs, executors, administrators and assigns.

19. No lot shall be conveyed, devised, leased or demised at any time hereafter, except as being subject to the covenants, terms, conditions, restrictions and limitations herein contained; and the obligation to observe and perform the same; and whether or not it be so expressed in the deeds or other instruments or conveyances of property, the same shall be absolutely subject to the covenants, terms, conditions, restrictions and limitations hereincontained which shall run with and be appurtenant to the land and every part thereof, as fully as if expressly contained in proper and obligatory covenants or conditions, in each and every contract and conveyance of, or concerning any part of the land or the improvements to be made thereon.

20. If the parties hereto, or any of them, or any of their heirs, executors, administrators or assigns, or any such future owner or owners of any lot or lots within Montrose Village or any of their heirs, executors, administrators or assigns, shall violate or attempt to violate any of the covenants, terms, conditions, restrictions and/or limitations herein contained, it shall be lawful for any person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate the same to prevent such person or persons from so doing, or to recover damages for such violations or attempted violations.

21. Invalidation of any one of these covenants; terms, conditions and/or limitations, or any part thereof, by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

22. Any one or all of the covenants, terms, conditions, restrictions and/or limitations hereinbefore set forth may be annulled, amended or modified at any time by an instrument executed by the owners of not less than eighty (80) per cent of the property in said Montrose Village, which said instrument shall be acknowledged by each of the persons signing the same and shall be filed and recorded in the office of the Judge of Probate of Baldwin County, Alabama, provided, however, that no annulment, amendment or modification shall place an additional burden or restriction on any lot in said Montrose Village, the owner of which does not join in said amending instrument.

BOOK 23 PAGE 900

In witness whereof, Pecan Properties, Inc., a corporation, has caused this instrument to be executed in its name on its behalf and its corporate seal to be thereunto affixed and duly attested by its officers thereunto duly authorized on this the 31st day of January, 1973.

PECAN PROPERTIES, INC.

By: [Signature]  
As Its President



[Signature]  
As Its Secretary

STATE OF ALABAMA  
COUNTY OF BALDWIN

BOOK 23 241 901

Before me, the undersigned authority in and for said County and State, personally appeared Jack D. Cummings and Carlton G. Manner who are known to me to be the President and Secretary, respectively, of Pecan Properties, Inc., and whose names are signed to the foregoing instrument and who acknowledged before me on this day; that, being informed of the contents of said instrument, and, as such officers and with full authority, they executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this day of January 31, 1973.

[Signature]  
Notary Public, Baldwin County, Ala.  
My Commission Expires Oct. 12, 1975



STATE OF ALABAMA  
BALDWIN COUNTY  
I certify that this instrument was filed on

FEB 16 1973 322 P

and that on file was recorded, recorded in  
Book 23 Page 901  
By [Signature] Judge of Probate

PECAN PROPERTIES, INC.

By: [Signature]  
As Its President



[Signature]  
As Its Secretary

STATE OF ALABAMA  
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County and State, personally appeared Jack D. Cummings and Carlton G. Niepaver who are known to me to be the President and Secretary, respectively, of Pecan Properties, Inc., and whose names are signed to the foregoing instrument and who acknowledged before me on this day; that, being informed of the contents of said instrument, and, as such officers and with full authority, they executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this day of January 31, 1973.

[Signature]  
Notary Public, Baldwin County, Ala.  
My Commission Expires Oct. 12, 1975



STATE OF ALABAMA,  
BALDWIN COUNTY  
I certify that this instrument was filed on

FEB 16 1973 322 P

and that on the day indicated. Recorded in  
Miss. 83  
Page 89 of 11  
by 401 Judge of Probate

Blk 23 - 901

# SUN FLOORING

6845 HWY 90, SUITE 101  
 DAPHNE, AL 36526

251-625-1864

# Estimate

ESTIMATE NO.	DATE
98058	03/20/06

ESTIMATE FOR  
 Bay River Arts Guild  
 1704 6th St  
 Daphne, Al 36526

## SUN FLOORING

Area Rugs, Carpet, Ceramic, Wood

### Quality Installation

6845 Hwy 90 Suite 101  
 Daphne, Alabama 36526  
 Across from O'Charley's

Phone 625-1864 (AC-25)

Fax 625-191

Cell 251-648-42

sunflooring@hotmail.com

Don Cooley  
 Sales

AREA	DESCRIPTION	QUANTITY	PRICE	TOTAL
	Speedy Madras 48	45' 0" 65.83 Sqy	9.34	614.85
	Seam Sealer	1.00 Each	14.95	14.95
	Adhesive-Perimeter Glue	1.00 Each	39.95	39.95

SUB TOTAL	669.75
TAX	56.93
TOTAL	726.68

*This estimate is good for 30 days. If it meets with your approval, please sign and return*

SIGNATURE

**SUN  
FLOORING**

# Estimate

6845 HWY 90, SUITE 101  
DAPHNE, AL 36526

,251-625-1864

ESTIMATE NO.	DATE
98230	05/01/06

**ESTIMATE FOR**

Bay River Arts Guild  
1704 6th Street  
Daphne, Al 36526

Salesperson: **Don Cooley**

AREA	ITEM	DESCRIPTION	Check if appro
	Speedy	Madras 48	
	Seam Sealer	-	
	Adhesive-Perimeter Glue 1 Gal	-	

**THANK YOU** for considering us

**NOTES:**

<b>SUB TOTAL</b>	<b>642.48</b>
<b>TAX</b>	<b>54.61</b>
<b>TOTAL</b>	<b>697.09</b>

*This estimate is good for 30 days. If it meets with your approval, please sign and return*

**SIGNATURE**

**QUOTE**

Store 0863 DAPHNE  
 7100 HWY 90  
 DAPHNE, AL 36526

Phone: (251) 625-0890  
 Contact Center: (251) 625-0890  
 Salesperson: AR0570  
 Reviewer:

**QUOTE**

<b>SOLD TO</b>	Name <b>KNIGHT MYRA</b>		Home Phone <b>(251) 626-1616</b>	
	Address <b>165 BAYVIEW DR</b>		Work Phone <b>() -</b>	
	Company Name			
	City <b>DAPHNE</b>		Job Description <b>quote for in stock vinyl floor</b>	
	State <b>AL</b>	Zip <b>36526</b>	County <b>BALDWIN</b>	

2006-05-01 15:39  
**Prices Valid Thru: 05/02/2006**

<b>CUSTOMER PICKUP #1</b>				<b>MERCHANDISE AND SERVICE SUMMARY</b>				We reserve the right to limit the quantities of merchandise sold to customers.		
				REF #W01 SKU #515-664 Customer Pickup / Will Call						
<b>STOCK MERCHANDISE TO BE PICKED UP:</b>										
REF #	SKU	QTY	UM	DESCRIPTION	TAX	PRICE EACH	EXTENSIO			
R02	426-158	54.74	SY	12FT SUNDIAL SHEET VINYL - 30920 /	Y	\$10.98	\$601.0			
R03	629-221	1.00	EA	S-564 LOW GLOSS SEAM COATER KIT /	Y	\$10.87	\$10.8			
R04	305-902	1.00	PA	356 MULTI-PURPOSE ADH 4GAL /	Y	\$34.90	\$34.9			
<b>MERCHANDISE TOTAL:</b>							\$646.8			
<b>END OF CUSTOMER PICKUP REF #W01</b>										
<b>TOTAL CHARGES OF ALL MERCHANDISE &amp; SERVICES</b>							<b>ORDER TOTAL</b>	\$646.8		
							<b>SALES TAX</b>	\$54.9		
							<b>TOTAL</b>	\$701.8		
							<b>BALANCE DUE</b>	\$701.8		
END OF ORDER No. 0863-79807										

NOT VALID FOR MERCHANDISE CARRY-OUT



# QUOTE

Store 0863 DAPHNE  
7100 HWY 90  
DAPHNE, AL 36526

Phone: (251) 625-0890  
Contact Center: (251) 625-0890  
Salesperson: TP7709  
Reviewer:

# QUOTE

2006-04-06 08:11  
Prices Valid Thru: 04/07/2006

<b>SOLD TO</b>	Name <b>KNIGHT MYRA</b>		Home Phone <b>(251) 626-1616</b>	
	Address <b>165 BAYVIEW DR</b>		Work Phone <b>() -</b>	
	Company Name			
	City <b>DAPHNE</b>		Job Description <b>vinyl quote</b>	
	State <b>AL</b>	Zip <b>36526</b>	County <b>BALDWIN</b>	

<b>CUSTOMER PICKUP #1</b>		<b>MERCHANDISE AND SERVICE SUMMARY</b>			We reserve the right to limit the quantities of merchandise sold to customers.		
		REF #W01 SKU #515-664 Customer Pickup / Will Call					
<b>STOCK MERCHANDISE TO BE PICKED UP:</b>							
REF #	SKU	QTY	UM	DESCRIPTION	TAX	PRICE EACH	EXTENSION
R02	426-158	65.83	SY	12FT SUNDIAL SHEET VINYL - 30920 /	Y	\$10.98	\$722.81
R03	629-221	1.00	EA	S-564 LOW GLOSS SEAM COATER KIT /	Y	\$10.87	\$10.87
R04	305-902	1.00	PA	356 MULTI-PURPOSE ADH 4GAL /	Y	\$34.90	\$34.90
						<b>MERCHANDISE TOTAL:</b>	\$768.58
<b>TOTAL CHARGES OF ALL MERCHANDISE &amp; SERVICES</b>						<b>END OF CUSTOMER PICKUP REF #W01</b>	
						<b>ORDER TOTAL</b>	\$768.58
						<b>SALES TAX</b>	\$65.33
						<b>TOTAL</b>	\$833.91
						<b>BALANCE DUE</b>	\$833.91
<b>END OF ORDER No. 0863-78573</b>							

NOT VALID FOR MERCHANDISE CARRY-OUT

**MUNICIPAL AND COUNTY BUILDING PERMIT FEES  
RESIDENTIAL ONLY**

<b>CITY</b>	<b>BUILDING FEES</b>	<b>PLUMBING FEES</b>	<b>ELECTRICAL FEES</b>	<b>MECHANICAL FEES</b>	<b>REINSPECT FEES</b>	<b>SITE CONTAINMENT</b>
<b>DAPHNE</b>	\$60 per sq ft living \$30 per sq ft garage, etc. \$20 plus \$5 per \$1000 of value	\$70 for 3 bathrooms \$20 each additional bathroom	\$70 for 9 rooms \$20 each additional room	\$70 for 3 tons \$20 each additional	\$10.00	NONE
<b>FOLEY</b>	\$60 per sq ft living \$25 per sq ft garage, etc. \$3 per thousand of value plan review fee \$30	\$110.00	\$110.00	\$110.00	NONE	NONE
<b>FAIRHOPE</b>	\$5 per \$1000 of contract value	\$45.00	\$50.00	\$40.00	\$50 for first \$75 for second \$100 for third	NONE
<b>BALDWIN COUNTY</b>	\$60 per sq ft living \$25 per sq ft garage, etc. \$3 per thousand of value plan review fee \$30	\$110.00	\$110.00	\$110.00	NONE	NONE
<b>SPANISH FORT</b>	\$60 per sq ft living \$25 per sq ft garage, etc. \$3.50 per thousand of value  plan review - 25% of permit fee	\$110.00	\$110.00	\$110.00	NONE	NONE
<b>ORANGE BEACH</b>	Permit fees - \$4 per thousand Alteration fees - \$3 per thousand  Plan review- \$2 per thousand	\$5 PER FIXTURE	FEE PER AMP	\$100.00	\$25.00	NONE
<b>GULF SHORES</b>	\$4 per thousand of total value plus \$20 application fee	\$4 per thousand of total value of contract	\$4 per thousand of total value of contract	\$4 per thousand of total value of contract	NONE	NONE

**CITY OF DAPHNE BUILDING FEES - PROPOSED  
RESIDENTIAL ONLY**

<b>CITY</b>	<b>BUILDING FEES</b>	<b>PLUMBING FEES</b>	<b>ELECTRICAL FEES</b>	<b>MECHANICAL FEES</b>	<b>REINSPECT FEES</b>	<b>SITE CONTAINMENT</b>
<b>DAPHNE</b>	\$60 per sq ft living \$30 per sq ft garage, etc. \$20 plus \$5 per \$1000 of value	\$70 for 3 bathrooms \$20 each additional bathroom	\$70 for 9 rooms \$20 each additional room	\$70 for 3 tons \$20 each additional	\$10.00	NONE
<u>CURRENT FEES</u>						
<b>DAPHNE</b>	\$60 per sq ft living \$30 per sq ft garage, etc. \$20 plus \$5 per \$1000 of value	\$110.00	\$110.00	\$110.00	1st - no charge 2nd - \$50 3rd - \$100 4th - \$500	\$50.00 FEE
<u>PROPOSED FEES</u>	Plan review fee -\$25.00				Stop work fee -\$100 reinspect fee	

**MUNICIPAL AND COUNTY BUILDING PERMIT FEES  
COMMERCIAL ONLY**

<b>CITY</b>	<b>BUILDING FEES</b>	<b>PLUMBING FEES</b>	<b>ELECTRICAL FEES</b>	<b>MECHANICAL FEES</b>	<b>REINSPECT FEES</b>	<b>SITE CONTAINMENT</b>
<b>DAPHNE</b>	\$6 per thousand of total contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$10.00	NONE
<b>FOLEY</b>	SBCCI Building valuation data sheet \$5 per thousand of value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$10.00	NONE
<b>FAIRHOPE</b>	\$5 per thousand of contract value  Plan review - 1/2 of building permit	\$75.00	\$75.00	\$75.00	\$50 for first \$75 for second \$100 for third	NONE
<b>BALDWIN COUNTY</b>	\$5 per thousand of contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	NONE	NONE
<b>SPANISH FORT</b>	\$6 per thousand of total contract value  Plan review fee- \$500 or 1/2 building permit	\$1 per thousand of total contract value	\$1 per thousand of total contract value	\$1 per thousand of total contract value	NONE	NONE
<b>ORANGE BEACH</b>	\$5 per thousand of contract value  Plan review fee- \$2 per \$1000 of contract value	\$5 Per fixture	Per fixture & outlet	\$100 per unit	\$25.00	NONE
<b>GULF SHORES</b>	\$5 per thousand of contract value	\$5 per thousand of contract value	\$5 per thousand of contract value	\$5 per thousand of contract value	NONE	NONE

**CITY OF DAPHNE BUILDING FEES - PROPOSED  
COMMERCIAL ONLY**

CITY	BUILDING FEES	PLUMBING FEES	ELECTRICAL FEES	MECHANICAL FEES	REINSPECT FEES	SITE CONTAINMENT
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**DAPHNE**

CURRENT FEES

\$6 per thousand of total contract value	\$1 per thousand of total contract value	\$10.00	NONE			
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**DAPHNE**

PROPOSED FEES

\$6 per thousand of total contract value	\$6 per thousand of subcontractors total contract amount - minimum is \$110.00	\$6 per thousand of subcontractors total contract amount - minimum is \$110.00	\$6 per thousand of subcontractors total contract amount - minimum is \$110.00	\$6 per thousand of subcontractors total contract amount - minimum is \$110.00	1st - no charge 2nd - \$50 3rd - \$100 4th - \$500	NONE
Plan review fee - \$100					Stop work fee - \$100 reinspect fee	

# Permit Inspection Listing

Monday, May 01, 2006 9:14:49 AM

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
05-1595	30953 PINE CT	11/21/2005	VISION POOLS & SPAS, INC.	FINAL	4/3/2006	Yes	LEFFARD
<b>Proposed Use:</b>	POOL PERMIT						
0500676	8860 NORTH LAMHATTY LANE	06/08/2005	BINCH, INC.	FINAL	4/3/2006	Yes	MATT KALIFEH
05-1348	2206 MAIN ST	10/17/2005	ROACH BUILDERS, INC.	FINAL	4/4/2006	Yes	RON STEVENS
<b>Proposed Use:</b>	ALTERATIONS						
0500759	29950 ST. SIMON ST.	05/19/2005	MITCHELL HOMES	FINAL	4/5/2006	Yes	MITCHELL HOMES
05-1239	9600 KASEY CT	09/27/2005	CHRIS LEIGH HOMES, INC.	FINAL	4/6/2006	Yes	CHRIS LEIGH HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
0400916	27901 TAWASHA CT.	07/02/2004	DONNA L. SUMERLIN	FINAL	4/10/2006	Yes	DONNA L. SUMERLIN
05-1229	30108 LOBLOLLY CIR.	09/23/2005	DAVID STAPLETON BUILDERS	FINAL	4/10/2006	No	DAVID STAPLETON BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1667	30953 PINE CT	11/23/2005	EASTERN SHORE BUILDERS	FINAL	4/12/2006	Yes	LEFFARD
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
0500304	30463 D'OLIVE RIDGE	03/01/2005	DAVID STAPLETON BUILDERS	FINAL	4/12/2006	No	BEEBE
0500900	8935 S. LAMHATTY LANE	06/06/2005	HLM BUILDERS	FINAL	4/13/2006	Yes	HLM BUILDERS
06-40	179 COUNTRY CLUB DR.	01/10/2006	A BETTER LOOK	FINAL	4/13/2006	Yes	BILL RYAN
<b>Proposed Use:</b>	12 x 16 STORAGE BUILDING & ENCLOSE EXISTING CARPORT						
0500858	9576 KASEY COURT	05/31/2005	FLANAGAN BUILDERS INC.	FINAL	4/13/2006	Yes	GULF STREAM DEVELOPMENT LLC
05-1338	105 ROLLINGHILL DR	10/17/2005	SOUTHERN HERITAGE BUILDERS	FINAL	4/13/2006	Yes	SOUTHERN HERITAGE BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME - NOTE: PLOT PLAN APPROVED BY MR. EADY						
05-1241	26218 VIA DEL SAN FRANCESCO	09/27/2005	MICHAEL MANAGEMENT, INC.	FINAL	4/14/2006	Yes	MICHAEL MANAGEMENT
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1527	8194 PECAN CT	11/19/2005	R.H. SIMMONS, LLC	FINAL	4/14/2006	No	R.H. SIMMONS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1527	8194 PECAN CT	11/19/2005	R.H. SIMMONS, LLC	FINAL	4/17/2006	Yes	R.H. SIMMONS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1337	27780 OAKACHOY LOOP	10/17/2005	LUXURY LIVING BUILDERS, INC.	FINAL	4/18/2006	Yes	LUXURY LIVING BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1207	9765 BELLA DRIVE	09/19/2005	MTB CUSTOM BUILDERS	FINAL	4/19/2006	No	MTB CUSTOM BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
06-335	9159 ASHLEY CT	03/06/2006	JOHN IKNER HOMES LLC	FINAL	4/20/2006	Yes	JIM CAUSEY
<b>Proposed Use:</b>	GARAGE ADDITION						
05-1207	9765 BELLA DRIVE	09/19/2005	MTB CUSTOM BUILDERS	FINAL	4/20/2006	Yes	MTB CUSTOM BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1558	8017 PINE RUN	11/19/2005	SNOW CONSTRUCTION	FINAL	4/20/2006	Yes	CHAD ALESSI
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						

Permit #	Job Address	Issue Date	Contractor	Inspection	Date	Approved	Owner
06-575	28850 STE 200 HWY 98	04/18/2006	OWNER	FINAL	4/20/2006	No	JASON GREEN
<b>Proposed Use:</b>	REMODELING						
0500791	29895 ST. SIMON ST.		MITCHELL HOMES	FINAL	4/20/2006	Yes	MITCHELL HOMES
0500782	29889 ST. SIMON ST.		MITCHELL HOMES	FINAL	4/20/2006	Yes	MITCHELL HOMES
06-575	28850 STE 200 HWY 98	04/18/2006	OWNER	FINAL	4/21/2006	No	JASON GREEN
<b>Proposed Use:</b>	REMODELING						
05-1336	27700 OAKACHOY LOOP	10/17/2005	LUXURY LIVING BUILDERS, INC.	FINAL	4/24/2006	Yes	LUXURY LIVING BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
0500872	9799 BELLA DRIVE	06/06/2005	HYMAN HOMES, INC.	FINAL	4/25/2006	Yes	HYMAN HOMES
05-1170	8177 PECAN CT	09/08/2005	LIPSCOMB HOMES LLC	FINAL	4/25/2006	No	LIPSCOMB HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1282	4 YACHT CLUB DR. BLDG 29 (8 UNITS	10/03/2005	INTREPID VENTURES	FINAL	4/25/2006	Yes	INTREPID VENTURES
<b>Proposed Use:</b>	NEW RESIDENTIAL						
05-1282	4 YACHT CLUB DR. BLDG 29 (8 UNITS	10/03/2005	INTREPID VENTURES	FINAL	4/25/2006	Yes	INTREPID VENTURES
<b>Proposed Use:</b>	NEW RESIDENTIAL						
05-1169	8264 PECAN CT	09/08/2005	LIPSCOMB HOMES LLC	FINAL	4/25/2006	No	LIPSCOMB HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1282	4 YACHT CLUB DR. BLDG 29 (8 UNITS	10/03/2005	INTREPID VENTURES	FINAL	4/25/2006	Yes	INTREPID VENTURES
<b>Proposed Use:</b>	NEW RESIDENTIAL						
05-1282	4 YACHT CLUB DR. BLDG 29 (8 UNITS	10/03/2005	INTREPID VENTURES	FINAL	4/25/2006	Yes	INTREPID VENTURES
<b>Proposed Use:</b>	NEW RESIDENTIAL						
05-1229	30108 LOBLOLLY CIR.	09/23/2005	DAVID STAPLETON BUILDERS	FINAL	4/26/2006	Yes	DAVID STAPLETON BUILDERS
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
0500591	29936 ST. SIMON ST.	05/18/2005	MITCHELL HOMES	FINAL	4/26/2006	Yes	MITCHELL HOMES
0500725	29944 ST. SIMON ST.	05/18/2005	MITCHELL HOMES	FINAL	4/26/2006	Yes	MITCHELL HOMES
05-1641	26436 KENSINGTON PLACE BLDG 1	11/21/2005	LANGENBACH CONSTRUCTION	FINAL	4/27/2006	Yes	THOMAS TOMBS (DANCE STUDIO)
<b>Proposed Use:</b>	NEW COMMERCIAL BUILDING						
06-216	8068 DEERWOOD DR.	02/10/2006	ADAMS HOMES, LLC	FINAL	4/27/2006	Yes	ADAMS HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1663	26436 KENSINGTON PLACE BLDG 2	11/23/2005	LANGENBACH CONSTRUCTION	FINAL	4/27/2006	No	THOMAS TOOMBS
<b>Proposed Use:</b>	NEW COMMERCIAL BUILDING						
05-1170	8177 PECAN CT	09/08/2005	LIPSCOMB HOMES LLC	FINAL	4/27/2006	Yes	LIPSCOMB HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
05-1525	27492 HOBBY HORSE LANE	11/19/2005	MITCHELL HOMES	FINAL	4/28/2006	Yes	MITCHELL HOMES
<b>Proposed Use:</b>	NEW RESIDENTIAL HOME						
06-609	641 RIDGEWOOD DR	04/25/2006	UNDERWOOD CONSTRUCTION	FINAL	4/28/2006	Yes	STEVE SCARCLIFF
<b>Proposed Use:</b>	ADDITION						

<b>Permit #.</b>	<b>Job Address</b>	<b>Issue Date</b>	<b>Contractor</b>	<b>Inspection</b>	<b>Date</b>	<b>Approved</b>	<b>Owner</b>
05-1663	26436 KENSINGTON PLACE BLDG 2	11/23/2005	LANGENBACH CONSTRUCTION	FINAL	4/28/2006	Yes	THOMAS TOOMBS
<b>Proposed Use:</b>	NEW COMMERCIAL BUILDING						

# City of Daphne

## Permit Activity Summary Report

Monday, May 01, 2006

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	42	\$3,844,746.00	\$19,947.00
EL	ELECTRICAL PERMIT	39	\$4,250.00	\$5,400.00
ME	MECHANICAL PERMIT	31	\$31,600.00	\$3,703.00
PL	PLUMBING PERMIT	18	\$2,000.00	\$2,426.00
<b>Grand Totals</b>		130	\$3,882,596.00	\$31,476.00



# City of Daphne

## Permit Activity Report

Monday, May 01, 2006

84-1	ADAMS HOMES, LLC	06-564	8086 BROOKSIDE LANE	Yes	A	04/17/2006	04/17/2006	\$96,120.00	\$500.00
	ADAMS HOMES, LLC		DAPHNE, AL 36526						
84-1	ADAMS HOMES, LLC	06-565	8041 DEERWOOD DR	Yes	A	04/17/2006	04/17/2006	\$116,700.00	\$600.00
	ADAMS HOMES, LLC	06-AQX	DAPHNE, AL 36526						
482-1	BENCHMARK HOMES, INC.	06-553	27208 LASHAY DR	Yes	A	04/14/2006	04/14/2006	\$125,400.00	\$645.00
	BENCHMARK HOMES, INC.	06-AQS	DAPHNE, AL 36526						
<b>Total Residential - NEW - R3 BL Permit(s)</b>						18		<b>\$3,500,980.00</b>	<b>\$17,820.00</b>
<b>Total Residential - NEW BL Permit(s)</b>						18		<b>\$3,500,980.00</b>	<b>\$17,820.00</b>
<b>Total Residential BL Permit(s)</b>						18		<b>\$3,500,980.00</b>	<b>\$17,820.00</b>
<b>Total BL Permit(s)</b>						18		<b>\$3,500,980.00</b>	<b>\$17,820.00</b>
<b>Grand Totals</b>						<b>18</b>		<b>\$3,500,980.00</b>	<b>\$17,820.00</b>

# City of Daphne

## Permit Activity Report

Monday, May 01, 2006

Permit Code: BL BUILDING PERMIT

### Residential - NEW - R3 BL Permits

Txid - Loc#	Contractor Name / Location Name	Permit # / Project #	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
1204-1	D & W HOMES LLC	06-601		30082 D'OLIVE RIDGE	Yes	A	04/24/2006	04/24/2006	\$225,300.00	\$1,145.00
4846-1	HOME OWNER	06-523		26100 VIA DEL SAN FRANCESCO	Yes	A	04/05/2006	04/05/2006	\$136,500.00	\$700.00
2147-1	HYMAN HOMES, INC.	06-538		8087 PINE RUN	Yes	A	04/10/2006	04/10/2006	\$301,950.00	\$1,525.00
482-1	BENCHMARK HOMES, INC.	06-582		27214 ELISE CT	Yes	A	04/20/2006	04/20/2006	\$149,460.00	\$765.00
3498-1	PLATT HOMEBUILDERS, INC	06-586		9548 KASEY CT	Yes	A	04/20/2006	04/20/2006	\$228,090.00	\$1,160.00
3672-1	REED CONSTRUCTION LLC	06-544		8254 CO. RD. 64 #3200	Yes	A	04/11/2006	04/11/2006	\$500,000.00	\$2,515.00
3672-1	REED CONSTRUCTION CO., INC.	06-AQ2		8254 CO. RD. 64 #1000	Yes	A	04/11/2006	04/11/2006	\$500,000.00	\$2,515.00
4846-1	HOME OWNER	06-521		138 LAKEVIEW LOOP	Yes	A	04/05/2006	04/05/2006	\$141,210.00	\$725.00
1144-1	CRAIG SINCLAIR BUILDER, INC.	06-580		8110 PINE RUN	Yes	A	04/19/2006	04/19/2006	\$218,220.00	\$1,110.00
84-1	ADAMS HOMES, LLC	06-566		8034 BROOKSIDE LANE	Yes	A	04/17/2006	04/17/2006	\$96,120.00	\$500.00
482-1	BENCHMARK HOMES, INC.	06-554		7722 AVERY LANE	Yes	A	04/14/2006	04/14/2006	\$111,000.00	\$570.00
482-1	BENCHMARK HOMES, INC.	06-AQT		7731 AVERY LANE	Yes	A	04/14/2006	04/14/2006	\$117,150.00	\$605.00
482-1	BENCHMARK HOMES, INC.	06-555		7743 AVERY LANE	Yes	A	04/14/2006	04/14/2006	\$114,630.00	\$590.00
3047-1	MDH CONSTRUCTION SERVICES, I	06-562		8851 N. LAMHATY LN.	Yes	A	04/17/2006	04/17/2006	\$215,850.00	\$1,095.00
84-1	ADAMS HOMES, LLC	06-AQV		8042 DEERWOOD DRIVE	Yes	A	04/17/2006	04/17/2006	\$107,280.00	\$555.00

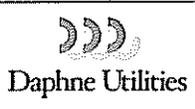
# PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR APRIL 2006

SUBDIVISIONS CORPORATE LIMITS	NUMBER OF LOTS	NO. RESIDENTIAL AND COMMERCIAL PERMITS ISSUED
ASHLEY PLACE, PHASE ONE	20	
AUSTIN PLACE, PHASE ONE	14	
AUSTIN PLACE, PHASE TWO	9	
BELLATON, PHASE ONE	59	1
BLACKSHER PLACE, PHASE ONE	8	
BRISTOL CREEK, PHASE ONE	40	
BROOKSIDE, PHASE ONE		2
CANTERBURY PLACE, PHASE ONE	36	
CANTERBURY PLACE, PHASE TWO	34	
CANTERBURY PLACE, PHASE THREE	40	
CANTERBURY PLACE, PHASE FOUR	13	
CHARLESTON OAKS, PHASE ONE	24	
CHATEAUGUAY SQUARE, PHASE ONE	12	
CREEKSIDE, PHASE ONE	37	
CREEKSIDE, PHASE TWO	50	
CREEKSIDE, PHASE THREE	5	
DAPHNE COMMERCIAL PARK, PHASE ONE	25	
DELACHASE SQUARE, PHASE ONE	6	
DEERWOOD SQUARE	26	2
EAGLE CREEK, PHASE ONE	32	
EAGLE CREEK, PHASE TWO	42	
FRANKLIN SQUARE, PHASE ONE	17	
HARBOR PLACE, PHASE ONE	25	
HIDDEN CREEK, PHASE ONE	9	
HISTORIC MALBIS, PHASE ONE	122	
HISTORIC MALBIS, PHASE TWO, PART A	101	
HISTORIC MALBIS, PHASE TWO, PART B	69	
HISTORIC MALBIS, PHASE THREE, PART A	8	
HWY 64 COMMERCIAL PARK, PHASE ONE	15	
JACKSON SQUARE, PHASE ONE	29	
KAYLAR PLACE		
LACASA DI SAN FRANCESCO, PHASE ONE	24	
LACASA DI SAN FRANCESCO, PHASE TWO	13	1
LAKE FOREST		1
LAUREL PLACE, PHASE ONE	15	

## PLANNING/ZONING/BUILDING DEVELOPMENT OUTLINE FOR APRIL 2006

MADISON PLACE, PHASE ONE	67	
MADISON PLACE, PHASE TWO		5
OAKSTONE, PHASE ONE	12	
OTTAWA SPRINGS, PHASE ONE	64	
PECAN TRACE, PHASE ONE	29	
POLO TRACE, PHASE ONE	18	
POTTERS MILL, PHASE THREE	24	
SAINT CHARLES PLACE, PHASE ONE	22	
SEHOY, PHASE ONE	75	
SEHOY, PHASE TWO	32	
SEHOY, PHASE THREE	57	
SEHOY, PHASE FOUR	53	
SEHOY, PHASE FIVE	29	
STRATFORD GLEN, PHASE ONE	34	
STRATFORD GLEN, PHASE ONE B	17	
STRATFORD GLEN, PHASE TWO	29	
STRATFORD GLEN, PHASE THREE	47	
SUNSET BAY VILLAS		
TIAWASEE TRACE, PHASE ONE	51	1
TIMBERCREEK, PHASE ONE	191	
TIMBERCREEK, PHASE TWO	81	
TIMBERCREEK, PHASE THREE	54	
TIMBERCREEK, PHASE FOUR	55	
TIMBERCREEK, PHASE FIVE	26	
TIMBERCREEK, PHASE SIX	85	
TIMBERCREEK, PHASE SEVEN	72	
TIMBERCREEK, PHASE EIGHT	52	
TIMBERCREEK, PHASE NINE	93	2
TIMBERCREEK, PHASE TEN	31	1
TRACE CROSSING, PHASE ONE	14	
VAN AVENUE, PHASE ONE	8	
VICTORIA SQUARE, PHASE ONE		
WOOD FOREST, PHASE ONE	26	
YANCEY BRANCH, PHASE ONE	28	





Buffalo Rock



# Gulf Coast ZYDECO

## MUSIC & CRAWFISH FESTIVAL

### WITH A CAJUN KICK!

# IT'S ALL ABOUT THE DANCE!

## May 19, 20 & 21 2006 DAPHNE CIVIC CENTER DAPHNE, ALABAMA

Centrally located 14 miles East of Mobile, AL and 53 miles West of Pensacola, FL



### GREAT FOOD! FABULOUS ZYDECO SUNDAY BRUNCH!



STEPHANIE'S CONCESSIONS  
MOBILE, ALABAMA

DEB'S CATERING & SMOKEY JOE'S BBQ  
MOBILE, ALABAMA

R&R SEAFOOD BATTLESHIP PARKWAY



## Tickets \$15 per day

Featuring Zydeco Dance Instructors



Ms. Mona "Zydeco Queen" Wilson™

and the Zydeco Posse!



Guyland Ledet

Leroy Thomas and the Zydeco Roadrunners



Curley Taylor & Zydeco Trouble



Same Ol' 2 Step



Geno Delafosse & French Rockin Boogie



Andre Thierry & the Zydeco Maglc

Nathan and the Zydeco Cha Chas



## 251-626-5300

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Hurricane Electronics



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# TASTE of the EASTERN SHORE

# 6

## Goes SPORTS Crazy!

### August 4, 2006

#### DAPHNE CIVIC CENTER

### 50 SHOWCASING OF THE BEST

MOBILE AND BALDWIN COUNTY  
FOOD AND BEVERAGE ESTABLISHMENTS  
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*Enjoy Ballroom Dance  
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most requested  
dance bands  
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southeast!*



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**Friday, June 16, 2006**  
**Door Opens at 6:00 p.m.**  
**Dance 7:00 p.m.**



For Additional Information Contact Barbara Kellam at (251) 625-4258  
A Daphne Civic Center Production

## **Public Safety Committee**

*Tuesday, May 2, 2006*

Councilman Greg Burnam, Chairman  
Councilman Gus Palumbo  
Councilwoman Regina Landry  
Fire Chief Mund Hanson  
PW Sup. Melvin McCarley

Police Chief David Carpenter  
Captain David Wilson  
Captain Randy Bishop  
Captain Scott Taylor  
Michele Hanson - Secretary

### **Committee Members Attending:**

Councilman Greg Burnam, Councilwoman Regina Landry, Capt. Scott Taylor, Fire Captain Kenny Hanak and PW Sup. Melvin McCarley.

Also Present: Mayor Small, Lt. Bell, Lisa Jones, Ruth Slay and Pete LeNoir

#### **I. CALL TO ORDER**

Mr. Burnam **convened** the meeting at 4:35 p.m.

#### **II. PUBLIC PARTICIPATION**

##### **1) Speeding Concerns - Lisa Jones/4th Street**

Ms. Jones addressed the committee with her concerns regarding speeding on Pinehill Drive and 4<sup>th</sup> Street. She is concerned for the children who are waiting for the school bus. She would like to see some 'children at play' signs installed. Capt. Taylor stated if she knew who in her neighborhood was doing the speeding, to get the tag number and an officer will speak to the person directly. She also is concerned about drugs in the neighborhood. Lt. Bell also stated that if she knows who, when, or what kind of car, anyone can call in anonymously at any time and report drug activity and an officer will respond. Mr. McCarley stated he will install some signs in the area.

##### **2) Traffic Study - D'Olive & N. Main St. (Ruth Slay/121 Fairway Dr.)**

The committee reviewed the traffic study presented. Ms. Slay asked if there is anything the City could do to help with exiting out of D'Olive getting onto North Main. The committee favorably recommended for Public Works to stripe North Main and create a turn lane into D'Olive and egress lane to enter traffic on North Main.

##### **3) Traffic Study - Camellia Lane (Pete LeNoir/809 Camellia Lane)**

The committee reviewed the traffic study presented. The average speed for the eastbound lane was 25 mph and the westbound lane was 21 mph. Mr. Burnam stated that the committee needs a petition from the residents on Camellia Lane to continue with the process. Mr. LeNoir will get the signatures and this will be placed on next month's agenda. Mr. McCarley will do another traffic study.

##### **4) Traffic Study - Canterbury Road (Debbie Roper/Canterbury Rd)**

The committee reviewed the traffic study presented. The average speed for the southbound lane

was 22 mph and the northbound lane was 23 mph. Mr. Burnam stated he has spoken to Ms. Roper and she informed him that the traffic has slowed down since the last meeting. Based on the traffic study, the committee recommended not to install speed humps at this time.

5) **D-Run Patrol Report - Magnolia & Belrose area - (*Frank Martin/614 Magnolia Ave*)**

Capt. Taylor reviewed the D-run report for Magnolia & Belrose and informed the committee that 21 cars were clocked and the highest speed was 34 mph. Capt. Taylor recommended periodic D-Runs for the area.

6) **D-Run Patrol Report - Deer Avenue**

Capt. Taylor reviewed the D-run report for Deer Ave and informed the committee that 35 cars were clocked and the highest speed was 48 mph; 3 citations were written. Mr. Burnam would like the consensus of the residents of Deer Avenue before the traffic calmers are installed. Mayor Small requested a letter be sent to the residents for their opinion.

III. **APPROVAL OF MINUTES FROM PREVIOUS MEETING**  
**Minutes from April 4, 2006 Meeting**

<p><i>Motion by Ms. Landry</i> to adopt the minutes as presented. <i>Seconded by Mr. Burnam.</i> The minutes were adopted without revision. <b>Motion carried.</b></p>
--

I. **FIRE DEPARTMENT**

A. **New Business**

1. **Statistics for March 2006**

Capt. Hanak reviewed the stats for March. He stated the calls were up for March. All personnel have been hired. Mr. Burnam asked if any had pervious experience. Capt. Hanak stated half of those hired do have previous experience.

B. **Old Business**

II. **POLICE DEPARTMENT**

A. **New Business**

1. **Statistics for March 2006**

Capt. Taylor reviewed the stats for March. Mr. Burnam asked if the money seized was from drug arrests. Lt. Bell stated most of the money seized is from drug arrests, there are a few other exceptions, proceeds for a criminal act, for example. Mr. Burnam asked if the amount of burglaries were high. Lt. Bell stated most of these have been from new home construction sites. Capt. Taylor stated this also includes storage unit burglaries.

2. **Ordinance Prohibiting by-passing stop signs or red lights**

Capt. Taylor asked the committee to consider recommending a new ordinance prohibiting vehicles from by-passing red lights or stop signs by cutting through private property such as parking lots. Mayor Small suggested Michele write the ordinance and place it on next month's agenda for committee review.

B. **Old Business**

### III. OTHER BUSINESS

#### 1) Proposed Wrecker Ordinance

Mr. Burnam reviewed the proposed ordinance and the wrecker fee comparison sheet. He also commented on the invoices by Goen's, Wilson's and Cockrell's and how they were not charging what the current ordinance states. Capt. Taylor stated according to the ordinance each wrecker service is to keep a log and have it available at any time for police review. Mr. Burnam requested that Capt. Taylor speak with each of the wrecker services in Daphne and report back his findings at the next meeting. Ms. Landry stated she thinks the increase request is too high and is not in favor of the increase. Mr. Burnam requested that this be on next month's agenda and Capt. Taylor will speak to the wrecker companies.

#### 2) Amendment request to Wrecker Ordinance

Capt. Taylor stated that one of the wrecker drivers had approached him and said they were in the process of purchasing a new truck and asked if a rollback truck could be used at any time. Capt. Taylor stated according to the ordinance, "no rollback wrecker will be used to answer a rotation call unless specifically requested by the Daphne Police dispatcher." He further stated he is not opposed to changing it that either could be used, standard or rollback. The committee favorably recommended this change be made to the proposed wrecker ordinance.

### VII. ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:50 p.m.  
The next meeting will be **Tuesday, June 6, 2006 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: March, 2006**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	-	1
11-Structure Fire/Commercial	-	1
11-Structure Fire/Residential	3	10
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	3	13
14-Natural Vegetation Fire	6	8
15-Outside Rubbish Fire	1	4
16-Special Outside Fire	-	-
17-Cultivated Vegetable Crop Fire	-	-
<b>2-Overpressure Rupture:</b>	-	-
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	122	655
<b>4-Hazardous Conditions (No fire):</b>	4	24
<b>5-Service Call:</b>	6	46
<b>6-Good Intent Call:</b>	8	66
<b>7-False Alarm &amp; False Call:</b>	12	49
<b>8-Severe Weather &amp; Natural Disaster:</b>	-	1
<b>9-Other Situation:</b>	-	1
<b>Total Emergency Calls:</b>	<b>152</b>	<b>787</b>
<b>Monthly Total Calls:</b>	<b>164</b>	<b>879</b>
<b>Response Time:</b>		
<b>Highest:</b>	10	15
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/26	4/36
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	222	1,508
<b>Property Loss - \$</b>	14,250	71,150
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	-/-	-/1
<b>Child Passenger Safety Seat Inspections/Installations</b>	8	63
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	2	73
<b>Persons Attending</b>	165	3,108
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	4	35
<b>Final/Certificate of Occupancy</b>	-	28
<b>General/Annual Inspections</b>	281	915
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	-	77
<b>Business Licenses</b>	18	53
<b>Consultations</b>	-	7
<b>All Other/Misc. Activities</b>	1	21
<b>Total Activities:</b>	<b>304</b>	<b>1136</b>

Authorized by:

*A. Mund Hanson*

A. Mund Hanson

Daphne Police Department			Monthly Report				March 2006			
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)				
						YTD				
# Complaints	1,202	# New Cases Received:	71	Total Arrestees Received & Processed:	183	<u>1,044</u>	# Misd. Marijuana Arrest	5	Arson	0
# Misd. Arrests	44	# Previous Unsolved Cases:	114	Arrestees by Agency:			# Felony Marijuana Arrest	1	Burglary – Residence	0
# Felony Arrests	13	# Cases Solved:	7	Daphne PD	115	613	# Controlled Substance Arrest: Lortab, Oxycontin	4	Burglary – Commercial	12
# Citations	144	Resulting in Total Arrests:	6	BCSO	12	<u>88</u>	# Drug Paraphernalia Arrest	2	Burglary – Vehicles	4
# Close Patrols	90	Felonies:	4	Loxley PD	27	<u>172</u>			Criminal Mischief	14
# Warnings	174	Misdemeanors:	2	Silverhill PD	12	<u>54</u>	Vehicles Searched	19	Domestic Disturbance	15
# Motorist Assist	212	Houses Searched	0	Spanish Fort PD	16	<u>94</u>			Disorderly Conduct	0
# Alias Warrants	47			Troopers	1	<u>10</u>	Drugs Seized:crackcocaine,marijuana		Felony Theft	20
# Roadway Accidents	65			INS	0	<u>0</u>	Money Seized	\$1,041	Misdemeanor Theft	26
# Private Prop. Accidents	20	<b>Warrants:</b>		Other Agencies	0	<u>13</u>	Vehicles Seized	0	Felony Assault	0
# DUI's	12	Bettner Served	35						Misdemeanor Assault	4
Traffic Homicide	0	Officer Served	9	Highest	33	202	<b>Animal Control</b>		False Info to Police	1
		Recalls (Pd Fines)	20	Lowest	18	106	#Complaints	60	Harassment	7
		Total Warrants Served	64				#Follow-ups	13	Indecent Exposure	0
				Meals Served	1,782	10,520	#Citations	3	Kidnapping	0
		<b>Sex Offender:</b>		Medical Cost	\$2,545.62	12,409.95	#Warnings	5	Murder	0
		New Registration:	0	Worker Inmate Hours	414	3,847	#Felines Captured	21	Menacing	1
		Contact Verification	1				#Canines Captured	45	Public Intoxication	0
		Total # registered in Daphne	6				#Other Captured	3	Public Lewdness	0
		<b>DARE:</b>					#Returned to Owner	12	Receiving Stolen Property	1
		# Hours Report Writing:	7				#Adopted Out	34	Robbery	0
		# Students Instructed SRO	150				#Euthanized	21	Reckless Endangerment	2
		# Students Instructed DARE	475						Suicide	0
		# Police Reports by SRO	3						Attempted Suicide	0
		# Arrest by SRO	4						Other Death Investigations	5
									Theft of Services	2
		<b>CODE ENFORCEMENT:</b>							Unauthorized Use of Services	0
		Warnings:	0						White Collar Crimes	2
		Citations	8						Weapon Offenses	0
		Warning Compliance	0							
		Follow – Up	12							
<b>Approved by:</b>				David Carpenter, Chief of Police						







PUBLIC WORKS COMMITTEE MEETING  
February 24, 2006

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

**CALL TO ORDER**

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

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Aileen Trotter

**PUBLIC PARTICIPATION & CORRESPONDENCE**

The committee reviewed the correspondence and the work request reports for January 2006.

Councilman Bailey Yelding commented on seeing the traffic maintenance crew throughout the City. Mr. Eslava indicated that the traffic maintenance truck performs work within the municipal limits.

**III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held January 27, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman John Lake seconded the motion.**

**IV. NEW BUSINESS**

- A. Councilwoman Cathy Barnette indicated that the Aranov project was discussed in the Planning Commission meeting last night and they agreed to request the Phase II landscaping requirements. Mr. Eslava indicated that the landscaping requirements had previously been discussed with the Mr. Eady, and that grassing was adequate since the City will have to maintain the right-of-way.
- B. *Arbor Day in February 25, 2006 at the Daphne Civic Center beginning at 8:00 am. Several different types of trees will be distributed by the City.*
- C. Ken Eslava notified the Committee that he will begin Jury Duty March 6, and it will last for two weeks. In addition, Mr. Eslava indicated that he will be using some of his vacation time in the month of March.

**V. DIRECTOR'S REPORT**

A. National Hurricane Conference  
Ken Eslava will be attending the National Hurricane Conference April 10-14, 2006, in Orlando, Florida. He requested an approval for travel expenses of \$210 be sent to the Finance Committee.

**Councilwoman Cathy Barnette made a motion to send a recommendation to the Finance Committee for payment of the travel expenses for Mr. Eslava to attend the National Hurricane Conference in Orlando, Florida. The motion was seconded by Councilman John Lake.**

Councilman John Lake inquired into the possibility of sending a second person to attend the conference. Mr. Eslava indicated that whomever was hired for the Accountant/Emergency Management Assistant position would probably also attend the conference in order to be trained in the FEMA procedures for debris management. Subsequent discussions resulted in which Councilman Bailey Yelding expressed concerns about the make-up of the City employees and the lack of African-Americans in the upper level positions. In addition, he expressed concerns with the hiring practices for job openings within the City of Daphne regarding the advertising of those positions and the required qualifications. Councilwoman Cathy Barnette also expressed a need for more diversity in the City work force.

**B. Delinquent Garbage Bill Collection**

Ken Eslava indicated that, with the Committee's approval, he would like to send the Code Enforcement Officer to begin efforts in the collection on delinquent garbage accounts. This would include first speaking to the residents to discuss the payment of the delinquent account. If the resident still does not settle the account, a Municipal Offense Ticket (MOT) will be issued. The MOT will result in the resident appearing in court. Collections can only be made for the previous 12 months.

There were some discussions on the coordination of activities with the Daphne Utilities Board and the Park City Water Board to ensure that the garbage bills are being paid. The Mayor indicated that he will work with the Park City Water Board. Councilman John Lake requested a meeting with Ken and the Park City Community Association to discuss the coordination of billing and payment activities.

Other discussions included the clean-up of junk cars, dilapidated houses, and the paving of roads. Some changes to City ordinances may be needed to address these issues.

**Ken's CEM (Certified Emergency Manager) Program Update**

Ken Eslava indicated that he is pursuing certification as a Certified Emergency Manager, which may take as long as one year to complete. Mr. Eslava is trying to stay current with changing trends related to emergency management. Mayor Small indicated that he would like a second person in the City to be trained as an emergency manager, so that Mr. Eslava has a back-up in the event that Mr. Eslava is not available. That person should be from a department other than Public Works. Other disasters that are being considered by EMAs include the bird flu, terrorism, etc.

**D. 2006 Road Projects**

Mr. Eslava provided a listing of the 2006 road projects. These projects include the paving of unimproved (gravel) roads and the paving of heavily traveled roads that are in need of asphalt resurfacing or microsurfacing. Other costs associated with the projects include the striping of the roads, fire hydrant installation, and some surveying.

**Councilman John Lake made a motion to send the list of 2006 Road Projects to Council for review. Councilwoman Cathy Barnette seconded the motion.**

Work on these projects will commence based on the Public Works Committee approval. Mayor Small indicated that they are looking into the purchasing of an asphalt spreader.

There was a discussion on the roads in Lake Forest and the repair of patches resulting from utility work.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the February Beautification Committee meeting were reviewed.
- B. Councilwoman Barnette issued compliments to the Beautification Committee and their progress, as they have made great improvements and are headed in the right direction. They are thoroughly appreciated for the fantastic work that they are doing.

**IX. ENGINEER REPORT**

- A. NRCS Update  
Ken Eslava provided a listing of the targeted areas for the new NRCS projects. Alabama expects to receive approximately \$17,000,000 in NRCS funds. These projects include Whiting Court, Church Street, and County Road 64. Councilwoman Barnette requested a meeting with the residents in the Whiting Court area to discuss the project there.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held March 24, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 9:26 a.m. **Councilman Lake and Councilwoman Barnette motioned to adjourn.**

## **PUBLIC WORKS COMMITTEE MEETING**

**April 28, 2006**

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

### **I. CALL TO ORDER**

The April meeting of the Public Works Committee was called to order at 8:04 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Melvin McCarley, Aileen Trotter

### **II. PUBLIC PARTICIPATION & CORRESPONDENCE**

The committee reviewed the correspondence and the work request reports for February and March 2006.

### **III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held February 24, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Councilwoman Cathy Barnette requested an update on the household hazardous waste building and the master plan for the Public Works facility. Ken Eslava indicated that the master plan is being drawn up and there is a possibility that the placement of the HHW building may be changed at the Public Works facility in order to improve accessibility by the public. Ken Eslava indicated that the master plan should be completed in May. It may allow for the location of Daphne Utilities near the Public Works facility.

Mayor Small indicated that the creation of a GIS department is being considered. Councilman John Lake requested that the City investigate hiring an IT person. Mayor Small stated that the new employee at the library is providing some IT support, and the City will be receiving assistance in standardizing software and other computer products.

Mayor Small indicated that a master plan is also being created for the Police Department. The animal shelter may be located at the Police Department. The mechanical shop will be relocated to the Public Works facility. An appraisal of the property for the mechanical shop has been received. Councilman John Lake indicated that he would prefer that the property be leased instead of being sold.

C. Councilman Bailey Yelding inquired about the status of the installation of the sewer in Dauphine Acres. Mayor Small indicated that he has maps of the sewer available that he can discuss with Mr. Yelding.

### **IV. NEW BUSINESS**

A. Out-front Deck Mowers

A study of the cost to purchase the mowers versus leasing them was conducted. The study indicates that the City would benefit more from a purchase of the mowers than a lease. The costs for the purchase would be \$119,000 versus \$123,000 for the lease. Mowers depreciate by 70% every two years, which is also when the warranty expires and mechanical problems often develop. By purchasing new mowers every two years, the City saves money overall and also owns the mowers that can then be sold or auctioned. There

will be an emergency meeting of the Finance Committee on Monday to discuss a change in the budget since the total purchase cost will be needed up front.

**Councilwoman Cathy Barnette made a motion to send to the Finance Committee the positive recommendation for the purchase of the out-front deck mowers; Councilman Bailey Yelding seconded the motion.**

- B. Hurricane Awareness Day is Saturday, April 29, 2006, at the Jubilee Christian Center from 10 am until 4 pm. Public Works employees will represent the City at the event. Publications from the Baldwin County Emergency Management Agency will be available to the public. There were discussions of the possibility of the City holding the event in 2007.
- C. Councilwoman Cathy Barnette expressed concerns from the residents in the neighborhood near the Dryer Public Access. They are concerned that the Dryer Access will be taken over by Bayside, since it is shown in their master plan. Mayor Small indicated that they are going to survey the public access area. He indicated that he has been in contact with Bayside Board Members to make an agreement that will allow for two to four parking spaces for the Dryer Public Access.

**Cathy Barnette made a motion to send to the Finance Committee the request for funding for the survey for the Dryer Access. The motion was seconded by Councilman John Lake.**

Ken Eslava stated the he has received one quote for the remediation of the stairs at the Dryer Public Access.

City Clerk David Cohen will be requested to research the agreement on the bay access in this area.

**V. DIRECTOR'S REPORT**

- A. Road Improvements Update  
Paving began in Park City on Thursday, April 27, as part of the \$500,000 in funds allotted for road improvements. Nine and a half roads were paved before work ended. On Monday, May 1, work in Park City will be completed and then will begin on Lawson Road. Baldwin County is completing all full depth asphalt surfacing as outlined in the handout. All micro-surfacing is being sent to public bid.
- B. Sidewalk Projects Update  
Ken Eslava indicated that the sidewalk project in Daphmont has been completed. District 2 sidewalks will be installed next, beginning with Deer Avenue, Belrose, and Lee Avenue. Planning for the sidewalks along Captain O'Neal is in the works. Mayor Small has asked Ken Eslava to review the costs of the installation of the sidewalks by City employees versus bidding the work. Ken Eslava indicated that the comparison shows that the sidewalk installation is more cost effective when completed by City employees.

Councilman Bailey Yelding requested that the sidewalks in Daphmont be revisited in order to re-dress the areas. He also requested that the Grounds Department evaluate two trees at 305 Oak Street that are hanging over the sidewalks.

Councilwoman Cathy Barnette inquired into the sidewalk installation on Captain O’Neal. Ken Eslava indicated that the sidewalks will be placed on the east side of the street. The sidewalk along Captain O’Neal will be from College to Deer.

Sidewalks along 6<sup>th</sup> Street from College to Dryer (item i on the handout) will not be installed as there is a paved parking lot that extends the length of the road.

- C. Emergency Management/Upcoming Hurricane Season Discussion  
This item was discussed in conjunction with Item E. Emergency Management Web Site Progress
- D. Update on NRCS projects  
All of the City’s NRCS projects were approved, and the Mayor has contracts for \$1.682 million. The projects will be discussed in the Finance Committee meeting, and should be discussed at the May 15 City Council meeting. A portion of the gully on Whiting Court will be included in the projects, as will County Road 64. Councilwoman Cathy Barnette requested a public meeting once the scope of the District 2 projects is established.
- E. Emergency Management Web Site Progress  
A template of the web site is provided in the handout. It will provide links to other agencies, information related to emergency conditions, information for employees, etc. Mayor Small and Ken Eslava will meet to determine what else should be included. The web site should be published in mid-May.

Councilman John Lake would like to have the City library work with the State library system to ensure that there is no fee associated with using computers when evacuees need access to this type of information during evacuation.

Councilwoman Cathy Barnette requested an update on the City’s disaster preparedness plan. Ken Eslava indicated that he is in the process of updating the hurricane handbook. Mayor Small indicated that the City has not held a hurricane season preparation meeting yet. Captain David Wilson has been designated as the co-emergency management coordinator along with Ken Eslava.

Several items in the disaster preparation handbook were discussed.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. The minutes from the February and March Museum Committee meetings were reviewed.

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the March and April Beautification Committee meetings were reviewed.

**IX. ENGINEER REPORT**

- A. NRCS Update  
The NRCS update was provided as part of the Director’s Report.

**X. FUTURE BUSINESS**

- A.** The next Public Works Committee meeting will be held May 26, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 9:11 a.m. **Councilwoman Barnette motioned to adjourn.**  
**Councilman Lake seconded the motion.**

**CITY OF DAPHNE  
PUBLIC WORKS COMMITTEE AGENDA  
Time: 8:00 AM on April 28, 2006  
Location: City Hall Council Chambers**

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

**I. CALL TO ORDER**

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

- A. Correspondence
- B. Work Request Report

**III. OLD BUSINESS**

- A. Minutes – February 24, 2006

**IV. NEW BUSINESS**

- A. Out-front Deck Mowers: Purchase vs. Lease
- B. Any other business deemed necessary

**V. DIRECTOR'S REPORT**

- A. Road Improvements Update
- B. Sidewalk Projects Update
- C. Emergency Management/Upcoming Hurricane Season Discussion
- D. Update on NRCS projects
- E. Emergency Management Web Site Progress

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. Minutes – February 13, 2006
- B. Minutes – March 13, 2006

**VIII. BEAUTIFICATION COMMITTEE**

- A. Minutes – March 3, 2006
- B. Minutes – April 7, 2006

**IX. ENGINEER REPORT**

- A. NRCS Update

**V. FUTURE BUSINESS**

- A. Next Meeting – May 26, 2006, 8:00 a.m.

**XI. ADJOURNMENT**

3/16/06

Dear Ken,

Thank you so much  
for again the use of

the Recycling Center. Your  
kindness and the willingness  
of the guys working is so  
important to the File & Sort.  
Please thank everyone that  
was involved in the delivery!

Thanks,  
Kim Musser

**Sharon**

---

**From:** Sharon Cureton [daphnehrdir@bellsouth.net]  
**Sent:** Wednesday, March 22, 2006 12:00 PM  
**To:** 'Vaughan Crawford'  
**Cc:** 'Assistant PW'; 'directorpw@bellsouth.net'  
**Subject:** RE: MANY THANKS !

Mr. Crawford,

I am glad our employees were able to be of assistance. It just so happened that yesterday we had all the right people there to make things happen. I am very proud of our Public Works Department and all of their hard work. Thank you for bringing the problems to our attention.

Sharon Cureton  
HR Director  
City of Daphne

---

**From:** Vaughan Crawford [mailto:1942ramsay@bellsouth.net]  
**Sent:** Wednesday, March 22, 2006 11:49 AM  
**To:** daphnehrdir@bellsouth.net  
**Subject:** MANY THANKS !

Dear Ms. Cureton,

I want to thank you for hearing my concerns about the appearance of the Nicholson Building, and then doing a perfect job of bringing about correction of the various things that needed taking care of. I have lived in Daphne for 22 1/2 years and never have I seen such quick action.

Thanks again, and if there is ever anything I can do for you or your department, please let me know.

Sincerely,

Vaughan Crawford [1942ramsay@bellsouth.net](mailto:1942ramsay@bellsouth.net)

*Freddie,  
Please share w/ the  
ees involved -  
Thanks,  
Sharon*

3/28/2006

Dear Freddie + crew,

Thanks so much for stepping  
in last week to help set up the  
Nichelson Center at the last minute.  
I apologize for the late notice but  
I really appreciate your hard  
work and great attitude!

Sharon Cureton  
HK Director

THANK  
YOU

Connie and Melissa,

Thanks for stepping in last week to clean up the Nicholson Center for the training on Wednesday. I really appreciate your hard work and great attitude!

Sharon Curston  
HR Director

## Assistant PW

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**From:** Sharon Cureton [daphnehrdir@bellsouth.net]  
**Sent:** Wednesday, March 22, 2006 12:00 PM  
**To:** 'Vaughan Crawford'  
**Cc:** 'Assistant PW'; directorpw@bellsouth.net  
**Subject:** RE: MANY THANKS !

Mr. Crawford,

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HR Director  
City of Daphne

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Thanks again, and if there is ever anything I can do for you or your department, please let me know.

Sincerely,

Vaughan Crawford [1942ramsay@bellsouth.net](mailto:1942ramsay@bellsouth.net)



April 5, 2006

Mr. Ken Eslava  
P.O. Box 400  
Daphne, AL 36526

Dear Mr. Eslava,

On behalf of Lake Forest please accept our sincere thanks for making the first, for lack of a better descriptor "town meeting", a success. As you know the meeting was arranged by board member John Peterson in conjunction with the Improvement Committee.

The thrust and goal of the current Board of Directors is to work in concert with the City of Daphne to achieve common goals. The success of our endeavor is directly proportionate to the level of trust and communication we establish not only with you but the mayor, entire council and other elements of the city administration. In short, we want to be a voice and part of our cities future.

As Public Works Director you have proven to be a strong ally in the continuing efforts to improve the appearance and worth of Lake Forest. Your comments are always direct, to the point and shared in a cooperative ("We Can Do") fashion. We do appreciate your effectiveness and look forward to your continued support.

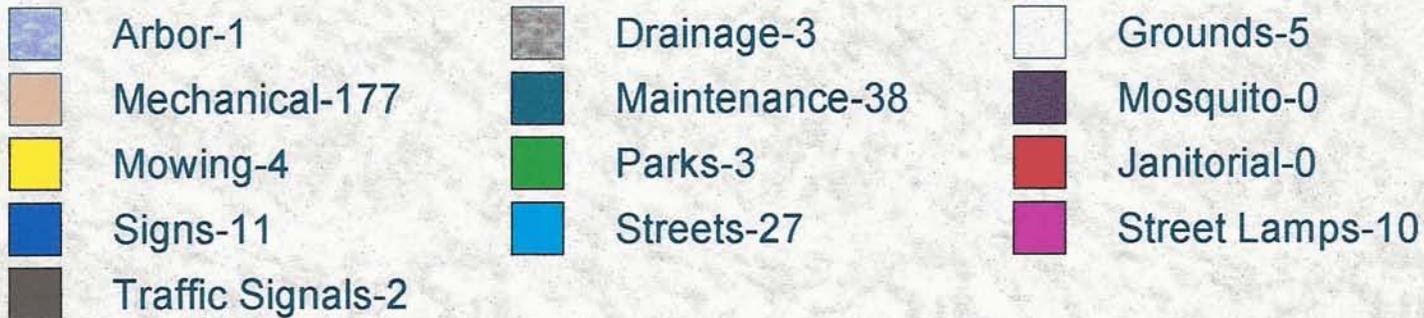
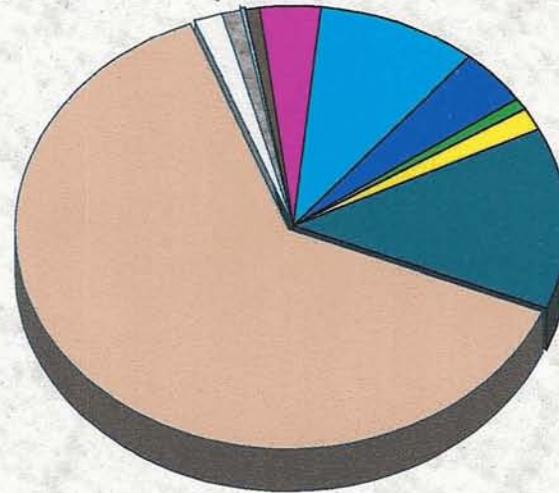
Sincerely,

  
Henry Lawson, President  
Lake Forest Property Owners Association

# Division of Public Works February 2006

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## WORK REQUEST REPORT

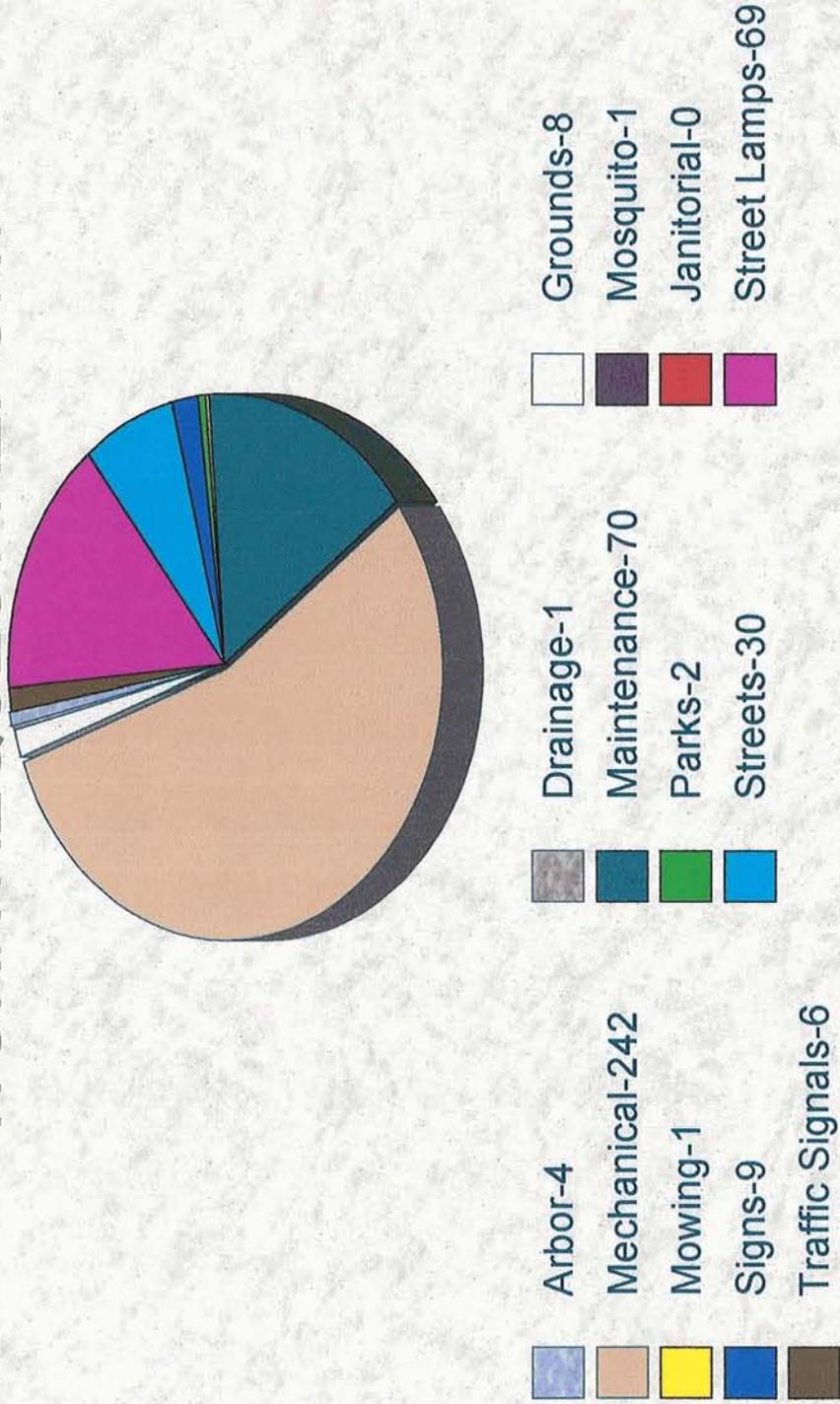


# Division of Public Works

## March 2006

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### WORK REQUEST REPORT



**PUBLIC WORKS COMMITTEE MEETING**  
**February 24, 2006**

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

**CALL TO ORDER**

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

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Aileen Trotter

**PUBLIC PARTICIPATION & CORRESPONDENCE**

The committee reviewed the correspondence and the work request reports for January 2006.

Councilman Bailey Yelding commented on seeing the traffic maintenance crew throughout the City. Mr. Eslava indicated that the traffic maintenance truck performs work within the municipal limits.

**III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held January 27, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman John Lake seconded the motion.**

**IV. NEW BUSINESS**

- A. Councilwoman Cathy Barnette indicated that the Aranov project was discussed in the Planning Commission meeting last night and they agreed to request the Phase II landscaping requirements. Mr. Eslava indicated that the landscaping requirements had previously been discussed with the Mr. Eady, and that grassing was adequate since the City will have to maintain the right-of-way.
- B. Arbor Day in February 25, 2006 at the Daphne Civic Center beginning at 8:00 am. Several different types of trees will be distributed by the City.
- C. Ken Eslava notified the Committee that he will begin Jury Duty March 6, and it will last for two weeks. In addition, Mr. Eslava indicated that he will be using some of his vacation time in the month of March.

**V. DIRECTOR'S REPORT**

A. National Hurricane Conference  
Ken Eslava will be attending the National Hurricane Conference April 10-14, 2006, in Orlando, Florida. He requested an approval for travel expenses of \$210 be sent to the Finance Committee.

**Councilwoman Cathy Barnette made a motion to send a recommendation to the Finance Committee for payment of the travel expenses for Mr. Eslava to attend the National Hurricane Conference in Orlando, Florida. The motion was seconded by Councilman John Lake.**

Councilman John Lake inquired into the possibility of sending a second person to attend the conference. Mr. Eslava indicated that whomever was hired for the Accountant/Emergency Management Assistant position would probably also attend the conference in order to be trained in the FEMA procedures for debris management. Subsequent discussions resulted in which Councilman Bailey Yelding expressed concerns about the make-up of the City employees and the lack of African-Americans in the upper level positions. In addition, he expressed concerns with the hiring practices for job openings within the City of Daphne regarding the advertising of those positions and the required qualifications. Councilwoman Cathy Barnette also expressed a need for more diversity in the City work force.

**B. Delinquent Garbage Bill Collection**

Ken Eslava indicated that, with the Committee's approval, he would like to send the Code Enforcement Officer to begin efforts in the collection on delinquent garbage accounts. This would include first speaking to the residents to discuss the payment of the delinquent account. If the resident still does not settle the account, a Municipal Offense Ticket (MOT) will be issued. The MOT will result in the resident appearing in court. Collections can only be made for the previous 12 months.

There were some discussions on the coordination of activities with the Daphne Utilities Board and the Park City Water Board to ensure that the garbage bills are being paid. The Mayor indicated that he will work with the Park City Water Board. Councilman John Lake requested a meeting with Ken and the Park City Community Association to discuss the coordination of billing and payment activities.

Other discussions included the clean-up of junk cars, dilapidated houses, and the paving of roads. Some changes to City ordinances may be needed to address these issues.

**Ken's CEM (Certified Emergency Manager) Program Update**

Ken Eslava indicated that he is pursuing certification as a Certified Emergency Manager, which may take as long as one year to complete. Mr. Eslava is trying to stay current with changing trends related to emergency management. Mayor Small indicated that he would like a second person in the City to be trained as an emergency manager, so that Mr. Eslava has a back-up in the event that Mr. Eslava is not available. That person should be from a department other than Public Works. Other disasters that are being considered by EMAs include the bird flu, terrorism, etc.

**D. 2006 Road Projects**

Mr. Eslava provided a listing of the 2006 road projects. These projects include the paving of unimproved (gravel) roads and the paving of heavily traveled roads that are in need of asphalt resurfacing or microsurfacing. Other costs associated with the projects include the striping of the roads, fire hydrant installation, and some surveying.

**Councilman John Lake made a motion to send the list of 2006 Road Projects to Council for review. Councilwoman Cathy Barnette seconded the motion.**

Work on these projects will commence based on the Public Works Committee approval. Mayor Small indicated that they are looking into the purchasing of an asphalt spreader.

There was a discussion on the roads in Lake Forest and the repair of patches resulting from utility work.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the February Beautification Committee meeting were reviewed.
- B. Councilwoman Barnette issued compliments to the Beautification Committee and their progress, as they have made great improvements and are headed in the right direction. They are thoroughly appreciated for the fantastic work that they are doing.

**IX. ENGINEER REPORT**

- A. NRCS Update  
Ken Eslava provided a listing of the targeted areas for the new NRCS projects. Alabama expects to receive approximately \$17,000,000 in NRCS funds. These projects include Whiting Court, Church Street, and County Road 64. Councilwoman Barnette requested a meeting with the residents in the Whiting Court area to discuss the project there.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held March 24, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

The meeting adjourned at 9:26 a.m. **Councilman Lake and Councilwoman Barnette motioned to adjourn.**

**MEMORANDUM**

**CITY of DAPHNE....DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small  
Public Works Committee  
Finance Committee**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**



**Date: April 24, 2006**

**Re: Out Front Deck Mowers....Purchase vs. Lease**

**In the FY '06 budget, funds were allocated to begin a 36 month lease program for five(5) Out Front Deck Mowers. Each year, for a 3 year period, we would pay \$41,220.00...or a grand total of \$123,660.00. After discussing several options with Mayor Small, the following is our recommendation.**

**In reviewing the effective performance of these machines, a 24 month warranted period is actually the most cost efficient time frame before mechanical problems begin...due to wear and tear. Thus, a comparison of lease vs. purchase was made for a 24 month period for five mowers. One known factor, as furnished by the vendor, is that these machines depreciate 70% after the first 24 months. The depreciation figure will be used in the calculation of savings by purchasing the mowers. The comparative results are as follows:**

**Lease.....5 mowers @ \$917.00/month X 24 months = \$110,040.00**

**Purchase...5 mowers @ \$23,981.00 = \$119,905.00**

**\$119,905.00 - \$35,972.00 = \$83,933.00**

**(Remaining cash  
Value after depreciation)**

**Net results.....\$110,040.00 - \$83,933.00 = \$26,107 in net savings**

**(depreciated  
Purchase price)**

**There are a couple of factors to keep in mind here, which work heavily in favor of an outright purchase. The initial purchase price is still under what we budgeted for the 3 year lease by some \$3755.00. There is a net savings of \$26,107 by purchasing the machines, and we are still left with \$35,972 in actual cash value left in our machines once our 24 month period is expired.**

**Formal recommendation: Purchase five(5) mowers. After 24 months have passed, analyze state of mowers and dispose of as deemed necessary in order to recognize remaining cash value.**

**MEMORANDUM**

**CITY of DAPHNE....DIVISION of PUBLIC WORKS**

---

**To: Mayor Fred Small  
Public Works Committee**

**From: Ken Eslava, Director of Public Works**



**Date: April 26, 2006**

**Re: Progress Report / Capital Road Improvements**

**Our capital road improvement road program has been divided into two(2) categories: Full depth asphalt surfacing / resurfacing projects and micro-surfacing projects. The surfacing & resurfacing projects are not required to go to public bid as long as we contract to another Governmental Agency. We are contracting with the Baldwin County Highway Department for this phase of work.**

**The micro-surfacing portion of the road work is currently out for Public Bid. There is only one ALDOT approved contractor in the Southeastern U.S. who offers this road product. No Governmental Agencies involve themselves in the application of this process.**

**The roads, related categories and expected costs are as follows:**

**Full depth asphalt surfacing:**

**First Avenue North, Second Avenue North, Third Avenue North, Fourth Avenue North, Fifth Avenue North, Sixth Avenue North, Seventh Avenue North, Eighth Avenue North, Ninth Avenue North, Ninth Avenue South & Tenth Avenue North will all receive a new asphalt surface. They are all currently gravel roads in Park City. The Baldwin County Highway Department will perform the work at an estimated cost of \$14,960.00. Work is slated to begin within a couple of weeks.**

**Full depth asphalt re-surfacing:**

**Lawson Road, from U.S. 181 to Ridgewood Drive. This is an existing asphalt road and will receive a full depth asphalt overlay. The Baldwin County Highway Department will perform this work at an estimated cost of \$56,505.00. Work is slated to begin within a couple of weeks.**

---

**Micro-surfacing projects:**

**North Main Street, Windsor Drive(L.F.), Lake Forest Boulevard(L.F.), Daphne Avenue, Trione Street, Guarisco Street & Mancini Avenue are existing asphalt roads which will receive this minimum thickness micro-surfacing. Although this has been issued for public bid, I have confirmed preliminary estimates of \$396,890.00 for this work. Public Bid and project award should take no longer than 2-3 weeks from this date.**

**Summarization:**

**Of the \$500,000.00 allotted in Capital for these projects, preliminary estimates place our expenditures at \$468,355.00 for the aforementioned targeted scope of work. These estimates do not include such items as traffic paint striping or reflective highway marker installation.**

**MEMORANDUM**

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**CITY of DAPHNE...DIVISION of PUBLIC WORKS**

**To: Mayor Fred Small  
Public Works Committee**

**From: Ken Eslava, Director  
Divisions of Public Works & Maintenance**

**Date: April 26, 2006**

**Re: Sidewalk Projects Update**

**I have attached a master list of sidewalks targeted for construction utilizing the +/- \$100,000.00 capital allocation for FY '06.**

**All sidewalks in the Daphmont Subdivision have been completed, and include:**

- 1. Johnson Road to Pine Street.....320 linear feet**
- 2. Pine Street to Oak Street.....1390 linear feet**
- 3. Oak Street to Daphmont Drive...1245 linear feet**
- 4. Daphmont Drive to Pine Street...1155 linear feet**

---

**Grand total of completed sidewalks.....4100 linear feet**

**The next sidewalks slated for construction, and will be started next week, will be in District 2 and are as follows:**

- Deer Avenue.....Main Street to Captain O'Neal**
- Belrose Avenue...Main Street to Old County Road**
- Lea Avenue.....Main Street to Old County Road**

**As construction progresses on the above listed three(3) sidewalks, we will continue to assess the practicality, effects on local drainage & public safety concerns with other sidewalks on our master list.**

# **MEMORANDUM**

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## **CITY of DAPHNE...DIVISION of PUBLIC WORKS**

**To: Melvin McCarley, Streets Superintendent  
Freddie Johnson, Streets Dep't. Supervisor**

**From: Ken Eslava, Public Works Director**

**Date: January 26, 2006**

**Re: Sidewalk Construction Program...FY 2006**

**Please find a list, in order of construction sequence, of the new sidewalks to be constructed within the City. We will start on the South end of the City and work Northwardly with this construction. Construction will begin Monday, January 30, 2006 and will continue until all listed sidewalks are complete.**

**All sidewalks shall be constructed 4' wide and 4" thick using standard 3000# fibrous concrete mix. No additional reinforcing will be required. Where pedestrians will be required to cross our public streets to reach the next sidewalk, the following items will be constructed:**

- 1) Pedestrian Crossing signs are to be erected**
- 2) Painted lines w/ reflective markers, spaced 4' apart, are to be applied to pavement marking the crossing**

**Sidewalks are to be constructed in the following sequence:**

- a) Johnson Road to Pine Street (addition)..North side of street**
- b) Pine Street to Oak Street...West side of street**
- c) Oak Street to Daphmont Drive...North side of street**
- d) Daphmont Drive to Pine Street...North side of street**
- e) Captain O'Neal: Dryer Ave. to Deer Avenue**
- f) Captain O'Neal "S" curve...pedestrian walkway**
- g) Deer Avenue: Main St. to Captain O'Neal**
- h) Belrose Avenue: Main Street to Old County Rd.**
- i) 6<sup>th</sup> Street: Dryer Ave. to College Ave.**
- j) Lea Avenue: Main St. to Old County Rd.**
- k) Randall Avenue: U.S. 98 to Pollard Rd.**

- l) Caroline Avenue: Whispering Pines to Wilson Ave.**
- m) Pinehill Road: From end of exist. Sidewalk to Park Drive**

**Daphmont rights of way have been verified, so construction is set to go.  
I will be verifying other rights-of-way and determining which side of the  
street will be used for sidewalk construction.**

**cc: Mayor Fred Small  
Councilman Bailey Yelding  
Councilwoman Cathy Barnette  
Councilman John Lake**

**MEMORANDUM**

**CITY of DAPHNE....DIVISION of PUBLIC WORKS**

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**To: Mayor Fred Small**

**From: Ken Eslava, Public Works Director**



**Date: April 7, 2006**

**Re: Update....All NRCS Projects**

**The following is a complete list of all projects targeted for NRCS funding for this fiscal year. The NRCS has received the funding for the projects, and we are awaiting final approval of our project worksheets and the subsequent green light to start work. This afternoon, I signed “Concurrence” documents with NRCS, which simply state that I concur with the proposed design & repair methods submitted for approval. You will receive the official contracts in a week or two, which enter the City of Daphne and the NRCS into a formal agreement, and will contain the full terms and conditions of the contract.**

**The NRCS received the funding about 30 days ago, which means that we are that many days into our schedule of 200 calendar days for all projects to completely finish! Official documentation, including Finance Committee and full Council approvals, must happen immediately in order for us to be able to meet Federal completion guidelines.**

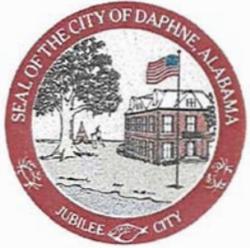
**The projects, and funding amounts, are as follows:**

<b>Cedar Circle / Bryants Gully.....</b>	<b>\$227,000.00</b>
<b>Lakeview Loop (D'Olive Creek).....</b>	<b>\$86,000.00</b>
<b>Montclair Place (Lake Forest).....</b>	<b>\$89,500.00</b>
<b>Yancey Branch (Village Point Park).....</b>	<b>\$310,000.00</b>
<b>Whiting Court (&amp; Church St.).....</b>	<b>\$862,000.00</b>
<b>C.R. 64(Widening @ 2 lane portion).....</b>	<b>\$54,000.00</b>
<hr/>	
<b>Grand Total.....</b>	<b>\$1,628,500.00</b>

**This will be the most lucrative year in Daphne's history of NRCS funding relating to "non-emergency" projects. Larry Morris of the NRCS, who bases in Bay Minette, has been a tremendous asset to the City of Daphne over the years in helping see that we get our fair share of these Federal funds.**

**Attached for your review are calculations and estimate worksheets for each project prepared by HMR for submission to the NRCS.**

**Please let me know if I can provide any additional information regarding these projects.**



# Emergency Information

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Welcome to the City of Daphne's Emergency Information Web Site! Here you will find some useful information that could assist you in times of a natural disaster.

The information will be updated regularly during emergency conditions, so check back often for information!



Storm surge caused by  
Hurricane Katrina  
August, 2005

## City of Daphne, AL

- | **Home**
- | **Shelter Information**
- | **Emergency Information**
- | **Useful Phone Numbers**
- | **Employees Only**
- | **Related Links**
- | **Map to Daphne Shelter**

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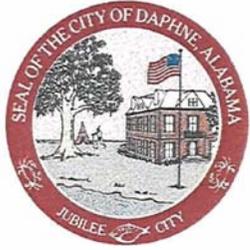
For additional information, contact:

Daphne City Hall  
251-621-9000  
David Cohen, City Clerk  
[daphnecc@bellsouth.net](mailto:daphnecc@bellsouth.net)

Daphne Public Works Department  
251-621-3182  
Ken Eslava, Director of Public Works  
[daphnepw@bellsouth.net](mailto:daphnepw@bellsouth.net)

Daphne Police Department  
251-621-9100  
David Carpenter, Police Chief  
[tracybish@aol.com](mailto:tracybish@aol.com)

Daphne Fire Department  
251-621-2836  
Mund Hanson, Fire Chief  
[daphfireadmin@bellsouth.net](mailto:daphfireadmin@bellsouth.net)



# Shelter Information

The following shelters are open for your safety:

There are currently no shelters open in Daphne, AL

## City of Daphne, AL

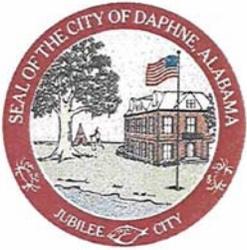
- | Home
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Shelter Rules:

1. **REGISTRATION IS REQUIRED!** (All information is considered confidential)
2. NO SMOKING MATCHES, OR LIGHTERS INSIDE THE SHELTER.
3. SHELTER OPERATORS ARE NOT RESPONSIBLE FOR PERSONAL BELONGINGS. Valuables should be kept with you or locked in your vehicle.
4. NO PETS. We regret that public health codes forbid pets in the shelter.
5. PARENTS ARE RESPONSIBLE FOR THEIR CHILDREN. For their safety, please do not leave them unattended.
6. NOTIFY HEALTH SERVICES STAFF OF MEDICAL CONDITIONS OR MEDICATION.
7. NO ALCOHOL, DRUGS, OR WEAPONS WITHIN THE SHELTER AT ANY TIME.
8. EACH RESIDENT IS ENCOURAGED TO HELP IN THE SHELTER. Please see a staff member if you would like to help. Many jobs do not require special training.
9. PUBLIC TELEPHONES ARE AVAILABLE IN THE CAFETERIA LOBBY. Other telephones are reserved for reporting and update purposes.
10. DIRECT ALL COMPLAINTS TO THE SHELTER MANAGER ON DTY.
11. HELP KEEP THE SHELTER CLEAN. Pick up after yourself!
12. QUIET HOURS IN THE SLEEPING AREA ARE BETWEEN 11 PM AND 7 AM.
13. NEWS MEDIA MUST ASK YOUR PERMISSION FOR INTERVIEWS OR PHOTOGRAPHS. IT IS YOUR RIGHT TO REFUSE.
14. PLEASE SIGN OUT IF YOU LEAVE FOR ANY REASONS.
15. SPECIAL NEEDS SHOULD BE REPORTED TO THE SHELTER STAFF.



Map to Shelter in Daphne, AL



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# Emergency Information

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Below is an updated listing of some useful emergency information

## Road Closures

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List of roads currently closed

- [More details...](#)

For more information, contact Daphne Public Works

Email: [daphnepw@bellsouth.net](mailto:daphnepw@bellsouth.net)

## Power Outages

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List of areas without power (would coordinate with Riviera Utilities)

- [More details...](#)

For more information, contact Riviera Utilities

Call: 251-626-5000

## Police Updates/Curfews

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Any info the PD needs to put on the site and any curfews could be listed here

- [More details...](#)

For more information about this service:

Call: 251-621-9100

## Other Service Outages

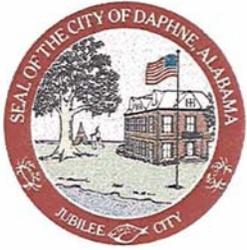
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Water, sewer, gas outages could be listed as they are made known

- [More details...](#)

For more information, contact Daphne Utilities



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# Useful Phone Numbers

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The following are some of the more commonly needed phone numbers:



Daphne City Hall

251-621-9000

251-626-3008 Fax

Address

- [More details...](#)

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Daphne Police and Fire Departments

**Police** 251-621-9100

**Fire** 251-621-2836

Dial **911** in case of emergency



- [More details...](#)



Daphne Public Works

251-621-3182

251-621-3189 Fax

- [More details...](#)

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Utilities

Riviera Utilities 251-626-5000

Daphne Utilities 251-626-2628

Bellsouth 1-800-872-7987

<http://bellsouth.mediaroom.com/>



Baldwin County Emergency Management Agency

251-972-6807 (South Baldwin)

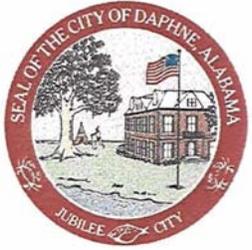
251-937-0317 (North Baldwin)

251-990-4605 (Eastern Shore)

Baldwin County Severe Weather Hotline

251-947-1150

[Baldwin EMA Web Site](#)



# Employees Only

This page lists updated information for City employees during times of emergency conditions. It can be updated frequently as information changes.

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### Employee Contact Phone Numbers

List the numbers employees should call for information

E-mail:

[More details...](#)



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### Information on Office Closings

Which depts. are closed and which need to report to work

E-mail: [daphnecc@bellsouth.net](mailto:daphnecc@bellsouth.net)

[More details...](#)



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### Declaration of Emergency Personnel

Essential personnel who need to report for preparation and immediately after an emergency situation.

E-mail:

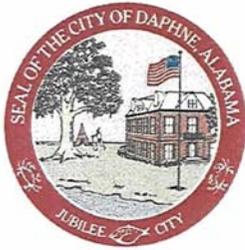
[More details...](#)



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### Email Addresses and Phone Numbers of Supervisors

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# Related Links

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This page contains links to other web sites that may be useful for information on preparation for a hurricane.

[Baldwin County Emergency Management Agency](#)

[Baldwin County Evacuation Routes](#)

[NOAA—National Hurricane Center](#)

[Hurricane Tracking Charts](#)

[Suggestions for a Hurricane Supply Kit](#)

[Storm Surge](#)

[Generator Safety](#)

[Alabama Emergency Management](#)

[American Red Cross](#)

[FEMA](#)

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NOAA—[Hurricane Basics \(HTML\)](#)

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For additional information, contact:

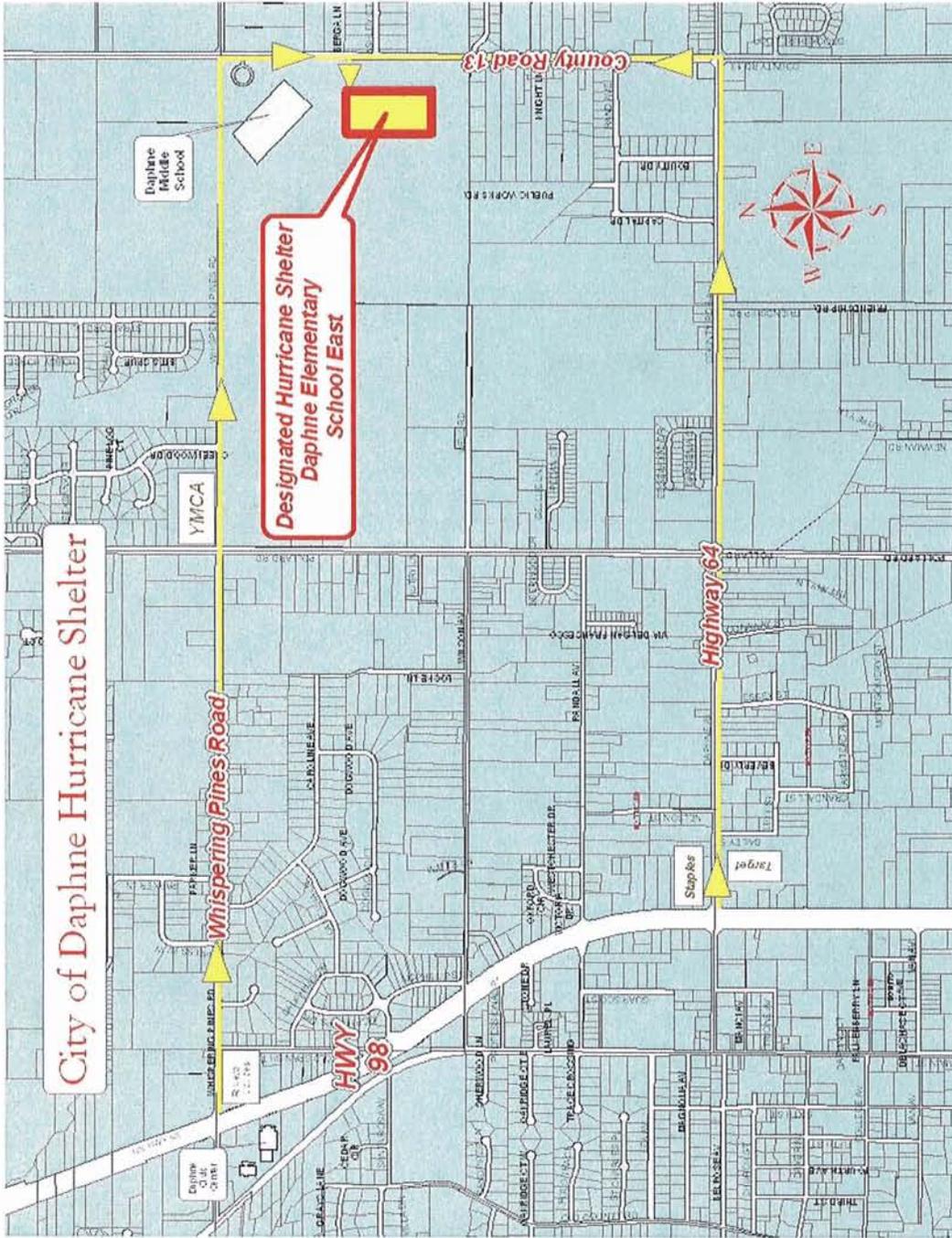
Daphne City Hall  
251-621-9000  
[daphnecc@bellsouth.net](mailto:daphnecc@bellsouth.net)

Daphne Public Works Department  
251-621-3182  
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## Old Methodist Church Museum of Daphne

### February 13, 2006 Meeting Minutes

The meeting was called to order by President Mickey Boykin.

**ATTENDEES:** Mickey Boykin, Emily Hammond, Polly Gregorius, Pat Tippet, Al Guarisco, Margie Waldrop, Betty Jo Baker, Patsy Lindsey, Camilla Butler, Helen Baroco, Doris Allegri, Jeanne Nelson, Sheila Nelson, Lucy Cunningham, Tot Brantley, Helen Calloway and Carolyn Hafner.

**MINUTES:** Minutes of the January meeting, taken and transcribed by Helen B., as Acting Secretary, were distributed, read by the membership, and approved with one minor spelling correction.

**TREASURER'S REPORT:** Treasurer Pat Tippet delivered the following report: Museum Account holds a balance of \$6,683.00; Old Methodist Church and Cemetery Account holds a balance of \$19,750.17. Treasurer's Report was accepted. Pat announced that she is working on the IRS Tax Return for the Museum, covering the last five years.

### REPORTS OF STANDING COMMITTEES

**TELEPHONE:** Margie/Polly – No report.

**FUND RAISING:** Pat T. – Covered in Treasurer's report, above.

**EXHIBITS:** Display Case for Sirmon Wedding Dress – PUBLIC  
**WORKS:** Candice not in attendance.

Al is planning to make book shelves for the Museum when weather is milder.

PUBLICITY: Mickey – Helen Baroco reported that there was great publicity in the most recent Jubilee magazine.

In an effort to discover what happened to the pump organ that used to be in the Methodist Church, Mickey volunteered to ask Thomas Boni to write an article about it, after collecting more information and possibly some pictures to submit to him.

SPECIAL EVENTS: Al/Mickey – All agreed we had several successful displays and exhibits, as well as speakers, and other special events in 2005. And some suggestions for 2006 include photography, bottle ships (there is a local artist that specializes in these), wood sculpture, gourds (from Baldwin Gourd Patch), Mardi Gras (2007), Fairhope's Christmas Shop to help with Open House, and, of course, the annual Memorial Day program.

CEMETERY: Doris – Spring flowers were placed on Davis' graves.

VOLUNTEERS: Emily – The first Saturday of each month is no longer permanently covered by a volunteer. It was agreed that we would all take turns. Mickey will do it in March and Camilla and Polly in April. Future months will be discussed in future meetings. Jeanne and Sheila will cover the fourth Saturday, permanently. Al is the new Floater, but only on Fridays and Saturdays. Al will open it Friday, March 31.

CHAMBER OF COMMERCE TOURISM BUREAU: Al – There's still been no meeting since hurricanes.

**UNFINISHED AND ONGOING BUSINESS:**

**RENOVATIONS/GROUNDS:** Public Works – Candice not in attendance. Mickey will write a letter re outdoor lighting to the City.

**TOURS:** Anyone – Mickey will guide a group of Red Hat Ladies on February 15. Tot will get name of Christ the King fourth grade teacher for Jeanne, in an effort to schedule a tour.

**WALDING and DUNBAR PROPERTIES:** Mickey/Doris – Mickey read letters from the Mayor, confirming that these properties are of concern to the Council and that an effort is definitely being made to resolve the problem.

**PURCHASE OF COMPUTER/SCANNER/COPIER:** Motion was made, seconded, and approved unanimously, that we postpone decision on this purchase until a real need exists.

**SELF-GUIDED TOUR OF MUSEUM LEAFLETS:** No report.

**CEMETERY BROCHURE:** HELEN BAROCO – has completed it and submitted it to Doris for proofreading.

**LONG RANGE PLANS:** See Special Events, above.

**DISPLAY CASES:** MICKEY –We made a bid which was accepted, for the purchase of the case the Mobile Museum supposedly had available. On the day it was to be picked up, it was discovered that it didn't belong to the Mobile Museum, but to the City of Mobile, so the Museum was not free to sell it.

**NEW BUSINESS:** Mickey volunteered to have a plaque made commemorating the Restoration Society, to be displayed in the Museum.

**ANNOUNCEMENTS:** Next meeting will be held on March 13, 2006.

There being no further business, the meeting was adjourned.

Respectfully submitted,  
Carolyn Hafner  
Secretary

## Old Methodist Church Museum of Daphne

March 13, 2006 Meeting Minutes

The meeting was called to order by President Mickey Boykin.

ATTENDEES; Mickey Boykin, Candice Bishop, Camilla Butler, Polly Gregorius, Margie Waldrop, Lucy Cunningham, Doris Allegri, Emily Hammond, Sheila Nelson, Jeanne Nelson, Pat Tippit, Patsy Lindsey, Helen Baroco, Betty Jo Sirmon Al Guarisco.

MINUTES; Minutes of the February meeting were distributed, and read by the membership and approved.

TREASURER'S REPORT; Treasurer Pat Tippet reported that the Museum Account as of 2/28/06 has a balance of \$6,683.00. The Old Methodist Church and Cemetery Account as of 2/28/06 has a balance of \$19,764.72. The report was approved.

### REPORTES OF STANDING COMMITTEES

TELEPHONE; Margie/Polly--No report

FUND RAISING; No report

EXHIBITS; Al Guarisco will be checking with Mr. Merino about exhibiting some of his wood carvings, Mickey and Robbie attended the tatting exhibit in Loxley and will contact them about having an exhibit in the summer.

SPECIAL EVENTS; Al and Mickey will be working <sup>on</sup> of some displays and exhibits for this year. They will ask for a meeting with Mayor Small about the annual Memorial Day program to see if he will agree to come and invite someone to be the speaker.

CEMETERY; Doris is working on the report

VOLUNTEERS; Emily reported the every one has agreed to take one first Sat. in each month, as there is no permanent volunteer. Camilla and Polly will cover April.

Chamber of Commerce Tourism Bureau: Al- no report.

### UNFINISHED AND ONGOING BUINESS

RENOVATIONS/GROUNDS; No report.

*Mickey*  
TOURS; ~~Emily~~ guided the Shady Ladies red hat club through the museum in Feb. Emily and Mickey will meet with Dr. Ramey principal of Daphne North elementary school about arranging a tour for the children sometime in the future. Jennie will talk to Lori Glaser from Christ The King school to arranging a tour on the 26<sup>th</sup> of April. All the tours will be discussed at the April museum meeting.

WALDING and DUNBAR PROPERTIES; Mickey reported the Mayor has been out of town and his assistant, Sharon Spivey, will question him whether he has had any response from the Methodist Church Board of Trustees with regard to donation of the Museum and cemetery to the city of Daphne. No further action will be pursued until there is a response from the Mayor.

SELF--GUIDED TOUR OF MUSEUM LEAFLETS; No report

LONG RANGE PLANS; No report.

CEMETERY BROCHURE; Doris has received the brochure from Helen for review and has now returned it to Helen to finalized

DISPLAY CASE; Mickey has taken a photo of the Bertolla wedding dress and the measurements of the case and has sent them to public works for a case to be made for the Sirmon wedding dress.

PLAQUE COMMEMORATING RESTORATION SOCIETY; Upon receiving the minutes of the restoration committee meeting Mickey will review them to determine the wording to be put on the plaque.

NEW BUISNESS; Mickey will send a message to the Mayor's office to ask to be put on the agenda for the city council meeting to promote the museum and present them with the Daphne book. Helen made a motion that she do this Betty Jo seconded the motion, the motion carried Margie said that it was time for the annual spraying for fleas. Candice will take action on this matter.

ANNOUNCEMENT; The next board will be April 10<sup>th</sup> at 10:00. As there was no future business the meeting was adjourned.

Submitted, by Patsy Lindsey

**Daphne Beautification Committee**  
**City Hall 1705 Main Street, Daphne, AL**

***Meeting Minutes***

**March 3, 2006 10:00 AM**

**Type of Meeting:** General Membership Meeting

**Meeting Facilitator:** Carollee Grindel

**Invitees:**

**City Liaison:** Marshall Parsons, Marjorie Bellue, Ken Eslava

**Members:**

Carollee Grindel (4)	Vincent A. Russo (2)	Anne Talton (7)
Jerry Guillott (4)	Dorothy Rankins (5)	Frieda Romanchuck (7)
Roger L. Davidson (6)	Audrey Rouire (6)	Marilyn O'Connor Moore (2)
Dorothy Morrison (2)	Nancy Henderson (3)	Tomasina Werner (4)
Bea Wilson (2)	Patty Kerney (5)	

**I. Call to order**    **Time:** 10:04

**II. Roll call**

(P=Present, E=Excused, A=Absent)

P__ Carollee Grindel	P__ Vincent Russo	P__ Anne Talton
P__ Jerry Guillott	P__ Dorothy Rankins	P__ Frieda Romanchuck
P__ Roger Davidson	P__ Audrey Rouire	A__ Marilyn O'Connor Moore
P__ Dorothy Morrison	A__ Nancy Henderson	A__ Tomasina Werner
P__ Bea Wilson	P__ Patty Kerney	

**III. Approval of minutes**

The minutes of the last meeting were read. Anne had one correction. Nancy Henderson is on the Crepe Myrtle subcommittee instead of Audrey Rouire. A motion was made to accept the corrected minutes, there was a second and a unanimous vote to accept them.

**IV. Announcements**

Arbor Day was a great success with over three thousand trees given away. Margorie will give us a time line to follow to help the sub committee get started for next year.

## **V. Open business**

- a) Membership Update – There were suggestions on votes and number of voters per districts.
  - 1. First and second alternates for each District to vote in the absence of the appointed voter. *There was a motion and a second to do this. It was accepted by unanimous vote. Carollee Grindel will revise the Charter.*
  - 2. Subcommittee chairperson gets extra vote. *This was discussed and voted down.*
  - 3. Chairman or Facilitator has no vote unless there is a tie. *This follows Robert's Rules of Order. Therefore Tomasina Werner will fill in District 4 instead of Carollee Grindel.*
  - 4. Media Relations person is needed. *Tomasina Werner was recommended for this.*
  
- b) U.S. 98 Crape Myrtles – The Crepe Myrtle Sub committee gave a report asking for Crepe Myrtles to be planted on Johnson Rd. behind the dog pound, three beds in Lake Forest intersections (Golf Terrace and Bayview and two beds at Ridgewood - Bayview south), and the D'Olive Boardwalk (Alligator Alley). There was a motion made to accept these recommendations and a second. The report and recommendations were accepted by a unanimous vote.

Under open business, we needed to discuss meeting guidelines, but decided to wait until a later date.

## **VI. New business**

- a) Butterfly Garden/Monarch Way station – D'Olive Boardwalk Park/Scenic Overlook Hill – This area is perfect for a butterfly garden to attract Monarch Butterflies on their annual migration as well as the other butterflies. People walking this trail will have more to look for and hopefully this will help attract tourists therefore helping the tourist industry. The Trail Blazers are also working on this and some of the Crepe Myrtles will add to the beauty of the area. A sub committee was formed with Dorothy Morrison and Anne Talton as Co-chairs. The rest of the committee are Jerry Guillott, Audrey Rouire, Vincent Russo, Roger Davidson, Patty Kerney, Carollee Grindel, Frieda Romanchuck, and Marilyn O'Connor Moore. Ken Eslava assured the committee that the city would provide water and heavy equipment when needed.
  
- b) Rose Gardens – Jon Morgan will attend the April meeting and update us on plans.
  
- c) Benches – Roger Davidson informed us of the bench information that he had received from Ken Eslava. The vote from the February Meeting was revisited and put on hold as to buying only one type of bench throughout the city of Daphne. The motion was made to not recommend one bench for overall use in Daphne at

this point. This was seconded and accepted unanimously. This decision will be postponed until another meeting.

**d) Public Works Report**

Margorie Bellue asked for a subcommittee to help decorate for the Annual Easter Egg Hunt at Lott Park. She said that she wanted to buy permanent plantings. Roger made a motion to have her buy the plants that she needs, not to exceed \$500. This was seconded and a vote taken that was unanimous. After the easter egg hunt, the subcommittee will direct the planting of these plants in designated areas. Roger Davidson will be the chairman of the Easter Egg Hunt Subcommittee and the following people will be on his committee: Patty Kerney, Frieda Romanchuck, Carollee Grindel and Anne Talton.

Meeting Room – This room is small and we need to find more space. We may move to the large adjoining room. This will be checked into.

**VII. Adjournment - 11:22 a.m.**

Respectfully submitted,

Anne Talton

Secretary/Treasurer

# Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

## Meeting Agenda

April 7, 2006 10:00 AM

**Type of Meeting:** General Membership Meeting

**Chairperson:** Carollee Grindel

**Invitees:**

**City Liaison:** Marshall Parsons, Marjorie Bellue

**Members:**

Carollee Grindel (4)	Vincent A. Russo (2)	Anne Talton (7)
Jerry Guillott (4)	Nancy Henderson (3)	Frieda Romanchuck (7)
Dorothy Morrison (2)	Audry Rouire (6)	Marilyn O'Connor Moore (2)
Dorothy Rankins (5)	Patty Kerney (5)	Tomasina Werner (4)
Bea Wilson (2)		

- I. **Call to order** – 10:00 A.M.
- II. **Roll call** – Present - Carollee Grindel, Jerry Guillott, Dorothy Rankins, Bea Wilson, Anne Talton, Frieda Romanchuck, Marilyn O'Connor Moore and Tomasina Werner
- III. **Approval of minutes** – The minutes of the March meeting were read and accepted as read.
- IV. **Announcements** - Frieda talked about the Planning Commissions upcoming meeting later today and the need to pass a resolution to ban digital billboards and signs in Daphne. A resolution motion was made and seconded with a unanimous vote for Frieda Romanchuck and Carollee Grindel to write a resolution from the beautification committee and present it at the meeting if it is necessary for discussion.
- V. **Open business**
  - a) Membership Update – This will be tabled until we have a problem in the future.
  - b) Easter Events and Decorations – A report was read by Frieda Romanchuck stating that 55 large eggs and about 20 small eggs were painted. This took the committee of Frieda Romanchuck, Patty Kearney, Nancy Henderson and Anne Talton two mornings to accomplish. Also, the committee met and a motion was made, seconded and passed unanimously for the purchased shrubs and greenery to be used in the two locations that are to receive the Crepe Myrtles in Lake Forest.

These locations are one landscaped bed at Golf Terrace and Bayview and two landscaped beds at Ridgewood and Bayview (south intersection).

- c) Butterfly Garden/Monarch Waystation – D'Olive Boardwalk Park/Scenic Overlook Hill – Anne Talton gave a report stating that Marshall Parsons will plant an area with wildflower seed and water. Much more is needed to attract the monarch butterflies and she recommended that Carollee Grindel replace her as co-chair with Dorothy Morrison. Carollee accepted.
- d) Rose Gardens – Marshall informed us that this area is redone and looks great.
- e) Crepe Myrtle Trail – Anne Talton gave a report from the second meeting of this sub-committee and their suggested areas for crepe myrtles. These areas are Lake Forest intersection of Plaza Circle and Ridgewood, The triangle called malfunction junction, Main Street from the Summit Building to the D'Olive Creek, and the inter section of Lake Forest Blvd. And Windsor. A motion was made, seconded and voted upon with a unanimous approval to accept these areas for crepe myrtles.

## **VI. New business**

Anne Talton asked for the Public Works water truck to water the shrubs planted by Bellsouth around its boxes throughout Lake Forest. A motion was made, seconded and a unanimous vote approved this work.

- a. A resolution recommending additional personnel for Marshall Parsons office was made. Marshall will do a study on the needs of his department.

**VII. Public Works Report** - Marshall informed us that the highway department will allocate 3 acres for wildflowers in the four quadrants of the I-10 and Highway 98 Interchange. A discussion on the intersection of I-10 and Highway 181 asked the Public Works Department to clean it up at Exit 38 as it is a gateway into Daphne. A motion was made, seconded and a unanimous vote to clean this area up.

There is a need for two more subcommittees. A Beautification Awards subcommittee and a Christmas Decorations subcommittee. Beautification Awards will be presented to businesses once a quarter and the committee will be Jerry Guillott, Bea Wilson, Marilyn O'Connor Moore and Carollee Grindel. The Christmas Decorations subcommittee will be Frieda Romanchuck and Nancy Henderson.

A discussion was held and a motion was made for Marshall Parsons to purchase the largest Christmas tree that he can find. This was seconded and the vote was unanimous in favor of buying this tree. The Daphne Beautification budget will partially help finance this purchase.

**VIII. Adjournment** – 11:29 a.m.

Old Methodist Church Museum of Daphne

March 13, 2006 Meeting Minutes

The meeting was called to order by President Mickey Boykin.

ATTENDEES; Mickey Boykin, Candice Bishop, Camilla Butler, Polly Gregorius, Margie Waldrop, Lucy Cunningham, Doris Allegri, Emily Hammond, Sheila Nelson, Jeanne Nelson, Pat Tippet, Patsy Lindsey, Helen Baroco, Betty Jo Sirmon Al Guarisco.

MINUTES; Minutes of the February meeting were distributed, and read by the membership and approved.

TREASURER'S REPORT; Treasurer Pat Tippet reported that the Museum Account as of 2/28/06 has a balance of \$6,683.00. The Old Methodist Church and Cemetery Account as of 2/28/06 has a balance of \$19,764.72. The report was approved.

REPORTES OF STANDING COMMITTEES

TELEPHONE; Margie/Polly--No report

FUND RAISING; No report

EXHIBITS; Al Guarisco will be checking with Mr. Merino about exhibiting some of his wood carvings, Mickey and Robbie attended the tatting exhibit in Loxley and will contact them about having an exhibit in the summer.

SPECIAL EVENTS; Al and Mickey will be working <sup>on</sup> of some displays and exhibits for this year. They will ask for a meeting with Mayor Small about the annual Memorial Day program to see if he will agree to come and invite someone to be the speaker.

CEMETERY; Doris is working on the report

VOLUNTEERS; Emily reported the every one has agreed to take one first Sat. in each month, as there is no permanent volunteer. Camilla and Polly will cover April.

Chamber of Commerce Tourism Bureau: Al- no report.

UNFINISHED AND ONGOING BUINESS

RENOVATIONS/GROUNDS; No report.

<sup>Mickey</sup>  
TOURS; ~~Emily~~ guided the Shady Ladies red hat club through the museum in Feb. Emily and Mickey will meet with Dr. Ramey principal of Daphne North elementary school about arranging a tour for the children sometime in the future. Jennie will talk to Lori Glaser from Christ The King school to arranging a tour on the 26<sup>th</sup> of April. All the tours will be discussed at the April museum meeting.

WALDING and DUNBAR PROPERTIES; Mickey reported the Mayor has been out of town and his assistant, Sharon Spivey, will question him whether he has had any response from the Methodist Church Board of Trustees with regard to donation of the Museum and cemetery to the city of Daphne. No further action will be pursued until there is a response from the Mayor.

SELF--GUIDED TOUR OF MUSEUM LEAFLETS; No report

LONG RANGE PLANS; No report.

CEMETERY BROCHURE; Doris has received the brochure from Helen for review and has now returned it to Helen to finalized

DISPLAY CASE; Mickey has taken a photo of the Bertolla wedding dress and the measurements of the case and has sent them to public works for a case to be made for the Sirmon wedding dress.

PLAQUE COMMEMORATING RESTORATION SOCIETY; Upon receiving the minutes of the restoration committee meeting Mickey will review them to determine the wording to be put on the plaque.

NEW BUISNESS; Mickey will send a message to the Mayor's office to ask to be put on the agenda for the city council meeting to promote the museum and present them with the Daphne book. Helen made a motion that she do this Betty Jo seconded the motion, the motion carried Margie said that it was time for the annual spraying for fleas. Candice will take action on this matter.

ANNOUNCEMENT; The next board will be April 10<sup>th</sup> at 10:00. As there was no future business the meeting was adjourned.

Submitted, by Patsy Lindsey

# Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

## Minutes of Meeting

May 5, 2006 - 10:00 AM

**Meeting:** General Membership Meeting

**Invitees:**

**City Liaison:** Marshall Parsons, Marjorie Bellue

**Members:**

Chair: Carollee Grindel (4)	Nancy Henderson (3)	Jerry Guillott (4)
Vice Chair: Vincent Russo (2)	Dorothy Morrison (2)	Audry Rouire (6)
Secretary: Anne Talton (7)	Dorothy Rankins (5)	Patty Kerney (5)
	Frieda Romanchuck (7)	Bea Wilson (2)
Marilyn O'Connor Moore (2)	Tomasina Werner (4)	

**I. Call to order** – 10:04 a.m.

**II. Roll call** – Present – Anne Talton, Frieda Romanchuck, Marilyn O'Connor Moore, Jerry Guillott, Tomasina Werner, Dorothy Rankins, Dorothy Morrison, Bea Wilson, Audry rouire, Patty Kerney, Marshall Parsons and Marjorie Bellue

**III. Approval of minutes** – The minutes of the April meeting were accepted as read.

**IV. Announcements** - Frieda announced that a resolution from the Daphne Beautification committee to ban digital billboards in Daphne had not been necessary at the Planning Commissions meeting as it did not pass.

**V. Sub-Committee Reports**

- a) Crepe Myrtles – This subcommittee did not meet this month as we have given quite a lot of requests for Crepe Myrtles planting to Marshall and he has not been able to start at this time. The agreement between Foley and Daphne for the tree digger had been lost and they had to resubmit the request.
- b) Butterfly Gardens – Dorothy Morrison gave us a lot of information from her trip to Europe. She said that the butterflies need caves and a lot of water. She and Carollee will have a meeting with the rest of their committee on May 22. Marshall informed us that the state gave him permission to plant three acres of wildflowers.

- c) Christmas Decorations – Frieda Romanchuck, Nancy Henderson and Marshall Parsons met and started sorting through the old decorations and they do need to meet again. Patty Kearney and Dorothy Morrison volunteered to help. Marshall will be meeting with a professional display designer to get some new ideas.
- d) Beautification Awards – Jerry Guillott said that she needs more help in selecting worthy businesses to give these awards to. Audrey Rouire and Patty Kerney volunteered to help her. She will call them to have a meeting.

**VI. Open business**

- a) Park Tour – re-scheduled to this meeting – Marshall had his van and would be our tour guide.

**VII. New Business - none**

**VIII. Public Works Report** – Marshall reported that the tree remediation work would be finished by May 16. The tree trimming was almost finished in Lake Forest and he had one more area to trim. There had been a lot of tree permits taken out (fear of another hurricane) and this has kept him very busy. He told us that trees are stronger if left in large numbers instead of thinning them down, especially taking out all of the pine trees.

Tomasina asked for the chairmen of subcommittees to give her reports to use for publicity to let the public know what we do.

**IX. Adjournment** – 10:47 (Seven of us went on the Parks Tour with Marshall and it was a delightful, informative outing for all of us – Thanks Marshall)

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

**Minutes from meeting with Daphne School Committee and Committee set up by the Baldwin County Board of Education.**

Meeting held May 2, 2006 at the Daphne Civic Center.

In attendance: Dr. Hollinger, Mr. Keating, Ms. Henson - with the Baldwin County Board of Education; Mr. Moore, Ms. Roberts and Ms. Schmidt – Board members; Ms. Barnette, Mr. Yelding and Mr. Burnam of the Daphne City Council and Mayor Fred Small, members of the public, Shannon Spivey to take minutes.

Meeting began at approximately 10:10 a.m.

Dr. Hollinger welcomed everyone and asked Mr. Keating to begin by making power point presentation. Mr. Keating addressed areas of concern with the following statements:

Size – The Daphne South location is of adequate size to accommodate the proposed facility

Traffic – There were some issues brought up in the traffic study that they are currently trying to address. For example, they have made a change and added a loop for incoming traffic which their architect said was a tremendous improvement. This is similar to what is currently at Rockwell Elementary.

Other proposed locations – Mr. Keating met with HMR and Friday Construction. Friday Construction owns some property in Lake Forest that had been suggested as a possible school site. The Lake Forest property was deemed unsuitable due to topography concerns.

Building Issues –

The safety and security of the new facility would be better because it is one enclosed environment. There would be better air quality and day lighting in the new facility. The Downtown Redevelopment Authority asked that Daphne's Italian Heritage be reflected in the design and they added columns and arches to the drawing.

Input from Principals and Teachers – The Board of Education has tried to incorporate feedback, they have met with instructional support personnel, science personnel and library staff.

Central Office Needs/ Community Opportunities – The BCBE support needs are growing fast and they need more room to operate. The Daphne South Campus could be used for these needs.

Renovation Timing – This renovation cannot be completed during the summer months alone. South students can be housed in the flat top structures during the renovations.

Existing office at South Campus –  
Will be relocated on the campus and made into a Black History Museum

Cost Issues – they looked at cost of building a new school versus renovating the current facilities. The BCBE had 9 million budgeted for renovations in Daphne. They are expecting to spend about 14 – 15 million on the new facility at today’s dollars.

Life Cycle Costs – New buildings are more energy efficient. Staffing and overhead money can be saved by combining 2 campuses into 1.

Transportation costs – the current buses drop children off at both locations, by combining campuses, the transportation costs will be reduced.

Growth Management – the BCBE is going to increase the size of buildings to meet the needs of the growing county.

City School System – These plans have been in the making for some time now.

Size Issues – The BCBE growth study calls for 15% increase in Daphne School population over the next 10 years. There are 9 other public schools in the State of Alabama with over 1000 students. There are also many private schools with over 1000 students. Ms. Henson with the BCBE gave the figures for the private school.

Rezoning and Daphne East – The BCBE is hoping to have a GIS system in place soon so they can more objectively rezone schools

Timing Issues – The BCBE has a timeline that shows how the plans have progressed so far.

Preparations for fall – redoing flat tops

Current schedule on new school – BCBE is in final design schedule and should be ready to send it out for bid in July or August.

Pam Henson from the BCBE spoke about the concern of having an over 1000 student population. She, along with a delegation, visited Atlanta to see how they operated schools with large populations. They learned about the “School Within A School” concept. Each grade is broken down into something like houses, or avenues. There may be a principal over K-3 and another principal over 4-6 or they may have 1 lead principal and 2 assistant principals. The enclosed school is safer and more secure. By moving to one campus, this would allow for the North Campus to be used for GED, ESL, Parenting Classes, ACT prep classes, etc. It would not just operate from 8-4.

Ms. Barnette asked what the makeup of Cobb County was. Answer – Metro Atlanta  
Ms. Barnett stated that we wanted to have this meeting just to talk to each other. The City Council’s job is to represent the needs of the citizens of Daphne. She asked if the

plans for the new school could be slowed down. This is all new to the council and they would like to have more time to review what was presented. She wants to make this the best for Baldwin County and the City of Daphne. The council would like to see the North and South both remain open but there is room for negotiation and she thinks there are a lot of opportunities for negotiation.

Dr. Hollinger asked for a list of the Daphne delegation's concerns.

Mr. Yelding stated that he is looking at the best interest of the City and he feels it is best to keep both campuses open. He asked "What happens when the South reaches capacity in the next 5 years and we have closed one of our available campuses?"

Mr. Keating stated that the classrooms adjacent to the gym on the proposed plan are extra classrooms.

Mr. Yelding asked if using the North campus as a school could be part of the plan for the future.

Dr. Hollinger stated that the South Campus is in need of renovation whatever is done. The South campus is substandard.

Mr. Yelding stated that he would like to see both of the campus remain open and just renovate both of them. The traffic issues have already been solved at the current locations so you wouldn't have to deal with that problem.

Ms. Schmidt asked if she was correct in stating that the City Council's concern is that the BCBE is closing a viable school location when we know that room for future growth will definitely be needed.

Ms. Barnette asked if it is really a savings to build a new school when you know you have to plan for future growth.

Mr. Keating stated that there is room for growth at the new facility and that all factors were considered. Cost was not the most important factor.

Mr. Burnam asked if the BCBE looked at any other locations near the Lake Forest area. The City is growing rapidly in the East, why build a new school in the Western part of the City?

Mr. Keating said that in Phase 3, another elementary school in the East Side of Daphne is being planned for.

Dr. Hollinger stated that substandard facilities at the North and South campus drove the decision to build the new school.

Mayor Small asked why they were going to bring all the children all the way down to the southwest part of the city adding to the traffic congestion which is already a huge problem. Adding lanes and widening streets are not what the citizens in that area want.

Mr. Keating said that the BCBE is always willing to look at new land but that they have to do the best they can with what they have.

Ms. Barnette asked if they were willing to slow down enough to do some more research.

Mr. Keating stated that they did research another location after the meeting with SEEDS.

Ms. Barnette stated that the need is to find a new parcel of land on the north part of town. She said that we can make the opportunity come forward. The current plan for the new school is not in keeping with Daphne's Comprehensive Plan at all. The streetscape study done in 1995 calls for narrowing the road and adding more sidewalks.

Mr. Burnam – asked about the statement “theoretically” the East campus can be used for expansion. He wanted to know why “theoretically”, why not build there now?

Mr. Keating said that it is being looked at for phase 3.

Mr. Moore stated that building costs are continually rising and the bond has been issued. The money is sitting in the bank. Growth is occurring all over our county and the BCBE doesn't have enough money to do what needs to be done. If we slow down too much we will need to use the money somewhere else.

Ms. Barnette said that she rephrase her earlier request. She said that the City would like to see the construction stop and renovate the North and South campus. She said we don't want a new school right now.

Mr. Moore asked what we do want.

The Mayor said we wanted to see something on the north end of Daphne and not a school of this size. We would like the current locations renovated and for them to maintain our village concept with schools closer to the communities.

Ms. Barnette said that we want schools that the children can walk to. That is what Daphne has been working toward the past 10 -15 years. While the “School Within A School” concept may be great, it is not the same as a village concept.

Mayor Small suggested that we go back and digest the information on both sides and get together again in a week or two. We want to work together and we expect that the BCBE will want to work with the City but that we are in agreement that we don't want a “mega” school.

Dr. Hollinger said that he agrees we need to digest this information and we know that we are not all going to get everything we want.

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**Resolution 2006 - 46**

**May Day Park Boardwalk Grant  
Recreational Trails Grant: 06-RT-53-001**

**WHEREAS**, the City of Daphne commits to construct a boardwalk trail at May Day Park to provide for the health and well being of the general public and be ADA compliant; and

**WHEREAS**, the city accepts the offer of financial assistance from Alabama Department of Economic and Community Affairs in the grant amount of \$64,000 ; and

**WHEREAS**, said programs are limited to funding a maximum of eighty percent (\$64,000) of the project cost estimates at (\$80,000) which will be used to develop the boardwalk upon (3.61 acres) of the park from the parking area to the public pier and relocate all utilities underground.

**NOW THEREFORE BE IT RESOLVED**, that the City of Daphne commit to twenty percent (\$16,000) of the proposed project cost for the purpose of matching the Recreational Trails Grant Fund assistance, and

**BE IT FURTHER RESOLVED**, the City of Daphne authorizes the mayor to sign the acceptance of sub-grant award and other assurances to comply with all applicable Federal and State laws, rules and regulations.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF DAPHNE, ALABAMA, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

OFFICE OF THE GOVERNOR

**BOB RILEY**  
GOVERNOR



**STATE OF ALABAMA**

ALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRS

**Bill JOHNSON**  
DIRECTOR

May 4, 2006

The Honorable Fred Small  
Mayor of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

Dear Mayor Small:

Re: RTP Project Number 06-RT-53-001  
May Day Park Boardwalk  
Grant Amount \$64,000.00

On behalf of Governor Bob Riley, congratulations on being selected to participate in the Recreational Trails Program. Enclosed are three (3) copies of your grant agreement. Please execute all three copies and return two copies, with original signatures, to Crystal Davis along with the following:

1. A resolution of the governing body accepting the offer of financial assistance. The resolution must contain:
  - a. Project number
  - b. Project name
  - c. Project scope/purpose
  - d. Location, e.g., park name
  - e. Grant amount
  - f. Matching amount and fund commitment.
  
2. A signed copy of the attached assurances.

The city of Daphne may commence work on the project at such time the executed documents are returned to ADECA. Should you have any questions regarding this matter, please contact Ms. Davis at (334) 242-5445.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Johnson".

Bill Johnson  
Director

BJ:JCS:CGD

Enclosures

**Alabama Department of Economic and Community Affairs  
Director's Office**

**City of Daphne**

(Hereinafter referred to as the SUBGRANTEE)

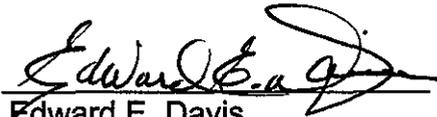
**Period of Performance**

**April 21, 2006 through October 1, 2008**

This subgrant may be used for the aforementioned period for the projects set forth in the application of the SUBGRANTEE, subject to the General Conditions applicable to the administration of this subgrant. The SUBGRANTEE shall administer the programs or projects for which this subgrant is awarded in accordance with the applicable rules, regulations and conditions of the Alabama Department of Economic and Community Affairs, hereinafter referred to as the DEPARTMENT, as set forth in the standard subgrant Conditions and Assurances attached hereto, the SUBGRANTEE's Application, the *Recreation Programs Administrative Manual*, or as mandated by the DEPARTMENT. This subgrant is made available under Public Law P.L. 105-206 as Amended. The funding agency is the U.S. Department of Transportation, Federal Highway Administration. The award of funds is made under the title of Recreational Trails and is identified by the Catalog of Federal Domestic Assistance (CFDA) Number 20.219.

Subgrant Number **06-RT-53-001**  
Department Share **80% \$ 64,000**  
Subgrantee Share **20% \$ 16,000**

By  5/4/06  
Bill Johnson Date  
Director

 5/2/06  
Edward E. Davis Date  
Legal Section

**Purpose and Scope of Services: Build a boardwalk extending from the parking area to the pier at May Day Park and relocate all utilities underground.**

**Acceptance of Subgrant Award**

**City of Daphne**

hereby signifies its acceptance of the above subgrant award on the terms and conditions set forth above or incorporated by reference herein. Likewise, additional special conditions attached to this subgrant award are herein incorporated.

By \_\_\_\_\_ Mayor \_\_\_\_\_ Date \_\_\_\_\_  
*Fred Small* Title  
\_\_\_\_\_  
Witness Title Federal ID: \_\_\_\_\_

Program: Recreational Trail Program  
Project Title: May Day Park Boardwalk

Note: Funds cannot be advanced until Subgrantee signs and returns the original and a copy of this subgrant award and associated assurances to: ADECA, 401 Adams Ave., Montgomery, AL 36104, Attn: Crystal Davis, State Trails Coordinator.

## **Conditions to Subgrant Number: 06-RT-53-001**

### **PAYMENT SCHEDULE**

The DEPARTMENT shall pay to the SUBGRANTEE an amount not to exceed the DEPARTMENT's share of the eligible project costs, for performance of the scope of services stated on page 1 of this Agreement or contained in the project application. The SUBGRANTEE understands and agrees that it must provide a minimum of 20% (specified in this Agreement) of the total project cost. All requests for reimbursement from the DEPARTMENT must be made in accordance with applicable state and Federal laws, rules and regulations.

### **DURATION**

The SUBGRANTEE shall commence performance of this Agreement not earlier than the beginning date stipulated under "Period of Performance" on page 1. Neither shall the SUBGRANTEE incur any costs after the ending date of the Period of Performance.

### **PAYMENT REQUESTS**

The SUBGRANTEE may invoice monthly or quarterly as long as all invoices are cleared within sixty (60) days of the close of the Agreement and appropriate back-up data is furnished with each invoice as detailed in the 2003 *Recreational Programs Administrative Manual*.

### **CONTINGENCY CLAUSE**

It is expressly understood and mutually agreed that any departmental commitment of funds herein shall be contingent upon the receipt and availability of Recreational Trail Program funds from the U.S. Department of Transportation.

### **AMENDMENTS**

The DEPARTMENT or SUBGRANTEE may, from time to time, request amendments to various provisions of this Agreement. Such amendments, which are mutually agreed upon between the DEPARTMENT and SUBGRANTEE, must be incorporated as written amendments to this Agreement and be approved by both parties prior to implementation.

### **REPORTING**

The SUBGRANTEE shall submit to the DEPARTMENT periodic reports on programmatic and fiscal operations. These reports shall be submitted in the form and manner determined by the DEPARTMENT. It is expressly agreed that full compliance with programmatic, fiscal, and reporting requirements is a condition for the continuation of funds under this Agreement. Failure to submit such reports in a timely manner could result in the termination or suspension of funds.

### **AUDITS**

The SUBGRANTEE agrees to comply with audit requirements contained in the DEPARTMENT Audit Policy No. 001 as amended. All applicable provisions of the DEPARTMENT Audit Policy document are made a part of this Agreement. Pursuant to Act 94-414, please forward a copy of every audit report issued as a result of the Agreement where public funds are received and/or disbursed to:

Department of Examiners of Public Accounts  
P. O. Box 302251  
Montgomery, Alabama 36130-2251  
ATTN: Audit Report Repository

### **DISCLAIMER**

A. The DEPARTMENT specifically denies liability for any claim arising out of any act or omission by any person or agency receiving funds from the DEPARTMENT whether by contract, grant, loan or by any other means.

B. No grantee, SUBGRANTEE or agency performing services under any agreement, contract, grant or any other understanding, oral or written, other than an actual employee of the DEPARTMENT shall be considered as an agent or employee of the State of Alabama or the DEPARTMENT or any division thereof and the State of Alabama, the DEPARTMENT and their agents and employees assume no liability to any grantee, SUBGRANTEE or agency, or any third party for any damages to property, both real and personal, or personal injuries, including death, arising out of or in any way connected with the acts or omissions of any grantee, SUBGRANTEE or agency or any other person.

### **NO DEBT OF STATE**

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment No. 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this Agreement, be enacted, then that conflicting provision in the Agreement shall be deemed null and void. The SUBGRANTEE's sole remedy for the settlement of any and all disputes arising under the terms of this Agreement shall be limited to the filing of a claim with the Board of Adjustment for the State of Alabama. For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

### **OUTSTANDING AUDIT EXCEPTION POLICY**

The DEPARTMENT shall not enter into a contract, agreement, grant, etc., with any individual, agency, company, governmental entity, etc., who has an unresolved audit exception or unresolved questioned costs, finding of fiscal inadequacy, or unresolved programmatic finding as a result of project monitoring.

The DEPARTMENT shall not enter into a contract, agreement, grant, etc., with any individual, agency, company, governmental entity, etc., who owes money to any division of the DEPARTMENT that has not arranged a repayment schedule.

## Conditions to Subgrant Number: 06-RT-53-001

### **TERMINATION OR SUSPENSION**

Payments under this Agreement may be suspended in the event that there is an outstanding audit exception or violation of program regulations under any program administered by any division of the DEPARTMENT, an amount owing to any division of the DEPARTMENT, or an amount owing to the Federal Government under any program administered by any division of the DEPARTMENT that is not resolved in a reasonable and timely manner.

If, through any cause, the SUBGRANTEE shall fail to fulfill in a timely and proper manner its obligation under this Agreement, or if the SUBGRANTEE shall violate any of the covenants, agreements, or stipulations of this Agreement, the DEPARTMENT shall thereupon have the right to terminate this Agreement by giving written notice to the SUBGRANTEE of such termination and specifying the effective date thereof at least fifteen (15) days before such effective date. In the event of termination, all property and finished or unfinished documents, data, studies, and reports of the DEPARTMENT, become its property and the SUBGRANTEE shall be entitled to compensation of any unreimbursed expenses necessarily incurred in satisfactory performance of the Agreement. Notwithstanding the above, the SUBGRANTEE shall not be relieved of liability to the DEPARTMENT for damages sustained by the DEPARTMENT by virtue of any breach of the Agreement by the SUBGRANTEE.

### **POLITICAL ACTIVITY**

The SUBGRANTEE will comply with the Hatch Act (5 U.S.C. 1501 et seq.) regarding political activity by public employees or those paid with federal funds.

### **NONDISCRIMINATION**

The SUBGRANTEE shall be and is prohibited from discriminating based on race, color, religion, sex, age or national origin.

### **CONFLICT OF INTEREST**

The SUBGRANTEE, by his signature, certifies that to the best of his knowledge and belief, no conflicts of interest existed or now exist which have, may have or have had an effect on the grant or award.

### **ACCESS TO RECORDS**

The head of the federal grantor agency, the Comptroller General of the United States, the Director of the DEPARTMENT or any of their duly authorized representatives shall have access to any pertinent books, documents, papers, and records of the SUBGRANTEE and its subgrantees/subcontractors to make audits, financial reviews, examinations, excerpts and transcripts.

### **COMPLIANCE WITH LOCAL LAWS**

The SUBGRANTEE shall comply with all applicable laws, ordinances, and codes of the State and local governments in the performance of this Agreement.

### **LIMITATION OF USE**

The SUBGRANTEE understands and agrees that the following "Limitation of Use" provision applies to the park property acquired and/or developed under the terms of this agreement and will cause same to be legally incorporated into the park property deed record:

This Property has been acquired or developed with Federal assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-8 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan and only under such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

### **SPONSOR RESPONSIBILITY**

It is specifically understood that the SUBGRANTEE is primarily responsible for the construction, development, operation and maintenance of the project as referenced in the project scope and contained in the formal application and cost estimate, which are hereby made a part of this Agreement.

### **OPERATION AND MAINTENANCE**

The SUBGRANTEE further agrees to operate and maintain the LWCF assisted park facilities in accordance with the procedures, regulations and directives of the state and of the federal government. In this regard, the SUBGRANTEE understands that overhead utility lines are prohibited within the park boundary area and that the 2003 *Recreation Programs Administrative Manual* is hereby made a part of this agreement.

### **DEBARMENT AND SUSPENSION**

The SUBGRANTEE understands that it is prohibited from using any contractor or subcontractor that has been disbarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549.

TO: ANY JUDGE

RE: GRANT NO. 06-RT-53-001

The City of Daphne hereby specifically, intentionally, and unconditionally agrees and affirms that the terms and commitments contained in the documents pertaining to this grant/contract shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended. It is further agreed that if any provision of this grant/contract shall contravene any statute or constitutional provision or amendment, either now in effect or which may, during the course of this grant/contract, be enacted, then that conflicting provision in the grant/contract shall be deemed null and void. The grantee's/contractor's sole remedy for the settlement of any and all disputes arising under the terms of this agreement shall be limited to the filing of a claim with the Board of Adjustment for the State of Alabama.

For any and all disputes arising under the terms of this grant/contract, the parties hereto agree, in compliance with the recommendations of the Governor and the Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

---

Fred Small, Mayor of Daphne  
**Authorized Official of Grantee/Contractor**

**U.S. DEPARTMENT OF THE INTERIOR  
CIVIL RIGHTS ASSURANCE**

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any Federal assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. **THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.**

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from Federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any an all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT/ORGANIZATION	DATE SUBMITTED
APPLICANT/ORGANIZATION MAILING ADDRESS	BUREAU OR OFFICE EXTENDING ASSISTANCE

U.S. Department of the Interior  
Certification Regarding  
Drug-Free Workplace Requirements

This certification is required by the regulations implementing the drug-free workplace requirements for Federal grant recipients under the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D). A copy of the regulation is available from the issuing office.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check \_\_\_\_\_ if there are workplaces on file that are not identified here.

Name and Title of Authorized Representative

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Certification Regarding  
Debarment, Suspension, Ineligibility and  
Voluntary Exclusion**

**Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the Mar 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

Name and Title of Authorized Representative

---

Signature

Date

D1-19S4  
(9/88)

## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

---

Signature

---

Title

---

Organization



# State of Alabama Disclosure Statement

(Required by Act 2001-955)

ENTITY COMPLETING FORM

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

( )

STATE AGENCY/DEPARTMENT THAT WILL RECEIVE GOODS, SERVICES, OR IS RESPONSIBLE FOR GRANT AWARD

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

( )

This form is provided with:

Contract

Proposal

Request for Proposal

Invitation to Bid

Grant Proposal

Have you or any of your partners, divisions, or any related business units previously performed work or provided goods to any State Agency/Department in the current or last fiscal year?

Yes

No

If yes, identify below the State Agency/Department that received the goods or services, the type(s) of goods or services previously provided, and the amount received for the provision of such goods or services.

STATE AGENCY/DEPARTMENT

TYPE OF GOODS/SERVICES

AMOUNT RECEIVED

Have you or any of your partners, divisions, or any related business units previously applied and received any grants from any State Agency/Department in the current or last fiscal year?

Yes

No

If yes, identify the State Agency/Department that awarded the grant, the date such grant was awarded, and the amount of the grant.

STATE AGENCY/DEPARTMENT

DATE GRANT AWARDED

AMOUNT OF GRANT

1. List below the name(s) and address(es) of all public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF PUBLIC OFFICIAL/EMPLOYEE

ADDRESS

STATE DEPARTMENT/AGENCY

OVER

2. List below the name(s) and address(es) of all family members of public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the public officials/public employees and State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF FAMILY MEMBER	ADDRESS	NAME OF PUBLIC OFFICIAL, PUBLIC EMPLOYEE	STATE DEPARTMENT, AGENCY WHERE EMPLOYED
-----------------------	---------	--	---

If you identified individuals in items one and/or two above, describe in detail below the direct financial benefit to be gained by the public officials, public employees, and/or their family members as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

Describe in detail below any indirect financial benefits to be gained by any public official, public employee, and/or family members of the public official or public employee as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

List below the name(s) and address(es) of all paid consultants and/or lobbyists utilized to obtain the contract, proposal, request for proposal, invitation to bid, or grant proposal:

NAME OF PAID CONSULTANT/LOBBYIST	ADDRESS
----------------------------------	---------

**By signing below, I certify under oath and penalty of perjury that all statements on or attached to this form are true and correct to the best of my knowledge. I further understand that a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00, is applied for knowingly providing incorrect or misleading information.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Notary's Signature \_\_\_\_\_ Date \_\_\_\_\_ Date Notary Expires \_\_\_\_\_

Act 2001-955 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000.

**ORDINANCE NO. 2006 – 17**

**Ordinance to Rezone Property Located  
on the corner of 2<sup>nd</sup> Street and Van Buren Street  
Two Step Partners, L.L.C.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, said property is located on the corner of 2<sup>nd</sup> Street and Van Buren Street in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

Parcel A:

Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.

Parcel B:

Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.

**WHEREAS**, the Planning Commission of the City of Daphne on March 30, 2006 has considered said request and set forth 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, May 15, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,**  
**THIS day \_\_\_\_ day of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**Greg Burnam**  
**Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small**  
**Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**TWO STEP PARTNERS, LLC  
ZONING AMENDMENT**

**EXHIBIT "A"**

**Legal Description:**

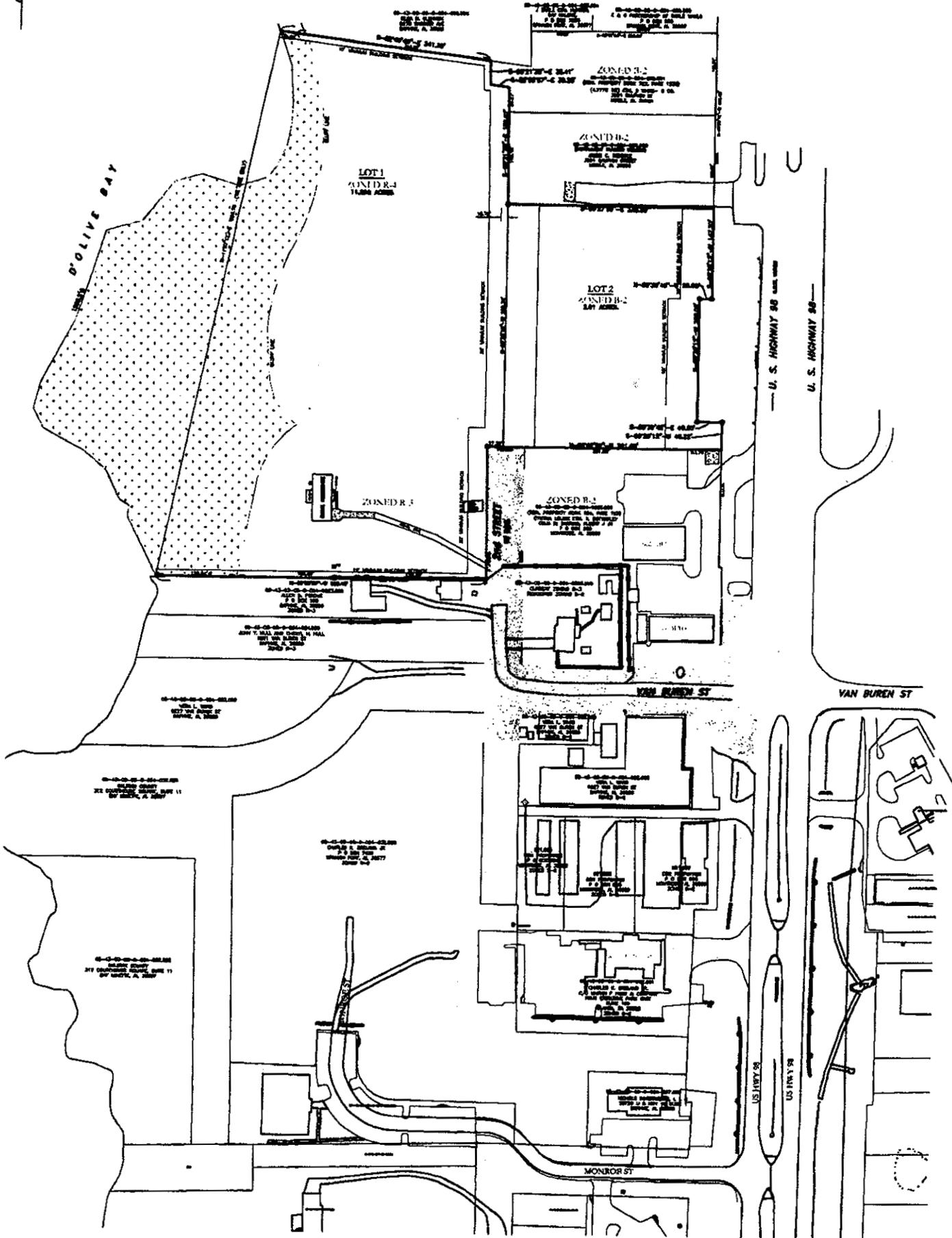
**Parcel A:**

**Lots 5, 6 and 7, Block "56", Park City, as recorded in the Miscellaneous Book 1, Page 230-1, in the Office of the Judge of Probate, Baldwin County, Alabama.**

**Parcel B:**

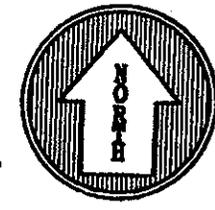
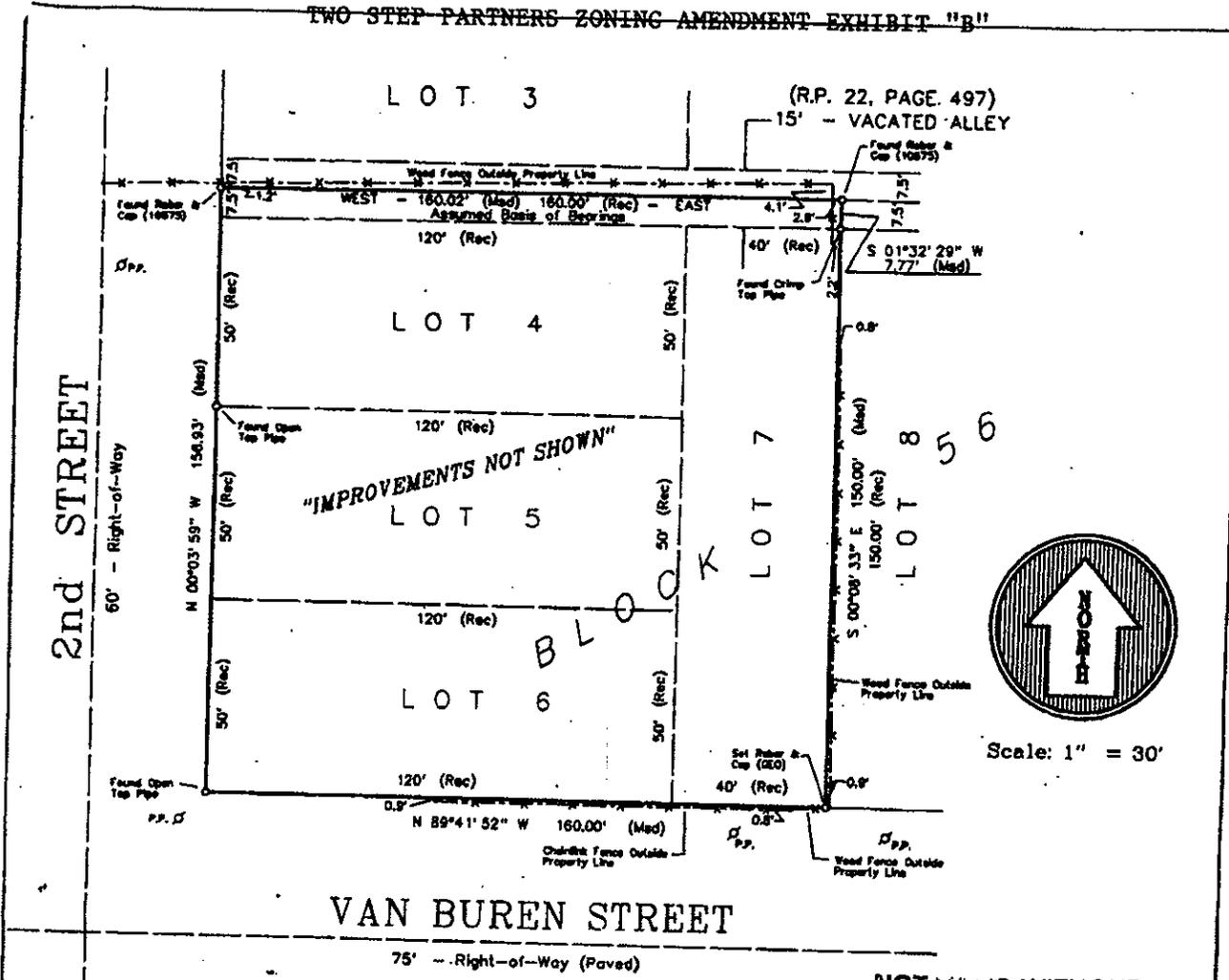
**Lot 4, Block 56, Park City, according to plat of Park City recorded in Miscellaneous Book 1, Page 230-231 and Page 287 of the records in the Office of the Judge of Probate, Baldwin County, Alabama, together with that certain parcel of property lying between the North line of Lot 4 and the center line of a vacated alley lying between Lots 3 and 4 as formed by a Northward extension of the East and West lines of said Lot 4 to the center line of said vacated alley.**

**Reference: formerly Cecil Parrish property located at 28720 2<sup>nd</sup> Street**



TWO STEP PARTNERS  
 ZONING AMENDMENT EXHIBIT "B"

TWO STEP PARTNERS ZONING AMENDMENT EXHIBIT "B"



Scale: 1" = 30'

**NOT VALID WITHOUT EMBOSSED SEAL**

(STATE OF ALABAMA)  
(COUNTY OF BALDWIN)

I, MATTHEW S. KOUNTZ, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT THIS IS A TRUE AND CORRECT MAP OF THE FOLLOWING DESCRIPTION.

LOTS 4, 5, 6, AND 7, BLOCK 56; PARK CITY, ACCORDING TO PLAT OF PARK CITY RECORDED IN MISC. BOOK 1, PAGE 230-231 AND PAGE 287 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, TOGETHER WITH THAT CERTAIN PARCEL OF PROPERTY LYING BETWEEN THE NORTH LINE OF LOTS 4 & 7 AND THE CENTER LINE OF A VACATED ALLEY LYING BETWEEN LOTS 3 AND 4, AND LOTS 7 AND 24, AS FORMED BY A NORTHWARD EXTENSION OF THE EAST AND WEST LINES OF SAID LOTS 4 & 7 TO THE CENTER LINE OF SAID VACATED ALLEY. (Description copied from deed supplied)

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF; THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY; AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, NOR RIGHTS-OF-WAY VISIBLE ON THE SURFACE, EXCEPT AS NOTED HEREON.

ALL ACCORDING TO MY SURVEY MADE THIS THE 25<sup>TH</sup> OF FEBRUARY, 2005.

I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH, OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

*Matthew S. Kountz*  
MATTHEW S. KOUNTZ, P.L.S.  
ALABAMA REG. NO. 26359

**BOUNDARY SURVEY FOR  
CECIL PARRISH  
(PARCELS IN PARK CITY SUBDIVISION)**

PROJECT NO.	25049
DATE	02/25/05
SCALE	1" = 30'
DRAWN BY:	MK
FIELD DATE	02/21
FIELD BOOK NO.	30R
SHEET 1 OF	SHEETS

**GEO-SURVEYING, INC.**  
PROFESSIONAL LAND SURVEYING  
P.O. BOX 570  
FAIRHOPE, ALABAMA 36633  
Phone: (251) 990-0815 Fax: (251) 990-0866

REVISIONS	
NO.	DESCRIPTION

SEAL

**Ordinance 2006- 38**

**An Ordinance Declaring Certain NRCS Project an “Emergency” and Authorizing the Mayor to Execute a Contract and Appropriating Match**

**WHEREAS**, the City of Daphne has heretofore requested financial assistance in the amount of \$ 1,628,500 from the United States Department of Agriculture Natural Resources Conservation Service (NRCS) for flood damages incurred as a result of Hurricane Katrina; and

**WHEREAS**, said flood event put several of the City’s streets and public utilities in danger of being destroyed; and

**WHEREAS**, the City of Daphne urgently needs to perform repairs approved for funding by NRCS Agreement No. 69-4101-6-30 which includes the following projects:

- Cedar Circle/Bryants Gully
- Lakeview Loop (D’Olive Creek)
- Montclair Place (Lake Forest)
- Yancey Branch (Village Point Park)
- Whiting Court (&Church St)
- CR 64 (Widening @ 2 land portion)

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that:

- 1) The projects funded by the NRCS Agreement No. 69-4101-6-30 are hereby declared to be emergency projects; and
- 2) The Mayor is hereby authorized to execute the NRCS agreement attached hereto and made a part hereof and any other agreements required for the completion of these projects; and
- 3) Matching funds not to exceed \$ 542,833 are hereby appropriated.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**

Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**AGREEMENT NO.:** 69-4101-6-30  
**STATE:** ALABAMA  
**COUNTY/CITY:** City of Daphne  
**EWP EVENT:** Katrina/5072

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

**PROJECT AGREEMENT**

THIS AGREEMENT is hereby entered into and by the City of Daphne, hereafter called the Sponsor; and the Natural Resources Conservation Service, United States Department of Agriculture, hereafter called NRCS.

WITNESSETH THAT:

WHEREAS, under the provisions of Section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public Law 95-334, NRCS is authorized to assist the Sponsor in relieving hazards created by natural disasters that cause a sudden impairment of a watershed and

WHEREAS, the Sponsor and NRCS agree to a plan which provides for restoration of certain works of improvement referenced in Section A.

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and NRCS do hereby agree as follows:

A. IT IS AGREED that the following described work is to be constructed at an estimated cost not to exceed \$ 1,628,500.00.

<u>DSR NUMBER</u>	<u>DESCRIPTION OF WORK</u>	<u>ESTIMATED COST</u>
Dap0905-01	MSE wall, pipe, fill, vegetate	\$ 54,000.00
Dap0905-02	MSE wall, pipe, fill, vegetate	\$ 862,000.00
Dap0905-03	Sedimentation removal	\$ 310,000.00
Dap0905-04	Remove debris, fill, shape, riprap	\$ 89,500.00
Dap0905-05	Sedimentation removal	\$ 86,000.00
Dap0905-06	MSE wall, pipe, fill, vegetate	\$227,000.00

B. **THE SPONSOR WILL:**

1. Contract for construction of the works of improvement described in Section A and provide for their completion on or before the date specified in the Notice to Proceed letter. The completion date is August 22, 2006. No work shall commence until the Notice To Proceed (NTP) letter is issued. The Sponsor will provide NRCS a copy of each solicitation (Invitation for Bids, Request for Quotations, etc.) bid abstract, and awarded contract.
2. Designate an individual to serve as liaison officer between the Sponsor and NRCS, listing his or her duties, responsibilities, and authorities. Furnish this information in writing to NRCS with this signed agreement.
3. Provide certification (complete and sign Property Assurances – Attachment A) that real property rights have been obtained for works of improvement described in Section A supported by an attorney's opinion attached thereto. Certification shall be provided to NRCS prior to solicitation for installation of the works of improvement.
4. Provide In-Kind and/or cash contributions . The values of the in-kind or cash contribution shall be 25 percent of the total estimated cost of implementing the emergency protection measures. The total estimated cost includes the cost for constructing the works of improvement plus other costs associated with completing the project (i.e. awarding and administering contracts, designs, etc). The Sponsor may provide In-kind contributions that may be applied towards the sponsor's share of the actual project cost and include services such as labor, design, surveys, contract administration, construction inspection, debris removal and supplies such as materials, office space, equipment, and telephone lines. The Sponsor's administrative costs (such as attending meetings, obtaining land rights and permits, and reviewing documents and work progress) for carrying out their assigned responsibilities are not eligible as in-kind services.
5. On complex sites hold a pre-design conference with NRCS, the Sponsor, and the Sponsor's design engineer. The design conference shall set forth design parameters concurred by both the Sponsor and NRCS.
6. Prior to commencement of work and/or solicitation of bids, submit for NRCS review the preliminary design, construction specifications, and drawings in accordance with standard engineering principles and design parameters set forth in the pre-design conference and the Quality Assurance Plan (QAP). The QAP shall outline technical and administrative expertise required to ensure the works of improvement are installed in accordance with the plans and specifications, identify individuals with the expertise, describe items to be inspected, list equipment required for inspection, outline the frequency and timing of inspection (continuous or periodic), outline inspection procedures, and record keeping requirements.
7. Upon receiving NRCS comments, prepare the final design, construction specifications, and drawings in accordance with standard engineering principles, design parameters set forth in the pre-design conference and the QAP. One set of the final plans, specifications and QAP shall be submitted to NRCS for final review and concurrence prior to solicitation of bids and/or commencement of work. The final construction plans and specifications shall be signed and seal

- approved by the Sponsor's Professional Engineer prior to submittal to NRCS. The Sponsor's Professional Engineer shall be registered in the State of Alabama.
8. Provide construction inspection in accordance with the QAP.
  9. Provide copies of site maps to appropriate Federal and State agencies for environmental review. Sponsor will notify NRCS of environmental clearance, modification of construction plans, or any unresolved concerns as well as copies of all permits, licenses, and other documents required by Federal, State and local statutes and ordinances prior to solicitation for installation of the works of improvement.
  10. The Sponsor shall assume responsibility for operation and maintenance of the works of improvement installed. Operation and maintenance is required as follows:
    - a) For placement of riprap and stream debris removal measures (non-structural), Sponsor will not allow storm debris/materials to be re-deposited into improved areas for a period of one year after completion of installation of the works of improvement.
    - b) For measures other than placement of riprap and stream debris removal (structural measures), the Sponsor will submit for NRCS approval a written Operation and Maintenance Plan (if applicable) prior to completion of construction. Upon completion of the work, the Sponsor shall assume responsibility for operation and maintenance of the works of improvement.
  11. Ensure that all contracts for design and construction services will be procured in accordance with procedures prescribed in the Code of Alabama and Federal regulations applicable to the Sponsor, including the provisions contained in Attachment B to this agreement.
  12. Accept all financial responsibility for excess costs resulting from the Sponsor's failure to obtain, or their delay in obtaining, adequate land and water rights, permits, and licenses needed for the work described in Section A of this agreement.
  13. Take reasonable and necessary actions, including legal action, if required, to dispose of any and all contractual and administrative issues arising out of the contract (s) awarded under this agreement to include but not be limited to, disputes, claims, protests of award, source evaluation, and litigation that may result from the project, and bringing suit to collect from the contractor any monies due in connection with the contract. Any monies collected will be distributed to the parties in the same ratio as contributions are made.
  14. Comply with the requirements of the provisions included in Attachment B to this agreement. If applicable, complete the attached "Clean Air and Water Certification" and other required certifications as appropriate.
  15. The Sponsor will pay contractors as specified in their contracts. On completion of the agreement, submit a request for reimbursement to NRCS on a signed Form SF-270, Request for Advance or Reimbursement (Attachment C), accompanied by adequate documentation to support the amount requested for reimbursement (summary of labor, materials, equipment, etc.). One Request for

Reimbursement will be submitted per agreement. Payment will be made by electronic transfer of funds (ETF); accordingly, it is the Sponsor's responsibility to timely inform NRCS, in writing, of any changes in banking information.

16. The Sponsor, shall arrange for and conduct final inspection of the works of improvement. The NRCS Liaison, the Sponsor Liaison and the Sponsor's design engineer shall participate in the final inspection. A Professional Engineer, provided by the Sponsor and registered in the State of Alabama, shall certify that the project was installed in accordance with contractual requirements.
17. The Sponsor will administer their actions under this agreement in accordance with 7 CFR 3015, 7 CFR 3016, OMB Circulars A-102, A-87, A-128, and other rules referenced in 7-CFR 3015.
18. Retain all records dealing with the award and administration of contracts for three (3) years from the date of the Sponsor's submission of the final Request for Reimbursement or until audit findings have been resolved, whichever is longer. If any litigation is started before the expiration of the three (3) year period, the records are to be retained until the litigation is resolved or the end of the three (3) year period, whichever is longer. Make such records available to the Comptroller General of the United States or his or her duly authorized representative and accredited representatives of the U.S. Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpts and transcripts.
19. Provide 100 percent of the costs of works of improvement not eligible for federal cost share.
20. Complete all work required under this agreement, including, but not limited to, construction of works of improvement, final inspection, payment of all contractors, submission of as-builts and final quantities, etc.
21. Comply with the nondiscrimination provisions of the Equal Opportunity Clause and the Notice to Contracting Local organizations of the Requirement for Certifications of Non-Segregated Facilities clause, Form NRCS-ADS-818, Attachment D hereto.
22. Ensure that any special requirements for compliance with environmental and/or cultural resource laws are incorporated into the project.
23. In order to assess the Sponsor's capability to administer EWP funds, complete the Readiness Questionnaire (Attachment E) and return it with the signed agreement.
24. Hold and save NRCS free from any and all claims or causes of action whatsoever resulting from the obligations undertaken by the Sponsor under this agreement or resulting from the work provided for in this agreement.

#### **C. NRCS WILL:**

1. Provide 75 percent of the total estimated cost for constructing the works of improvement, not to exceed \$1,628,500.00.
2. Assist the Sponsor and Sponsor's engineer in establishing design parameters and approve same as set forth in paragraph B5, B6 and B7.

3. Not be substantially involved with the technical or contractual administration of this agreement, but will provide advice and counsel as needed.
4. Audit the Sponsor's records prior to final payment under this Agreement.
5. Upon satisfactory completion of the project and receipt of an acceptable SF-270 with supporting documentation, approve the Form SF-270, Request for Advance or Reimbursement and make payment to the Sponsor covering NRCS share of the cost.
6. Upon notification of the completion of construction, NRCS shall review the performance of Sponsor to determine if it has met the requirements of this agreement and fund expenditures as agreed.
7. Designate an individual to serve as liaison officer between the NRCS and the Sponsor. The NRCS engineer assigned to the project will serve in this position. The major duties, responsibilities and authorities of the liaison will be to review and approve specifications and drawings for DSR's that include structural measures, assist in the final inspection of the contract, certify along with the Sponsor's Professional Engineer that all work has been completed according to the specifications and drawings, review the SF-270 and supporting documents, approve and sign the Certificate of Completion and submit the SF-270 and supporting documents to NRCS for reimbursement to the Sponsor. The point of contact for other administrative issues is the District Conservationist.

#### **D. IT IS MUTUALLY AGREED:**

1. This agreement shall become null and void 90 calendar days after the date NRCS has executed this agreement if a solicitation for bids has not been publicly advertised or a contract has not been awarded.
2. This agreement shall be effective upon signature by NRCS.
3. The completion date is **August 22, 2006**, which will also be specified in the Notice to Proceed letter. No work shall commence until the Notice To Proceed is issued.
4. *That each party shall review and approve the construction plans as identified in Section B of this agreement.*
5. That the in-kind contributions incurred by the Sponsor (paragraph B 4) will be equal to no less than 25 percent of the construction cost.
6. If an Amendment is requested, the Amendment will not be considered as awarded until such time as the Sponsor receives a copy of the Amendment signed by ALL parties.
7. Adjustments to and between individual Damage Survey Reports (DSR's) under the same Project Agreement are acceptable without an Amendment, in so far as the total estimated amount, set forth in paragraph A of this Agreement, is not exceeded.
8. Upon notification from the Sponsor of the completion of construction, NRCS shall promptly review the performance of the Sponsor to determine if the requirements of this agreement have been met.

9. Payment under this agreement will be by electronic funds transfer (EFT) procedures in accordance with 31 CFR 208. EFT procedures will comply with USDA National Finance Center (NFC) requirements.
10. The furnishing of financial and other assistance by NRCS is contingent on the availability of funds appropriated by Congress from which payment may be made and shall not obligate NRCS upon failure of the congress to appropriate funds.
11. NRCS may terminate this agreement in whole or in part when it is determined by NRCS that the Sponsor's have failed to comply with any of the conditions of this agreement. The NRCS shall promptly notify the Sponsor in writing of the determination and reasons for the termination, together with the effective date. Payments or recoveries made by NRCS under this termination shall be in accordance with the legal rights and liabilities of NRCS and the Sponsors.
12. This agreement may be temporarily suspended by NRCS if it determines that corrective action by the Sponsor is needed to meet the provisions of this agreement. Further, NRCS may suspend this agreement when it is evident that a termination is pending.
13. Employees of NRCS shall participate in efforts under this agreement solely as representatives of NRCS. To this end, they shall not participate as directors, officers, employees, or otherwise serve or hold themselves out as representatives of the Sponsor or any member of the Sponsor. They also shall not assist the Sponsor, or any member of the Sponsor, with efforts to lobby Congress, or to raise money through fundraising efforts. Further, NRCS employees shall report to their immediate supervisor any negotiations with the Sponsor, or any member of the Sponsor, concerning future employment and shall refrain from participation in efforts regarding such party until approved by the Agency.
14. By signing this Agreement, the recipient assures the Department of Agriculture that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil laws, rules, regulations and policies.

#### ATTACHMENTS

ATTACHMENT A	PROPERTY ASSURANCES
ATTACHMENT B	SPECIAL PROVISIONS
ATTACHMENT C	REQUEST FOR REIMBURSEMENT (SF-270)
ATTACHMENT D	SPECIAL PROVISIONS CONSTRUCTION
ATTACHMENT E	READINESS QUESTIONNAIRE
ATTACHMENT F	VENDOR FORM- ELECTRONIC FUNDS TRANSFER

**E. APPROVED:**

City of Daphne:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

This action is authorized at an official  
Meeting of the \_\_\_\_\_  
On the \_\_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_  
State of Alabama.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

By: \_\_\_\_\_

Title: STATE CONSERVATIONIST

Date: \_\_\_\_\_

**PLAN OF OPERATIONS**  
AGREEMENT NO. 69-4101-6-30

The capabilities of the city to perform the following duties are considered to be equal to, or greater than 25% of the total estimated cost.

**Design:**

Prepare a design using city personnel or capable private sector personnel.

**Contract Administration:**

Using city personnel, equipment and supplies to advertise, award and administer construction contracts.

**Inspection:**

City personnel or capable private sector personnel will be used for inspection.

**PROPOSED BUDGET**

NRCS contribution	(75%)	<b>\$ 1,628,500.00</b>
Sponsor's contribution	(25%)	<b>\$ 542,833.33</b>
Total Estimated Cost		<b>\$ 2,171,333.33</b>

## ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

- A. **PURPOSE** — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

- B. **PROJECT MEASURES COVERED** —

Name of project \_\_\_\_\_

Identity of improvement or development \_\_\_\_\_

Location \_\_\_\_\_

- C. **REAL PROPERTY ACQUISITION ASSURANCE** —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS** —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

---

\_\_\_\_\_  
(Name of Sponsor)

This action authorized  
at an official meeting \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, ,  
at \_\_\_\_\_  
State of \_\_\_\_\_  
Attest: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name of Sponsor)

This action authorized  
at an official meeting \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, ,  
at \_\_\_\_\_  
State of \_\_\_\_\_  
Attest: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Title)

## ATTACHMENT B - SPECIAL PROVISIONS

The cooperator agrees to comply with the following special provisions which are hereby attached to this agreement.

### I. Drug-Free Workplace.

By signing this agreement, the cooperator is providing the certification set out below. If it is later determined that the cooperator knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the NRCS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFS 1308.11 through 1308.15);

Conviction means a finding of (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirements; consultants or independent contractors not on the grantees' payroll; or employees of sub-recipients or subcontractors in covered workplaces).

Certification:

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about --

- (1) The danger of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph 9a) that, as a condition of employment under the grant, the employee will --

- (1) Abide by the terms of the statement; and
- (2) Notifying the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such a conviction;

(e) Notifying NRCS in writing, within ten calendar days after receiving notice under paragraph 9(d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(h) Agencies shall keep the original of all disclosure reports in the official files of the agency.

B. The cooperator may provide a list of the site(s) for the performance of work done in connection with a specific project or other agreement.

## **II. Certification Regarding Lobbying (7 CFR 3018) (Applicable if agreement exceeds \$100,000)**

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the cooperator, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, and officer or employer of Congress, or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The cooperator shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **III. Certification Regarding Debarment, Suspension, and Other Responsibility matters - Primary Covered Transactions, (7 CFR 3017)**

(1) The cooperator certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal has one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the primary cooperator is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this agreement.

**IV. Clean Air and Water Certification (Applicable if agreement exceeds \$100,000 or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA, or is not otherwise exempt.)**

The cooperator signatory to this agreement certifies as follows:

(a) Any facility to be utilized in the performance of this proposed agreement is \_\_\_\_\_, is not \_\_\_\_\_, listed on the Environmental Protection Agency List of Violating Facilities.

(b) To promptly notify the State or Regional Conservationist prior to the signing of this agreement by NRCS, of the receipt of any communication from the Director, Office of Federal Activities, U. S. Environmental Protection Agency, indicating that any facility which he/she proposes to use for the performance of the agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.

(c) To include substantially this certification, including this subparagraph (c), in every nonexempt sub-agreement.

**Clean Air and Water Clause**

(Applicable only if the agreement exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA or the agreement is not otherwise exempt.)

A. The cooperator agrees as follows:

(1) To comply with all the requirements of section 114 of the Clean Air Act as amended (42 U.S.C. 1857, et seq., as amended by Public Law 91-604) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et. sq., as amended by Public Law 92-500), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the signing of this agreement by NRCS.

(2) That no portion of the work required by this agreement will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this agreement was signed by NRCS unless and until the EPA eliminates the name of such facility or facilities from such listing.

(3) To use their best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.

(4) To insert the substance of the provisions of this clause in any nonexempt sub-agreement, including this subparagraph A. (4).

B. The terms used in this clause have the following meanings:

(1) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604).

(2) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-55).

(3) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Clean Air Act (42 U.S.C. 1857c-5(d)), and approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act (42 U.S.C. 1857c-6(c) or (d)), or an approved implementation procedure under section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).

(4) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standards, or other requirement which is promulgated pursuant to the Water Act or contained a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. 1342), or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act (3 U.S.C. 1317).

(5) The term "compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with the scheduled or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or any air or water pollution control issued pursuant thereto.

(6) The term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location or site of operations, owned leased, or supervised by a sponsor, to be utilized in the performance of an agreement or sub-agreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collated in one geographical area.

#### **V. Assurances and Compliance**

As a condition of the grant or cooperative agreement, the recipient assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set out in 7 CFR 3015, 3016, 3017, 3018, 3019, and 3052 which hereby are incorporated in this agreement by reference, and such other statutory provisions as are specifically set forth herein.

#### **VI. Examination of Records**

Give the NRCS or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this agreement. Retain all records related to this agreement for a period of three years after completion of the terms of this agreement in accordance with the applicable OMB Circular.

<b>REQUEST FOR ADVANCE OR REIMBURSEMENT</b>  <i>(See instructions on back)</i>		OMB APPROVAL NO. <p style="text-align: center;">0348-0004</p>		PAGE _____ OF _____ PAGES
		1. TYPE OF PAYMENT REQUESTED	a. "X" one or both boxes <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT  b. "X" the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	2. BASIS OF REQUEST  <input type="checkbox"/> CASH  <input type="checkbox"/> ACCRUAL
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST
6. EMPLOYER IDENTIFICATION NUMBER	7. RECIPIENTS ACCOUNT NUMBER OR IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REQUEST FROM (month, day, year) _____ TO (month, day, year) _____		
9. RECIPIENT ORGANIZATION  Name:  Number and Street:  City, State, and ZIP Code:		10. PAYEE (Where check is to be sent if different than item 9)  Name:  Number and Street:  City, State, and ZIP Code:		

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED				
PROGRAMS/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	TOTAL
a. Total program outlays to date <i>(As of date)</i>	\$	\$	\$	0.00
b. Less: Cumulative program income				0.00
c. Net program outlays <i>(Line a minus line b)</i>	0.00	0.00	0.00	0.00
d. Estimated net cash outlays for advance period				
e. Total <i>(Sum of lines c &amp; d)</i>	0.00	0.00	0.00	0.00
f. Non-Federal share of amount on line e				0.00
g. Federal share of amount on line e				0.00
h. Federal payments previously requested				0.00
i. Federal share now requested <i>(Line g minus line h)</i>	0.00	0.00	0.00	0.00
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			0.00
	2nd month			0.00
	3rd month			0.00

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY	
a. Estimated Federal cash outlays that will be made during period covered by the advance	\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested <i>(Line a minus line b)</i>	\$ 0.00

13.

**CERTIFICATION**

I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
	TYPED OR PRINTED NAME AND TITLE	TELEPHONE (AREA CODE, NUMBER, EXTENSION)

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**INSTRUCTIONS**

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory, specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
2.	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.		
4.	Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.		
6.	Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.		
7.	This space is reserved for an account number or other identifying number that may be assigned by the recipient.		
8.	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.		
Note:	The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.		
11.	The purpose of the vertical columns (a), (b) and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or		
		activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.	
		11a. Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.	
		11b. Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.	
		11d. Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.	
		13. Complete the certification before submitting this request.	

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## **ATTACHMENT D - SPECIAL PROVISIONS - CONSTRUCTION**

- I. EQUAL OPPORTUNITY (SCS-AS-83)
- II. EQUAL OPPORTUNITY (FEDERAL ASSISTED CONSTRUCTION) (SCS-AS-83)
- III. NOTICE TO CONTRACTING LOCAL ORGANIZATION OF REQUIREMENTS FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES
- IV. NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS
- V. NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES
- VI. CERTIFICATION OF NONSEGREGATED FACILITIES (SCS-AS-818)
- VII. STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

## ATTACHMENT B - SPECIAL PROVISIONS

### CONSTRUCTION

#### I. EQUAL OPPORTUNITY

The Contracting Local Organization agrees to incorporate, or cause to be incorporated, into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is paid for, in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following Equal Opportunity (Federally Assisted Construction) clause:

#### II. EQUAL OPPORTUNITY (FEDERALLY ASSISTED CONSTRUCTION)

During the performance of this contract the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. 'The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff determination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this Equal Opportunity (Federally Assisted Construction) clause.
2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The Contractor will send to each labor union or representative of workers, with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the Contractor's noncompliance with the Equal Opportunity (Federally Assisted Construction) clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as provided by law.
7. The Contractor will include this Equal Opportunity (Federally Assisted Construction) clause in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

The Contracting Local Organization further agrees that it will be bound by the above Equal Opportunity (Federally Assisted Construction) clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, however, that if the Contracting Local Organization so participating is a State or local government, the above Equal Opportunity (Federally Assisted Construction) clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Contracting Local Organization agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of Contractors and subcontractors with the Equal Opportunity (Federally Assisted Construction) clause and the rules, regulations and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The Contracting Local Organization further agrees that it will refrain from entering into any contractor contract modification subject to Executive Order No. 11246 of September 24, 1965, with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity (Federally Assisted Construction) clause as may be imposed upon Contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part 11, Subpart D, of the Executive Order. In addition, the Contracting Local Organization agrees that if it fails or refuses to comply with these undertakings the administering agency may take any or all of the following actions: Cancel, terminate, or

suspend, in whole or in part, this grant; refrain from extending any further assistance to the Contracting Local Organization under the program with respect to which its failure or refusal occurred until satisfactory assurance of future compliance has been received from such Contracting Local Organization; and refer the case to the Department of Justice for appropriate legal proceedings.

### III. NOTICE TO CONTRACTING LOCAL ORGANIZATIONS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

- (a) A Certification of Nonsegregated Facilities must be submitted by the Contracting Local Organization prior to any agreement for Federal financial assistance where the Contracting Local Organization will itself perform a federally assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- (b) The Contracting Local Organization shall notify prospective federally assisted construction contractors of the Certification of Nonsegregated Facilities required, as follows:

### IV. NOTICE TO PROSPECTIVE FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS

- (a) A Certification of Nonsegregated Facilities must be submitted prior to the award of a federally assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- (b) Contractors receiving federally assisted construction contract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

### V. NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

- (a) Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- (b) Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

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## VI. CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to federally assisted construction contracts and related subcontracts exceeding \$10,000 which are not exempt from the Equal Opportunity Clause.)

The federally assisted construction contractor certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this section is a violation of the Equal Opportunity Clause in this contract. As used in this caption, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national of because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause, and that he/she will retain such certifications in his/her files.

NOTE - The penalty for making false statements in offers is prescribed in 18 U.S.C. I 001.

Contractor: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

VII. STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
CONSTRUCTION CONTRACT SPECIFICATIONS  
(EXECUTIVE ORDER 11246)

1. As used in these specifications:
  - a. 'Covered area' means the geographical area described in the solicitation from which this contract resulted;
  - b. "Director" means Director, Office of Federal Contract act Compliance Program, United States Department of Labor, or any person to whom the Director delegates authority;
  - c. "Employer identification number" means the Federal Social Security number used on the Employees Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
  - d. "Minority" includes:
    - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
    - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cub Central or South American or other Spanish Culture or origin, regardless of race);
    - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of die Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
    - (iv) American Indian or Alaskan Native (all groups having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000, the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which the contract resulted.
3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through as association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO Clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractors or Subcontractors failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in Paragraphs 7.a. through 7.p. of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female tuition that the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or Federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice of and such notices may be obtained from any Office of Federal Contract Compliance Programs or from Federal procurement Contracting Officers. The Contractor is expected to make substantially uniform progress toward meeting s goals in each craft during the period specified.
5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractors obligations under these specifications, Executive Order 1 1246, or the regulations promulgated pursuant thereto.
6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractors compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
  - a. Ensure and maintain a working environment free of harassment, intimidation and coercion at all sites, and in all at which the Contractors employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractors obligations to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
  - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organization's responses.
  - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority and female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union

hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in a file with the reason therefore, along with whatever additional actions the Contractor may have taken.

- d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process had impeded the Contractor's efforts to meet its obligations.
- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities, and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under Paragraph 7.b. above.
- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc. - specific review of the policy with all management personnel and with all minority and female employees at least once a year, and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and its action obligations under these specifications with all employees having any responsibility for hiring, assessment, layoff, termination, or their employment decisions, including specific review of these items with on-site supervisory personnel such as Superintendents, General Fore etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female, and community organizations to schools with minorities and female students and to minority and female recruitment and training organizations, serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of the applications for apprenticeship or other, training by any recruitment sources, the Contractor shall send written notification, to organizations such as the above, describing the openings, screening procedure, and tests to be used in the selection process. Encourage present minority and female employees to

recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractors workforce.

- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of the Contractors workforce.
  - k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
  - l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
  - m. Ensure that seniority practices, job classification work assignments, and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractors obligations under these specifications are being carried out.
  - n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to ensure privacy between the sexes.
  - o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
  - p. Conduct a review, at least annually, of all supervisor adherence to and performance under the Contractors EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations which assist in achieving one or more of the affirmative action obligations (Paragraphs 7.a. through 7.p.). The efforts of a contractor association, joint contractor-union, contractor-community, or other share group of which the Contractor is a member and participants may be asserted as any one or more of its obligations under Paragraphs 7.a. through 7.p. of these Specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractors minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and nonminority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
10. The Contractor shall not use the goals and timetables of affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination, and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.
13. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government, and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easy understandable and retrievable form however, to the degree that existing records satisfy this requirement, Contractors shall not be required to maintain separate records.
14. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in Paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 604.8.
15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

USDA NATURAL RESOURCES CONSERVATION SERVICE  
EMERGENCY WATERSHED PROTECTION (EWP) PROGRAM - Alternative Approach

ADMINISTRATIVE READINESS QUESTIONNAIRE

The purpose of this questionnaire is to help determine if a sponsor is adequately equipped to administer EWP funds. If an applicant is not equipped, the applicant may be asked to retain the services of a qualified organization to assist in administering EWP funds. Please complete the entire questionnaire as candidly as possible. A copy of this questionnaire must be returned to NRCS (address below) before an EWP cooperative agreement will be executed with a sponsor. \*

USDA/NRCS  
State Office  
ATTN: Admin./Contracting Officer  
3381 Skyway Drive  
P.O. Box 311  
Auburn, AL 36830

Date \_\_\_\_\_

Sponsor: \_\_\_\_\_  
(Name and Mailing Address)

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ Email: \_\_\_\_\_

Name and Title of Person Completing Questionnaire:

Please type or Print	Title	Signature
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1. Have you or your staff administered grants or loans from other federal programs in the past? \_\_\_\_\_  
If yes, please list the federal agencies involved: \_\_\_\_\_ and year(s): \_\_\_\_\_

2. Have you or your staff previously:
- \_\_\_\_\_ Obtained performance bonds from a contractor performing work under a contract funded totally or in part with federal dollars,
  - \_\_\_\_\_ Completed actions in compliance with a Free and Open competition clause in a contract funded totally or in part with federal dollars,
  - \_\_\_\_\_ Prepared a contract solicitation package for a project that included federal assistance funds and was in accordance with the Code of Alabama, or
  - \_\_\_\_\_ Incorporated and monitored actions related to federal environmental standards in contracts funded totally or in part with federal dollars.

3. Are you or your staff experienced with federal requirements related to:
- \_\_\_\_\_ Project funds, financial management and audit requirements,
  - \_\_\_\_\_ Real property acquisition or easements,
  - \_\_\_\_\_ Bid letting, and sealed bid procedures,
  - \_\_\_\_\_ Equal Opportunity and Civil Rights, and
  - \_\_\_\_\_ Contract administration.

4. Does your organization have a financial management system in place that meets the requirements of 7 CFR 3016.20? \_\_\_\_\_

5. Does your organization have procurement standards in place that meet the requirements of 7 CFR 3016.36? \_\_\_\_\_

**If you answered "no" to more than two of the items listed above, please provide the following information regarding the organization that will be providing administration assistance to you:**

Name and Mailing Address of Organization: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Has your organization completed the attached form for electronic funds transfer? \_\_\_\_\_

All programs and services of the Natural Resources Conservation Service are offered to everyone on a non-discriminatory basis without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

## VENDOR CODE FORM

From:	1. Action		2. Vendor Code (SSN, Fed ID #)		3. Vendor Name <i>(Field allows only 26 characters)</i>	
	New <input type="checkbox"/>		Modify <input type="checkbox"/>			
	4. Address Line 1 (Required - <i>Field allows only 30 characters</i> )				7. Phone (Optional)	
5. Address Line 2 (Optional - <i>Field allows only 30 characters</i> )				8. Vendor Type (Required)		
6. Address Line 3 (City, State, Zip)				12. Payment Hold	15. Prompt Pay Type	
To:	14. 1099 Vendor		14a. 1099 Vendor (Name/Address)		<b>CCR DATABASE</b>	
			<i>Use only for "Assign" payments. Block 14a should always be NO.</i>		SHOULD <input type="checkbox"/> SHOULD NOT <input type="checkbox"/>	
					be registered in the CCR Database.	
	Vendors doing business with USDA under the terms of any contracts, basic agreements, basic ordering agreements, or blanket purchase agreements are required to register.					
<b>EFT INFORMATION (Mandatory)</b> <i>Either fill in the banking information or staple a cancelled check in the space provided</i>						
Bank Account Number		Account Type			Bank Routing Number	
		Checking <input type="checkbox"/> Saving <input type="checkbox"/>				
<p>This block is reserved for cancelled check or copy of check to display Banking information.</p>						
Tracking notes for Submitting Office						
Reference to our Contract Number:						
SPECIAL NOTES FOR INDIVIDUAL INPUTTING VENDOR RECORD:						

**CITY OF DAPHNE  
ORDINANCE NO. 2006 - 39**

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**AN ORDINANCE ADDING/AMENDING THE FOLLOWING SECTIONS OF THE CITY OF DAPHNE, ALABAMA LAND USE AND DEVELOPMENT ORDINANCE, ORDINANCE 2002-22, ADOPTED ON SEPTEMBER 3, 2002, THEREBY ADOPTING A REVISION TO ARTICLE XXXIII, SIGN PROVISIONS**

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**WHEREAS**, the Planning Commission of the City of Daphne, Alabama, at their special meeting held on April 7, 2006 considered certain amendments to the Sign Provisions of the City of Daphne Land Use and Development Ordinance (Ordinance No. 2002-22) and set forth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

**WHEREAS**, due notice of said revision of the ordinance has been presented to the public as required by law through publication and a public hearing was held before the City Council on May 15, 2006 concerning said amendments; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne, after due consideration deem that said amendments are proper and believed to be in the best interest of the City that amendments be affirmed.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT THE DESCRIBED AMENDMENT BELOW IS HEREBY ADOPTED AS FOLLOWS:**

**SECTION I:**

**This Section hereby repeals the following sections in their entirety:**

**Article XXXIII, Section 33-5 (e)(2), Section 33-5 (h), 33-5 (1), 33-9 (a), 33-10 (title name), and 33-10 (j) (2) currently read as follow:**

**33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July), retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two

(2) square feet and forty-two (42) inches in height.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

(1) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers, information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign.

**SECTION II:**

This Section hereby amends the City of Daphne Land Use and Development Ordinance by establishing the following sections to replace those previously repealed under Section I of this Ordinance and hereby adding Sections 33-10 (k) and (1).

Article XXXIII, Sections 33-5 (e)(2), 33-5 (h), 33-5 (l), 33-9 (a), 33-10 (title name), 33-10 (j)(2), 33-10(k), and 33-10(l) thereby providing for "Interstate Corridor Signs" (33-10(k)) and "Commercial/Retail Development Interior Street Signs" (33-10(l)), and shall read respectively as follows:

### 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following signs may be erected or constructed without a permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.

(e) Temporary Promotional Sign Allowance for Commercial and Retail Establishments:

The following signage shall be permitted. That which is not specifically provided herein is expressly prohibited:

2) Promotional Weekend and Nationally Recognized Holidays:

On the last Friday of each month, commencing no earlier than six (6) a.m., the following Saturday and Sunday, as well as Monday, if such Monday should coincide with a National holiday (Labor Day, Memorial Day, or the Fourth of July) and any other State recognized holiday, retail and commercial establishments duly licensed to do business within the corporate limits shall be permitted to display a reasonable number of three (3) of the following items provided; however, all such items shall be removed from the premises at the close of the final business day of the weekend or at the close of the business day on Monday, should Monday fall on a holiday the requirements outlined above shall apply.

Temporary decorative signs, pennants, banners (not to exceed two (2), twenty (20) square feet each), streamers, bunting, balloons, and flags. (Reference: Section 33-5, Subsection (g), for provisions governing use of flags).

Each commercial or retail establishment shall be permitted to choose any three (3) types of signage from the foregoing list on each weekend specified and shall be limited to the use of only those three (3) types of items chosen during any given promotional weekend.

(h) Directional Signs and Symbols:

- (1) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet and forty-two (42) inches in height. Such directional signs may have the name of the business, but may not contain advertisements for sales, specials, and the like.
- (2) Property Owners Associations (i.e., "POA's") will be allowed to place interior directional signs along city right of ways in neighborhoods. Said signs shall be no greater than 2 square feet and not to exceed 42 inches in height, constructed of wood material, and sand blasted, carved or other similar lettering, aesthetically designed to harmoniously blend with the surrounding neighborhood.

(1) Signs Incorporated on Machinery or Equipment:

Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet. This shall include signs commonly referred to as "Pump Toppers" on top of gasoline pumps and shall be limited to 2 ½ square feet in dimensions. In recognition that parent oil companies often provide said signs to the subsidiary stations, minor deviations in size shall be allowed, subject to the approval of the code enforcement officer.

**33-9 MUNICIPAL IDENTIFICATION OR DIRECTIONAL SIGNAGE**

(a) Criteria:

- (2) That in any business park, office park, commercial park, and/or municipal facility(ies), as distinguished from retail shopping centers for which such shall be specifically prohibited information/directional signs may be permitted subject to the following:

**33-10 SIGNS THAT REQUIRE PERMITS (PERMITTED SIGNS)**

Unless otherwise specified herein, the schedule in Section 33-11 contains requirements for signs requiring sign permits in each use district.

(j) Electronic Signs:

(2) Commercial Advertising:

(a) Prohibition:

In no case, however, is commercial advertising permissible within the electronic display area of any electronic sign facing a public road in front of a school or public building, or on or around the supporting structure of the sign.

(k) Interstate Corridor Signs:

One "Name Indication" sign shall be allowed for any lot or parcel of property having a minimum of 200 feet of frontage space parallel, abutting to or otherwise sharing a common boundary line with Interstate 10 and/or Interstate Right of Way with a right of way that has no property other than a city, county, or state right of way between the subject real property and the interstate right of way. No sign shall be erected on any lot or parcel containing less than 200 feet of said frontage space. The sign shall be located at or very near the interstate right of way of the parcel, and shall contain no more than 250 square feet of signage.

Said sign shall be no greater than 40 feet in height, measured from the finished grade of the property and shall be no greater than 20 feet in width. Any sign to be erected shall be subject to the approval of the Planning Commission."

- (1) Commercial/Retail Development Interior Street signs:

Inasmuch as commercial developments continue to arise within the City limits which contain private interior streets with retail and/or business space being located on both sides of said private interior streets, advertising signs shall be allowed to be placed at each end of the private interior street. Said sign shall be either a monument style or "Street Lamp, hanging sign" style. Said signs shall be limited to 30 square feet on each side of the sign, regardless of the number of businesses located on said private interior street.

Monument style signs shall be no higher than 5 feet, and Street Lamp style signs shall be no higher than 20 feet, both to be measured from the finished grade. Any proposed sign must first be approved by the Planning Commission prior to being erected.

### **SECTION III: CONFLICTS**

This Section provides for conflicts with other articles, ordinances, or regulations. If the provisions of this article conflict with other articles, ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

### **SECTION IV: SEVERABILITY**

The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence or part thereof separately and independently of each other.

### **SECTION V: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

\_\_\_\_\_  
GREG BURNAM  
COUNCIL PRESIDENT  
DATE/TIME SIGNED: \_\_\_\_\_

\_\_\_\_\_  
FRED SMALL, MAYOR  
THE CITY OF DAPHNE  
DATE/TIME SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DAVID COHEN, CITY CLERK, MMC