

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JUNE 2, 2008
6:30 P.M.

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

3. APPROVE MINUTES: Council Meeting minutes meeting held May 19, 2008
Work Session Minutes meeting held May 15, 2008

PRESENTATION: Bay Rivers Art Guild / Valley O'Neal / Introduce New President Marion McAleer

PRESENTATION: TimberCreek Property Owners Association / Bob Foth

PRESENTATION: Representative Randy Davis / Grant Award for Library

PRESENTATION: Support for Zydeco Sponsors / Sandra Morse

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE - Scott

a.) Ordinance:

2006 Construction Fund Landscaping and Irrigation Appropriation / [Ordinance 2008-39](#)

b.) Resolutions:

Bid Awards:

1.) City Hall Landscaping: Shrubbery and Plants / John Deere Landscapes

/ [Resolution 2008-27](#)

2.) Police Uniforms Leather Gear / Lawmen's & Shooters Supply, Inc. /

[Resolution 2008-26](#)

3.) PD Dry Cleaning / Dixie Service Cleaners / [Resolution 2008-25](#)

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

Review minutes meeting held May 7th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments - Eady

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Yelding

Review minutes meeting held March 24th

Review minutes meeting held May 22nd

D. Library Board - Lake

E. Planning Commission – Barnette

Review minutes meeting held April 24th

a.) Set Public Hearing for July 7, 2008 to consider:

1.) Rezoning: Big Sandy / US Hwy 98 & Johnson Road / R-4, High Density Single and Multi-Family Residential District to B-2, General Business District

2.) Amend Land Use & Development Ordinance / Sign Provisions

- 3.) Rezone: Baldwin AL Development / AL Hwy 181 / From B-1, Local Business District to B-2, General Business District
- 4.) Annexation: Paul Powers Real Estate Venture / East Side of AL Hwy 181 / Requested Zoning: B-1, Local Business District - 28.52 Acres / R-4, High Density Multi-Family Family Residential District – 12.23 Acres / R-4, High Density Single Family Residential District – 9.14 Acres / R-3, High Density Single Family Residential District – 9.72 Acres
- 5.) Rezoning: Elite Development Company / NE Corner of Parker Lane and Avery Lane / From R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District

F. Recreation Board - Palumbo

Review minutes meeting held May 14th

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayors Report

- a.) ABC License / Homewood Suites by Hilton / 040 – Retail Beer – (On or Off Premises) / 060 – Retail Table Wine – (On or Off Premises)

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Bid Award: PD Dry Cleaning / Dixie Service Dry Cleaners. /Resolution 2008-25
- b.) Bid Award: PD Uniforms Leather Gear / Lawmen’s & Shooters Supply, Inc. /Resolution 2008-26
- c.) Bid Award: City Hall Landscaping: Shrubbery & Plants / John Deere Landscapes. /Resolution 2008-27

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: LaCasa Subdivision. /Ordinance 2008-38
- b.) Appropriation of Funds: 2006 Construction Fund Landscaping and Irrigation. /Ordinance 2008-39

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__ __

COUNCILMAN NAGER

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**MAY 19, 2008
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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1. CALL TO ORDER

David Cohen, City Clerk called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Bill Eady gave the invocation.

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

ABSENT: John Lake, Greg Burnam, Eric Nager.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; James White, Fire Chief; Richard Merchant, Building Official; Bill Eady, Planning Department Director; David Carpenter, Police Chief; Melvin McCarley, Interim Public Works Director; Sandra Morse, Civic Center Director; Jane Robbins, Mayor's Assistant; Captain Scott Taylor, Police Department; Lt. Kenny Hempfleng, Police Department; Judge Thomas Doyle; Scott Hutchinson, HMR; Erick Bussey, Attorney; Ron Allen, Library Board; Willie Robison, BZA; Al Guarisco, Village Point; Starke Irvine, DRA; Dorothy Morrison, Beautification.

Absent: Sharon Cureton, Human Resource Director; Richard Merchant, Building Official.

Council President Burnam and Council Vice President Lake were absent, and according to procedure Council had to elect a Council President.

**MOTION BY Councilman Scott to appoint Councilwoman Barnette as Council President.
*Seconded by Councilman Palumbo.***

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

3. APPROVE MINUTES:

MOTION BY Councilman Yelding to adopt the Council meeting minutes meeting held April 21, 2008. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**MAY 19, 2008
CITY COUNCIL MEETING
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2

PRESENTATION: S.E.E.D.S. / Denise D'Oliveira / Ruth Seawell

S.E.E.D.S. has distributed \$46,000 to Daphne schools, and these funds came from fund raisers which the Mama Mia Cook Off is the main one. This event will be held the 2nd weekend in November, and they have outgrown the Hutchinson, Moore and Rauch grounds, and asked permission from Council to have it on the grounds of City Hall. This would be a perfect backdrop with the new building and its Italian architecture. The group has insurance that will cover the event.

MOTION BY Councilman Scott to approve S.E.E.D.S. use of City Hall grounds for the Mama Mia Cook Off to be held November 8, 2008. *Seconded by Councilman Yelding.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Mayor Small presented a gold puzzle piece lapel pin to Denise and Ruth for their tireless efforts in working for Daphne schools. The puzzle pieces were presented last Saturday on Community Day before the Flounder Day Parade to citizens who volunteer their time to be on committees and boards of the city.

PRESENTATION OF CERTIFICATE OF RECOGNITION: Charlie Sumner / Eagle Scout
Troop 177 / Project at
Gator Alley

Mayor Small read and presented the certificate to Mr. Sumner for building benches, planting 50 pine trees and removing debris at Gator Alley.

SWEARING IN: William Menefee / Police Department

Judge Doyle swore in Officer William Menefee while Mayor Small held the Bible and Chief Carpenter looked on.

PRESENTATION: People to People / Introduce Student Ambassadors

Mrs. Singleton stated that the students will be traveling to Europe and introduced one of the students, Ms. Morgan Norsworthy, that will be traveling with People to People this summer.

PRESENTATION: Don Druse / Baldwin County Home Builders Association

Mr. Druse asked Council not to adopt the Impact Fee Ordinance because it will have detrimental effects on the builders in the area, and will push buyers into other areas. He said that the Home Builders Association is against the ordinance.

4.REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

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

Treasurers Report / Ending April 30, 2008

MOTION BY Councilman Scott to accept the Treasurers report ending April 30, 2008 with a balance of \$21,576,299.08. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Motions:

a.) **Authorize payment in the amount of \$6,429 to the SARPC for the 2nd half pro-rata share for FY 08.**

MOTION BY Councilman Scott to authorize payment in the amount of \$6,429 to the SARPC for the 2nd half pro-rata share for FY 08. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) **Commit to funding in the amount of \$2,000 in FY 09 to the USS Alabama Battleship Memorial for Alabamians lost in the Operation Iraqi / Enduring Freedom Wars**

MOTION BY Councilman Scott to commit to funding in the amount of \$2,000 in FY 09 to the USS Alabama Battleship Memorial for Alabamians lost in the Operation Iraqi / Enduring Freedom Wars. *Seconded by Councilman Yelding.*

Councilman Palumbo stated for the record that should funds be brought up for appropriation in the future that the Desert Storm soldiers be included.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

c.) **To allocate \$340,000 of the funds remaining from the US 90 Sewer Project to the Highway 64 South Sewer Project**

MOTION BY Councilman Scott to allocate \$340,000 of the funds remaining from the US 90 Sewer Project to the Highway 64 South Sewer Project. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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Sales and Use Tax Collections / March 31, 2008

The total budgeted was \$1,082,314 and \$998,616.04 was collected. There has been a consistent amount of shortfalls with sales tax collections, and year-to-date collections are below what was budgeted by \$380,169.02. It appears that there will be a budget shortfall of \$700,000 to \$800,000 which will come out of the 10.10 million dollars in reserves.

Lodging Tax Collections

Collections were \$53,123 as opposed to last year \$66,000. These figures bounce back and forth depending on when Mardi Gras falls, and you cannot always compare apples to apples. The LaQuinta Inn is now open, the new Home Suites is well on the way to completion, there are two additional hotels coming, there is another one on the drawing board, and Value Place in the Renaissance Center will be coming soon. Hopefully, with all the out of town people in for Zydeco there will be an increase in the lodging tax this month.

Mid-Year Balance Sheet

Mrs. Briley gives Council, on a quarterly basis, a picture of where they are with income verses expenses. The surplus has grown from \$10,050,000 to \$10,995,000. Some of that is budgeted items that will have to be expended between now and the end of the year, because some of the items are capital items. At least for the first six months they have shown fiscal restraint, and Councilman Scott complemented the Mayor and department heads for the job that they have done in these tight times keeping a watch on the city's dollars.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The minutes for the May 2nd meeting are in the packet. There was one refund request that was granted, and they also had a proposal brought to them from BRAG concerning leasing the Nicholson Center, and that matter was delayed and was referred to the City Attorney, because a question has arisen over the actual deed of the property and the building.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the May 7th meeting are in the packet. The Public Safety Committee has been receiving an increase in speeding concerns in various neighborhoods in the city, and the committee is going to look at lowering the speed limits in the residential areas from 30 to 25 miles per hour.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

The committee met this month, and discussed one issue that was referred to the City Attorney so until they get an answer on that there is not a report at this time. It is undetermined if they will meet next month it will depend on when they get the opinion from the attorney.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

MOTION BY Councilman Yelding to authorize the Mayor to execute agreements for rights-of-entry with the Boles, Olds, Lamberts and Canale’s to relocate sand adjacent to May Day Park. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The next meeting will be Friday, May 23rd at 8:00 in the Council Chambers.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

There will be a meeting June 5th at 6:00 p.m. to consider one petition for a day care at 703 Pine Street in Daphmont subdivision.

B. Downtown Redevelopment Authority – Barnette

There is a request to appoint Ms. Mary Riser to the Authority in the packet.

MOTION BY Councilman Yelding to appoint Mary Riser to the Downtown Redevelopment Authority. Terms: 2008 – 2014. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. Industrial Development Board – Yelding

No report. The next meeting will be May 22nd 6:00 p.m. at Eastern Shore Toyota.

D. Library Board – Lake

The board met on May 14th, and the minutes will be in the next packet. The Library Board will in the near future make a presentation to Council for some needed expansion at the library, and he recommended that they come to a Buildings and Property meeting first, and then ultimately to a Council work session. The summer reading program will start June 2nd and run for the entire month. There will be pre-schoolers, juniors, kindergarten - second grade, tweens (3rd – 5th grade), teens (6th grade and up). There will be lots of activities every week.

E. Planning Commission – Barnette

The minutes for the April 24th meeting are in the packet. The Planning Commission will meet on May 22nd at 6:00 p.m. in the Council Chambers.

F. Recreation Board – Palumbo

The board met last Wednesday. The City Attorney and the attorney for the school board are still hammering out an agreement for the city to acquire the remaining acreage at Trione Park, which they really need to proceed with the Master Plan for the 122 acres. The Master Plan has been approved by

the Planning Commission. The board is anxious to know where they go from here. HMR will be making a presentation at the next meeting. The ball will be in the Councils court, it is about as far as the Recreation Board can go.

G. Utility Board – Scott

The next meeting will be May 28th at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

a.) *Parade Permit / Christ the King Respect for Life Committee Pilgrimage / June 7, 2008*

MOTION BY Councilman Scott to approve the Parade Permit for Christ the King Respect for Life Committee Pilgrimage to be held June 7, 2008. *Seconded by Councilman Yelding.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Mayor Small recapped the events on Saturday saying it was the 2nd Annual Community Day, and the city recognized around 200 volunteers that give their time to the city. Each volunteer received a gold puzzle piece lapel pin to recognize their contribution. There was a ceremony at City Hall at 8:00 a.m., and there were about 50 volunteers who attended the event.

B. *City Attorney's Report*

No report.

C. *Department Head Comments*

David McKelroy – Recreation Director - invited Council to come to Brown Bag by the Bay on Thursday and enjoy the music. He said that Thursday week will be Art in the Park, and on Wednesday of the same week Wet and Wild Wednesdays will start.

Sandra Morse – Civic Center Director – thanked all the departments that helped with the Zydeco Festival, and she thanked everyone that participated in Community Day and the Flounder Day Parade. She said that there were people from Australia, England and other states that made this festival a destination. She stated that the Library and Recreation did an outstanding job with the children's activities. She thanked the Police and Fire Departments for their help.

Chief James White – Fire Department – reported that they have several new volunteer firemen. There are 20 volunteers on the roll, but only 12 active.

Tonja Young – Library Director – reported that the Teen Board has been working with the adults program, and they have been taking an outreach program to the Gardens of Daphne for several months, and on the 30th there will be an Teen & Seniors Concert and Ice Cream Social which will be sponsored by the Friends of the Library. The teens and seniors are partnered for these events. She thanked her staff for the work that they did Saturday at the Festival, and she said that it was a wonderful event, and that Sandra did a wonderful job with the festival.

David Cohen – City Clerk – spoke regarding a Recreational Trails grant asking Council to approve proceeding with seeking a pre-engineering plan and cost analysis for the project down along the shore line of Lake Forest Lake on the Jubilee Square side. Also, to set a Public Hearing date to discuss that matter on July 21, 2008 at the Council meeting.

MOTION BY Councilman Scott to approve seeking a pre-engineering plan and cost analysis for the project down along the shore line of Lake Forest Lake on the Jubilee Square side, and also to set a Public Hearing date to discuss that matter on July 21, 2008 at the Council meeting. *Seconded by Councilman Yelding.*

Councilman Palumbo stated for the record that at the Recreation Board meeting Ms. Phelps made a presentation in regards to this, and the matter received a favorable recommendation from the Recreation Board.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

7. PUBLIC PARTICIPATION

Mrs. Dorothy Morrison – Beautification Committee – 727 Oak Bluff Drive – thanked Council for honoring and supporting the Boy Scouts. She said that they have two more boy scouts lined up to do projects for the City of Daphne.

Mr. Rod Drummond – Ridgewood Drive – wants to know exactly how many firemen and Volunteer Firemen the city has, and to let citizens know what benefit it is to have the Volunteer Firemen. Letting them know that most of the fire trucks for the city are bought by the Volunteer Firemen. Most of the citizens do not know how the volunteers help the city.

Ms. Victoria Phelps – Worchester Drive – Planning Commission – thanked the city, the Mayor and his staff, particularly Rebecca and Jane that helped make Community Day quite a success. This is another earmark of why the City of Daphne is so terrific. She also spoke regarding trails and walkability and connectability, and thanked Council for their support of seeking a grant to create a trail along the lake. She encouraged Council to look for any strategies or for any grant that will help the city to connect in that way in the future.

David Cohen, City Clerk - stated that the Mayor pointed out to him that the Hold Harmless Agreements were not on the agenda, and not in the Council packet, and it would be beneficial for Council, if they so choose, to suspend the rules, and if not it will need to go to the next meeting.

MOTION BY Councilman Yelding to suspend the rules to consider a motion to authorize the Mayor to execute agreements for rights-of-entry with the Boles, Olds, Lamberts and Canale's to relocate sand adjacent to May Day Park. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Yelding	Aye	Scott	Aye
Barnette	Aye	Palumbo	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to authorize the Mayor to execute agreements for rights-of-entry with the Boles, Olds, Lamberts and Canale's to relocate sand adjacent to May Day Park. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Ernie Berger – Belrose Avenue – praised everyone that participated in Community Day stating that it was a mark of the development of the city. He commended Mrs. Morse for a wonderful job.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND READ

a.) FY 2008 Appropriation / 6 Firefighters. /Ordinance 2008-36

1ST READ

b.) Appropriation of Funds: LaCasa Subdivision Turn-Around. /Ordinance 2008-38

MOTION BY Councilman Scott to wave the reading of Ordinances 2008-36. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2008-36. *Seconded by Councilman Yelding.*

AYE NONE IN FAVOR

NAY ALL OPPOSED

MOTION FAILED

ORDINANCE 2008-38 WAS MADE A 1ST READ

9. COUNCIL COMMENTS

Councilwoman Palumbo stated: I want to commend the Civic Center and staff for the Zydeco Festival. I had occasion to talk to quite a few people who came from different parts of the world. One gentleman from London came here as a destination to come to the festival, and couldn't say enough good things about Daphne and the hospitality that was shown. He has a website business in England, and he told me that he was going to put a link to the City of Daphne on his business website. Not just about the Zydeco Festival but about the city itself. I had several constituents that came to Community Day for the first time and brought their children and everyone had a good time. This event has really grown, and I don't know how long they will be able to contain it where it is, but for now it is really a bright light, and along with Music Under the Stars the city is beginning to get an identity, so far, as a place for families to enjoy themselves. There is some very important elections coming up June 3rd, you will be electing a new Revenue Commissioner, and will also be voting for a United States Senator, and a pay-as-you-go bond issue on the ballot. He urged everyone to take a look at what is on their ballot, and as always go vote.

Councilman Scott stated: There is also a constitutional amendment on the June 3rd ballot that adds portability to over 65 and frozen if you have lived in your house 10 years and you are 65 then your valuation of your property freezes when you hit that magic date. In the past you had to live in that house 10 years, and what the constitutional amendment will allow people to do is to, basically, downsize. What they have found out is that they have people retired, and they were in a larger house and if they were to move into something with a smaller yard or smaller square footage they actually might be paying more ad valorem taxes than they would have otherwise. If you are 65 or know someone who is you might consider voting for that. This city could not operate without volunteers, this is so critical, and so much of what makes Daphne special, people willingly serving on committees and boards of the city. He thanked all the city's volunteers. I will commend Mrs. Barnette for the great job she has done as president. I might mentioned the City Clerk said that if they so desire they can re-appoint Mr. Burnam as President, but they don't necessarily have to.

Councilman Yelding stated: I want to commend Sandra and her staff for the Zydeco Festival it was great, and the numbers look terrific. I went Saturday night, and I saw more people from Fairhope, and I worked in Fairhope for 30 years, I saw people that was coming aboard as City Councilmen, ex-teachers, ex-students, and they said that they never witnessed anything like that event Saturday night. It was beautiful. I just say to you, Mrs. Morse, keep up the good work, and I hope you bring the Mayor some good numbers so they can keep this going.

**MAY 19, 2008
CITY COUNCIL MEETING
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Mayor Small stated: Just to let everyone know on May 29th is Coffee with the Mayor. The guest speaker will be Mayor Jones from Mobile, and Congressman Bonner will be there. The topic will be “The Expected Growth in our Area”, which will be very interesting.

Council President Barnette stated: I would like to add my kudos to the staff of the Civic Center for the Zydeco Festival and the Flounder parade. I know it was tremendous amount of work for everyone this weekend, but I agree that it is a wonderful asset for the City of Daphne to see so many people come from afar, but also to come together for Community Day and the Flounder Parade and celebrate Daphne. It is something that I think is tremendously exciting.

David McKelroy – Recreation Director – announced that the Lady Trojans finished second in the State Tournament. The young ladies did an excellent job.

10. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:45 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Cathy Barnette, Council President

Date & Time Signed: _____

MAY 15, 2008
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Eric Nager, August Palumbo

ABSENT: Greg Burnam; Ron Scott.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Erick Bussey, Attorney; Kim Briley, Finance Director; Bill Eady, Planning Director; Downtown Redevelopment Authority members; Village Point Foundation members.

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

Council discussed who would chair the meeting Monday since Council President Burnam and Vice Council President Lake would be out of town. The consensus was that Councilwoman Barnette would chair the meeting.

1. INCREASE IN ROTATION FEES FRO WRECKER SERVICE / FORWARDED FROM PUBLIC SAFETY

No one was present from the wrecker service to make the presentation. This was rescheduled for the June 12th work session.

2. LODGING TAX / CONSIDER SHARING LODING TAX WITH DRA AND RECREATIONAL DEVELOPMENT

Mr. Kit Smith and Mr. Starke Irvine explained that the Daphne Downtown Redevelopment Authority and Village Point have agreed to work together in getting projects done for the city. The two groups establish a prioritized list of projects they would like accomplish. The Authority has the power to apply for a bond issue, but they would need a set amount of money dedicated to them from the lodging tax in order to borrow the money. They would use the money to construct an amphitheater, construct a road to the amphitheater, put power under ground, build the proposed streetscape, and other projects. Village Point Foundation members Al Guarisco and Selena Vaughn voiced their agreement with the proposal.

The consensus of the Council was to send this to the Finance Committee and let them come up with an amount that will be equitable.

3. RAINY DAY FUND / FORWARDED FROM THE FINANCE COMMITTEE

This was discussed at the Council retreat. Although there is one now they will probably be dipping into it before long. The idea is to put aside some amount over and above the amount that is required.

The consensus of the Council was that they liked the idea, and would like to keep it on the front burner to consider before the next budget in October.

**MAY 15, 2008
CITY COUNCIL WORK SESSION
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4. BUSINESS LICENSE / FORWARDED FROM FINANCE COMMITTEE

This also came from the Council retreat. Councilman Nager would like to break away from a gross receipts fee, and devise a graduated scale of flat fees that caps the total amount anyone would pay to make it more equitable.

The consensus of the Council was that some of the Council was for changing the ordinance, and some did not want to change it.

5. IMPACT FEE ORDINANCE

Council discussed the ordinance but did not come to a consensus.

6. ZONING REVERSIONARY CLAUSE IN LAND USE ORDINANCE / CONSIDER REMOVING FROM LAND USE BOOK

Council discussed the reversionary clause, and that the Planning Commission is in the process of making changes to the Land Use Ordinance.

The consensus of the Council was to let the Planning Commission make a recommendation to either remove the clause altogether or modify the time period and send it to Council for consideration.

7. RETREAT DATE / TO DISCUSS COMPREHENSIVE PLAN

Mr. Eady was concerned that Council would be doing a comprehensive plan when by state law that should come from the Planning Commission.

Councilwoman Barnette stated that it was not the comprehensive plan they were discussing but a visioning plan.

The date of June 8th was chosen, and Council members Lake, Nager, Burnam and Barnette said that the date was good for them. The rest of the Council will e-mail the City Clerk to let him know if that date is good for them. They will consider it on Monday at the Council meeting.

8. ADJOURN

There being no further business to discuss the meeting adjourned at 8:28 p.m.

Respectfully submitted by,

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

Certification of Presiding Officer:

**Greg Burnam,
Council President**

Date & Time Signed: _____

RESOLUTION

WHEREAS, TimberCreek is a residential subdivision situated wholly within and being a part of the City of Daphne, Baldwin County, State of Alabama; and

WHEREAS, TimberCreek is comprised of 738 properties intended for the site of construction of single family residential dwellings, 625 of said dwellings having been presently completed and occupied and 25 additional dwellings being now under construction; and

WHEREAS, the northern entrance to TimberCreek abuts U.S. Highway 31, a major and heavily traveled vehicular thoroughfare in Baldwin County, Alabama; and

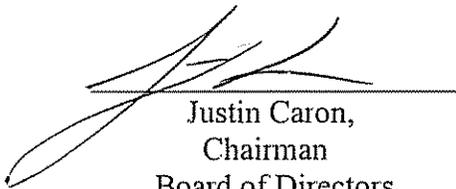
WHEREAS, there has for some time existed a dire necessity for the installation of a traffic signal light at the intersection of TimberCreek Boulevard and the said U.S. Highway 31 at the northern entrance to TimberCreek Subdivision; and

WHEREAS, since the dire necessity for the installation of a traffic signal light at the intersection of TimberCreek Boulevard and the said U.S. Highway 31 became evident, the Honorable August ("Gus") Palumbo, in his capacity as Councilman, District 7, City of Daphne, Alabama; and both Stuart Allhands and Edward Nelson, in their respective capacities of first and next succeeding presidents of the TimberCreek Property Owners Association, have worked tirelessly in advocating State and City governmental approval of the said traffic signal light; and

WHEREAS, the said efforts of August ("Gus") Palumbo, Stuart Allhands and Edward Nelson have culminated in the State and City governmental approval of the said traffic signal light and its ultimate installation and fully functional operation on April 14, 2008; NOW THEREFORE,

BE IT RESOLVED, that the Board of Directors of the TimberCreek Property Owners Association, for itself and on behalf of the residents of TimberCreek Subdivision, extends heartfelt appreciation and acknowledges a debt of gratitude to August ("Gus") Palumbo, Stuart Allhands and Edward Nelson for their individual and collective efforts which have brought about the installation and operation of a traffic signal light at the intersection of TimberCreek Boulevard and U.S. Highway 31, the same inuring to the overall safety, welfare and benefit of the residents of TimberCreek Subdivision.

DONE, this the 13th day of May, 2008, at Daphne, Alabama, by,


Justin Caron,
Chairman
Board of Directors
TimberCreek Property Owners Association

**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

**SPECIAL FINANCE COMMITTEE MEETING
DAPHNE CITY HALL
JUNE 2, 2008 @ 6:00 P.M.**

I. ROLL CALL

II. PUBLIC PARTICIPATION

III. CURRENT BUSINESS

A. Appropriate Request:

1. City Hall Landscaping & Irrigation - \$100,000

B. Bids: *(Resolution)*

1. 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS

Motion to recommend to Council to adopt a resolution awarding Bid Number 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS for unit cost bid to John Deere Landscapes.

2. 2008-I-POLICE UNIFORMS LEATHER GEAR *(Resolution)*

Motion to recommend to Council to adopt a resolution awarding Bid Number 2008-I-POLICE UNIFORMS LEATHER GEAR for unit cost bid to Lawmen's Shooters' Supply Inc.

3. 2008-J-PD/DRY CLEANING *(Resolution)*

Motion to recommend to Council to adopt a resolution awarding Bid Number 2008-J-PD/DRY CLEANING to Dixie Service Cleaners for unit cost as bid.

4. 2008-K-PLAYGROUND EQUIPMENT – No bids received – equipment will be purchased off U. S. Communities Contract

IV. ADJOURN

ORDINANCE 2008

2006 Construction Fund Landscaping and Irrigation Appropriation

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

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

WHEREAS, the City Hall Construction and Renovation project is budgeted in the 2006 Construction Fund; and

WHEREAS, "tax savings" have been realized on such project as a result of the City appointing the contractor as purchasing agent; and

WHEREAS, the project requires certain landscaping and irrigation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include a 2006 Construction Fund appropriation in the amount of \$ 100,000 for landscaping and irrigation, to include the water fountain, at the City Hall Construction and Renovation project site.

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

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

MEMORANDUM

CITY of DAPHNE - DIVISION OF PUBLIC WORKS

To: Suzanne Henson, Sr. Accountant
Finance Committee Members

From: Melvin McCarley, Superintendent
Divisions of Public Works & Maintenance

Date: May 28, 2008

Re: Recommendation for Bid Award – 2008-H-City Hall Landscaping: Shrubbery & Plants

The Finance Department and Public Works sent out requests for bids for the City Hall Landscaping: Shrubbery & Plants. Two companies responded and only one company met all of the specifications. That bidder is John Deere Landscapes.

I therefore recommend to this Committee that we award the City of Daphne BID 2008-H-City Hall Landscaping: Shrubbery & Plants to John Deere Landscapes.

Please contact me should you have any questions regarding this bid award.

MM:swc

**CITY OF DAPHNE
BID OPENING MINUTES
2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS
MAY 21, 2008
11:30 A.M.
CITY HALL**

Those present were as follows:

Ms. Suzanne Henson	Senior Accountant
Mr. Melvin McCarley	PW Director

18 bid invitations were mailed/picked up , 2 sealed bids were received.

Melvin McCarley opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>AMOUNT</u>
Century South	Only listed two items
John Deere Landscapes	\$58,246.46



Suzanne Henson, Sr. Accountant



JOHN DEERE
LANDSCAPES

JASON CHILTON
DIRECT SALES ACCOUNT MANAGER
SANTA ROSA BEACH, FL 32459
PH: (850) 758-2145 FAX: (850) 478-1743

Direct Sales

QUOTATION

Rep.	Delivery Date	Project Account
JC2	To Be Determined	JD Account
Branch	Bid Date	Expiration
664	05/16/08	6/15/2008

Customer Name City of Daphne, Alabama	Cust ID	Job Name City Hall Landscaping: Shrubbery & Plants, Area 1 & 2
Contact Name	Customer PO#	Ship-to Address
Contact Phone Number	Contact Fax Number	City, ST Zip Code

Product Description	Size	Qty	Unit Price	Ext. Price	Comments/Substitutions	PHC Units	PHC Ext. Price
Agapanthus	1 Gal.	130	\$ 2.49	\$ 323.70			
Shell Ginger	3 Gal.		\$ 8.99				
Caladium 'Black Magic'	1 Gal.		\$ 2.49		Subject to Availability		
Muhly Grass	3 Gal.		\$ 4.50				
African Iris 'White'	1 Gal.		\$ 2.49				
Liriope 'Cleopatra'	Pints	760	\$ 1.09	\$ 828.40			
Plumbago 'Imperial Blue'	3 Gal.		\$ 5.29				
Southern Shield Fern	1 Gal.				Sub - 'Autumn Fern'		
Autumn Fern	1 Gal.		\$ 2.49				
Asiatic Jasmine	4" Pots	1400	\$ 1.05	\$ 1,470.00			
Encore Azalea 'Autumn Embers'	3 Gal.	10	\$ 13.95	\$ 139.50			
Japanese Boxwood	3 Gal.	161	\$ 5.49	\$ 883.89			
Camellia 'Professor Charles S. Sargent'	25 Gal.		\$ 169.50		Subject to Availability		
Camellia Sasanqua 'Yuletide'	7 Gal.	169	\$ 47.50	\$ 8,027.50	Subject to Availability		
Cleyera 'Bronze Beauty'	7 Gal.		\$ 7.99				
Inkberry	3 Gal.		\$ 7.99				
Dahoon Holly	9" OA-MLT	6	\$ 109.50	\$ 657.00		18.0	\$ 48.60
Chinese Mahonia	3 Gal.		\$ 9.50				
Nerium Oleander 'White'	7 Gal.		\$ 22.50				
Sweet Olive	7 Gal.		\$ 22.50				
Sweet Olive	4' OA		\$ 37.50				
Indian Hawthorne 'Olivia'	3 Gal.						
Indian Hawthorne - Dwarf White	3 Gal.	19	\$ 5.49	\$ 104.31			
Arborvitae 'Emerald Green'	10' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	45 Gal.		\$ 199.50		8-10' OA Height		
Arborvitae 'Emerald Green'	8' OA				Sub - 'Green Giant'		
Arborvitae	30 Gal.		\$ 99.50		6-8' OA Height		
Japanese Maple 'Green'	8' OA		\$ 139.50				
Crepe Myrtle 'Natchez'	45 Gal.	6	\$ 224.50	\$ 1,347.00			
Quercus Virginiana 'Cathedral'	65 Gal.	10	\$ 289.50	\$ 2,895.00		30.0	\$ 81.00
Quercus Virginiana, Southern Live Oak	200 Gal.		\$ 779.50				
Bald Cypress	45 Gal.	3	\$ 175.00	\$ 525.00		9.0	\$ 24.30
Sago Palm	15 Gal.		\$ 57.50				
Sabal Palm, Booted	12' CT	2	\$ 89.95	\$ 179.90			
Annuals	1 Gal.		\$ 2.00		Subject to Availability		

I accept the following project quote and any substitutions made to the original plant list.

X _____
Customer Signature

Subtotal:	\$ 17,381.20	<i>Plant Materials FOB Grower</i>
Freight:	\$ 2,780.99	<i>Estimated 16%</i>
		<i>**Applicable State and Local Tax not included</i>
PLANT TOTAL	\$ 20,162.19	<i>3-Year Limited Nursery Plant Warranty available on items quoted with Plant Health Care Units</i>

* Limited Availability, Recommended Substitutions Provided
 **All Prices are good for 30 days, unless otherwise noted
 ***Warranty Restrictions may not apply to all Plant Species
 All plants F.O.B. grower are subject to availability
 Quantity restrictions apply
 Freight quoted at time of order. Thank you.

Plant Health Care	3 Year Limited Warranty Eligible with use of Plant Health Care***		
	\$ 153.90	Total Units: 57.0	Each \$ 2.70
TOTAL	\$20,316.09		

Areas 34,516 37,930.37
 Total 58,246.46

JOHN DEERE LANDSCAPES
JASON CHILTON
 DIRECT SALES ACCOUNT MANAGER
 SANTA ROSA BEACH, FL 32459
 PH: (850) 758-2145 FAX: (850) 478-1743

Direct Sales		
QUOTATION		
Rep.	Delivery Date	Project Account
JC2	To Be Determined	JD Account
Branch	Bid Date	Expiration
664	05/16/08	6/15/2008

Customer Name: City of Daphne, Alabama
 Contact Name: _____
 Contact Phone Number: _____
 Cust ID: _____
 Customer PO#: _____
 Contact Fax Number: _____
 Job Name: City Hall Landscaping; Shrubbery & Plants, Area 3,4,5, & 6
 Ship-to Address: _____
 City, ST Zip Code: _____

Product Description	Size	Qty	Unit Price	Ext. Price	Comments/Substitutions	PHC Units	PHC Ext. Price
Agapanthus	1 Gal.	220	\$ 2.49	\$ 547.80			
Shell Ginger	3 Gal.	5	\$ 8.99	\$ 44.95			
Caladium 'Black Magic'	1 Gal.	15	\$ 2.49	\$ 37.35	Subject to Availability		
Muhly Grass	3 Gal.	2	\$ 4.50	\$ 9.00			
African Iris 'White'	1 Gal.	180	\$ 2.49	\$ 448.20			
Liriope 'Cleopatra'	Pints	1452	\$ 1.09	\$ 1,582.68			
Plumbago 'Imperial Blue'	3 Gal.	12	\$ 5.29	\$ 63.48			
Southern Shield Fern	1 Gal.				Sub - 'Autumn Fern'		
Autumn Fern	1 Gal.	21	\$ 2.49	\$ 52.29			
Asiatic Jasmine	4" Pots	2950	\$ 1.05	\$ 3,097.50			
Encore Azalea 'Autumn Embers'	3 Gal.	122	\$ 13.95	\$ 1,701.90			
Japanese Boxwood	3 Gal.	477	\$ 5.49	\$ 2,618.73			
Camellia 'Professor Charles S. Sargent'	25 Gal.	4	\$ 169.50	\$ 678.00	Subject to Availability		
Camellia Sasanqua 'Yuletide'	7 Gal.	12	\$ 47.50	\$ 570.00	Subject to Availability		
Clevera 'Bronze Beauty'	7 Gal.	51	\$ 7.99	\$ 407.49			
Inkberry	3 Gal.	4	\$ 7.99	\$ 31.96			
Dahoon Holly	9' OA		\$ 109.50				
Chinese Mahonia	3 Gal.	9	\$ 9.50	\$ 85.50			
Nerium Oleander 'White'	7 Gal.	3	\$ 22.50	\$ 67.50			
Sweet Olive	7 Gal.	1	\$ 22.50	\$ 22.50			
Sweet Olive	4' OA	26	\$ 37.50	\$ 975.00			
Indian Hawthorne 'Olivia'	3 Gal.				Sub - Dwarf White		
Indian Hawthorne - Dwarf White	3 Gal.	76	\$ 5.49	\$ 417.24			
Arborvitae 'Emerald Green'	10' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	45 Gal.	5	\$ 199.50	\$ 997.50		15.0	\$ 40.50
Arborvitae 'Emerald Green'	6-7' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	6-7' OA	24	\$ 99.50	\$ 2,388.00		48.0	\$ 129.60
Japanese Maple	8' OA	1	\$ 139.50	\$ 139.50			
Crepe Myrtle 'Natchez'	45 Gal.	4	\$ 224.50	\$ 898.00		12.0	\$ 32.40
Live Oak 'Cathedral'	65 Gal.	7	\$ 289.50	\$ 2,026.50		21.0	\$ 56.70
Live Oak 'Southern'	200 Gal.	1	\$ 779.50	\$ 779.50		6.0	\$ 16.20
Bald Cypress	45 Gal.	3	\$ 175.00	\$ 525.00		9.0	\$ 24.30
Sabal Palm, Booted	12' CT	25	\$ 89.95	\$ 2,248.75			
Sago Palm	15 Gal.	20	\$ 57.50	\$ 1,150.00			
Pine Straw	Bale	1000	\$ 3.50	\$ 3,500.00			
Lantana x New Gold	1 Gal.	350	\$ 2.49	\$ 871.50			
Allamanda	1 Gal.	150	\$ 2.49	\$ 373.50			
Lantana montevidensis	1 Gal.	150	\$ 2.49	\$ 373.50			
Yellow Hibiscus	1 Gal.	50	\$ 2.49	\$ 124.50			
Blue Daze	1 Gal.	250	\$ 2.49	\$ 622.50			
Asparagus Fern	1 Gal.	150	\$ 2.49	\$ 373.50	Subject to Availability		
Walking Iris	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Orange Hibiscus	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Ixora Coccinea	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Caladium 'White Christmas'	1 Gal.	200	\$ 2.49	\$ 498.00	White - Unspecified Variety		
Vinca 'White'	1 Gal.	250	\$ 2.00	\$ 500.00			
Vinca 'Lilac'	1 Gal.	250	\$ 2.00	\$ 500.00			

I accept the following project quote and any substitutions made to the original plant list.
 X _____
 Customer Signature

Subtotal:	\$ 32,722.32	Plant Materials FOB Grower
Freight:	\$ 4,908.35	Estimated 15%
**Applicable State and Local Tax not included		
PLANT TOTAL	\$ 37,630.67	3-Year Limited Nursery Plant Warranty available on items quoted with Plant Health Care Units

* Limited Availability, Recommended Substitutions Provided
 ** All Prices are good for 30 days, unless otherwise noted
 *** Warranty Restrictions may not apply to all Plant Species
 All plants F.O.B. grower are subject to availability
 Quantity restrictions apply
 Freight quoted at time of order. Thank you.

Plant Health Care	3 Year Limited Warranty Eligible with use of Plant Health Care***
TOTAL	\$ 299.70 Total Units: 111.0 Each \$ 2.70
TOTAL	\$37,930.37

Areas 142 20,316.09
 Total 24 58,246.46

RESOLUTION NO. 2008
2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS be awarded to John Deere Landscapes

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of John Deere Landscapes for unit cost listed as attached herein and made a part hereof in BID SPECIFICATION NO: 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 2nd day of June, 2008

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

MEMORANDUM

TO: SUZANNE HENSON
FROM: TRACY BISHOP/CHIEF CARPENTER 
DATE: MAY 21, 2008
RE: LEATHER BID AND DRY CLEANING BID

PLEASE ACCEPT THE BID OF DIXIE SERVICE CLEANERS FOR OUR UNIFORM CLEANING NEEDS FOR THE NEXT YEAR. WE ARE PLEASED WITH THEM AND THEIR SERVICE.

WE WOULD LIKE TO ACCEPT THE BID OF LAWMENS & SHOOTERS SUPPLY TO MEET THE NEEDS OF OUR LEATHER GEAR. THEY ARE THE LOWEST IN COST AND PROVIDE GOOD SERVICE.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.

CITY OF DAPHNE
BID OPENING MINUTES BID DOCUMENT NO: 2008-I-POLICE UNIFORMS LEATHERGEAR

May 21, 2008
 11:30 A.M.

Those present were as follows:
 Ms. Suzanne Henson Sr. Accountant
 Lt. Kenny Hempfleng Police

8 Bid invitations were mailed/picked up/e-mailed, 4 sealed bids were received.
 Lt. Hempfleng opened the bids presented and the bids were read aloud as follows:

ITEM DESCRIPTION	DESCRIPTION.....	LAWMEN'S & SHOOTERS' SUPPLY INC.	ATD AMERICAN	TERRY'S UNIFORMS	MCCAINS UNIFORMS
Ammo Pouch, Double - Basketweave Leather - Dutyman or Equivalent	Velcro or Hidden Snaps	12.62	NO BID	15.75	16.00
Ammo Pouch, Double - Plain Leather - Dutyman or Equivalent	Velcro or Hidden Snaps	12.35		15.50	15.75
Badge, Wallet - B538 Blue Lettering with State Seal, Blackinton or Equivalent w/Clip	Gold or Silver	31.53		43.75	45.00
Belt, Dress - Basketweave Leather, Don Hume B112, Ranger	Silver or Gold Buckle Size:	26.15		14.00	47.00
Belt, Dress - Plain Leather - Don Hume B112, Ranger	Silver or Gold Buckle Size:	24.95		14.00	45.00
Belt Keepers - Single or Double Snap or Velcro, Basketweave Leather	Silver or Gold Snaps Single or Double Snaps or Velcro	1.84		2.30	2.25
Belt Keepers - Single or Double Snap or Velcro, Plain Leather	Silver or Gold Snaps Single or Double Snaps or Velcro	1.84		2.30	2.25
Flashlight Ring - Basketweave or Plain	Silver or Gold Snaps	3.66		4.50	4.50
Gun Belt, Inner - Basketweave Leather, Dutyman or Equivalent, Velcro	Size:	12.68		14.50	15.00
Gun Belt, Inner - Plain Leather, Dutyman or Equivalent, Velcro	Size:	12.13		14.50	14.50
Gun Belt, Outer - Basketweave Leather - Dutyman or Equivalent, Velcro	Size:	26.37		32.50	33.50
Gun Belt, Outer - Plain Leather - Dutyman or Equivalent, Velcro	Size:	25.82		31.85	32.50
Handcuff Case - Basketweave Leather, Closed Case with Snap - Dutyman or Equivalent	Silver or Gold Snaps	11.19		13.85	14.25
Handcuff Case - Plain Leather, Closed Case with Snap - Dutyman or Equivalent	Silver or Gold Snaps	10.59		13.20	13.50
Handcuff Case - Basketweave Leather, Open Face - Dutyman or Equivalent		10.75		13.50	13.50

ITEM DESCRIPTION	DESCRIPTION.....	LAWMEN'S & SHOOTERS' SUPPLY INC.	ATD AMERICAN	TERRY'S UNIFORMS	MCCAINS UNIFORMS
Handcuff Case - Plain Leather, Open Face - Dutyman or Equivalent		10.31		13.00	13.00
Holster - Basketweave Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27	68.59		102.70	122.00
Holster - Plain Leather - Don Hume Level Two Security-Automatic H745-SH	Left or Right Handed Glock 22, 23 or 27	66.96		96.00	120.00
ID Case, Wallet Badge and ID Card with B538 Badge with place for money		16.16		20.00	22.00
Pepper Spray Holder, Basketweave Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps	10.59		13.20	13.50
Pepper Spray Holder, Plain Leather - MK-3 with Flap (Small)	Silver, Gold, or Hidden Snaps	10.31		12.50	13.00
Pepper Spray Holder, Basketweave Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps	11.74		14.60	15.00
Pepper Spray Holder, Plain Leather - MK-4 with Flap (Large)	Silver, Gold, or Hidden Snaps	11.47		14.30	14.50
Stinger Holder - Basketweave Leather, Open Top		10.92		13.50	13.50
Stinger, Holder - Plain Leather, Open Top		10.92		13.50	13.25
TOTAL		452.44	-	559.30	674.25

 Suzanne Henson, Sr. Accountant

**RESOLUTION NO. 2008-
2008-I-POLICE UNIFORMS LEATHER GEAR**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the POLICE UNIFORMS LEATHER GEAR will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the POLICE UNIFORMS LEATHER GEAR and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the POLICE UNIFORMS LEATHER GEAR be awarded to Lawmen's & Shooters' Supply Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Lawmen's & Shooters' Supply Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2008-I-POLICE UNIFORMS LEATHER GEAR.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 2nd day of June, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

BID: 2008-I -POLICE UNIFORMS LEATHER GEAR

Price	Description	Options/Notes
\$ 12.62 \$ 13.23H	Ammo Pouch, Double - Basketweave Leather - Dutyman or Equivalent Dutyman #8521	Velcro or Hidden Snaps
\$ 12.35 \$ 12.90H	Ammo Pouch, Double - Plain Leather - Dutyman or Equivalent Dutyman # 8511	Velcro or Hidden Snaps
Silver \$31.53	Badge, Wallet - B538 Blue Lettering with State Seal, Blackinton or Equivalent w/Clip Blackinton #B538	Gold or Silver Gold \$34.55
\$26.15	Belt, Dress - Basketweave Leather, Don Hume B112, Ranger Don Hume # B112	Silver or Gold Buckle Size: ALL
\$24.95	Belt, Dress - Plain Leather - Don Hume B112, Ranger Don Hume # B112	Silver or Gold Buckle Size: ALL
\$1.84	Belt Keepers - Single or Double Snap or Velcro, Basketweave Leather Dutyman # 2421	Silver or Gold Snaps Single or Double Snaps or Velcro
\$1.84	Belt Keepers - Single or Double Snap or Velcro, Plain Leather Dutyman #2411	Silver or Gold Snaps Single or Double Snaps or Velcro
3011- 3.60 3021-3.88	Flashlight Ring - Basketweave or Plain Dutyman # 3011 or 3021	Silver or Gold Snaps
Up to IG. \$12.68	Gun Belt, Inner - Basketweave Leather, Dutyman or Equivalent, Velcro Dutyman #5121	Size: XL-2XL- 14.88 3XL-4XL- 15.98
UP to IG. \$12.13	Gun Belt, Inner - Plain Leather, Dutyman or Equivalent, Velcro Dutyman #5111	Size: XL-2XL- \$14.33 3XL-4XL- \$15.43
Up to IG. \$26.37	Gun Belt, Outer - Basketweave Leather - Dutyman or Equivalent, Velcro Dutyman #5021	Size: XL-2XL- \$29.67 3XL-4XL- 31.87
Up to IG. \$25.82	Gun Belt, Outer - Plain Leather - Dutyman or Equivalent, Velcro Dutyman #5011	Size: XL-2XL- 29.12 3XL-4XL- 31.32
\$11.19	Handcuff Case - Basketweave Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman #8821	Silver or Gold Snaps
\$10.59	Handcuff Case - Plain Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman #8811	Silver or Gold Snaps
\$10.75	Handcuff Case - Basketweave Leather, Open Face - Dutyman or Equivalent Dutyman #8321	
\$10.31	Handcuff Case - Plain Leather, Open Face - Dutyman or Equivalent Dutyman #8311	
\$68.59	Holster - Basketweave Leather - Don Hume Level Two Security-Automatic H745-SH Don Hume #H745-SH	Left or Right Handed 27 Glock 22, 23 or
\$66.96	Holster - Plain Leather - Don Hume Level Two Security-Automatic H745-SH Don Hume #H745-SH	Left or Right Handed 27 Glock 22, 23 or
7960 \$16.16	ID Case, Wallet Badge and ID Card with B538 Badge Strong # 7960 or 77500	(On next bid - one with place for money) 77500 \$13.26
10.59	Pepper Spray Holder, Basketweave Leather - MK-3 with Flap (Small) Dutyman #3621	Silver, Gold, or Hidden Snaps
10.31	Pepper Spray Holder, Plain Leather - MK-3 with Flap (Small) Dutyman #3611	Silver, Gold, or Hidden Snaps
\$11.74 \$12.35H	Pepper Spray Holder, Basketweave Leather - MK-4 with Flap (Large) Dutyman 2621 or 2621H	Silver, Gold, or Hidden Snaps
\$11.47	Pepper Spray Holder, Plain Leather - MK-4 with Flap (Large) Dutyman #2611	Silver, Gold, or Hidden Snaps
\$10.92	Stinger Holder - Basketweave Leather, Open Top Dutyman # 2821P	
\$10.92	Stinger, Holder - Plain Leather, Open Top Dutyman #2811P	

COMPANY NAME Lawmen's & Shooters' Supply Inc.
 PHONE NUMBER 772-569-8700
 FAX NUMBER 772-569-2955
 FEDERAL ID# 59-2223132

Gail Walker

 AUTHORIZED SIGNATURE

**RESOLUTION NO. 2008-
2008-J-PD/DRY CLEANING**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the PD/DRY CLEANING will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PD/DRY CLEANING and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PD/DRY CLEANING be awarded to Dixie Service Cleaners.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Dixie Service Cleaners for unit dry cleaning cost as follows:

- 1-Uniform Shirt-----\$3.00
- 1-Uniform Pants-----\$3.00
- 1-Uniform Jacket-----\$3.20
- 1-Complete Uniform (2 Piece)-----\$5.80
- 1-Jail Shirt-----\$3.00
- 1-Jail Pants-----\$3.00
- 1-Complete Jail Uniform (2 Piece)--\$5.80

as specified in BID SPECIFICATION NO. 2008-J-PD/DRY CLEANING.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 2nd day of June, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk CMC

**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:

March 24, 2008

CITY OF DAPHNE, AL

**INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Eastern Shore Toyota,
29732 Frederick Blvd., Daphne, AL in conference room on 2nd floor.**

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Phillip Ellis, Jim Rouprich, and Nancy Cox

Also present – Robert Ingram, Bob Higgins, Lee Lawson, and David Cohen

2. OLD BUSINESS

a. Review February 28, 2008 Minutes

Motion by Ms. Cox Seconded by Mr. Ellis To approve the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Rouprich gave the report. The total balance for the checking and money market account combined was \$127,057.05.

Motion by Ms. Cox Seconded by Mr. Ellis To accept the treasure’s report.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. OTHER BUSINESS

a. Baldwin County Alliance Industrial Development Board Education

A resolution for Spanish Fort and Bay Minette on economic incentives was presented by Baldwin County Alliance. The IDB requested that Mr. Cohen prepare a draft for the next meeting.

b. Comprehensive Plan

The plan was past out and will be reviewed and discussed in the next couple of meetings.

5. ADJOURN

Motion by Ms. Cox Seconded by Mr. Rouprich To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:23 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

May 22, 2008

CITY OF DAPHNE, AL

INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Eastern Shore Toyota,
29732 Frederick Blvd., Daphne, AL in conference room on 2nd floor.

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Pokey Miller, Derrick Boulware, and Phillip Ellis
Also present – David Cohen and Robert Ingram

2. OLD BUSINESS

a. Review March 24, 2008 Minutes

Motion by Mr. Boulware Seconded by Mr. Ellis To accept the minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Rouprich was not present but sent the balance of the treasury which is \$127,057.03.

Motion by Mr. Boulware Seconded by Mr. Ellis To accept as written.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. OTHER BUSINESS

- a. Resolution establishing guidelines for Economic Development Incentives**
- b. Comprehensive Plan**

The board discussed with Mr. Ingram the various incentives that could be used to attract companies to Daphne.

5. ADJOURN

Motion by Mr. Miller Seconded by Mr. Boulware To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

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

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 24, 2008
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

SUMMARIZATION OF MINUTES:

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CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Victoria Phelps, Secretary
Don Terry
DeLeon Thomas
Jeff Carrico, Chairman
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Jay Ross, Attorney
Ashley Campbell, Site Containment Officer

Staff Absent:

Missty Gray, Attorney

The first order of business is the call to order. Please let the record reflect that all members are present. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of March 27, 2008 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 24, 2008
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A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting. The Motion carried unanimously.**

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the revised minutes for the work session of March 19, 2008. The Motion carried unanimously.**

The first order of business is under old business is site plan review for the Daphne Sports Complex.

OLD BUSINESS:

SITE PLAN REVIEW:

File S08-05:

Site: Daphne Sports Complex

Location: One-half mile East of the intersection of North Main Street and Park Drive

Area: 122.10 Acres +

Owner: The City of Daphne - Mayor Small

Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting site plan review for the construction of a no boundary playground, skate park and roadway located one-half mile East of the intersection of North Main Street and Park Drive. The site layout was designed in order to get a cost estimate so the City Clerk could apply for a grant for construction. We have provided to staff the revisions as requested by the Fire Marshal, Code Enforcement Officer, and the Site Containment Officer. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the site plan for Daphne Sports Complex. The Motion carried unanimously.**

The first order of business under new business is preliminary/final review for Family Security Credit Union.

NEW BUSINESS:

THE CITY OF DAPHNE

PLANNING COMMISSION MINUTES

REGULAR MEETING OF APRIL 24, 2008

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

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PRELIMINARY/FINAL PLAT REVIEW:

File SDPF08-05:

Subdivision: Family Security Credit Union

Location: On the West side of U. S. Highway 98, North of the former Ruby Tuesday building

Area: 1.36 Acres +, (1) lots

Owner: Family Security Credit Union - Cole Sharp

Engineer: Engineering Development Services - John Pickens

An introductory presentation was given by Mr. John Pickens, representing Engineering Development Services, requesting preliminary/final review of a one point three six acre subdivision consisting of one lot located on the West side of U. S. Highway 98. The owner of this development is requesting to combine the existing two lots into one for the construction of a credit union. I will be happy to answer any questions you may have.

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

A Motion was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for Family Security Credit Union Subdivision. The Motion carried unanimously.**

The next order of business is master plan review for St. Charles Village Subdivision, Phases I & II.

An introductory presentation was given by Mr. Clements, representing St. Charles Development Group, requesting master plan review for St. Charles Village Subdivision, Phases I & II located Southeast of the intersection of County Road 64 and Pollard Road.

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

A Motion was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the master plan for St. Charles Village Subdivision, Phases I & II. The Motion carried unanimously.**

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

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The next order of business is preliminary/final review for St. Charles Village Subdivision, Phases I & II.

File SDPF08-06:

Subdivision: St. Charles Village, Phases I & II

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

Area: 11.3 Acres +, (1) lots

Owner: St. Charles Village Development - Justin Clements

Engineer: Borden Engineering - Richard Borden

An introductory presentation was given by Mr. Clements, representing St. Charles Development Group, requesting preliminary/final plat review of an eleven-point three-acre subdivision consisting of one lot located Southeast of the intersection of County Road 64 and Pollard Road. The owner of this development is requesting to combine the existing two lots into one for the construction of a club house and a swimming pool for the development. I will be happy to answer any questions you may have.

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

The adjacent property owners addressed the Commission to express their concerns regarding the proposed development and how it would impact their property. The main concerns were the buffering being provided for the residential neighborhood and storm water drainage.

Mr. Clements: The developer has constructed a privacy fence with phase one of the development as a buffer to the adjacent property owners. The addition of the second phase of the development consists of the construction of additional units, a club house and a swimming pool and will have no impact of the neighborhood.

The Commission addressed the concerns of the adjacent property owner and discussed at length its possible effect on the adjacent property.

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

A **Motion** was made by Mr. Barnette and **Seconded** by Mayor Small **to approve the preliminary/final plat for St. Charles Village Subdivision, Phases I & II. The Motion carried unanimously.**

The next order of business is final review for the Renaissance Center

THE CITY OF DAPHNE
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Subdivision, Phase 3.

File SDF08-01:

Subdivision: The Renaissance Center, Phase III

Location: On the North side of U. S. Highway 90 and Alabama Highway 181
Area: 42.13 Acres +, (14) lots
Owner: Renaissance, L.L.C.
Engineer: Jinright & Associates - Trey Jinright

An introductory presentation was given by Mr. Jinright, representing Jinright & Associates, requesting final plat review of a forty-two point one three acre subdivision consisting of fourteen lots located on the North side of U. S. Highway 90 and Alabama Highway 181. The owner has posted a letter of credit and a revised cost estimate for the proposed development and is requesting final approval. I will be happy to answer any questions you may have.

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

Mr. Kirby: In a case where a developer has just begun construction of a subdivision and is posting a performance bond, I would like to see the subdivision given another final review and a report to be given to the Planning Commission upon completion.

Mr. Eady: Each development is given a final inspection prior to acceptance, but if you would like to have a report I will make one.

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

A Motion was made by Mr. Kirby and Seconded by Mayor Small to approve the final plat for the Renaissance Center Subdivision, Phases III. The Motion carried unanimously.

The next order of business is site plan review for the Family Security Credit Union.

SITE PLAN REVIEW:

File S08-07:

Site: Family Security Credit Union

Location: On the West side of U. S. Highway 98, North of the

THE CITY OF DAPHNE
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Area: former Ruby Tuesday building
1.36 Acres +, (1) lots
Owner: Family Security Credit Union - Cole Sharp
Engineer: Engineering Development Services - John Pickens
An introductory presentation was given by Mr. John Pickens, representing Engineering Development Services, requesting site plan review of a banking facility to be located on the West side of U. S. Highway 98, North of the former Ruby Tuesday building. The comments from the Site Containment Officer have been addressed. The erosion control design has been revised, and the outfall structure has been relocated inside the boundaries of the property line. The proposed sign has been changed to a monument sign. I will be happy to answer any questions you may have.

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

Mr. Kirby: At the time you demolished all of the buildings on the site did you remove the existing nonconforming signs?

Mr. Pickens: I am not sure.

Mr. Kirby: The nonconforming signs will have to be removed prior to the issuance of a building permit.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to approve the site plan for Family Security Credit Union. The Motion carried unanimously.**

The next order of business is site plan review for Johnson Road and U.S. Highway 98 - Drainage Request.

File S08-08: (Drainage Request Only)

Site: Johnson Road and U. S. Highway 98

Location: Southwest of the intersection of U. S. Highway 98 and Johnson Road
Area: 8.61 Acres
Owner: Matthew Walker, Jr.
Engineer: Engineering Development Services - Joe Bullock

An introductory presentation was given by Mr. Joe Bullock, representing Engineering Development Services, requesting site plan review of a request to construct a drainage facility to be located

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Southwest of the intersection of U. S. Highway 98 and Johnson Road. The proposal consists of the removal of trees, with the exception of the remaining ones observed in the one hundred foot tree protection U. S. Highway 98 and fifty-foot on Johnson Road. There will be a thirty-foot buffer on the West and South side of the property adjacent to the residential districts and the construction of a fence.

Mr. Bullock: This is the correction of an erosion problem is in the interest of the public. The owners' interest is to seek an economic return on an investment property he cannot market because of the existing drainage/erosion control problem which exists on the site. I will be happy to answer any questions you may have.

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

Ms. Barnette expressed concern about approving the site plan with the removal of the significant trees on the site without the benefit of a tree survey. She asked if a permit would be required for the site.

Mr. Bullock: A meeting was held on the site, and it was decided that a jurisdictional permit would be required from the Corps of Engineers.

Mr. Campbell: We met on the site and discussed the necessity of the construction of a detention facility and the issuance of the permit. I agree that this is a sensitive area, but a solution needs to be addressed.

Ms. Burnett questioned whether or not a fifty-foot buffer could be considered by the owner instead of the thirty feet.

Mr. Bullock: The thirty-foot buffer is a requirement outlined in the City of Daphne Land Use and Development Ordinance when a business district abuts a residential district. The owner would do an additional fifty-foot buffer conditional upon it placement being relinquished at the time of the approval and development of the property.

Ms. Barnette: That still does not address the issue of the tree survey.

Mr. Bullock: Based on the topography and number of trees on this property it would be virtually impossible to do a tree survey until removal. Your requirement is replacement with a two-to-one ratio which sometimes cannot be accomplished with the installation of a building, parking, drainage, landscaping, etc. The owner would request an allowance to remove the trees on the site with the condition that an agreement be reached regarding the replacement of the significant trees at the time of development of the site. I would be impossible to determine the number at this time and due to the size of the

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~~Temporary detention facility the trees would only be located on the exterior or boundary of the property. This would serve no purpose.~~

Ms. Phelps expressed support for the project, but also concerned about the removal of the significant trees on the site without a tree survey or a landscape plan which outlined replacement of the ones to be removed. Possibly, you could do like Sportman's Marine and donate the ones you can save to the City of Daphne for relocation.

Mr. Bullock: The City of Daphne has contributed to the drainage problem in this area. I have spoken to the State and tentatively they have approved the project. Most of you are unaware that a proposal similar to this one was presented to and approved by the City of Daphne in 1997 for this property.

Mr. Kirby: On the drawing it shows the outfall structure in the tree protection zone.

Mr. Eady: That is in order to direct the storm water onto the state right-of-way. An easement could not be obtained from the adjacent property owner.

Mr. Bullock: To date we are still in discussions with the adjacent property owner to obtain that easement.

Mr. Kirby: There is an existing billboard that will have to be removed if the project is approved.

Mr. Bullock: I have spoken to the owner's representative and that is fine. He would like the billboard to come down.

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

A Motion was made by Ms. Barnette and Seconded by Mr. Kirby to approve the site plan for Johnson Road and U.S. Highway 98 - Drainage Request, contingent upon fifty-foot buffer in addition to the thirty-foot buffer required by the City of Daphne Land Use and Development Ordinance - Buffer Requirements and obtaining the jurisdictional permit from the Corps of Engineer prior to construction of the detention facility. The Motion carried unanimously.

The next order of business is site plan review for Malbis Place Commercial Shopping Center.

THE CITY OF DAPHNE
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File S08-09:

Site: Malbis Place Commercial Shopping Center

Location: Northwest of the intersection of U. S. Highway 90 and Alabama Highway 181, Lot 12 of Eastern Shore Park Subdivision

Area: 2.98 Acres

Owner: Malbis Properties - Frank Johnston

Agent: The Cirrus Group - Ray Hix

Engineer: Jinright & Associates - Trey Jinright

An introductory presentation was given by Mr. Jinright, representing Jinright & Associates, requesting site plan review of a retail business shopping center located Northwest of the intersection of U. S. Highway 90 and Alabama Highway 181 on Lot 12 of Eastern Shore Park Subdivision. The plans have been revised to reflect the placement of sidewalks along U. S. Highway 90. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the site plan for the Malbis Place Commercial Shopping Center. The Motion carried unanimously.**

The next order of business is site plan review for the Eastern Shore Baptist Church Youth Building.

File S08-10:

Site: Eastern Shore Baptist Church Youth Building

Location: Northeast of the intersection of U. S. Highway 98 and Park Drive

Area: 1.90 Acres

Owner: Eastern Shore Baptist Church - Grant Barber

Engineer: Forrest Daniell & Associates - Chris Riggins

An introductory presentation was given by Mr. Riggins, representing Forrest Daniell & Associates, requesting site plan review of an addition to the existing church facility for the use of a youth building located Northeast of the intersection of U. S. Highway 98 and Park Drive. The plans have been revised to address the comments of staff and the Code Enforcement Officer. A copy of the architectural renderings with the brick outline, landscape and irrigation have been provided. I have also provided a copy of the approval letter from the

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Park City Water Authority. I will be happy to answer any questions you may have.

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

Mr. Terry: For the record, I will abstain from the discussion and voting on this project.

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

A Motion was made by Mayor Small and **Seconded** by Ms. Barnette **to approve the site plan for the Eastern Shore Baptist Church Youth Building. The Motion carried. Mr. Terry abstained.**

The next order of business is an administrative presentation for the acceptance of the right-of-way located from County Road 64 - County Road 13 South to Milton Jones Road.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Eady, Director of Community Development, requesting acceptance of a quit claim deed from Baldwin County of the Southern portion of the County Road 13 right-of-way from County Road 64 South to a point one hundred feet beyond the intersection of Milton Jones Road. I will be happy to answer any questions you may have.

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

A Motion was made by Mayor Small and **Seconded** by Mr. Kirby **for the affirmative recommendation by the Planning Commission to the City Council of Daphne requesting acceptance of a quit claim deed from Baldwin County to the City of Daphne of the Southern portion of County Road 13 right-of-way from County Road 64 South to a point one hundred feet beyond the intersection of Milton Jones Road. The Motion carried unanimously.**

The next order of business is an administrative presentation for permission to clear a portion of Old County right-of-way.

An introductory presentation was given by Mr. Eady, Director of Community Development, requesting permission for Mr. Sonny Nichols, owner of Prudential Nichols Real Estate to clear an undeveloped portion of Old County right-of-way for access to a residence on

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unimproved Old County Road. The owner has requested to clear from Beall Lane North along the Old County Road right-of-way approximately five hundred and eighty-five feet for access to a residence. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the request to clear a portion of the unimproved Old County right-of-way from Beall Lane five hundred and eighty-five feet to the North, contingent upon conducting a survey of the site, providing a copy of said survey to the City, and adhering to the City of Daphne Land Use and Development Ordinance with regard to tree protection. The Motion carried unanimously.**

The next order of business is review of the Public Works Committee minutes with regard to the revised plat for La Casa Subdivision, Phase Two.

An introductory presentation was given by Mr. Eady, Director of Community Development, of the previously phase two of La Casa Subdivision which was approved by the City of Daphne with two common areas. One of these common areas was presented to the City of Daphne Planning Commission in the form a revised plat and reverted from a common area to a lot, lot number nine. The owner of lot nine has constructed a structure in place of a portion of the "t" or turnaround for this subdivision making it difficult for someone to easily maneuver within the subdivision. The area is not large enough to construct a tear drop, but there is sufficient area to extend the area twelve and a half feet to the South and create an area twenty-two by sixty-five feet for a turn around. This would replace the area which was removed by the owner of lot nine.

Ms. Barnette: The property owners approached the Public Works Committee in an effort to find a solution. We thought since it had to do with the revision of the plat for La Casa Subdivision that the Planning Commission would be the proper body to advise the City on a solution for this matter or an explanation for the change to the plat.

Mayor Small: The drawings provided show the change from the final plat to the revised final plat, but the preliminary plat is the one that shows lot number nine as one of the common areas. After the preliminary was approved by the Planning Commission, the final was revised prior to approval to show only one common area and the other common area is lot 9.

THE CITY OF DAPHNE
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Mr. Irvine: I am Starke Irvine, the developer of La Casa Subdivision. There were discussions about the liability and responsibility involved in a common area which is not used for detention. At that time it was discussed and decided that the property owners' association would not accept liability, and it was changed to a buildable lot. Ms. Croft has received correspondence from the City regarding this matter, but has chosen not to respond because she had obtained permission from the City of Daphne to build the structure which is not on a portion of the City right-of-way, but on a portion of her lot.

Mr. Ross: I have been working on this, and I think she should replace the portion of the "t" that she had removed. I am written her several times with no response.

Mr. Irvine: I think this is a situation that would be better served if all parties involved were here to discuss it. She needs to be present to be part of the discussion.

Ms. Oberholtzer, property owners' association: We do not wish to cause a problem for the owner of lot nine. The property owners of the subdivision simply want a resolution to a turnaround at the end of the city street contained within our subdivision. There is no where to turnaround and we have neighbors which are getting their mailboxes knocked down.

Mr. Eady: In your packet, I have given you a copy of a proposal from Hutchinson, Moore & Rauch of a possible solution. It contains a diagram of the proposal along with a cost estimate. The question is what is the solution and who must incur the cost.

The consensus of the discussion of the Planning Commission was the plat was approved by the Commission, recorded, revised and rerecorded; therefore, the Commission would not have any jurisdiction over this matter. The parties involved must decide who is responsible and they should incur the cost of rectifying the matter.

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

A Motion was made by Mr. Kirby and Seconded by Ms. Phelps to forward the proposal presented by Hutchinson, Moore & Rauch to the City Council for review with regard to a solution to the replacement of the turnaround in La Casa Subdivision, Phase Two. The Motion carried unanimously.

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

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 24, 2008
~~COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.~~

SUMMARIZATION OF MINUTES:

THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

ATTORNEY'S REPORT:

Mr. Ross, Attorney: No report.

ADJOURNMENT:

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

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

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: May 22, 2008

Jeff Carrico, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 24, 2008
~~COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.~~

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THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 24, 2008
~~COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.~~

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To: Office of the City Clerk
From: William H. Eady, Sr., Director of
Community Development
Subj: Big Sandy, L.L.C. - Zoning
Amendment Review
Date: May 23, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 22, 2008, six members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned request.

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

The present zoning is R-4, high density single and multi-family residential. The proposed zoning is B-2, General Business. The property is located Southeast of the intersection of U. S. Highway 98 and Johnson Road.

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

Thank you,

WHE/jd

cc: file

attachment(s)

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z08-02 Date Plat Submitted: April 22, 2008
Date Presented: May 22, 2008

Name of Owner: BIG SANDY, LLC.

Address: P. O. BOX 1040 MAGNOLIA SPRINGS, AL 36555 Telephone #251-988-1997
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: ENGINEERING DEVELOPMENT SERVICES, LLC.

Address: 9 DAUPHIN STREET MOBILE, AL 36602 Telephone #251-415-3136
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: BIG SANDY

Lot(s): N/A Unit N/A

- 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: 04/22/08).

Meeting Dates:

Planning Commission: may 22, 2008
City Council: _____

Reason(s) for requesting the Zoning Amendment:
TO INCLUDE THIS NEWLY ACQUIRED PARCEL WITH
PREVIOUSLY APPROVED B-2 ZONING



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:

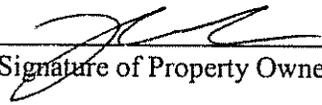
- a) Address SEE ATTACHED
- b) Name of Subdivision TO BE PART OF BIG SANDY
- c) Lot numbers involved in change N/A
- d) Total acreage of change 0.72 AC
- e) Recorded in Map Book INST #1098695 Page _____
- f) Owned in whole by the undersigned? WHOLE
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-4
- b) Reclassification desired B-2
- c) Character of neighborhood MIX OF B-2, R-4, R-2 & R-1

3) Certifications:

- a) Owner's Name BIG SANDY, LLC
- b) Address P.O. BOX 1040 MAGNOLIA SPRINGS, AL 36555
- c) Telephone Number 251-988-1997
- d) Date 4-21-2008



Signature of Property Owner

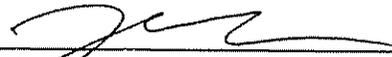
Signature of Property Owner

AGREEMENT

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

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

4/21/08
Date


Signature of Property Owner

BIG SANDY, L.L.C.
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 0.72 AC)

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE SOUTH 627.0 FEET; THENCE RUN NORTH 89 DEGREES 31 MINUTES EAST, A DISTANCE OF 1510.4 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY NO. 98, (ALSO KNOWN AS STATE HIGHWAY PROJECT S-635 (2)), SAID POINT BEING MARKED BY AN 3/4" IRON PIPE CORNER MARKER SITUATED SOUTH 05 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 88.6 FEET FROM RIGHT-OF-WAY MONUMENT STATION 265+00 FOR THE POINT OF BEGINING: THENCE RUN NORTH 89 DEGREES 52 MINUTES 16 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 25 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.76 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 32 MINUTES 54" WEST, A DISTANCE OF 160.46 FEET TO A CRIMPED TOP IRON PIPE MARKER ON THE EAST MARGIN OF SAID HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE EAST MARGIN OF SAID HIGHWAY NO. 98, A DISTANCE OF 208.30 FEET TO THE POINT OF BEGINING. TRACT CONTAINS 0.72 ACRES MORE OR LESS AND LIES IN THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP-5-SOUTH, RANGE-3-EAST, IN BALDWIN COUNTY, ALABAMA

**BIG SANDY, L.L.C.
ZONING AMENDMENT
ADJACENT PROPERTY OWNERS
(PROPERTY 0.72 AC)**

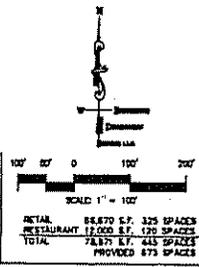
**BIG SANDY L L C
P O BOX 1040
MAGNOLIA SPRINGS, AL 36555**

**JDC ACQUISITION CORPORATION (30% INT) ET
3201 DAUPHIN STREET
MOBILE, AL 36606**

**PARSONS, SUZANNE D
85 FAIRWAY DR
BIRMINGHAM, AL 35213**

JOHNSON RDAD

U. S. HWY 90



PROPOSED MEDIAN CROSS-WALK AND TURN Lanes

GOLF SHOP

SHOE REPAIR

PAINT SHOP

SKETCH PLAN FOR BIG SANDY, LLC

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Southeast Corner of
U.S. Highway 98 and Johnson Road (0.72 Acres)
Big Sandy 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-4, High Density Single and Multi-Family Residential District to B-2, General Business District, to said property is located on the Southeast Corner of U.S. Highway 98 and Johnson Road, being more particularly described as follows:

Legal Description:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, AND RUN THENCE SOUTH 627.0 FEET; THENCE RUN NORTH 89 DEGREES 31 MINUTES EAST, A DISTANCE OF 1510.4 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY NO. 98, (ALSO KNOWN AS STATE HIGHWAY PROJECT S-635 (2)), SAID POINT BEING MARKED BY AN 3/4" IRON PIPE CORNER MARKER SITUATED SOUTH 05 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE OF 88.6 FEET FROM RIGHT-OF-WAY MONUMENT STATION 265+00 FOR THE POINT OF BEGINING: THENCE RUN NORTH 89 DEGREES 52 MINUTES 16 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A 5/8" CAPPED IRON PIN MARKER; THENCE RUN SOUTH 00 DEGREES 25 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.76 FEET TO A 1/2" CAPPED IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 32 MINUTES 54" WEST, A DISTANCE OF 160.46 FEET TO A CRIMPED TOP IRON PIPE MARKER ON THE EAST MARGIN OF SAID HIGHWAY NO. 98; THENCE RUN NORTH 05 DEGREES 57 MINUTES 45 SECONDS EAST ALONG THE EAST MARGIN OF SAID HIGHWAY NO. 98, A DISTANCE OF 208.30 FEET TO THE POINT OF BEGINING. TRACT CONTAINS 0.72 ACRES MORE OR LESS AND LIES IN THE NORTHWEST QUARTER OF SECTION 29 TOWNSHIP-5-SOUTH, RANGE-3-EAST, IN BALDWIN COUNTY, ALABAMA

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 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-4, High Density Single and Multi-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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday,
June 7, 2008

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property from R-4, High Density Single and Multi-Family Residential District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Southeast Corner of
U.S. Highway 98 and Johnson Road (0.72 Acres)
Big Sandy 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-4, High Density Single and Multi-Family Residential District to B-2, General Business District, to said property is located on the Southeast Corner of U.S. Highway 98 and Johnson Road, being more particularly described as follows:

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PLEASE Publish in the Bulletin Legal Section on Saturday, June 14, 2008

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on June 7, 2008 that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain property from R-4, High Density Single and Multi-Family Residential District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

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To: Office of the City Clerk
From: William H. Eady, Sr., Director of
Community Development
Subj: Land Use and Development Ordinance
Amendment to Sign Provisions
Date: May 23, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 22, 2008, six members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned amendment.

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

Thank you,

WHE/jd

cc: file

attachment(s)

**CITY OF DAPHNE
ORDINANCE NO.: 2008-**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE,
ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2002-22, as
ADOPTED by the CITY COUNCIL ON SEPTEMBER 3, 2002**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the ____ day of May, 2008 and has made a favorable recommendation for adoption to the City Council;

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

SECTION I: GENERAL PROVISIONS

That Article XXXIII entitled "*Sign Provisions*", denoted as section 33-2 (a) (1) be and is hereby deleted in its entirety and is replaced as follows:

33-2 (a) (1) the following apply

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and

specifications maybe necessary to fully advise and acquaint the Code Enforcement Officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION II: That Article XXXVII, entitled "*Eastern Shore Park Overlay District-General Provisions*", denoted as section 37 (15) entitled "Permitted Signs" shall include a new subsection (k) which shall provide as follows:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications maybe necessary to fully advise and acquaint the Code Enforcement Officer with location, size, construction, materials, manner of illuminating, and securing or fastening, and number of size applied for in the wording of the sign or advertisement to be carried on the sign. A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date of when the application is received. Further an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION III: CONFLICT WITH OTHER ORDINANCES.

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby placed to the extent of such conflict.

SECTION IV. SEVERABILITY

That the provision of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval 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 _____, 2008.

FRED SMALL , MAYOR
CITY OF DAPHNE

GREG BURNAM,
CITY COUNCIL PRESIDENT

ATTEST:

DAVID COHEN, CITY CLERK, CMC

**CITY OF DAPHNE
ORDINANCE NO.: 2008-**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE,
ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2002-22, as
ADOPTED by the CITY COUNCIL ON SEPTEMBER 3, 2002**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the ____ day of May, 2008 and has made a favorable recommendation for adoption to the City Council;

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

SECTION I: GENERAL PROVISIONS

That Article XXXIII entitled "*Sign Provisions*", denoted as section 33-2 (a) (1) be and is hereby deleted in its entirety and is replaced as follows:

33-2 (a) (1) the following apply

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and

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That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby placed to the extent of such conflict.

SECTION IV. SEVERABILITY

That the provision of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval 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 _____, 2008.

**FRED SMALL , MAYOR
CITY OF DAPHNE**

**GREG BURNAM,
CITY COUNCIL PRESIDENT**

ATTEST:

DAVID COHEN, CITY CLERK, CMC

PLEASE Publish in the Bulletin Legal Section on Saturday, June 7, 2008.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO.: 2008-**

AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE, ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2002-22, as ADOPTED by the CITY COUNCIL ON SEPTEMBER 3, 2002

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 22nd day of May, 2008 and has made a favorable recommendation for adoption to the City Council;

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

SECTION I: GENERAL PROVISIONS

That Article XXXIII entitled "*Sign Provisions*", denoted as section 33-2 (a) (1) be and is hereby deleted in its entirety and is replaced as follows:

PLEASE Publish in the Bulletin Legal Section on Saturday, June 14, 2008

SECOND NOTICE OF PUBLIC HEARING

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PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO.: 2008-**

**AN ORDINANCE ADDING/AMENDING THE CITY OF DAPHNE,
ALABAMA LAND USE AND DEVELOPMENT ORDINANCE 2002-22, as
ADOPTED by the CITY COUNCIL ON SEPTEMBER 3, 2002**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, The City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 22nd day of May, 2008 and has made a favorable recommendation for adoption to the City Council;

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr., Director of
Community Development
Subj: Baldwin AL Development - Zoning
Amendment Review
Date: May 23, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 22, 2008, six members were present and the vote carried unanimously for the **NEGATIVE** recommendation of the above-mentioned request.

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

The present zoning is B-1, Local Business. The proposed zoning is B-2, General Business. The property is located Southwest of the intersection of Highway 31 and U.S. Highway 181.

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

Thank you,

WHE/jd

cc: file

attachment(s)

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 208-04 Date Plat Submitted: April 22, 2008
Date Presented: May 22, 2008

Name of Owner: Baldwin (AL) Development, L.L.C.

Address: P.O. Box 81322 Mobile AL 36689 Telephone # (251)343-1040
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park W. Mobile AL 36606 Telephone # (251)479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Timber Creek Commercial Resub. of Parcel "A" Unit Three

Lot(s): Lot 3 Unit: Three

- 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: April 22).

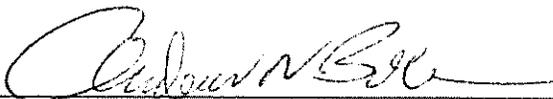
Meeting Dates:

Planning Commission: May 22, 2008

City Council: _____

Reason(s) for requesting the Zoning Amendment:

We plan to rezone the property in order to create like zoning on adjacent property that we are in the process of resubdividing.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

a) Address No Address known at this time, property is undeveloped.

b) Name of Subdivision Timber Creek Commercial Resub. of Parcel "A" Unit Three

c) Lot numbers involved in change Lot 3

d) Total acreage of change 2.3+/-

e) Recorded in Map Book 2186-E Page _____

f) Owned in whole by the undersigned? _____

g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

a) Present classification of property B-1

b) Reclassification desired B-2

c) Character of neighborhood Commercial

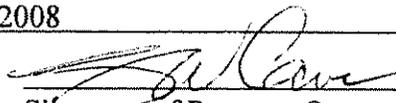
3) Certifications:

a) Owner's Name Baldwin (AL) Development, L.L.C.

b) Address P.O. Box 81322 Mobile, AL 36689

c) Telephone Number (251) 343-1040

d) Date 4-21-2008


Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

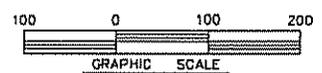
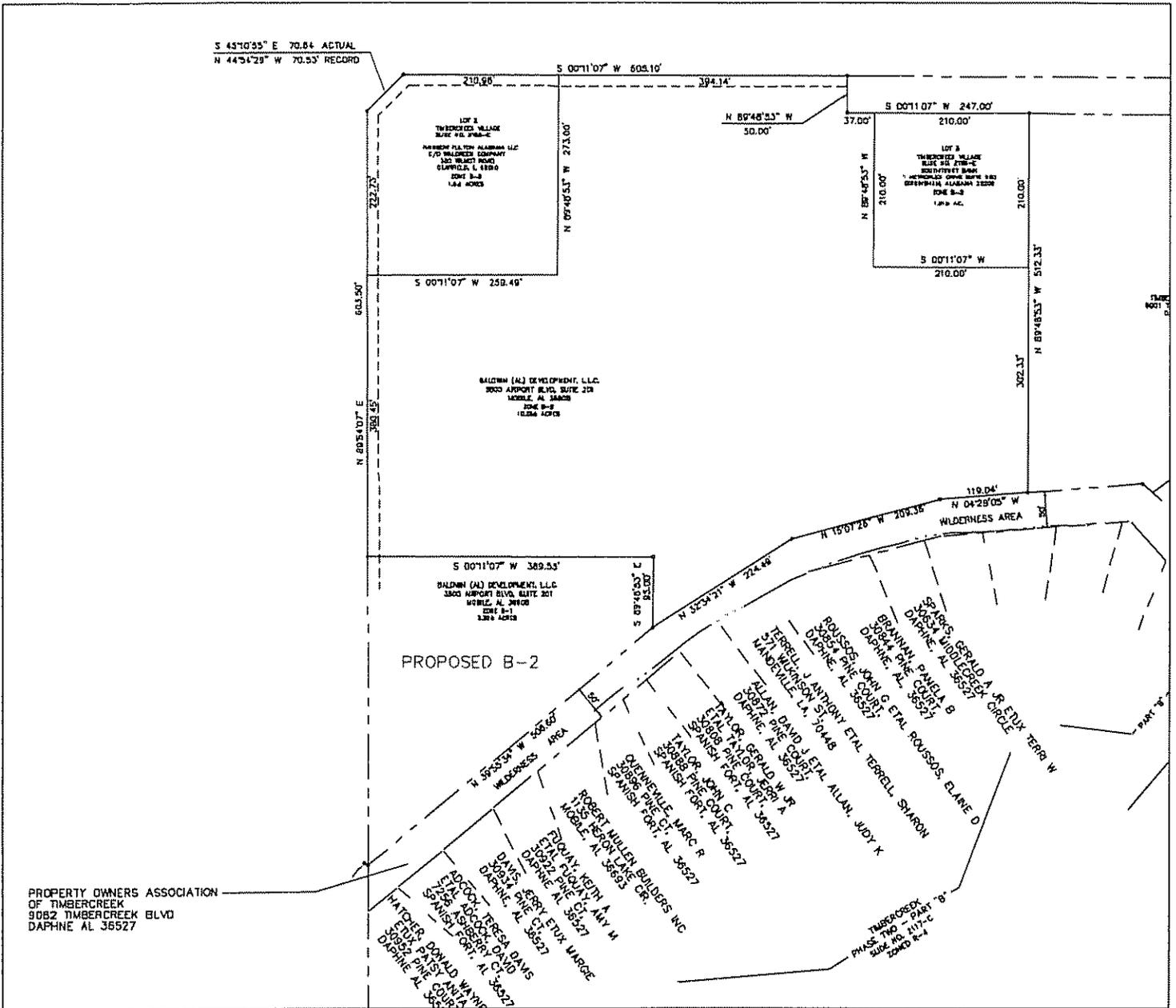
I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed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

4-22-08
Date


Signature of Property Owner

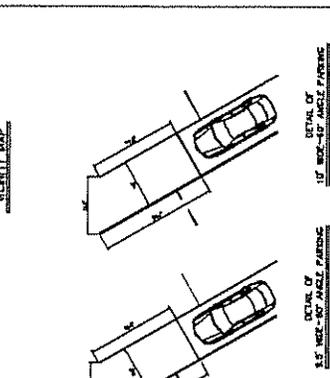
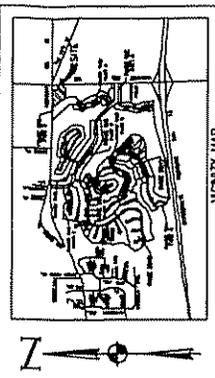
BALDWIN (AL) DEVELOPMENT, L.L.C.
ZONING AMENDMENT
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 2.3066 ACRES)

LOT 3, TIMBERCREEK COMMERCIAL RESUBDIVISION OF PARCEL "A" UNIT
THREE, AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT
RECORDS, SLIDE 2149-F.



BALDWIN (AL) DEVELOPMENT, L.L.C
 REZONING SKETCH
 TO ACCOMPANY
 DESCRIPTION
 EXHIBIT "B"

RESTER AND COLEMAN
 ENGINEERS, INC
 66 MIDTOWN PARK WEST MOBILE, ALABAMA 36606-4148
 TELEPHONE NO. (251)-479-4518
 FAX NO (251)-470-4522



DESCRIPTION
 THIS PLAN SHOWS THE PROPOSED DEVELOPMENT OF THE SOUTHWEST BANK BRANCH AND A RETAIL STORE ON LOT 3, 1.01 AC. OF LAND IN THE 10000' BLOCK OF U.S. HIGHWAY NO. 31, IN THE CITY OF BIRMINGHAM, ALABAMA.

OWNER
 SOUTHWEST BANK
 10000' BLOCK OF U.S. HIGHWAY NO. 31
 BIRMINGHAM, ALABAMA

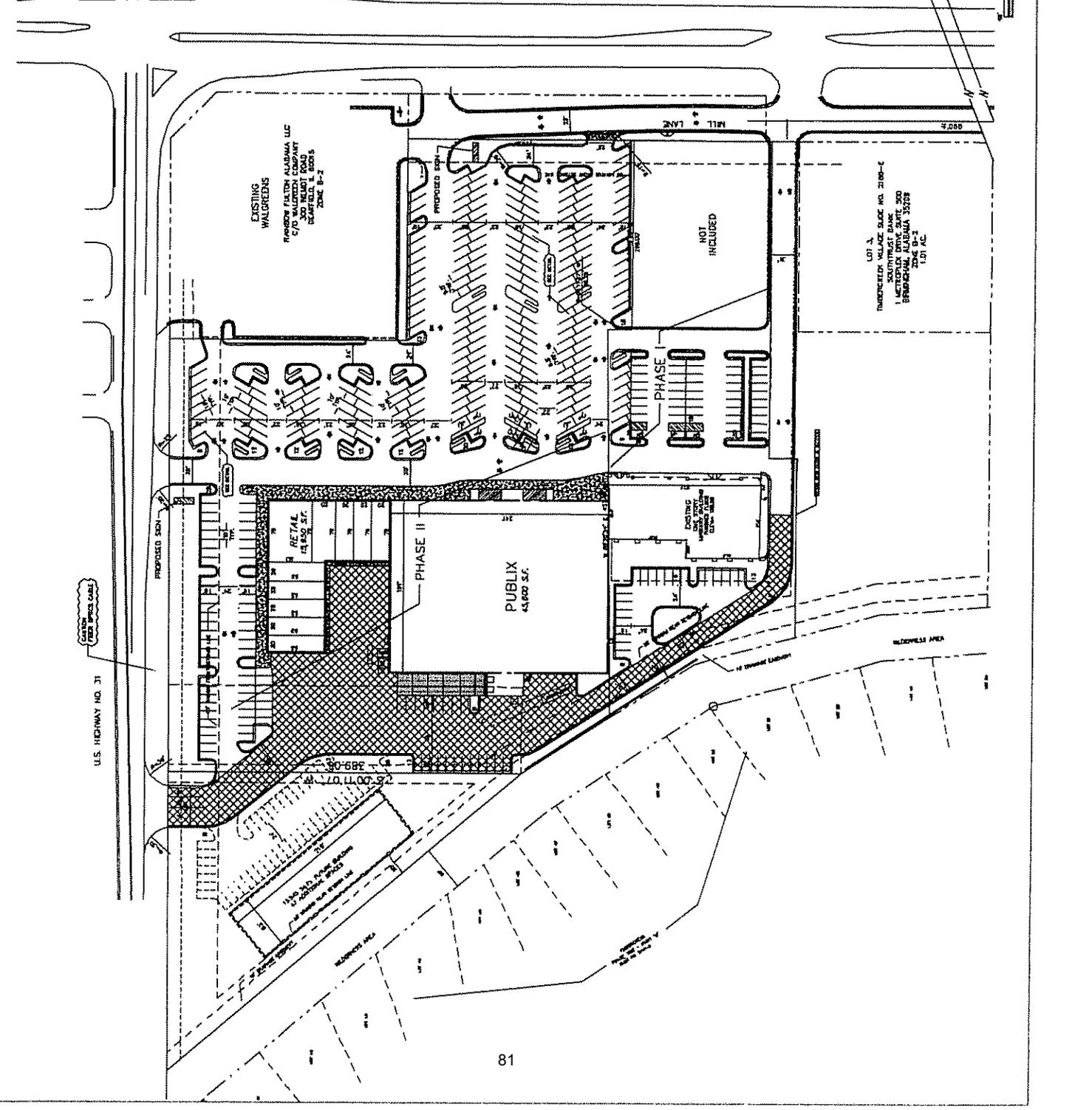
DESIGNER
 JAMES L. JAMES, ARCHITECT
 10000' BLOCK OF U.S. HIGHWAY NO. 31
 BIRMINGHAM, ALABAMA

DATE
 1-15-67

PROJECT NO.
 10000' BLOCK OF U.S. HIGHWAY NO. 31

NO.	DATE	BY	REVISION
1	1-15-67	JLJ	PRELIMINARY
2	1-15-67	JLJ	REVISED
3	1-15-67	JLJ	REVISED
4	1-15-67	JLJ	REVISED
5	1-15-67	JLJ	REVISED
6	1-15-67	JLJ	REVISED
7	1-15-67	JLJ	REVISED
8	1-15-67	JLJ	REVISED
9	1-15-67	JLJ	REVISED
10	1-15-67	JLJ	REVISED

ALABAMA STATE HIGHWAY NO. 101



U.S. HIGHWAY NO. 31

EXISTING WALKGREENS
 PROPERTY OF SOUTHWEST ALABAMA LLC
 6740 WALKER ROAD
 BIRMINGHAM, ALABAMA
 ZONE B-2

PHASE I

PHASE II

PUBLIX
 43,800 S.F.

EXISTING WALKGREENS
 PROPERTY OF SOUTHWEST ALABAMA LLC
 6740 WALKER ROAD
 BIRMINGHAM, ALABAMA
 ZONE B-2

LOT 3
 SOUTHWEST BANK
 10000' BLOCK OF U.S. HIGHWAY NO. 31
 BIRMINGHAM, ALABAMA
 ZONE B-2
 1.01 AC.

U.S. HIGHWAY NO. 31

**TIMBERCREEK COMMERCIAL RESUB. OF PARCEL "A" UNIT 3
REZONING (LOT 3)**

COMETTI, CARREL E JR
ETAL LEE, PERRY A E
18511 GREENO RD,
FAIRHOPE, AL 36532

WHY NOT INVESTMENTS L L C
852 SUNFISH ST
LAKEWAY, TX 78734

PROPERTY OWNERS ASSOCIATION
OF TIMBERCREEK
9082 TIMBERCREEK BLVD,
DAPHNE AL 36527

HATCHER, DONALD WAYNE
ETUX PATSY ANITA
30952 PINE COURT,
DAPHNE AL 36527

ADCOCK, TERESA DAVIS
ETAL ADCOCK, DAVID
7256 ASHBERRY CT,
SPANISH FORT, AL 36527

DAVIS, JERRY ETUX MARGIE
30934 PINE CT,
DAPHNE, AL 36527

FUQUAY, KEITH A
ETAL FUQUAY, AMY M
30922 PINE CT,
DAPHNE AL 36527

ROBERT MULLEN BUILDERS INC
1135 HERON LAKE CIR,
MOBILE, AL 36693

QUENNEVILLE, MARC R
30896 PINE CT,
SPANISH FORT, AL 36527

TAYLOR, JOHN C
30888 PINE COURT,
SPANISH FORT, AL 36527

TAYLOR, GERALD W JR
ETAL TAYLOR, JERRI A
30808 PINE COURT,
SPANISH FORT, AL 36527

ALLAN, DAVID J ETAL ALLAN, JUDY K
30872 PINE COURT,
DAPHNE, AL 36527

TERRELL, J ANTHONY ETAL TERRELL, SHARON
571 WILKINSON ST,
MANDEVILLE, LA, 70448

ROUSSOS, JOHN G ETAL ROUSSOS, ELAINE D
30854 PINE COURT,
DAPHNE, AL 36527

BRANNAN, PAMELA B
30844 PINE COURT,
DAPHNE, AL, 36527

SPARKS, GERALD A JR ETUX TERRI W
30634 MIDDLECREEK CIRCLE
DAPHNE, AL 36527

BALDWIN (AL) DEVELOPMENT L L C
P O BOX 81322,
MOBILE, AL, 36689

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Intersection of U.S. Highway 31 and
Alabama Highway 181 (2.3066 Acres)
Baldwin (AL) Development L.L.C.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District to B-2, General Business District, to said property is located on the intersection of U.S. Highway 31 and Alabama Highway 181, being more particularly described as follows:

Legal Description:

LOT 3, TIMBERCREEK COMMERCIAL RESUBDIVISION OF PARCEL "A" UNIT THREE, AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2149-F.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 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 B-1, Local Business 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 of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday, June 7, 2008

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property from B-1, Local Business District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Intersection of U.S. Highway 31 and Alabama Highway 181 (2.3066 Acres)
Baldwin (AL) Development L.L.C.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District to B-2, General Business District, to said property is located on the intersection of U.S. Highway 31 and Alabama Highway 181, being more particularly described as follows:

Legal Description:

LOT 3, TIMBERCREEK COMMERCIAL RESUBDIVISION OF PARCEL "A" UNIT THREE,
AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2149-F.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 concerning the requested rezoning.

PLEASE Publish in the Bulletin Legal Section on Saturday, June 14, 2008

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on June 7, 2008 that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain property from B-1, Local Business District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District to B-2, General Business District, to said property is located on the intersection of U.S. Highway 31 and Alabama Highway 181, being more particularly described as follows:

Legal Description:

LOT 3, TIMBERCREEK COMMERCIAL RESUBDIVISION OF PARCEL "A"
UNIT THREE, AS RECORDED IN THE BALDWIN COUNTY PROBATE
COURT RECORDS, SLIDE 2149-F.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an negative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 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 B-1, Local Business District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr., Director of
Community Development
Subj: Paul Powers Real Estate Joint
Venture - Annexation Review
Date: May 23, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 22, 2008, six members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned request. The recommendation was for annexation of the property with the zoning classifications outlined in the attached petition and map for annexation.

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

attachment(s)

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(_____)

The undersigned, **POWERS REAL ESTATE JOINT VENTURE**, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as **CENTRAL PARK** to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description Of Property**: The description of the property which Petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this Petition as if fully set out herein (the "Property").

2. **Map Of Property**: Attached hereto as Exhibit "B" and made a part of this Petition, is a map of the Property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner**: The Petitioner, POWERS REALS ESTATE JOINT VENTURE is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions**: This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

B-1 FOR 28.52 ACRES
R-4 MULTI FAMILY FOR 12.23 ACRES
R-4 SINGLE FAMILY FOR 9.14 ACRES
R-3 FOR 9.72 ACRES

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 25th day of January, 2008.

Respectfully submitted,

POWERS REAL ESTATE JOINT VENTURE

By:
Its: 
member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that PAUL S. POWERS whose name as Member of Powers Real Estate Joint Venture an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

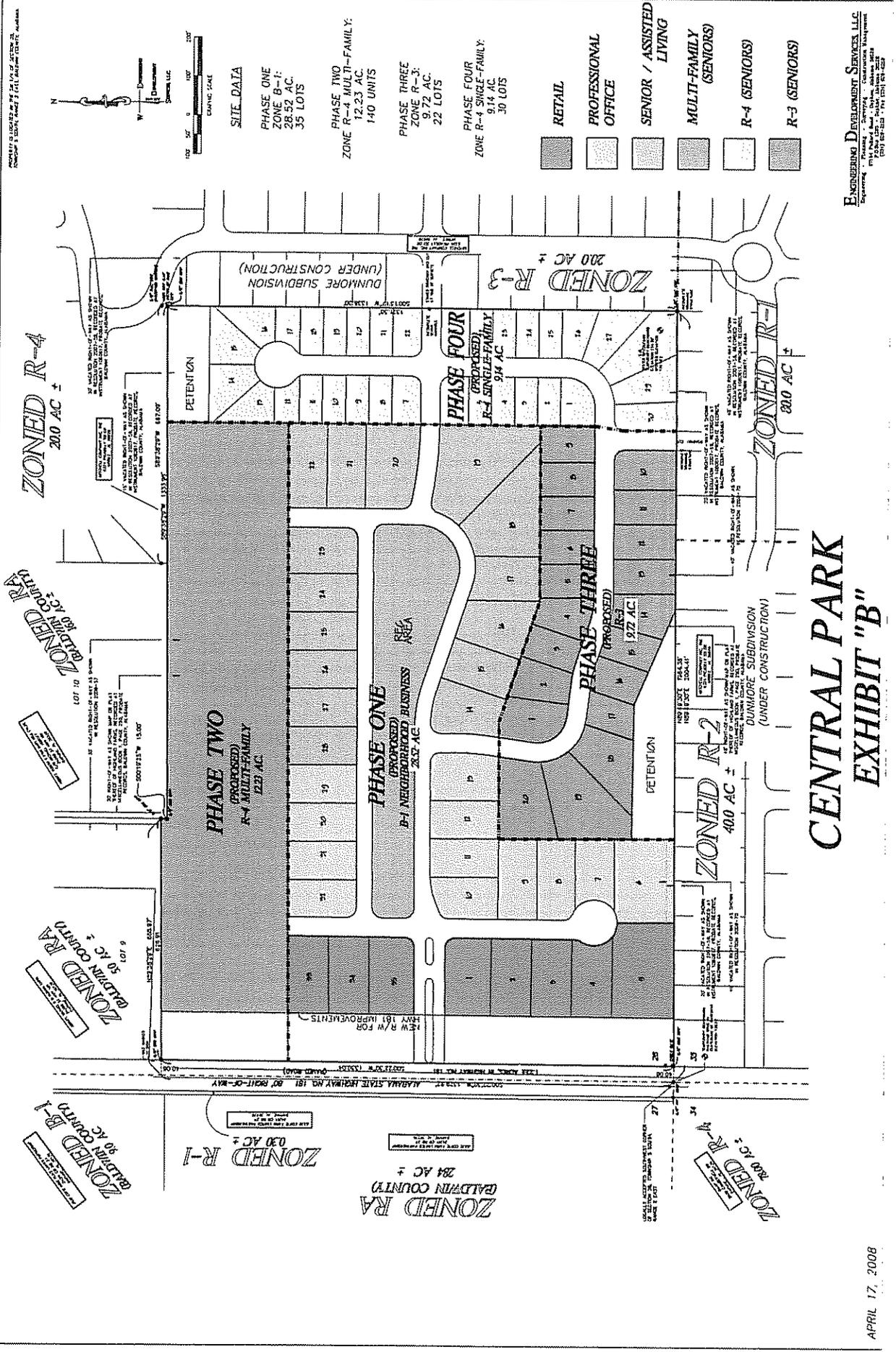
GIVEN under my hand and official seal on this the day of 21st, April, 2008.

 (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 11-5-08

EXHIBIT "A"

CENTRAL PARK COMPOSITE DESCRIPTION

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN AND RUN THENCE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 40.06 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NUMBER 181 FOR A POINT OF BEGINNING: THENCE CONTINUE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 1964.36 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 13 MINUTES 17 SECONDS EAST, FOR A DISTANCE OF 1321.20 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 1333.96 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 19 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 15.0 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 626.91 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF SAID HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, ALONG SAID HIGHWAY, FOR A DISTANCE OF 1330.04 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 59.60 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



ENGINEERING DEVELOPMENT SERVICES, LLC
 Engineering Services
 1000 W. 10th Street, Suite 100
 Oklahoma City, Oklahoma 73106
 Phone: (405) 233-1111
 Fax: (405) 233-1112

CENTRAL PARK EXHIBIT "B"

APRIL 17, 2008

ORDINANCE NO. 2008-

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

**Powers Real Estate Venture "Central Park"
(Property located on East Side of Alabama 181 Highway)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on May 22, 2008 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District – 28.52 Acres, R-4 High Density Multi-Family Residential District – 12.23 Acres, R-4, High Density Single Family Residential District – 9.14 Acres, R-3 High Density Single Family District – 9.72 Acres**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on July 7, 2008 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

"Exhibit A"

LEGAL DESCRIPTION:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN AND RUN THENCE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 40.06 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NUMBER 181 FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 1964.36 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 13 MINUTES 17 SECONDS EAST, FOR A DISTANCE OF 1321.20 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 1333.96 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 19 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 15.0 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 626.91 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF SAID HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, ALONG SAID HIGHWAY, FOR A DISTANCE OF 1330.04 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 59.60 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2008.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday, June 7, 2008.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008-

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

**Powers Real Estate Venture "Central Park"
(Property located on East Side of Alabama 181 Highway)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on May 22, 2008 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District – 28.52 Acres, R-4 High Density Multi-Family Residential District – 12.23 Acres, R-**

4, High Density Single Family Residential District – 9.14 Acres, R-3 High Density Single Family District – 9.72 Acres; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on July 7, 2008 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

"Exhibit A"

LEGAL DESCRIPTION:

COMMENCE AT A RAILROAD SPIKE MARKER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN AND RUN THENCE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 40.06 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF ALABAMA STATE HIGHWAY NUMBER 181 FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, FOR A DISTANCE OF 1964.36 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 13 MINUTES 17 SECONDS EAST, FOR A DISTANCE OF 1321.20 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 1333.96 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00

DEGREES 19 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 15.0 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, FOR A DISTANCE OF 626.91 FEET TO AN IRON PIN MARKER ON THE EAST RIGHT-OF-WAY OF SAID HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, ALONG SAID HIGHWAY, FOR A DISTANCE OF 1330.04 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 59.60 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

Greg Burnam
Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday, June 14, 2008

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on June 7, 2008 that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008-

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

**Powers Real Estate Venture "Central Park"
(Property located on East Side of Alabama 181 Highway)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on May 22, 2008 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-1, Local Business District – 28.52 Acres, R-4 High Density Multi-Family Residential District – 12.23 Acres, R-4, High Density Single Family Residential District – 9.14 Acres, R-3 High Density Single Family District – 9.72 Acres**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on July 7, 2008 concerning the petition for annexation; and,

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr., Director of
Community Development
Subj: Elite Development Company - Zoning
Amendment
Date: May 23, 2008

MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 22, 2008, six members were present and the vote carried unanimously for the affirmative recommendation of the above-mentioned request.

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

The present zoning is R-3, high density single family residential. The proposed zoning is R-4, high density single family residential. The property is located Northeast of the intersection of Parker Lane and Avery Drive.

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

Thank you,

WHE/jd

cc: file

attachment(s)

APPLICATION FOR ZONING AMENDMENT

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

This is to certify that I (we) the undersigned am (are) 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 N/A

- b) Name of Subdivision MADISON PLACE PHASE THREE, (PORTION) AND PHASE FOUR (PORTION)
- c) Lot numbers involved in change _____
- d) Total acreage of change 10.01
- e) Instrument # 850706
- f) Owned in whole by the undersigned WHOLE
- g) If owned in part, name(s) of co-owner(s) WHOLE

2) Zoning change requested:

- a) Present classification of property R3
- b) Reclassification desired R-4 SINGLE FAMILY
- c) Character of neighborhood R-3 & R-4 SINGLE FAMILY

3) Certifications:

- a) Owner's Name ELITE DEVELOPMENT COMPANY, LLC
- b) Address P O BOX 1629 FOLEY, AL 36536
- c) Telephone Number 251-988-1230
- c) Date 4/22/2008
- d) Signature of Property Owner



Signature of Property Owner

AGREEMENT

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

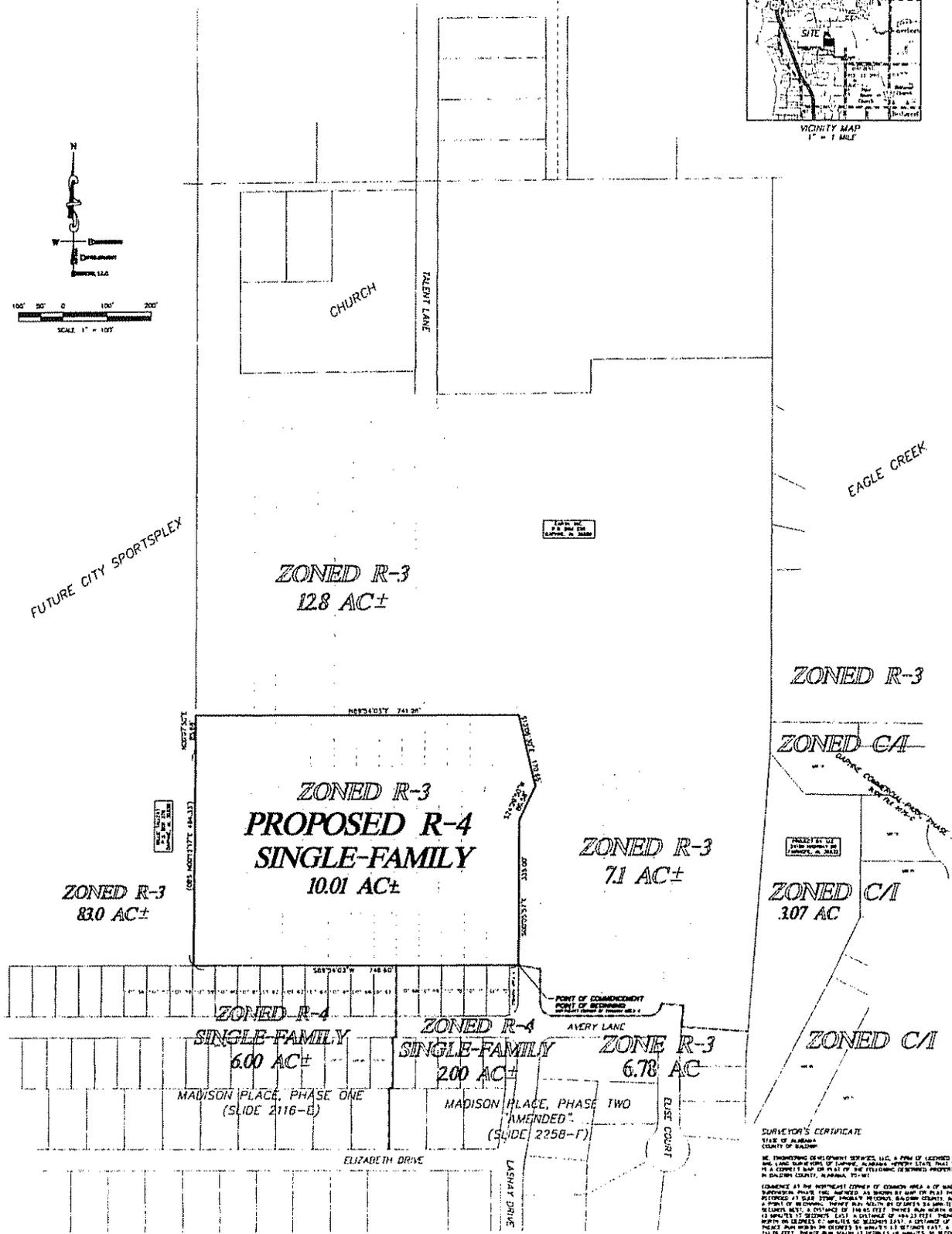
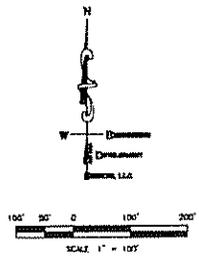
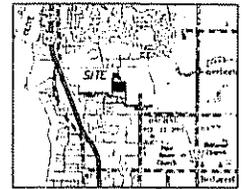
I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed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

4/21/08
Date


Signature of Property Owner

“EXHIBIT A”
MADISON PLACE,
PHASE THREE (PORTION) AND PHASE FOUR (PORTION)
REZONE
LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



**REZONING SKETCH
FOR
MADISON PLACE
PHASE THREE (PORTION) AND
PHASE FOUR (PORTION)
EXHIBIT "B"**

CURVE TABLE	
CLWAK (LENGTH) RADUS (ANGLE) CHORD (CHORD) DPC	
11 281.22 1071.31 141.43 280.43 49737.007	

ENGINEERING DEVELOPMENT SERVICES, L.L.C.
 Engineering • Planning • Surveying • Construction Management
 27164 Piedmont Road • Daphne, Alabama 36526
 P.O. Box 1385 • Daphne, Alabama 36526
 (251) 828-8182 • Fax (251) 828-4258

SURVEYOR'S CERTIFICATE
 STATE OF ALABAMA
 COUNTY OF BALDWIN

WE, ENGINEERING DEVELOPMENT SERVICES, L.L.C. a firm of Licensed Engineers and Surveyors of Alabama, do hereby certify that the above is a correct and true copy of the existing recorded property situated in Baldwin County, Alabama, 36526.

CONFORMANCE IS THE NEAREST CORNER OF SECTION 36-4-A OF MADISON PLACE SUBDIVISION PHASE TWO, AS SHOWN BY SLIP OR PLAT PREVIOUS RECORDED IN THIS OFFICE, UNDER RECORD BALDWIN COUNTY NUMBER 104-104, A PORTION OF RECORDS. THEREBY HAS BEEN SET AS LOTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



ENGINEERING DEVELOPMENT SERVICES, L.L.C.
 27164 PIEDMONT ROAD
 DAPHNE, ALABAMA 36526

ADJACENT PROPOERTY OWNERS
REZONING APPLICATION
MADISON PLACE
PHASE THREE (PORTION) AND PHASE FOUR (PORTION)

BEEMAN, JEANETTE L.
7633 AVERY LANE
DAPHNE, AL 36526

JERNIGAN, MICHAEL D
7601 AVERY LANE
DAPHNE, AL 36526

BENCHMARK HOMES INC
2936 MCVAY DRIVE NORTH
MOBILE, AL 36606

ROBERTSON, NONA KRISTA
7625 AVERY LANE
DAPHNE, AL 36526

BLISS HOLDINGS L L C
P O BOX 714
DAPHNE, AL 36526

SCOTT, SUSAN E
7687 AVERY LN
DAPHNE, AL 36526

BROWN, JAMES SMITH ETAL BROWN,
CLARA JEA
7679 AVERY LANE
DAPHNE, AL 36526

STANLEY, LYDIA M
7743 AVERY LANE
DAPHNE, AL 36526

CHILTON, LYNN L
7665 AVERY LANE
DAPHNE, AL 36526

STRAHLEY, ROBERT T ETAL STRAHLEY,
DEBORA
P O BOX 503
MONTROSE, AL 36559

DAPHNE CITY OF
P O BOX 400
DAPHNE, AL 36526

WEBB, CHARLES B ETAL WEBB, EUNICE
L.
7731 AVERY LANE
DAPHNE, AL 36526

EARTH INC
P O BOX 220
DAPHNE, AL 36526

YATES, SHIRLEY O
7593 AVERY LANE
DAPHNE, AL 36526

ELITE DEVELOPMENT L L C
P O BOX 1629
FOLEY, AL 36536

PINYAN, PAULINE
7701 AVERY LANE
DAPHNE, AL 36526

FAHERTY, THOMAS M JR
7613 AVERY LANE
DAPHNE, AL 36526

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Northeast Corner of
Parker Lane and Avery Lane (10.01 Acres)
Elite Development Company**

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

Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 7, 2008 concerning the requested rezoning.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
THIS _____ day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Saturday,
June 7, 2008

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property from R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Northeast Corner of
Parker Lane and Avery Lane (10.01 Acres)
Elite Development Company**

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

Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PLEASE Publish in the Bulletin Legal Section on Saturday, June 14, 2008

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on June 7, 2008 that the City Council of the City of Daphne will hold a Public Hearing on July 7, 2008 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain property from R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2008 - _____

**Ordinance to Rezone Property Located on the Northeast Corner of
Parker Lane and Avery Lane (10.01 Acres)
Elite Development Company**

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

Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF COMMON AREA 4 OF MADISON PLACE SUBDIVISION, PHASE TWO, AMENDED, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2258F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 746.60 FEET; THENCE RUN NORTH 00 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 494.33 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 85.68 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 741.26 FEET; THENCE RUN SOUTH 13 DEGREES 06 MINUTES 30 SECONDS EAST, A DISTANCE OF 170.66 FEET; THENCE RUN SOUTH 24 DEGREES 29 MINUTES 50 SECONDS WEST, A DISTANCE OF 86.58 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, A DISTANCE OF 335.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 10.01 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 22, 2008 has considered said request and set forth an affirmative recommendation to the City Council of the

SET A PUBLIC HEARING DATE FOR

JULY 7, 2008

TO CONSIDER:

- 1.) Rezoning: Big Sandy / US Hwy 98 & Johnson Road / R-4, High Density Single and Multi-Family Residential District to B-2, General Business District
- 2.) Amend Land Use & Development Ordinance / Sign Provisions
- 3.) Rezone: Baldwin AL Development / AL Hwy 181 / From B-1, Local Business District to B-2, General Business District
- 4.) Annexation: Paul Powers Real Estate Venture / East Side of AL Hwy 181 / Requested Zoning: B-1, Local Business District - 28.52 Acres / R-4, High Density Multi-Family Family Residential District – 12.23 Acres / R-4, High Density Single Family Residential District – 9.14 Acres / R-3, High Density Single Family Residential District – 9.72 Acres
- 5.) Rezoning: Elite Development Company / NE Corner of Parker Lane and Avery Lane / From R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, Alabama 36526
May 14, 2008
6:00pm

Members Present: Chairman Ed Nelson, Kit Smith, John Peterson, Matt Cunningham, Lynne Thompson-Yates, Eric Smith

Members Absent: Rick Cleveland

Advisory Staff Present: Councilmen Gus Palumbo and Greg Burnam, Mayor Fred Small and David McKelroy, Parks and Recreation Director

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:00pm.

Review and Approval of Minutes

Motion was made by John Peterson and seconded by Eric Smith to approve the April 9 meeting minutes.

Program Reports

Athletics – Charlie McDavid Spring sports continue to run smoothly, should be complete by the June meeting

Community Activities – Megan Matrone Reported on Recreation Departments involvement with the Zydeco Community Day, upcoming Art in the Park and Wet N Wild Wednesday. New classes for sewing, social etiquette and tennis.

Senior Adults – Mary Jensen Last week of respite care for 1st session. Distributed the senior calendar of upcoming events.

Public Participation

Victoria Phelps and John Foley from the Trail Blazers made presentations regarding recreational trails that are being proposed. A grant is being applied for to construct a recreational trail from “Gator Alley” along North Main and behind Jubilee Square beside the Lake Forest lake. A second trail is being proposed from the Jubilee Square east along the north side of Hwy 90 for the purpose of bike trails. A recommendation to endorse both projects was approved.

Don Ellis made a presentation with regard to hosting a wood bat baseball program “Boys of Summer”. It was recommended that Mr. Ellis meet with the Recreation Director and discuss the possibilities.

Old / New Business

1. Status of Infrastructure – New Sports Complex The entrance has been approved by the Planning Commission and is satisfactory with the Fire Department. HMR will now provide an estimated projected cost for the entrance. Director will communicate with City Clerk about the possibilities of grants.
2. Status on Trione Sports Complex Lease Mayor Small informed the board as to the status of the lease with the Board of Education. Once lease is agreed upon, project plans and cost estimates will be developed. The Recreation Board stated that its desire is to proceed with this project as soon as possible, using the annexation fund for financing.
3. Nicholson Center title concerns Kit Smith addressed the Board with concern and possible problems with the Nicholson Center title. Mayor Small has been in contact with Jay Ross' office with regard to the problem. Kit Smith agreed to be the Board contact and will keep the board informed.
4. Safety Committee Initiative The Recreation Board was contact by the city's Safety committee. The safety committee, in an effort to improve Daphne's parks, is hoping to possibly initiate an "Adopt a Park" program. The Recreation Board endorsed any efforts by the Safety Committee to help improve our parks.

Comments form the Director

1. Bids for the playground equipment at May Day Park will be opened on May 22nd.
2. The sand at the Boat Ramp at May Day Park is being removed. A year long study is being done to determine the sand movement at the park.
3. An organization has contacted the Recreation Department about reserving the Dog Park. After discussion, it was recommended that the Dog Park not be reserved.

Adjourn

The meeting was adjourned at 7:50pm.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CASE NO. 2008-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>4-24-08</u>	(initial) <u>KS</u>
DATE FORWARDED TO POLICE DEPT.	<u>4-24-08</u>	<u>KS</u>
DATE RECEIVED BY POLICE DEPT.	<u>4-25-08</u>	<u>NOV</u>

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV.	<u>5-21-08</u>	<u>KS</u>
DATE FORWARDED TO CITY CLERK	<u>5-21-08</u>	<u>KS</u>
DATE RECEIVED BY CITY CLERK	<u>5-21-08</u>	<u>RH</u>
SCHEDULED DATE ON AGENDA	<u>6-2-08</u>	<u>RH</u>

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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

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

Date Refused	TYPE APPLICATION	Date Approved
By	040 - Retail Beer - (On or Off Premises)	By

Name of Applicant (s) Jubilee Hotels, Inc.

Circle One: Ind Part Assoc. Corp. LLC

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
JAMES Gamett WILBOURN	FL W416440474090 President	11/09/1947 LAUDERDALE, MS	16201 PERDIDO KEY DR PENSACOLA, FL 32503	26 YRS
GUY Thompson VISE	MS 425808167 Vice-President	09/18/1939 LAUDERDALE, MS	4225 EASTOURE PL JACKSON, MS 39211	22 YRS
WALTER SCOTT LOVETT	MS 800255911 Treasurer	10/02/1951 ELK, PA	7759 CONFEDERATE DR MERIDIAN, MS 39305	21 YRS
RICHARD Eggleston WILBURN III	MS 800189970 Secretary	03/06/1963 MERIDIAN, MS	206 JEFFERSON RIDGE RIDGELAND, MS 39157	5 YRS

Corporate Information: Book # 873, Page # 873 Date 9/22/1997 County Baldwin
(Enter book and page or document info) (Incorporation or Authority)

Trade Name Homewood Suites by Hilton

Location 29473 N. Main St. Daphne, AL 36526 County Baldwin

Mailing Address 29473 N. Main St. Daphne, AL 36526
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

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

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

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

These premises are located in the: Corporate Limits Police Jurisdiction of DAPHNE, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding? Loan Inheritance Individual(s) Business Other (explanation attached)

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

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

STATE OF ALABAMA
 COUNTY OF Baldwin Signed [Signature]
 Title President Date 04/11/2008

The undersigned JAMES Gamett WILBOURN, President of Jubilee Hotels, Inc.
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

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

Sworn to and subscribed before me this 11th day of April, 2008

[Signature] Signature of Notary Public
[Signature] Signature of Affiant

Notary Public, State at Large My Commission expires

Business Phone (251) 621-0722
 FAX (251) 621-0721

Home Phone (251) 990-2663
 Other (251) 622-5891

For Central Office Use Only License No. Date of Issue Amount of Fees Total

GENERAL APPLICATION INFORMATION

Contact Person: JAMES Garnett WILBOURN

Phone Numbers: Home: (251) 990-2663 Business: (251) 621-0722

Fax: (251) 621-0721 Pager: _____ Other: (251) 622-5891

Internet/Web Address: _____ Email Address: _____

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

Does the establishment have restroom facilities? Y N

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

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

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

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

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

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

Number of tobacco vending machines present: n/a

Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Bonadryl, Claritin, Motrin, Sudafed, etc.)

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 150 License premises includes patio area Y N

Building Dimensions: Length 163 ft Width 144 ft Square Footage 23472 Sales and Display Square Footage _____

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

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

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

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

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 50 ft

Nearest: School Church Private Residence

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

EXPLANATION OF LAW VIOLATIONS

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

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

FILING FEE ACKNOWLEDGEMENT

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

Signature of Applicant: _____

TRANSFER AGREEMENT License Type: _____ License # _____

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

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

Licensee	_____	Date	_____
Applicant	_____	Date	_____

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

LEASE/PROPERTY OWNERSHIP

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

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

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

A: Name of Property Owner/Lessor: Jubilee Hotels, Inc. Contact #: (251) 621-0722

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

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

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

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

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

AGENT: Application taken: 04/11/2008 Application/Investigation completed: /// Forwarded to D.O.: ///

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

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

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

Date Refused _____
 By: _____
 TYPE APPLICATION
 060 - Retail Table Wine - (On or Off Premises)
 Date Approved _____
 By: _____

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

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

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
JAMES Gamett WILBOURN	FL W416440474090 President	11/09/1947 LAUDERDALE, MS	16201 PERDIDO KEY DR PENSACOLA, FL 32503	26 YRS
GUY Thompson VISE	MS 425808167 Vice- President	09/18/1939 LAUDERDALE, MS	4225 EASTOURE PL JACKSON, MS 39211	22 YRS
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 (Enter book and page or document info.) (Incorporation or Authority)

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 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

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

Trade Name N/A License Number N/A

Location (location transfer only) N/A

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

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

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

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

STATE OF ALABAMA
 COUNTY OF Baldwin Signed _____ Title President Date 04/11/2008

The undersigned JAMES Gamett WILBOURN, President of Jubilee Hotels, Inc.
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

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

Sworn to and subscribed before me this 11th day of April, 2008

Signature of Notary Public _____ Signature of Affiant _____

Notary Public, State at Large My commission expires _____

Business Phone (251) 621-0722
 FAX (251) 621-0721

Home Phone (251) 990-2663
 Other (251) 622-5891

For Central Office Use Only License No. Date of Issue Amount of Fees Total

GENERAL APPLICATION INFORMATION

Contact Person: JAMES Gamett WILBOURN

Phone Numbers: Home: (251) 990-2663 Business: (251) 621-0722

Fax: (251) 621-0721 Pager: _____ Other: (251) 622-5891

Internet/Web Address: _____ Email Address: _____

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

Does the establishment have restroom facilities? Y N

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

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

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

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

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

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

Number of tobacco vending machines present: n/a

Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y N (Benadryl, Claritin, Motrin, Sudafed, etc.)

Neighborhood Investigation waived in accordance with Application Guidelines

Building seating capacity 150 License premises includes patio area Y N

Building Dimensions: Length 163 ft Width 144 ft Square Footage 23472 Sales and Display Square Footage _____

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

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

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

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

Number of licenses issued in vicinity: 0 1-5 6-10 more than 10 Nearest: 50 ft

Nearest: School Church Private Residence

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

EXPLANATION OF LAW VIOLATIONS

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

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

FILING FEE ACKNOWLEDGEMENT

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

Signature of Applicant: _____

TRANSFER AGREEMENT License Type: _____ License # _____

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

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

Licensee	_____	Date	_____
Applicant	_____	Date	_____

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

LEASE/PROPERTY OWNERSHIP

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

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

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A: Name of Property Owner/Lessor: Jubilee Hotels, Inc. Contact #: (251) 621-0722

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

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

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

Applicant attests to the truthfulness of the above responses. (Applicant's initials) _____

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

AGENT: Application taken: 04/11/2008 Application/Investigation completed: / / Forwarded to D.O.: / /

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

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

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION NO. 2008-25
2008-J-PD/DRY CLEANING

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the PD/DRY CLEANING will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the PD/DRY CLEANING and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the PD/DRY CLEANING be awarded to Dixie Service Cleaners.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Dixie Service Cleaners for unit dry cleaning cost as follows:

- 1-Uniform Shirt-----\$3.00
- 1-Uniform Pants-----\$3.00
- 1-Uniform Jacket-----\$3.20
- 1-Complete Uniform (2 Piece)-----\$5.80
- 1-Jail Shirt-----\$3.00
- 1-Jail Pants-----\$3.00
- 1-Complete Jail Uniform (2 Piece)--\$5.80

as specified in BID SPECIFICATION NO. 2008-J-PD/DRY CLEANING.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

RESOLUTION NO. 2008-26
2008-I-POLICE UNIFORMS LEATHER GEAR

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the POLICE UNIFORMS LEATHER GEAR will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the POLICE UNIFORMS LEATHER GEAR and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the POLICE UNIFORMS LEATHER GEAR be awarded to Lawmen's & Shooters' Supply Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Lawmen's & Shooters' Supply Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2008-I-POLICE UNIFORMS LEATHER GEAR.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___day of _____, 2008.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

BID: 2008-I -POLICE UNIFORMS LEATHER GEAR

Price			
\$ 12.62 \$ 13.23H	Ammo Pouch, Double - Basketweave Leather - Dutyman or Equivalent Dutyman #8521	Velcro or Hidden Snaps	
\$ 12.35 \$ 12.90H	Ammo Pouch, Double - Plain Leather - Dutyman or Equivalent Dutyman# 8511	Velcro or Hidden Snaps	
Silver \$31.53	Badge, Wallet - B538 Blue Lettering with State Seal, Blackinton or Equivalent w/Clip Blackinton #B538	Gold or Silver Gold \$34.55	
\$26.15	Belt, Dress - Basketweave Leather, Don Hume B112, Ranger Don Hume # B112	Silver or Gold Buckle	Size: ALL
\$24.95	Belt, Dress - Plain Leather - Don Hume B112, Ranger B112	Silver or Gold Buckle	Size: ALL
\$1.84	Belt Keepers - Single or Double Snap or Velcro, Basketweave Leather Dutyman# 2421	Silver or Gold Snaps Velcro	Single or Double Snaps or
\$1.84	Belt Keepers - Single or Double Snap or Velcro, Plain Leather Dutyman #2411	Silver or Gold Snaps Velcro	Single or Double Snaps or
3011- 3.60 3021-3.88	Flashlight Ring - Basketweave or Plain Dutyman # 3011 or 3021	Silver or Gold Snaps	
Up to IG. \$12.68	Gun Belt, Inner - Basketweave Leather, Dutyman or Equivalent, Velcro Dutyman #5121	Size: XL-2XL- 14.88 3XL-4XL- 15.98	
UP to IG. \$12.13	Gun Belt, Inner - Plain Leather, Dutyman or Equivalent, Velcro Dutyman #5111	Size: XL-2XL- \$14.33 3XL-4XL- \$15.43	
Up to IG. \$26.37	Gun Belt, Outer - Basketweave Leather - Dutyman or Equivalent, Velcro Dutyman #5021	Size: XL-2XL- \$29.67 3XL-4XL- 31.87	
Up to IG. \$25.82	Gun Belt, Outer - Plain Leather - Dutyman or Equivalent, Velcro Dutyman #5011	Size: XL-2XL- 29.12 3XL-4XL- 31.32	
\$11.19	Handcuff Case - Basketweave Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman #8821	Silver or Gold Snaps	
\$10.59	Handcuff Case - Plain Leather, Closed Case with Snap - Dutyman or Equivalent Dutyman #8811	Silver or Gold Snaps	
\$10.75	Handcuff Case - Basketweave Leather, Open Face - Dutyman or Equivalent Dutyman #8321		
\$10.31	Handcuff Case - Plain Leather, Open Face - Dutyman or Equivalent Dutyman #8311		
\$68.59	Holster - Basketweave Leather - Don Hume Level Two Security-Automatic H745-SH Don Hume #H745-SH	Left or Right Handed 27	Glock 22, 23 or
\$66.95	Holster - Plain Leather - Don Hume Level Two Security-Automatic H745-SH Don Hume #H745-SH	Left or Right Handed 27	Glock 22, 23 or
7960 \$16.16	ID Case, Wallet Badge and ID Card with B538 Badge Strong# 7960 or 77500	(On next bid - one with place for money)	77500 \$13.26
10.59	Pepper Spray Holder, Basketweave Leather - MK-3 with Flap (Small) Dutyman #3621	Silver, Gold, or Hidden Snaps	
10.31	Pepper Spray Holder, Plain Leather - MK-3 with Flap (Small) Dutyman #3611	Silver, Gold, or Hidden Snaps	
\$11.74 \$12.35H	Pepper Spray Holder, Basketweave Leather - MK-4 with Flap (Large) Dutyman 2621 or 2621H	Silver, Gold, or Hidden Snaps	
\$11.47	Pepper Spray Holder, Plain Leather - MK-4 with Flap (Large) Dutyman #2611	Silver, Gold, or Hidden Snaps	
\$10.92	Stinger Holder - Basketweave Leather, Open Top Dutyman # 2821P		
\$10.92	Stinger, Holder - Plain Leather, Open Top Dutyman #2811P		

COMPANY NAME Lawmen's & Shooters' Supply Inc.
 PHONE NUMBER 772-569-8700
 FAX NUMBER 772-569-2955
 FEDERAL ID# 59-2223132

Gail Walker
 121 AUTHORIZED SIGNATURE

Gail Walker-Keen (Bid Manager)

RESOLUTION NO. 2008 - 27
2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

WHEREAS, The City of Daphne acknowledges that the cost for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CITY HALL LANDSCAPING: SHRUBBERY & PLANTS be awarded to John Deere Landscapes

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of John Deere Landscapes for unit cost listed as attached herein and made a part hereof in BID SPECIFICATION NO: 2008-H-CITY HALL LANDSCAPING: SHRUBBERY & PLANTS.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2008

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

 JOHN DEERE LANDSCAPES PH: (850) 758-2145 FAX: (850) 478-1743	JASON CHILTON DIRECT SALES ACCOUNT MANAGER SANTA ROSA BEACH, FL 32459		Direct Sales QUOTATION	
	Rep.	Delivery Date	Project Account	
	JC2	To Be Determined	JD Account	
	Branch 664	Bid Date 05/16/08	Expiration 6/15/2008	
Customer Name City of Daphne, Alabama	Cust ID	Job Name City Hall Landscaping: Shrubbery & Plants, Area 3,4,5, & 6		
Contact Name	Customer PO#	Ship-to Address		
Contact Phone Number	Contact Fax Number	City, ST Zip Code		

Product Description	Size	Qty	Unit Price	Ext Price	Comments/Substitutions	PHC Units	PHC Ext. Price
Agapanthus	1 Gal.	220	\$ 2.49	\$ 547.80			
Shell Ginger	3 Gal.	5	\$ 8.99	\$ 44.95			
Caladium 'Black Magic'	1 Gal.	15	\$ 2.49	\$ 37.35	Subject to Availability		
Muhly Grass	3 Gal.	2	\$ 4.50	\$ 9.00			
African Iris 'White'	1 Gal.	180	\$ 2.49	\$ 448.20			
Liriope 'Cleopatra'	Pints	1452	\$ 1.09	\$ 1,582.68			
Plumbago 'Imperial Blue'	3 Gal.	12	\$ 5.29	\$ 63.48			
Southern Shield Fern	1 Gal.				Sub - 'Autumn Fern'		
Autumn Fern	1 Gal.	21	\$ 2.49	\$ 52.29			
Asiatic Jasmine	4" Pots	2950	\$ 1.05	\$ 3,097.50			
Encore Azalea 'Autumn Embers'	3 Gal.	122	\$ 13.95	\$ 1,701.90			
Japanese Boxwood	3 Gal.	477	\$ 5.49	\$ 2,618.73			
Camellia 'Professor Charles S. Sargent'	25 Gal.	4	\$ 169.50	\$ 678.00	Subject to Availability		
Camellia Sasanqua 'Yuletide'	7 Gal.	12	\$ 47.50	\$ 570.00	Subject to Availability		
Cleyera 'Bronze Beauty'	7 Gal.	51	\$ 7.99	\$ 407.49			
Inkberry	3 Gal.	4	\$ 7.99	\$ 31.96			
Dahoon Holly	9' OA		\$ 109.50				
Chinese Mahonia	3 Gal.	9	\$ 9.50	\$ 85.50			
Nerium Oleander 'White'	7 Gal.	3	\$ 22.50	\$ 67.50			
Sweet Olive	7 Gal.	1	\$ 22.50	\$ 22.50			
Sweet Olive	4' OA	26	\$ 37.50	\$ 975.00			
Indian Hawthorne 'Olivia'	3 Gal.				Sub - Dwarf White		
Indian Hawthorne - Dwarf White	3 Gal.	76	\$ 5.49	\$ 417.24			
Arborvitae 'Emerald Green'	10' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	45 Gal.	5	\$ 199.50	\$ 997.50		15.0	\$ 40.50
Arborvitae 'Emerald Green'	6-7' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	6-7' OA	21	\$ 99.50	\$ 2,388.00		48.0	\$ 129.60
Japanese Maple	8' OA	1	\$ 139.50	\$ 139.50			
Crepe Myrtle 'Natchez'	45 Gal.	4	\$ 224.50	\$ 898.00		12.0	\$ 32.40
Live Oak 'Cathedral'	65 Gal.	7	\$ 289.50	\$ 2,026.50		21.0	\$ 56.70
Live Oak 'Southern'	200 Gal.	1	\$ 779.50	\$ 779.50		6.0	\$ 16.20
Bald Cypress	45 Gal.	3	\$ 175.00	\$ 525.00		9.0	\$ 24.30
Sabal Palm, Booted	12' CT	25	\$ 89.95	\$ 2,248.75			
Sago Palm	15 Gal.	20	\$ 57.50	\$ 1,150.00			
Pine Straw	Bale	1000	\$ 3.50	\$ 3,500.00			
Lantana x New Gold	1 Gal.	350	\$ 2.49	\$ 871.50			
Allamanda	1 Gal.	150	\$ 2.49	\$ 373.50			
Lantana montevidensis	1 Gal.	150	\$ 2.49	\$ 373.50			
Yellow Hibiscus	1 Gal.	50	\$ 2.49	\$ 124.50			
Blue Daze	1 Gal.	250	\$ 2.49	\$ 622.50			
Asparagus Fern	1 Gal.	150	\$ 2.49	\$ 373.50	Subject to Availability		
Walking Iris	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Orange Hibiscus	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Ixora Coccinea	1 Gal.	50	\$ 2.49	\$ 124.50	Subject to Availability		
Caladium 'White Christmas'	1 Gal.	200	\$ 2.49	\$ 498.00	White - Unspecified Variety		
Vinca 'White'	1 Gal.	250	\$ 2.00	\$ 500.00			
Vinca 'Lilac'	1 Gal.	250	\$ 2.00	\$ 500.00			

I accept the following project quote and any substitutions made to the original plant list

X _____
Customer Signature

Subtotal:	\$ 32,722.32	Plant Materials FOB Grower
Freight:	\$ 4,908.35	Estimated 15%
**Applicable State and Local Tax not included		
PLANT TOTAL	\$ 37,630.67	3-Year Limited Nursery Plant Warranty available on items quoted with Plant Health Care Units

* Limited Availability, Recommended Substitutions Provided
 **All Prices are good for 30 days, unless otherwise noted
 ***Warranty Restrictions may not apply to all Plant Species
 All plants F.O.B. grower are subject to availability
 Quantity restrictions apply
 Freight quoted at time of order. Thank you.

Plant Health Care	3 Year Limited Warranty Eligible with use of Plant Health Care***		
	\$ 299.70	Total Units: 111.0	Each 5 2.70
TOTAL	\$37,930.37		



**JOHN DEERE
LANDSCAPES**

JASON CHILTON
DIRECT SALES ACCOUNT MANAGER
SANTA ROSA BEACH, FL 32459
PH: (850) 758-2145 FAX: (850) 478-1743

Direct Sales		
QUOTATION		
Rep.	Delivery Date	Project Account
JC2	To Be Determined	JD Account
Branch	Bid Date	Expiration
664	05/16/08	6/15/2008

Customer Name City of Daphne, Alabama	Cust ID	Job Name City Hall Landscaping: Shrubbery & Plants, Area 1 & 2
Contact Name	Customer PO#	Ship-to Address
Contact Phone Number	Contact Fax Number	City, ST Zip Code

Product Description	Size	Qty	Unit Price	Ext. Price	Comments/Substitutions	PHC Units	PHC Ext. Price
Agapanthus	1 Gal.	130	\$ 2.49	\$ 323.70			
Shell Ginger	3 Gal.		\$ 8.99				
Caladium 'Black Magic'	1 Gal.		\$ 2.49		Subject to Availability		
Muhly Grass	3 Gal.		\$ 4.50				
African Iris 'White'	1 Gal.		\$ 2.49				
Liriope 'Cleopatra'	Pints	760	\$ 1.09	\$ 828.40			
Plumbago 'Imperial Blue'	3 Gal.		\$ 5.29				
Southern Shield Fern	1 Gal.				Sub - 'Autumn Fern'		
Autumn Fern	1 Gal.		\$ 2.49				
Asiatic Jasmine	4" Pots	1400	\$ 1.05	\$ 1,470.00			
Encore Azalea 'Autumn Embers'	3 Gal.	10	\$ 13.95	\$ 139.50			
Japanese Boxwood	3 Gal.	161	\$ 5.49	\$ 883.89			
Camellia 'Professor Charles S. Sargent'	25 Gal.		\$ 169.50		Subject to Availability		
Camellia Sasanqua 'Yuletide'	7 Gal.	169	\$ 47.50	\$ 8,027.50	Subject to Availability		
Cleyera 'Bronze Beauty'	7 Gal.		\$ 7.99				
Inkberry	3 Gal.		\$ 7.99				
Dahoon Holly	9' OA-MLT	6	\$ 109.50	\$ 657.00		18.0	\$ 48.60
Chinese Mahonia	3 Gal.		\$ 9.50				
Nerium Oleander 'White'	7 Gal.		\$ 22.50				
Sweet Olive	7 Gal.		\$ 22.50				
Sweet Olive	4' OA		\$ 37.50				
Indian Hawthorne 'Olivia'	3 Gal.						
Indian Hawthorne - Dwarf White	3 Gal.	19	\$ 5.49	\$ 104.31			
Arborvitae 'Emerald Green'	10' OA				Sub - 'Green Giant'		
Arborvitae 'Green Giant'	45 Gal		\$ 199.50		8-10' OA Height		
Arborvitae 'Emerald Green'	8' OA				Sub - 'Green Giant'		
Arborvitae	30 Gal.		\$ 99.50		6-8' OA Height		
Japanese Maple 'Green'	8' OA		\$ 139.50				
Crepe Myrtle 'Natchez'	45 Gal.	6	\$ 224.50	\$ 1,347.00			
Quercus Virginiana 'Cathedral'	65 Gal.	10	\$ 289.50	\$ 2,895.00		30.0	\$ 81.00
Quercus Virginiana, Southern Live Oak	200 Gal.		\$ 779.50				
Bald Cypress	45 Gal.	3	\$ 175.00	\$ 525.00		9.0	\$ 24.30
Sago Palm	15 Gal		\$ 57.50				
Sabal Palm, Booted	12' CT	2	\$ 89.95	\$ 179.90			
Annuals	1 Gal.		\$ 2.00		Subject to Availability		

I accept the following project quote and any substitutions made to the original plant list.

X _____
Customer Signature

Subtotal:	\$ 17,381.20	<i>Plant Materials FOB Grower</i>
Freight:	\$ 2,780.99	<i>Estimated 16%</i>
**Applicable State and Local Tax not included		
PLANT TOTAL	\$ 20,162.19	<i>3-Year Limited Nursery Plant Warranty available on items quoted with Plant Health Care Units</i>

* Limited Availability, Recommended Substitutions Provided
 **All Prices are good for 30 days, unless otherwise noted
 ***Warranty Restrictions may not apply to all Plant Species
 All plants F.O.B grower are subject to availability
 Quantity restrictions apply
 Freight quoted at time of order. Thank you.

Plant Health Care	3 Year Limited Warranty Eligible with use of Plant Health Care***		
	\$ 153.90	Total Units: 57.0	Each \$ 2.70
TOTAL	\$20,316.09		

ORDINANCE 2008 - 38

**Appropriation of Funds:
La Casa Subdivision**

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

WHEREAS, the City of Daphne approved Phase Two of the La Casa subdivision with two common areas; and

WHEREAS, subsequent to such approval, a revised plat was submitted and approved whereby one of the common areas reverted from a common area to a lot; and

WHEREAS, the owner of such lot constructed a structure making it difficult to easily maneuver within the subdivision; and

WHEREAS, there is sufficient area to extend the common area twelve and a half feet to the south and create an area twenty-two by sixty-five feet wide to provide for a “turn around”.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 7,000 in order to correct the “turn around” problems in La Casa Subdivision.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2008 -39

2006 Construction Fund Landscaping and Irrigation Appropriation

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

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

WHEREAS, the City Hall Construction and Renovation project is budgeted in the 2006 Construction Fund; and

WHEREAS, "tax savings" have been realized on such project as a result of the City appointing the contractor as purchasing agent; and

WHEREAS, the project requires certain landscaping and irrigation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2008 Budget is hereby amended to include a 2006 Construction Fund appropriation in the amount of \$_____ for landscaping , irrigation, well, water fountain, and electrical service connections, at the City Hall Construction and Renovation project site.

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

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC