

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**JUNE 19, 2006**  
**6:30 P.M.**

**1. CALL TO ORDER**

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

**3. APPROVE MINUTES:** Council Meeting Minutes meeting held June 5, 2006

**PRESENTATION:** Update on City Hall Renovation / Jeff Hudson

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Prepaid Travel: [Resolution 2006-52](#)  
Randy Pennycuff, Mechanical Supervisor  
Betty Stevens, Court Magistrate

Bids:  
Self Contained Breathing Apparatus [Resolution 2006-53](#)  
Dry Cleaning [Resolution 2006-56](#)  
Standard Cab Truck [Resolution 2006-54](#)

Motions:  
Authorize bid of Crime Scene Diagramming Equipment/Software: Police

Appropriations:  
Web Site: Rebuild [Ordinance 2006-45](#)  
Eastern Shore Hurricanes: Travel to World Series [Ordinance 2006-41](#)  
Lady Trojan Softball Team: AHSAA State Tournament [Ordinance 2006-40](#)  
Bay Front Land Swap Appraisal Fee [Ordinance 2006-43](#)  
Storm Water Management Study Participation [Ordinance 2006-44](#)  
Fire Station #2 and #3 Mold Testing & Remediation [Ordinance 2006-42](#)

Resolutions:  
Declare Surplus Equipment [Resolution 2006-55](#)

Financial Reports:

- Treasurers Report, May 31, 2006
- Sales Tax Collection Graphs, April 30, 2006
- Lodging Tax Collections, April 30, 2006

**B. BUILDINGS & PROPERTY - Lake**  
Review minutes meeting held June 2<sup>nd</sup>

**C. PUBLIC SAFETY – Burnam**

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry**  
Review minutes meeting held June 6<sup>th</sup>

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

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

**A. Board of Zoning Adjustments – Eady** <sup>1</sup>

**B. Downtown Redevelopment Authority - Barnette**

Review minutes meeting held June 7<sup>th</sup>

**C. Industrial Development Board – Yelding**

**D. Library Board – Lake**

**E. Planning Commission – Barnette**

1.) Review minutes meeting held February 23<sup>rd</sup>

2.) Review minutes meeting held April 27<sup>th</sup>

3.) Set Date For Public Hearings for **JULY 17, 2006:**

a.) Rezone: TimberCreek Land Co. / Property Located Northwest of Woodrow Lane and Interstate 10 / B-2, General Business District to R-4, High Density Single Family Residential District

b.) Rezone: TimberCreek Land Co. / Property Located Northwest of Woodrow Lane and Interstate 10 / B-2, General Business District to R-3, High Density Single Family Residential District

c.) Rezone: Country Club Development – Bellaton, Phase Two / Property Located on AL 181 Across from Austin Road / B-1, Professional Business District to R-4, High Density Single Family Residential District

d.) Rezone: Country Club Development – Bellaton, Phase Three / Property Located on AL 181 Across from Austin Road / R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District

e.) Rezone: Country Club Development – Bellaton, Phase Three / Property Located on AL 181 Across from Austin Road / R-3, High Density Single Family Residential District to B-1, Professional Business District

f.) Amend the Village Overlay Map

**F. Recreation Board - Palumbo**

**G. Utility Board – Scott**

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

a.) Amending the Comprehensive Plan / Vision Statement Section. . . . . /Resolution 2006-47

b.) Prepaid Travel: Randy Pennycuff, Mechanical Supervisor and Betty Stevens, Court Magistrate...../Resolution 2006-52

c.) Self Contained Breathing Apparatus...../Resolution 2006-53

d.) Purchase Standard Cab Truck...../Resolution 2006-54

e.) Declare Surplus Equipment...../Resolution 2006-55

f.) Dry Cleaning...../Resolution 2006-56

**ORDINANCES:**

**1<sup>st</sup> Read**

a.) Lady Trojans Softball Team: AHSAA State Tournament...../Ordinance 2006-40

b.) Eastern Shore Hurricanes: Travel to World Series...../Ordinance 2006-41

- c.) **Fire Station #2 and #3 Mold Testing and Remediation...../Ordinance 2006-42**
- d.) **Bayfront Park Land Swap Appraisal Fee...../Ordinance 2006-43**
- e.) **Storm Water Management Study Participation...../Ordinance 2006-44**

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

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

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

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

COUNCILMAN BURNAM

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

COUNCILMAN SCOTT

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

COUNCILWOMAN LANDRY

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

COUNCILMAN PALUMBO

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

**MAYOR**

MAYOR SMALL

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

**CITY CLERK:**

DAVID L. COHEN

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

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**JUNE 5, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**1. CALL TO ORDER**

Council President Burnam called the meeting to order at 6:35 p.m.

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

Mr. Eady gave the invocation.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake arrived at 6:40 p.m.; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Capt. Matt Creel, Fire Dept.; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Nancy Seale, Library; Kim Briley, Finance Director; Starke Irvine, DRA; Bob Segalla, Utility Board; Lon Johnston, Utility Board; Mickey Boykin, Daphne Museum Board; Stephnie Merchant, Utilities, Kevin Bryant, Utilities.

ABSENT: Mund Hanson, Fire Chief.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to approve the Council Meeting minutes meeting held May 15, 2006. *Seconded by Mrs. Landry.***

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

**MOTION BY Mrs. Barnette to approve the Council Work Session minutes meeting held May 24, 2006. *Seconded by Mrs. Landry.***

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

**PRESENTATION:** Report by Phillip Wiese / Gazebo at Village Point Park Preserve

Mr. Wiese was not present.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

*Mr. Scott* stated that the minutes of the special meeting held May 26<sup>th</sup> are in the packet.

JUNE 5, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

2

Treasurers Report / April 30, 2006

**MOTION BY Mr. Scott to accept the Treasures Report with an ending balance \$13,986,724.64. Seconded by Mrs. Landry.**

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

Sales Tax Collection / March 31, 2006

Mr. Scott reported that \$155,000 was collected over budget, and year to date \$604,997.22 over budget has been collected.

Lodging Tax Collection / March 31, 2006

Mr. Scott stated that \$56,076.62 was collected and that is \$8,000 more than a year ago.

**MOTION:**

**MOTION BY Mrs. Barnette that the City participate in the State Sales Tax Holiday, and that the City “cover” the loss of pledged Sales Tax Collections for Jubilee Square debt service requirements. Seconded by Mr. Yelding.**

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

*Mr. Scott* said that the next meeting will be June 12<sup>th</sup> with a time change from 5:00 p.m. to 4:00 p.m.

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

*Mr. Palumbo* reported that Mr. Jeff Hudson gave the Committee an update on the progress of City Hall renovations. Mr. Palumbo stated that the Committee requested that Mr. Hudson come to the Work Session and make the same presentation to Council. He also stated that Mr. Eslava gave information regarding the re-paving of the Civic Center parking lot.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

No report. The next meeting will be Tuesday, June 6<sup>th</sup> at 4:30 p.m.

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

*Mrs. Landry* stated that the Committee will meet June 6<sup>th</sup> after the Public Safety meeting to consider two Ordinances.

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

No report.

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

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

The Board met June 1<sup>st</sup> with one exception, a Day Care Center on Pollard Road. The exception was approved.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that the next meeting has been changed from Monday, June 12<sup>th</sup> to Wednesday, June 7<sup>th</sup> at 5:30 p.m. in the Council Chambers. was not a meeting in May.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

*Mr. Lake* stated that minutes for the minutes for the last meeting are in the packet.

*Mr. Palumbo* stated that the carpet installation has been completed, and that the staff and Public Works did a great job with minimal disruption of the Library.

**E. Planning Commission – Barnette**

*Mrs. Barnette* stated that there was a problem with the transference of the minutes of the last meeting, and that they will be in the next packet. She stated that there was a Resolution to amend the Comprehensive Plan Vision Statement, but the changes were not included in the packet and she would like them included with the next packet.

*Council President Burnam* stated that Resolution 2006-47 is Tabled until the changes to the Vision Statement are included.

*Mrs. Barnette* stated that the next Site Review meeting will be June 14<sup>th</sup> at 8:00 a.m. in the Council Chambers.

**F. Recreation Board – Burnam**

*Mr. Palumbo* stated the minutes for the last meeting are in the Council packet. He reported that Mr. McKelroy gave a specific head count on participants in some of the city's athletic activities and in the Dixie Youth Baseball ages 5-12 there are 525 ball players with 46 teams, and Youth Soccer has 625 participants with 50 teams, so the need to expand recreational facilities is critical, and they are trying to move as quickly as they can to resolve the lack of facilities. The next meeting will be June 14<sup>th</sup> at 6:00 p.m.

**G. Utility Board – Scott**

*Mr. Scott* reported that the minutes of the last meeting will be in the next packet. The next meeting will be June 28<sup>th</sup>.

*Mr. Rob McElroy* gave a presentation on the Bio-Diesel fuel program that is being used at the Utilities for the use in their trucks and heavy equipment that uses diesel fuel. He reported that they have eliminated buying diesel fuel altogether, which is a great savings. He stated that they would like to provide fuel for the city trucks and equipment that uses diesel as well. He also stated that from the by-product derived from the oil, glycerin, his children are making soap. Mr. McElroy responded to a question from Mr. Yelding regarding warrant on vehicles and equipment. Mr. McElroy stated that they are working with the Alternative Fuel Task Force in Montgomery to work this out. Mrs. Barnette asked if they are working with the EPA requirements for emissions and the new mandates coming from them. Mr. McElroy stated that the more you use the bio-diesel the better it is. The only level that goes up is the Nox emissions, and they are looking at that. He said that there is such a reduction in all the other across the board emissions related to diesel including the smell, and the emission coming from the bio-diesel smells like french fries.

*Mr. Scott* stated that the reason they started looking into this was to stop having clogs in the sewer system caused by grease. He said when you have sewer backup you have sewer spills, runs into the bay, and less sewer spills means a cleaner bay, and a better environment for the community.

*Mr. Yelding* stated that he wanted to make sure it was safe for vehicles before using it in city vehicles and equipment.

*Mr. Scott* stated that they will make sure of that, and that will make sure they are comfortable with it before that happens. He said at a cost of 60¢ a gallon, which is roughly what the cost is now, is a big difference from what they pay now. He said, hopefully, it will work out.

*Council President Burnam* stated that they appreciate what Mr. McElroy does, and he thinks that they owe him a round of applause for doing a good job.

*Mayor Small* stated that Kevin Bryant, who runs the Water Reclamation Plant, should be recognized for the great job he does of running the plant. The Plant has won State Awards three (3) years in a row.

*Council President Burnam* said all the Utility Board and Utility workers should be recognized for the great job that they do.

## **6. REPORTS OF THE OFFICERS:**

### ***A. Mayor's Report***

*Mayor Small* reported that the Memorial Day celebration at the Old Methodist Church Museum was a great success. The theme was Vietnam, and they had parent of a young man that died in Vietnam come from Opp to be there in remembrance of him. He also asked Mr. Yelding to report on the meeting with the School Board.

*Mr. Yelding* stated that at the meeting between the School Committee and School Board, the Committee had asked them to refocus on the mega school in Daphne on the south campus, and putting some money in the north school to keep both schools open. After the second meeting the School Board met in Loxley last week and met their wishes by saying that they would downsize Daphne South, and put three (3) to four (4) million dollars into Daphne North. He said that is basically what they had asked for.

*Mayor Small* stated that he would like to see work done at the Middle School and High School also. He would like to get rid of all the mobile units and have everyone in class rooms. He does not see the need to build a new school at the south campus when it is good shape, especially when the other schools are in need of repairs. He asked the School Committee to look at these issues.

Council discussed the decision by the School Board, and were happy with the results, thanking the School Board for their cooperation. The consensus of the Council was to keep the School Committee involved with meeting with the School Board voicing other concerns regarding Daphne schools, and that the Council keep working with the Board.

***B. City Attorney's Report***

No report.

***C. Department Head Comments***

*David McKelroy – Recreation Director* – reported that Art in the Park had a good turnout. He stated that for the next four (4) Wednesdays they will be having “Wet & Wild Wednesdays” at Lott Park for children 12 and under.

*David Carpenter – Police Chief* – stated that Mack Shaffer has been reactivated to duty and will be deployed back to Iraq.

*Sandra Morse – Civic Center Director* – thanked everyone for their support of the Zydeco Festival. She stated that there was a great turnout by people from all over the United States and a number of Daphne residents. She also thanked all the sponsors for their support.

*Ken Eslava – Public Works Director* – stated that all the piers in Daphne are complete, and that the boardwalk will be finished next week. He stated that the NRCS projects are all out for bids right now.

**7. PUBLIC PARTICIPATION**

*Ms. Shelby Stevens – TimberCreek* – spoke against leaving the Baldwin County School System.

*Mr. Lon Johnston – 316 Whiting Court* – spoke regarding the stopping of the mega school and asked the Council to take its time on the issue of a city school system taking into consideration all the capital improvements.

*Mr. Willie Robison – 560 Stuart Street* – spoke against a city school system.

*Mr. John Oates – Daphne* – spoke against the feasibility study.

*Mr. Ed Nelson* – asked what the time line was for having Dr. Harvey come to present the feasibility study.

**Council President Burnam** requested that Dr. Harvey be contacted to set up a time when he can come to present the feasibility study.

*Mr. Harvey Schneider – 9995 Canterbury Place* – spoke against a city school system. He also asked how you go about getting a traffic light at Lawson and Hwy 181.

*Mr. Jeff Mayers – 30394 Middle Creek Circle* – spoke against a city school system.

*Ms. Mary Ann Lee* – spoke in favor of the Baldwin County School system.

*Ms. Diane O’Connor Page – Daphne* – spoke in favor of the Baldwin County School System.

*Stephanie Pierce – 9560 Hackberry Court* – spoke in favor of the Baldwin County School system.

*Mrs. Frieda Romanchuck – Daphne* – spoke regarding the proposed Sign Ordinance. She asked that all the information that was gathered by the committee be kept for future reference.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

**RESOLUTIONS**

**RESOLUTIONS:**

- a.) **Amending the Comprehensive Plan ...../Resolution 2006-47**
- b.) **Bid Award: Road Projects Crack Seal & Cape Seal /  
Florida Highway Products, Inc. .... /Resolution 2006-48**
- c.) **Bid Award: Police Vehicle Equipment /  
Firehouse Sales & Service, Inc. .... /Resolution 2006-49**
- d.) **Prepaid Travel / David L. Cohen. .... /Resolution 2006-50**
- e.) **Approving the City of Daphne’s Participation in the  
State of AL Sales Tax Holiday as Authorized by**

JUNE 5, 2006  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

Act 2006-574 for the Year 2006 ..... /Resolution 2006-51

Resolution 2006-47 was TABLED earlier in the meeting.

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-48. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-48. *Seconded by Mr. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2006-49, 2006-50, and 2006-51. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-49. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. Barnette to adopt Resolution 2006-50. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-51. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**ORDINANCES:**

**2<sup>nd</sup> READ**

- a.) **Rezone: Two Step Partners / Property Located on the  
Corner of 2<sup>nd</sup> Street and Van Buren Street  
R-3 High Density Single Family Residential  
District to B-@ General Business District ...../Ordinance 2006-17**
  
- c.) **Amend the Land Use & Development Ordinance /  
Sign Provisions. .... /Ordinance 2006-39**

MOTION BY Mrs. Barnette to **waive the reading** of Ordinance 2006-17. *Seconded by Mrs. Landry.*

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

MOTION BY Mrs. Barnette to **adopt** Ordinance 2006-17. *Seconded by Mrs. Landry.*

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

MOTION BY Mrs. Landry to **waive the reading** of Ordinance 2006-39. *Seconded by Mr. Palumbo.*

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

MOTION BY Mrs. Landry to **adopt** Ordinance 2006-39. *Seconded by Mr. Palumbo.*

Mrs. Barnette stated that this received a favorable recommendation from the Planning Commission with one nay vote.

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

**MOTION CARRIED**

## 8. COUNCIL COMMENTS

*Mr. Yelding* stated that he is a former educator and thinks highly of the Board of Education. He stated that they need to focus on getting quality jobs to bring the children back to Daphne when they graduate from college.

*Mrs. Barnette* thanked citizens for coming out and urged them to stay active in government. She announced that on June 21<sup>st</sup> at 6:00 p.m. there will be a District #2 meeting in the Council Chambers to discuss the Captain O'Neal sidewalks and the NRCS projects that the Council approved at the last meeting for Church Street. She stated that anyone that would like to come is welcome. She said that she understands that the Finance Committee will be receiving a request under the City of Fairhope's name to participate in a storm water study. She said that she knows that some letters have gone out, and she hopes the letter will reach them by the 12<sup>th</sup>, but she knows that they are looking for each municipality to do a cost share for Baldwin County Storm Water Utility and Plants, and she hopes that it will be an acceptable amount so that they can move forward. She commended the Recreation Department on Art in the Park, the little five (5) year olds had a good time, and it is a wonderful attribute for the City of Daphne.

*Mr. Lake* apologized for being late. He stated that there is a problem with road congestion in the I-10 corridor.

*Mr. Scott* stated that he did vote for the study that they have for the \$16,500. He stated that one of the by-products of the School Feasibility Study was that the School Board took them seriously, and they got some ten million dollars worth of proposed improvements for the City of Daphne schools. He stated that \$16,000 was a drop in the bucket compared to what they will receive. He thanked the School Board, and particularly Tracy Roberts, the representative for his area. He stated that he wanted to say for the record that he is not in favor of a City School system. He will reserve judgment on Dr. Harvey's report until he comes and answers their questions.

*Mr. Landry* stated that the study is so preliminary and that it is not enough for them to make a decision. She stated that the School Committee is different from the School Feasibility Study and should not be construed as being the same. They are two separate issues. She feels that they should keep the School Committee going so as to work with the School Board for other concerns regarding the schools in Daphne. She commended Mrs. Morse and her staff for the Zydeco Festival stating that it was awesome.

*Mr. Palumbo* also commended the Civic Center staff and Mrs. Morse for the Zydeco Festival. He stated that many more came this year, with some coming from out of the country, a large contingent from Birmingham came, and there were some from California, and he thinks it will continue to grow, if they can continue to support it. He stated that tomorrow is election day and urged people to get out and vote. He stated that he feels the school issue is distracting in the city, and he wanted to go on record saying that it is good that they are getting a new school at Daphne South, and the improvements, and reiterating that the

School Committee got everything they asked for from the School Board. He said that the Comprehensive Plan calls for the City to make a bond with the Baldwin County School Board and he said let's move in that direction and move away from the distracting idea of a city School System.

*Mayor Small* stated that the schools in Daphne need to be kept up in good repair. He stated that he commends the School Board for what they have done, but he is still concerned with the question of why build a new school at Daphne South and not adding classrooms to the other schools. He thinks that is a viable question. Mayor Small stated that he apologized if he has shamed the Council and the city, he said that he did not realize that he was, and he feels that he has not, he just has questions that he would like answered.

*Council President Burnam* stated that the Mayor has not embarrassed or shamed the Council or City. He said that is why the majority of the Council voted to do the study, to explore the idea of a City School system, and that the Mayor did what they voted to do. He said he wouldn't worry about it. He stated that he wanted to recognize Mr. Lon Johnston that sat on the Council for four (4) years, and whether they always agree with her or not, Ms. Tracy Roberts, the city's School Board representative. He said that they truly appreciate what she does, and that he knows that it is not easy.

**9. ADJOURN**

**MOTION BY Mr. Lake to adjourn. *Seconded by Mrs. Landry.***

<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>
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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:15 P.M.**

Respectfully submitted by,

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

Certification of Presiding Officer:

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

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

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

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

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

**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**June 12, 2006**  
**4:00 P.M.**

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

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

Councilwoman Regina Landry arrived at 4:30 pm.

Also in attendance were Mayor Fred Small, Public Works Director Ken Eslava, Fire Chief Mund Hanson, Police Captain Scott Taylor, Patrol Officer Ken Lassiter, City Attorney Jay Ross, Mayor's Assistant Shannon Spivey and Building Official Richard Merchant.

**II. PUBLIC PARTICIPATION**

Mr. Starke Irvine, Mr. Glenn Glass and Mr. Chris Donald addressed the Committee on the Downtown Redevelopment Authority plans. They presented their list of Prioritized Goals and requested City funding of \$13,500.00 per month to pay for a \$1,700,00.00 bond issue needed to place underground electrical service for the 1.6 mile distance from school to school (down Main Street). Discussion followed with Councilman Yelding asking what the total cost to include putting phone and cable underground would be. Mayor Small stated street light fixtures should also be included. Mr. Scott asked the DRA members to update the cost estimates to include the total project.

***Motion by Mr. Scott to recommend to Council that the Downtown Redevelopment Authority's request be in the next work session of the council for further study. Seconded by Ms. Landry.***

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

**A. Prepaid Travel:**

1. **Randy Pennycuff, Mechanical Department**, Heil Factory Training, July 10-14, 2006, Fort Payne, AL - \$140.00.
2. **Betty Stevens, Magistrate**, AMCCMA / AL Judicial College, July 26 – 29, 2006, Hoover, AL - \$140.00

***Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel as follows:***

- ***Randy Pennycuff in the amount of \$140.00 to attend the Heil Factory Training in Fort Payne, Alabama, July 10 – 14, 2006.***
- ***Betty Stevens in the amount of \$140.00 to attend the AMCCMA/AL Annual Conference in Hoover, Alabama, July 26 – 29, 2006.***

***Seconded by Mr. Scott.***

**B. Bids**

1. **2006-V-FD / Self Contained Breathing Apparatus**

Fire Chief Mund Hanson discussed that only one bid was received. Mr. Hanson stated that the bid from Sunbelt Fire Apparatus in the amount of \$21,330.00 met or exceeded all the specifications.

**2. 2006-W-PD / Dry Cleaning**

Captain Scott Taylor discussed that Baldwin Square Cleaners had submitted the only bid and that the Police Department has been using them for several years and are happy with their service. Ms. Suz anne Henson advised that this was a re-bid; because the first bid cost was too high and would exceed budget.

**3. 2006-X-BI / Standard Cab Truck**

Chairman Scott questioned whether local dealers had been sent bid requests. Ms. Henson discussed that all local dealers in Daphne were sent bid requests, and noted that Bayview Ford sent in a no bid. Ms. Henson discussed that when bidding this late in the year, it is difficult to find a 2006 vehicle. Vendors on State contract did not have any 2006 stock and the contract for 2007 will not be available for a while. Only two bids were received with the lowest being from Treadwell Ford in the amount of \$19,686.00.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution awarding the following bids:***

- ***2006 V-FD / Self Contained Breathing Apparatus to Sunbelt Fire Apparatus in the amount of \$21,330.00.***
- ***2006-W-PD / Dry Cleaning to Baldwin Square Cleaners for the period June 20, 2006 through April 30, 2007 at the unit cost as bid.***
- ***2006-X-BI / Standard Cab Truck to Treadwell Ford in the amount of \$19,686.00.***

***Seconded by Mr. Scott.***

**C. Appropriation Requests:**

**1. City of Daphne’s Website Proposal – Site One \$8,160.00**

Ms. Shannon Spivey discussed the need for updating the web site to make it easier to navigate and make the pages more uniform. She stated that Public Works has money in their budget and is currently working with Site One on the City’s Emergency Information Web Site. Ms. Spivey noted that Site One is the current provider of our web site. She stated that a bid received from Herndon Marketing for the same work totaled \$24,000.00 Chairman Scott asked why this expense was not in the current budget. Mayor Small stated that a request was not submitted. Ms. Kim Briley stated the expense would be under the legislative department.

**2. Eastern Shore Hurricanes / Travel to World Series - \$1,000.00**

A request was submitted by Steve and Amanda Davis asking the City to donate \$1,000.00 to help pay expenses of this team of 11 and 12 year olds to travel to Beaumont, Texas, in July to play in the United States Specialty Sports Association World Series. Discussion followed that all but two of the players live in Daphne.

**3. Lady Trojan Softball Team / AHSAA State Tournament**

Lawrence Yelding sent a request asking for financial help for the Daphne High School girls’ softball team. They participated in the AHSAA State Tournament and have depleted all of their funds. The request did not specify an amount.

***Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating the following funds:***

- ***City of Daphne’s Website Proposal – Site One \$8,160.00***
- ***Eastern Shore Hurricane / Travel to World Series - \$1,000.00***
- ***Lady Trojan Softball Team/ AHSAA State Tournament - \$1,000.00***

***Seconded by Mr. Yelding.***

**4. Appraisal Fee for Proposed Bayfront Land Swap / Irvine**

A request was presented from the Buildings and Property Committee regarding funding for the appraisal of the proposed lands that would be swapped. Discussion followed with Mr. Scott asking Mayor Small to meet with prospective appraisers to get a cost estimate of the fee. Mr. Irvine was asked about splitting the cost 50/50 with the city. Mr. Irvine stated he would not be opposed to splitting the cost.

***Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating funds to pay for half the cost of appraising the proposed Bayfront land swap properties and authorizing the Mayor to enter into contract for appraisal services. Seconded by Ms. Landry.***

**5. Storm Water Management Grant – not to exceed \$10,000.**

Discussion followed that this was brought up at the last Council meeting by Ms. Cathy Barnette. The Bluewater Committee has been appointed to address storm water management on a county wide basis. The county and each city are being asked to participate.

***Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating funds not to exceed \$10,000.00 for the City to participate in the Storm Water Management study. Seconded by Ms. Landry.***

**6. Fire Stations #2 and #3 Mold Testing Remediation - \$6000.**

Fire Chief Mund Hanson requested mold testing and remediation be done at Fire Stations 2 and 3. He has received estimates for the work. Discussion followed that Station 2 needed four additional vents in the attic space, modification to the HVAC system, and cleaning and sanitizing of the upstairs. The work at Station 3 would include modification to the HVAC system and cleaning and sanitizing. Chief Hanson stated that the other fire stations did not need any work. Councilwoman Landry asked if the problems were caused by Hurricane Katrina. Chief Hanson stated they were not.

***Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating \$6,000.00 for the Fire Department to have mold testing and remediation done as needed at Stations 2 and 3. Seconded by Ms. Landry.***

**D. Declare Surplus Property:**

A Resolution and Schedule of Surplus Property was submitted for review. Chairman Scott discussed surplus property being under the Buildings and Property Committee, not the Finance Committee. Ms. Briley stated that Finance is responsible for maintaining the financial and physical inventory records for capital assets and that the sale of surplus items is a Finance Department function. Ms. Landry and Mayor Small stated this process should stay under the Finance Committee. Ms. Henson noted the property being surplus is vehicles, equipment, and confiscated equipment, not buildings or land.

***Motion by Ms. Landry to recommend to Council to adopt a resolution to declare Schedule A equipment surplus property. Seconded by Mr. Yelding.***

## **IV. CURRENT BUSINESS**

### **A. Impact Fee Study**

City Attorney Jay Ross presented information on the Impact Fee Study. It would be advantageous for the City of Daphne because of potential future growth for use with current services or planned future services. TischlerBise, the company that has done a fee impact study for the cities of Gulf Shores and Orange Beach, will do the study for the City of Daphne for the amount of \$63,800.00, plus an additional \$4,700.00 to participate with a Liaison Committee. This study would give the City the Policy and Procedure needed, but they will not write the ordinance. Mr. Ross and Mr. Merchant recommended that the impact fee be collected at the time the building permit is obtained. Discussion followed with Mr. Scott recommending that this presentation be made to the full Council for study at the next work session. Ms. Landry asked if a representative from the company could make a presentation to Council at the work session. Mr. Ross stated he would contact the company.

### **B. Lake Forest Yacht Club – Dauphin Island Sailboat Race - \$2,000**

Discussion followed that this race was not until 2007 and this could be considered in the FY 2007 budget.

### **C. Crime Scene Diagramming Equipment/Software - \$20,000.00**

Captain Scott Taylor discussed the Police Department's need for a "Total Work Station" (Traffic Accident Investigation Equipment) to be used in working traffic fatalities. Ken Lassiter has been working for approximately four years to get a grant to make this purchase, but has not been able to qualify for one. Captain Taylor stated that the rise in traffic fatalities has greatly increased the need for this equipment. Two prices were presented. Since this equipment is required to be bid, Ms. Briley recommended going out for bids, then appropriating the funds when the cost is known.

***Motion by Ms. Landry to recommend to Council to authorize the Police Dept to put the Crime Scene Diagramming Equipment/Software out for bids. Seconded by Mr. Yelding.***

### **D. Discuss City Attorney Hourly Rate**

Chairman Scott discussed that the City's hourly rate is low in comparison with other municipalities pay rate. Mr. Ross stated that he will do some research and submit a letter to the Council stating his request.

## **V. FINANCIAL REPORTS**

### **A. Treasurers Report: May 31, 2006**

The Treasurers Report of \$26,039,387.99 was presented. Chairman Scott noted the report reflected the \$12,116,351.18 the City has borrowed (2006 Construction Fund).

***Motion by Mr. Yelding to recommend to Council to accept the Treasurer's Report as of May 31, 2006, in the amount of \$26,039,387.99. Seconded by Ms. Landry.***

### **B. Sales Tax Collection Graphs, April 30, 2006**

The sales tax collection spreadsheet and graphs were presented. Sales tax collections for April 2006 were \$969,627.14. This is \$ 117,470.56 over budget for the month and brings the total over budget for the year to \$ 724,545.68.

### **C. Lodging Tax Collections, April 30, 2006**

The Lodging Tax Collections report shows \$43,813.91 collected for April.

### **D. Report: New Business Licenses**

The New Businesses report for April / May 2006 was presented.

### **E. Bills Paid Report, May 31, 2006**

The Bills Paid Report was contained in Packet #2.

## **VI. ADJOURN**

The meeting was adjourned at 5:50 pm.

## Prioritized Goals 2006

---

- 1.) Support underground utilities by Riviera! **(2006) Funds needed now.**
- 2.) Encourage the development of the Olde Towne area by seeking attractive financing, **(has been available but may be more difficult in the immediate future)** and having a willing attitude about the promotion of compatible developments. **This is ongoing and will be performed by the private sector as the city improves the district.**  
**It will be enhanced by better development of infrastructure: sidewalks, street lights, landscaping, and all utilities underground, Lott Park converted to city swim and tennis park. (2006-07)**
- 3.) Seek funding for sidewalks on Daphne Avenue **(to be completed 2007)** and east side of Main Street **(through grant or funding by the city-2008).**
- 4.) Support and promote continued redevelopment of Centennial Park as per plan presented to City Council by the Daphne Beautification Board (DBB). **Phase I has been completed. We support further development by the removal of the back fence, extension of the metal fence with gate as requested by Pat James et al. Encourage the development by James et al as presented to the DRA, with a cobblestone street and construction of Italian architectural styled retail shops with office or apartments over. (2007) Private funding.**
- 5.) Continued support of a park development in front of the New City Administration Building with fountain/statue **(as designed by Fran Neuman)**, landscape, and sitting areas.**(2007) This cost is in the new construction project. Fran Neuman, however, needs to be paid for her work, \$15,000.00**
- 6.) Encourage the D.B.B. to agree to the sale of Jubilee Park and use funds and items in the new park in front of city hall. **(We still feel this is the best for the streetscape development.) (2008) The idea here is to create vertical lift ,and also for the city to finish a project in regards to the parks.**
- 7.) Encourage property owners to fix up buildings and follow landscape master plan. Provide copies of the plan to the City and owners. **(Seek legislation “via del” a city ordinance to require people to maintain their property in the Olde Towne District.) (2006-07)**
- 8.) Encourage the D.B.B. to re-establish the improvement award. (2006)

**Proposed Goals**  
**(Daphne Redevelopment Authority - 2001)**

---

- 1.) Support underground utilities by Riviera!
- 2.) Establish, through City Planner, new ordinance for Olde Towne Daphne regarding signs, parking, setbacks, landscape, sidewalks – any other items that will encourage the development of the Olde Towne area in a village fashion.
- 3.) Seek funding for sidewalks on Daphne Avenue and east side of Main Street.
- 4.) Encourage the development of the Olde Towne area by seeking attractive financing, and having a willing attitude about the promotion of compatible developments.
- 5.) Support and promote continued redevelopment of Centennial Park as per plan presented to City Council by the D.B.B.
- 6.) Support development of a park in front of City Administration Building with fountain, landscape, and sitting areas, by the D.B.B.
- 7.) Encourage the D.B.B. to suggest the sale of Jubilee Park and use funds and items in the new park in front of city hall.
- 8.) Encourage property owners to fix up buildings and follow landscape master plan. Provide copies of the plan to the City and owners.
- 9.) Support and promote idea of a parking bank.
- 10.) Encourage the D.B.B. to re-establish the improvement award.

**Riviera Utilities Cost Projection for Underground Service**

As per Gary Bassett, with Riviera Utilities the cost of placing the electrical service underground with the City providing the preparation labor for digging and concrete removal is \$1,665,000.00 for the 1.6 miles from school to school. Using this same figure, I estimate the cost running to the Bay Front Park Pavilion to be \$ 1,769,000.00. This gives us a total cost of utilities underground to be \$3,434,000.00. The DRA can act as conduit for funds to a project like this. The funds would be acquired through a bond issue with the backing of the city. As I understand , it will not count against the cities indebtedness.

Therefore, assuming we can get funding from the city for the DRA we could acquire the funds necessary to do the whole project or if the city wishes to not do the whole project at this time, even with the probability of a new development changing the face of Bay Front Park Dr and increasing the ad Valorem tax base, plus create new sales tax from the shops in the area, we can do 1/2 now and 1/2 some other time.

Based on the cost of financing as given out at the GO Zone meeting on Tuesday we could borrow \$1,700,000.00 with an interest rate of approximately 4.75% for 15 yrs +/- . This will create a payment and need of income in the amount of \$13,500.00 per month or \$162,000.00 annually. If the city wanted DRA to do the whole project we would need approximately twice that number or \$324,000.00 annually.

The immediate questions are going to be what does this do for the city and is there a better way of handling the proposed work. I do not have the answers to these questions but Mrs. Briley should be able to give us an indication of how it will increase the revenue to the city. There may be grants available for the creation of safer service lines from storms, accidents and general maintenance. Ken Eslava may be able to figure a less expensive way of handling the work.

If the city approves this funding request, I suggest we take the first months payment plus a little from the second to pay off the debt we have with Fran Neuman.

My figures are subject to errors and actual cost committed.

Submitted by your humble servant,

S. Starke Irvine  
Chairman, DRA

*Glenn Glass  
Chris Donald*

**APPROVED INVOICE**

---

DEPT ORG#

---

OBJECT# / PROJECT#

---

DATE / DEPT HEAD APPROVAL

Approved For Agenda

*[Signature]*

---

Signature

*10-6-06*

---

Date

Starke,

June 6th, 2006

From your request, we have evaluated putting the existing overhead [primary & secondary] power underground, from school to school along Main Street, Daphne.

Please keep in mind this is a rough estimate of cost for power only to be put underground, and does not include any digging, or boring by Riviera. This is assuming all trenching, bores, and concrete removal/ repouring to be done by others, possibly the City of Daphne. We would install the conduit and conductors after the trenches are dug to the proper depth of four feet minimum.

No telephone cables are included in this estimate. Bellsouth has their own overhead cables on poles on the opposite side of the street. Cable TV [MediaCom] is also attached to Bellsouth and our poles. They will need to be contacted to obtain their costs.

Also, each customer that has service with us now from this line will need to pay an electrician to convert their meter base from overhead to underground. We will supply the meter base at no charge to the customer, provided it is of the common 200 amp underground type.

The estimate is as follows:

Riviera and contract labor	\$ 125,000
Underground services	\$ 35,000
Total Primary Material	\$1, 505,000
Total Estimated Cost	\$ 1,665,000

In closing, please keep in mind that material costs are subject to change, as is contract labor, according to the demand. We found this out recently from construction bids taken after hurricane season.

Please call if we can provide any more information,

Tom Byrne

6/6/2006

PS: We have all been talking about this for several years. You might want to talk to Marshall Parsons about his idea of doing this project a section at a time, utilizing a vault type system, or conduits, underneath the existing sidewalks. It sounds worth investigating into.





# CONFIRMATION HEIL FACTORY TRAINING

STUDENT NAME: Randy Pennycuff  
COMPANY: City of Daphne  
CLASS: PLC Electronic controls  
CLASS DATES: 7/11/2006 thru 7/14/2006  
CLASS LOCATION: Fort Payne

This is to confirm that Randy has been registered for the training class noted above.

Classes will start on Tuesday at 8:00 AM and finish up on Friday at 12:00 noon  
Except the Rear Loader class, which finishes on Thursday at 4:30 PM.  
Except the PLC Electronic Controls class, which finishes on Wednesday at 4:30 PM.

Below is a listing of the hotels available in the Ft. Payne area. Most of them are within three miles of the Joseph F. Heil, Jr. Institute of Technology (FPTC).

- Days Inn (256) 845-2085
- Desoto State Park Cottage and Hotel (256) 845-5380 (rustic) 5 miles away
- Fort Payne Inn (256) 845-0481
- Holiday Inn Express (256) 997-1020
- Hampton Inn (256-304-2600)
- Mountain View Motel (256) 845-2303
- Quality Inn (256) 845-4013

Directions to the Ft. Payne facility are attached or can be accessed in the Heil web site library. Log on to the net at [www.heilco.com](http://www.heilco.com). You will need to register then go to the **library**, pick **search** and **type in map** then click **find item**. Training classes are held in the Joseph F. Heil, Jr. Institute of Technology located next door to the manufacturing facility and across the street from the National Guard Post. Students are required to report directly to the classroom before 8:00 AM.

\* HEIL will provide lunch each day.  
HEIL reserves the right to cancel any class with less than five (5) students and to reschedule the student(s) at a later time.

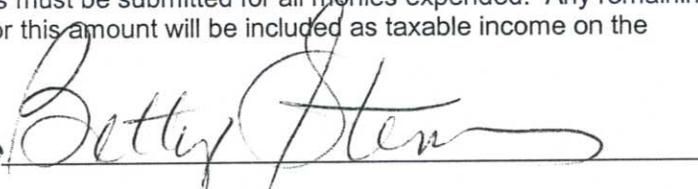
89.95 per Confirm # 60800019 Confirmed 79.95

Thank you for choosing HEIL equipment. I look forward to seeing you in class.

Sincerely,  
JOEL BARNES  
Technical Training Manager  
(256)-845-8375  
(423)-596-2283 CELL

<b>PREPAID TRAVEL REQUEST FORM</b>	
EMPLOYEE NAME / TITLE	BETTY STEVENS MAGISTRATE
DEPARTMENT	COURT
DATES OF TRAVEL	JULY 26-29, 2006
SCHOOL/ORGANIZATION	AMCCMA/ AL JUDICIAL COLLEGE
LOCATION FOR TRAINING: CITY / STATE	HOOVER, ALABAMA
REGISTRATION FEE	\$280.00
LODGING	\$ 543.78
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature 


875
CT122200
52211
\_\_\_\_\_

Department Head Approval      Vendor #      Dept Org #      Object #      Proj#

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

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



ADMINISTRATIVE OFFICE OF COURTS

300 Dexter Avenue  
Montgomery, Alabama 36104-3741  
(334) 954-5000

Drayton Nabers, Jr.  
Chief Justice

Randy Helms  
Administrative Director of Courts

MEMORANDUM

TO: Municipal Court Judges  
Municipal Court Clerks

FROM: <sup>CAD</sup> Callie T. Dietz, Director, Alabama Judicial College &  
Family Court Services Divisions, AOC

DATE: May 22, 2006

RE: AMCCMA Annual Conference, July 26-29, 2006

I am pleased to inform you that the Alabama Municipal Court Clerk and Magistrate Association and the Alabama Judicial College are working together on the best Annual Conference you've ever attended. This event will take place on July 26-29, 2006, at the Renaissance Ross Bridge Resort in Birmingham, Alabama. Registration begins Wednesday, July 26, 2006, from 2:00-4:00 p.m. along with vendor set-up for the program.

Attached is the conference agenda and registration form. The registration fee for this program is \$280.00. This fee includes admittance of the attendee to all training, social events, food functions and activities. Guest fees to attend various events are also listed on the registration form.

In order to determine an accurate count for handout materials, meals and other functions, please return the registration form to our office by close of business, July 10, 2006. Persons registering at the conference or after the deadline will be charged an additional \$20.00 late fee, or \$300.00. Refunds will not be given for cancellations after July 10<sup>th</sup>, however, another participant can be substituted.

-over-

# INTERNAL MEMORANDUM

Date: June 8, 2006  
To: Finance Committee  
From: Mund Hanson, Fire Chief   
Subject: Bid # 2006-V-FD/Self Contained Breathing Apparatus

Sunbelt Fire's bid meets and exceeds our specifications and I recommend that Sunbelt Fire be awarded this bid.

Thank you for your consideration.

**CITY OF DAPHNE**

**BID OPENING MINUTES**

**BID DOCUMENT NO: 2006-V-FD/SELF CONTAINED BREATHING APPARATUS**

JUNE 6, 2006

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Mr. Melvin McCarley

Chief Volunteer FD

6 bid invitations were mailed/picked up , 3 sealed bids were received.

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

<u>VENDOR</u>	<u>AMOUNT</u>	<u>BID BOND</u>
NAFECO	No Bid	
Tupelo Fire Equipment, Inc	No Bid	
Sunbelt Fire Apparatus	\$ 21,330.00	Yes



\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

MEMORANDUM

**TO:** SUZANNE HENSON, FINANCE  
**FROM:** CHIEF CARPENTER   
**DATE:** JUNE 7, 2006  
**RE:** UNIFORM CLEANING BID

**Please accept this as our recommendation to accept the bid submitted by Baldwin Square Cleaners for the period June 20, 2006 – April 30, 2007. If you have any questions, please call me.**

# CITY OF DAPHNE

## BID OPENING MINUTES BID DOCUMENT NO: 2006-R-PD/DRY CLEANING

June 6, 2006

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Mr. Melvin McCarley

P.W. Superintendent

Mr. Duke Crutchfield

Mechanical Supervisor

2 bid invitations were mailed/picked up by contractors 1 sealed bid was received.

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

<u>VENDOR</u>	<u>ITEM</u>	<u>TOTAL UNIT COST</u>
Baldwin Square Cleaners	1-Uniform Shirt	2.00
	1-Uniform Pants	3.00
	1-Uniform Jacket	6.00
	1-Complete Uniforms (2 piece)	5.00
	1-Jail Shirt	2.00
	1-Jail Pants	3.00
	1-Complete Jail Uniform (2 Piece)	5.00



Suzanne Henson, Sr. Accountant

## Memorandum

To: Kim Briley, Finance Department

From: Richard Merchant, Building Official



Date: June 7, 2006

Re: Bid for Pick-up truck for Site Containment Inspector

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The Building Department would like to recommend awarding the bid to Treadwell Ford. Due to lack of participation from local vendors and unavailability of a 2006 Pick-up from the state bid and a 2007 on the state bid would not be available for 6 to 8 months. Duke Crutchfield, Mechanical Supervisor, contacted the State representative and stated that this price was fair and reasonable. Your consideration is greatly appreciated.

cc Finance Committee  
Mayor Small

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2006-X-BI/STANDARD CAB TRUCK  
JUNE 6, 2006  
11:30 A.M.  
CITY HALL**

Those present were as follows:

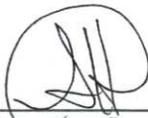
Ms. Suzanne Henson  
Mr. Duke Crutchfield

Sr. Accountant  
Mechanical Supervisor

10 bid invitations were mailed/picked up by contractors 3 sealed bids were received.

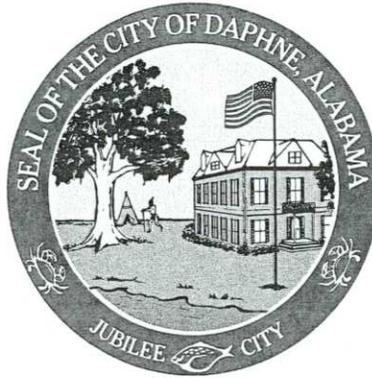
Duke Crutchfield opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>UNIT COST</u>	<u>BID BOND</u>
Coastal Ford	\$19,883.00	Certified Check
Bayview Ford	No Bid	
Treadwell Ford	\$19,686.00	Certified Check



\_\_\_\_\_  
Suzanne Henson, Sr. Accountant

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
DAVID B. CARPENTER II  
CHIEF OF POLICE  
A. MUND HANSON  
FIRE CHIEF



## COUNCIL MEMBERS

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

# Memo

**TO:** Department Managers  
**FROM:** Mayor Small  
**SUBJECT:** Finance Committee  
**DATE:** May 25, 2006

Please place the proposal by Site One for the City of Daphne's Website on the next regularly scheduled finance committee agenda.

Site One on the Internet, Inc.

P. O. Box 3150  
 Daphne, AL 36526

# Invoice

DATE	INVOICE #
5/24/2006	7515

BILL TO
<b>City of Daphne</b> <b>P O Box 400</b> <b>Daphne, AL 36604</b>

TERMS	DUE DATE	CONTRACT OR P.O.
DUE IN ADV...	<b>5/24/2006</b>	Mayor Small

DESCRIPTION	QUANTITY	RATE	AMOUNT
Special Pages - Design Charge - Initial Payment	90	68.00	6,120.00
Special Pages - Design Charge - Completion Paym't.	30	68.00	2,040.00
Web Site Rebuild - DaphneAL.com			

On approval	<b>Total</b>	<b>\$8,160.00</b>
www.SiteOne.com	<b>Payments/Credits</b>	\$0.00
For information, call (251) 626-7676	<b>Balance Due</b>	<b>\$8,160.00</b>

# Council Work Session May 24, 2006



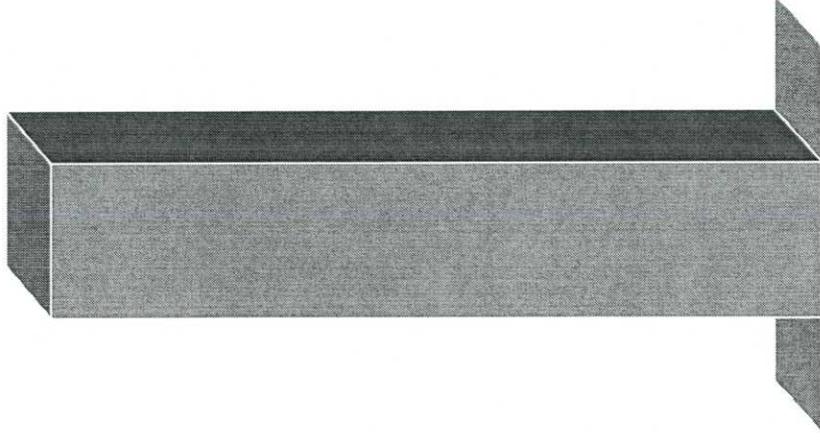
## Web Site Project Overview

# Mission Statements

- **The mission of www.DaphneAL.com web site is to support the various aspects of the City of Daphne by providing a world wide interface to current information about the City, its Government, and the Community.**
- **The viewing audience includes citizens, out of town viewers, and city staff.**
- **The mission of Site One as Web Site Developer & Host is to construct and support the web site to facilitate achieving these goals in a timely and effective manner.**

# The City of Daphne is open for business 24 x 7 on the web!

- **April 2006 Web Site Activity**
  - Web Site **6,894 visits**
  - **1/4 million "hits"**
- **Site Content:**
  - **866 Web Pages of content**
  - **2,950 images**
  - **263 .pdf documents (489mb)**
- **Access to Content**
  - **Front Page Menu**
  - **Calendar of Events**
  - **Council Agenda & Packets**
  - **Special Events**
  - **Site Map**



# The City of Daphne

Daphne is proud to have been selected as a "Tree City USA" by the National Arbor Day Foundation.

Scroll down to begin your virtual visit or visit our [Table of Contents](#).



Welcome to the City of Daphne, one of the fastest growing areas in the nation. Daphne is located in Baldwin County, Alabama on the eastern shoreline of Mobile Bay just off I-10: 11 miles east of Mobile, 45 miles west of Pensacola, Florida and 150 miles southwest of Montgomery, the State Capital.

## Your Oldest Town

The Year of History Old Towne Daphne is an Eagle Scout community service project by David Memo Gardner.

### City of Daphne Vendor's Bid List Form

Click [HERE](#) to download (PDF)

Complete this form and fax to: (251) 626-3008

Questions? Call: (251) 621-9000

Welcome	Location/Transportation	Recreation	Events	Civic Center	Bayfront Park	Government
Tourism	Public Safety	Jubilee	Community Information	Library	Agriculture & Industry	Releases/Articles
Photo Album	History	Human Resources	Legislative News	Public Works	REVENUE DEPT: Business License Animal License Tax Forms	City Phone Numbers

INTERNET DISCLAIMER: The City of Daphne's internet web site provides links to other internet web sites that contain information created, published, maintained, or otherwise posted by institutions or organizations independent of the City. The City of Daphne does not endorse, approve, certify, or control those external web sites and the City of Daphne does not guarantee the accuracy, completeness, efficacy, or timeliness of information located at those sites. Use of any information obtained from those web sites is voluntary, and reliance on that information should only be undertaken after an independent review of its accuracy. Reference to those web sites to any specific commercial product, process, or service by trade name, trademark, service mark, or otherwise does not constitute or imply endorsement, recommendation, or favoring by the City of Daphne.

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- **HEALTH CARE**
- **HISTORY of Daphne**
  - Historical Images of Daphne
- **HUMAN RESOURCES DEPT.**
- **INDUSTRY**
- **JOBS**
- **THE JUBILEE**
- **LEGISLATIVE DEPT**
  - - COUNCIL AGENDAS
- **LINKS to other Web Sites**
- **LOCATION of Daphne**
  - Area Map
- **PHOTO ALBUM**
- **PUBLIC WORKS DEPT**
- **RECREATION**
  - City Calendar of Events
  - Bayfront Park & Scardamalia Pavilion
  - Seasonal Recreation Schedule
  - Seniors' Recreation
- **REVENUE DEPT.**
- **SCHOOLS**
- **TELEPHONE NUMBERS**
- **TOURISM**
- **TRANSPORTATION**
- **WELCOME**

# Recommended Innovations

- New home page design, consistent throughout
- Get anywhere from anywhere navigation
- News ticker for instant messages on site
- Search box for site content
- More direct upload by City staff
- Standard packages for key events
- “Staff only” information center

# The process:

1. Develop alternate home page designs for review.
2. Redesign site architecture with City staff.
3. Implement the above with existing content, while adding new pages.
4. Implement content changes on “static pages” .
5. Install processes for staff update of new areas, provide training.

# Investment in progress

**Fixed Price Professional Services on existing contract**

**Based on 120 hours x \$68.00 = \$8,160.00**

**No change in monthly webmaster services fee  
Includes no charge use of Site One packaged  
functions for updates, etc.**



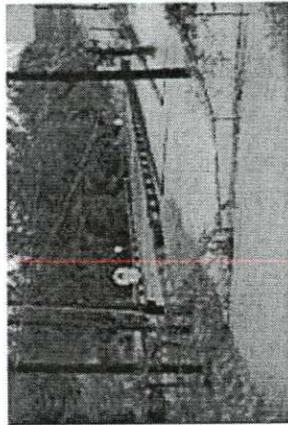
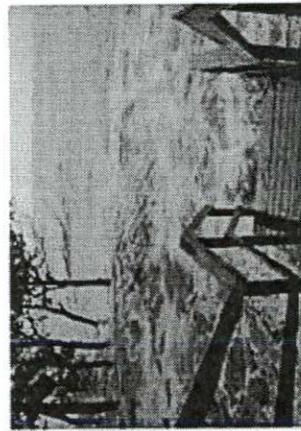
The City of Daphne, Alabama

# Emergency Information

Home

- Shelter Information
- Emergency Information
- Useful Phone Numbers
- Employees Only
- Related Links
- Map to Daphne Shelter
- Photos

- City of Daphne Home
- Public Works
- Police Department
- Legislative
- Human Resources
- Library
- Revenue
- Public Safety
- Civic Center
- Bayfront Park
- General Info



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

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

**For additional information, contact:**

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

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

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

**Daphne Fire Department**  
 251-621-2636  
 Mund Handson, Fire Chief  
[daphnefireadmin@bellsouth.net](mailto:daphnefireadmin@bellsouth.net)

More information coming soon!

## News

Urged to Make Preparations

Businesses Need to Prepare for Disasters - A step by step guide Red Cross. Download the PDF now by clicking [HERE](#).

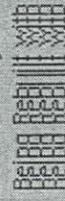
FEMA asks people in hurricane-prone areas to plan ahead for the 2006 Season. Click [HERE](#) to read more.

NHC releases verification report (pdf) on 2005 season. Click [HERE](#) to read PDF document.

The President addresses hurricane recovery... click [HERE](#) to read.

Was your job affected by the hurricanes? Read about the Dept. of Labor's Pathways to Employment" initiative

Governor Riley Visits Homes in Bayou La Batre



## Suzanne

---

**From:** Shannon Spivey [mayorassist@bellsouth.net]  
**Sent:** Wednesday, May 10, 2006 11:07 AM  
**To:** 'Kim Briley'; hensonsm@bellsouth.net  
**Subject:** FW: World Series baseball donation for 11year old team

Shannon Spivey

-----Original Message-----

From: Mayor Small [mailto:mayorsmall@bellsouth.net]  
Sent: Wednesday, May 10, 2006 11:01 AM  
To: 'Shannon Spivey'  
Subject: FW: World Series baseball donation for 11year old team

Need to get this on the Finance Committee Meeting.

-----Original Message-----

From: srdelec@mchsi.com [mailto:srdelec@mchsi.com]  
Sent: Wednesday, May 10, 2006 10:33 AM  
To: mayorsmall@bellsouth.net  
Subject: World Series baseball donation for 11year old team

Dear Mayor Small:

Daphne is the proud hometown of the Eastern Shore Hurricanes, an 11U travel baseball team. The Hurricanes have won or been runner-up in five of the eight tournaments entered this season, including wins in three of the last four contests. Players on the team include Adam Craven, Alex Davis, Chance Dickson, Levi Ehmka, Brett Langley, Andrew Mahoney, Taylor McLain, Hunter Reese, Dylan Thomas, and Tyler Trammell.

Our team will play in Birmingham the first week in June at the State Tournament. The team has already qualified for the United States Specialty Sports Association (USSSA) World Series and will travel to Beaumont, Texas in

July to play in this national competition.

We respectfully request that the City of Daphne help sponsor the Eastern Shore

Hurricanes by donating \$1,000.00 to pay for tournament registration at the State Tournament and the World Series, and that the city donate 300 City of Daphne lapel pins for the children to distribute and trade with other teams while at the World Series.

Thank you for supporting our children as they represent our city in the World Series this summer.

Sincerely,

Steve and Amanda Davis  
913 Caroline Avenue  
Daphne, AL 36526  
(251) 621-0235

**Kim**

---

**From:** Shannon Spivey [mailto:mayorassist@bellsouth.net]  
**Sent:** Monday, May 15, 2006 9:34 AM  
**To:** 'Kim Briley'  
**Subject:** FW: Daphne Softball

*Shannon Spivey*

---

**From:** Mayor Small [mailto:mayorsmall@bellsouth.net]  
**Sent:** Monday, May 15, 2006 9:32 AM  
**To:** 'Shannon Spivey'  
**Subject:** RE: Daphne Softball

Send this to finance.

---

**From:** Shannon Spivey [mailto:mayorassist@bellsouth.net]  
**Sent:** Monday, May 15, 2006 8:21 AM  
**To:** 'Mayor Small'  
**Subject:** FW: Daphne Softball

Do you want me to do anything with this?

*Shannon Spivey*

---

**From:** Lawrence Yelding [mailto:LYelding@bcbe.org]  
**Sent:** Friday, May 12, 2006 11:13 AM  
**To:** mayorassist@bellsouth.net  
**Subject:** Daphne Softball

Mayor Small,

 Good morning, I hope all is well. I am writing this morning on behalf of the Lady Trojan Softball team. Currently, we are participating in the AHSAA state tournament and financially it has drained us. We are seeking monetary donations to help with our expenses. If you can be of any assistance it would be greatly appreciated.

LT Yelding

**Buildings and Property Committee Meeting**

Friday, May 5, 2006

10:00 a.m.

City of Daphne

Council Chambers

Suzanne

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

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

Ryon Budget

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

**Proposed land swap at Bayfront Park.**

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



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

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

Meeting adjourned at 11.59 a.m.



May 6, 2006

Mayor Fred Small  
P.O. Box 400  
Daphne, AL. 36526

Timothy M. Kant  
Mayor

Dear Mayor Small:

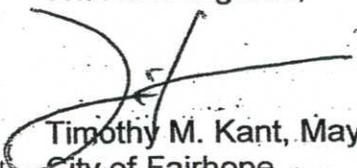
On Monday, April 24<sup>th</sup> Dick Charles, Chairman of the *Bluewater Committee* that was appointed by Mayor Kant to address storm water management on a county wide basis several months ago, presented this committee's final report. He reported meetings that have been held with all mayors and the County Commission and legislative delegation. The next step would be to work towards scheduling conferences to address storm water county- wide and would require participation by each city, the county and the legislative delegation.

Towards this end **Andy Reese**, Vice President AMEC Earth and Environmental, who has been involved in previous meetings, will moderate the conferences planned as six one-day meetings at a cost of \$40,000-\$60,000. David Yeager, Director of Mobile Bay National Estuary has pledged \$25,000 through grants. Mr. Yeager indicates that its financial support is conditional on the multi-city and county support for the project. It has been suggested that each city and the county share the remaining cost with the County paying about one-half of the remaining cost not funded by grants (which they have agreed to) and each city paying the proportional share of the other half. We would like to move forward with securing the grant and would like to see how many other cities commit to participate.

We are enclosing a form we are asking you to fill out and return by mid-May confirming your participation and a representative from your organization who will be attending these planned conferences. We believe the first meeting can be scheduled for June.

Thanking you in advance for your commitment and participation.

With kind regards,

  
Timothy M. Kant, Mayor  
City of Fairhope

161 North Section Street  
P.O. Drawer 429  
Fairhope, Alabama 36533

334-928-2136  
334-928-6776 Fax  
www.cofairhope.com  
Printed on recycled paper

Enclosure

The return of this form indicates your willingness to participate in the series of conferences concerning storm water management and to help fund the cost of these meetings, as described in the attached letter from Mayor Kant.

**RESPONSE FROM:**

City \_\_\_\_\_

Person Responding \_\_\_\_\_ Phone \_\_\_\_\_

Designated Member \_\_\_\_\_

Mailing  
Address \_\_\_\_\_

Phone: Office \_\_\_\_\_ Home \_\_\_\_\_

Email Address \_\_\_\_\_

Designated Assistant \_\_\_\_\_

Designated Alternate Member \_\_\_\_\_

**PLEASE RETURN THIS FORM TO:**

Greg Mims, Planning Director  
City of Fairhope  
P.O. Box 429  
Fairhope, AL. 36533

# INTERNAL MEMORANDUM

Approved For Finance Comm. Agenda

Date: June 8, 2006

To: Finance Committee

From: Mund Hanson, Fire Chief 

Subject: Mold Testing and Remediation

  
\_\_\_\_\_  
Signature  
6-8-06  
\_\_\_\_\_  
Date

We have had stations 2 and 3 evaluated and have received the recommendations for remediation. The estimated cost for the evaluation and remediation is \$ 6,000. The work at station 2 will include adding 4 vents in the attic space, modification to the HVAC system, and cleaning and sanitizing of the upstairs. The work at station will include modification to the HVAC system and cleaning and sanitizing.

Thank you for your consideration.

Approved by Public Safety Committee to send  
to Finance

Quote Number Three (3)

Quote Issued:

August 23rd, 2004

Prepared for:

**Daphne Police Department  
Daphne, Alabama**

Quote Includes;

Hardware *(See Attached)*

Software. *(See Attached)*

Training. *(See Attached)*

Prepared by:



**ASC, Inc.**  
**Paul Wm. Van Vorce, President/CEO**  
**1284 Sherwood Road**  
**Aurora, New York 13026**

Pricing Expiration:

October 29<sup>th</sup>, 2004

Quote Price:

\$16,483.25  
(Discounted Price \$16,000.00)

***Pricing as Complete Package ONLY***

***(Includes shipping and handling charge)***

Approved For Finance Comm. Agenda

Signature  
6-8-06  
Date

*Exact Price could be  
a little more or less  
should not exceed \$20,000  
Chief Carpenter*

## RESOLUTION 2006 -

### A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

**WHEREAS**, the Department Heads of the City of Daphne have determined that the items scheduled on Schedule A are no longer required for public or municipal purposes; and

**WHEREAS**, the items on said Schedule A are recommended for disposal.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Daphne that

- 1- The property included on Schedule A and attached hereto is hereby declared to be surplus property and
- 2- The Mayor is authorized to advertise and accept bids through an Internet-based auction company for the sale of such personal property and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property on Schedule A which is not claimed by any bidder.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this 19<sup>th</sup> day of June, 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**

Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

# Schedule A

## Surplus Property

### BICYCLES

Huffy	10 speed	lady's bike	blue
Roadmaster	Mt. Fury	men's bike	green
Mongoose	Mt.	men's bike	red
Roadmaster	Mt. Fury	lady's bike	purple
Roadmaster	Mt. Fury	men's bike	blue
Boulder	Mt.	men's bike	blue/silver
Schwinn	electric scooter		red
Huffy	20"	boys bike	silver
Mongoose	20"	boys bike	silver
Roadmaster	Mt. Fury	men's bike	red/black
Huffy	20"	girl's bike	pink
Roadmaster	Mt. Fury	men's bike	black
Shimano	Mt.	men's bike	red
Murry	Mt.	lady's bike	green
Sorrento	Mt.	lady's bike	purple
Flatspin	20"	boys bike	red
Sonic Quest	20"	boy's bike	blue
Roadmaster	Mt. Fury	men's bike	red
Roadmaster	Mt. Fury	men's bike	red/black
Roadmaster	Mt. Fury	lady's bike	blue
Roadmaster	Mt. Fury	lady's bike	blue
Mongoose	Mt.	men's bike	red/silver
Next	Mt.	men's bike	blue
Roadmaster	Mt. Fury	men's bike	blue
Roadmaster	Mt. Fury	lady's bike	purple

### Mechanical Maintenance Surplus

### OTHER ITEMS

Generic electric power washer red	13-Tires for Toro Mowers
Vorwerk vacuum cleaner	4-Boxes Chevy Caprice parts
Minn Kota 28LB thrust trolling motor	1-box toro blades 15
3 spincast reels and rods	1-big box assorted weedeater parts
2 sling blades	2-Brake rotors for front Dodge pickup
1 shovel	1-large box assorted toro lawn mower parts
	Couple of 90-91 Crown Vic parts
	5- Ford Dually rims
	1-Parts catalog <sup>57</sup> rack
	Couple of boxes of other old parts

# TREASURER'S REPORT

As of May 2006

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$8,221,196.17
OPERATING ACCT	COMPASS	(\$116,560.84)
PAYROLL ACCT	COMPASS	(\$65,825.18)
MUNICIPAL COURT	COMPASS	<u>\$254,622.72</u>
		\$8,293,432.87
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$3,224.11
4 CENT GAS TAX	FIRST GULF	\$162,233.88
7 CENT GAS TAX	FIRST GULF	<u>\$165,332.35</u>
		\$330,790.34
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$679.94
CAPITAL GROWTH	WACHOVIA	\$3,600,362.55
97 WARRANT CONS	WACHOVIA	\$5,011.95
99 WARRANT CONS	REGIONS	\$545,806.39
2000 CONSTRUCTION	REGIONS	\$90,491.14
2006 CONSTRUCTION	WACHOVIA	<u>\$12,116,351.18</u>
		\$16,358,703.15
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA	\$1,056,461.63
		<u>\$26,039,387.99</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006	Actual-2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	901,512.38	820,652	80,860.42	188,021.10	9.85%
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,168,443.68	1,100,098	68,345.56	256,366.66	6.21%
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.63	887,488.11	887,488.11	785,065	102,403.51	358,770.17	13.04%
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	878,123.66	787,808	90,316.12	449,086.29	11.46%
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,081,774.83	923,786	157,988.83	607,075.12	17.10%
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	969,627.14	969,627.14	852,157	117,470.56	724,545.68	13.79%
May	552,248.34	618,037.66	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44			870,852			0.00%
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	902,863.46			952,994			0.00%
July	556,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13			903,547			0.00%
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11			875,817			0.00%
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08			920,338			0.00%
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.82</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>6,819,584.46</b>	<b>6,819,584.46</b>	<b>10,618,586</b>	<b>724,545.68</b>		

### FY 2006 BUDGET/ACTUAL COMPARISONS

### FISCAL YEAR COMPARISONS

	\$ Change		Percent Change	
	2000-2001	2001-2002	2000-2001	2001-2002
October	17,692.33	41,559.92	7.94%	18.87%
November	57,817.61	58,931.18	10.42%	9.87%
December	52,747.01	72,854.66	9.97%	6.80%
January	17,769.83	52,901.75	10.49%	14.77%
February	47,155.06	47,027.83	8.69%	2.42%
March	(9,033.25)	87,163.40	14.64%	4.17%
April	(11,559.21)	114,303.35	21.35%	-3.05%
May	64,704.17	36,333.54	10.70%	-2.24%
June	85,789.32	66,151.01	5.53%	5.47%
July	71,054.58	(4,231.14)	-0.67%	9.10%
August	45,662.10	34,316.03	5.55%	0.71%
September	56,331.49	36,834.37	5.91%	-2.37%
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>9.02%</b>	<b>5.08%</b>
<b>Annual % Change</b>			<b>7.18%</b>	<b>10.21%</b>

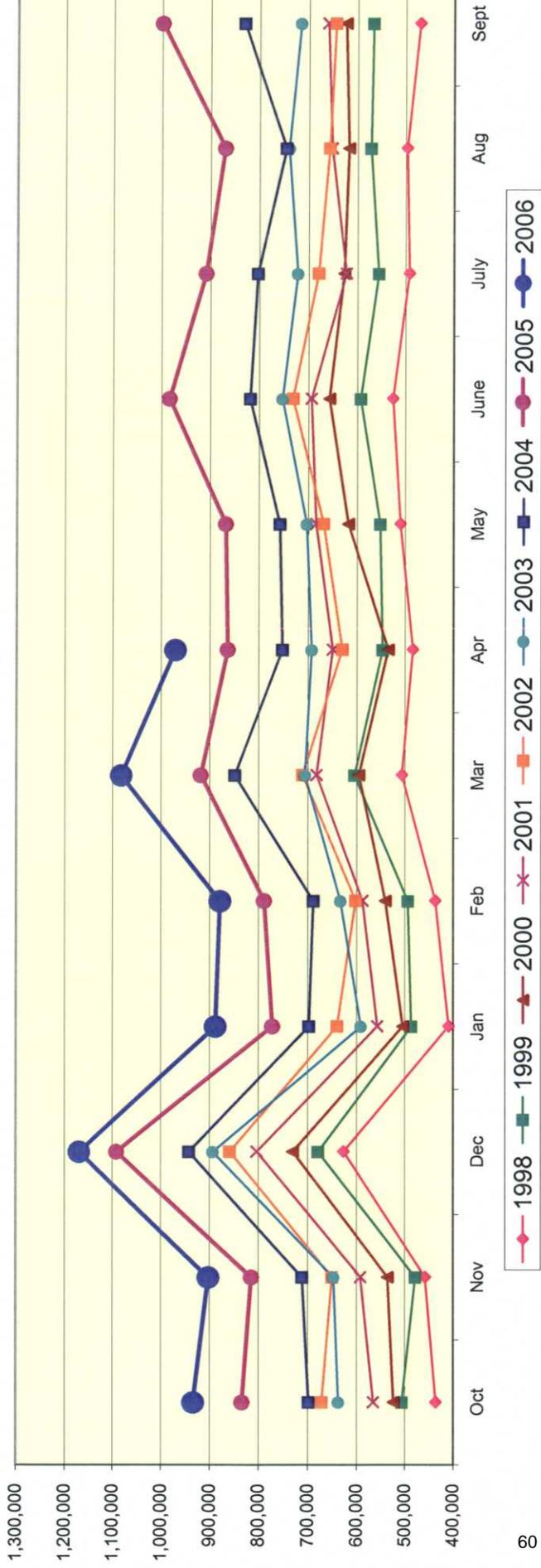
### Percent Change

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	12.10%	10.42%	9.87%	-0.58%	9.94%	14.61%	10.66%
December	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	14.98%
February	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	11.32%
March	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	17.86%
April	-2.11%	21.35%	-3.05%	9.89%	7.82%	14.77%	12.34%
May	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	
June	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
<b>Annual % Change</b>	<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	

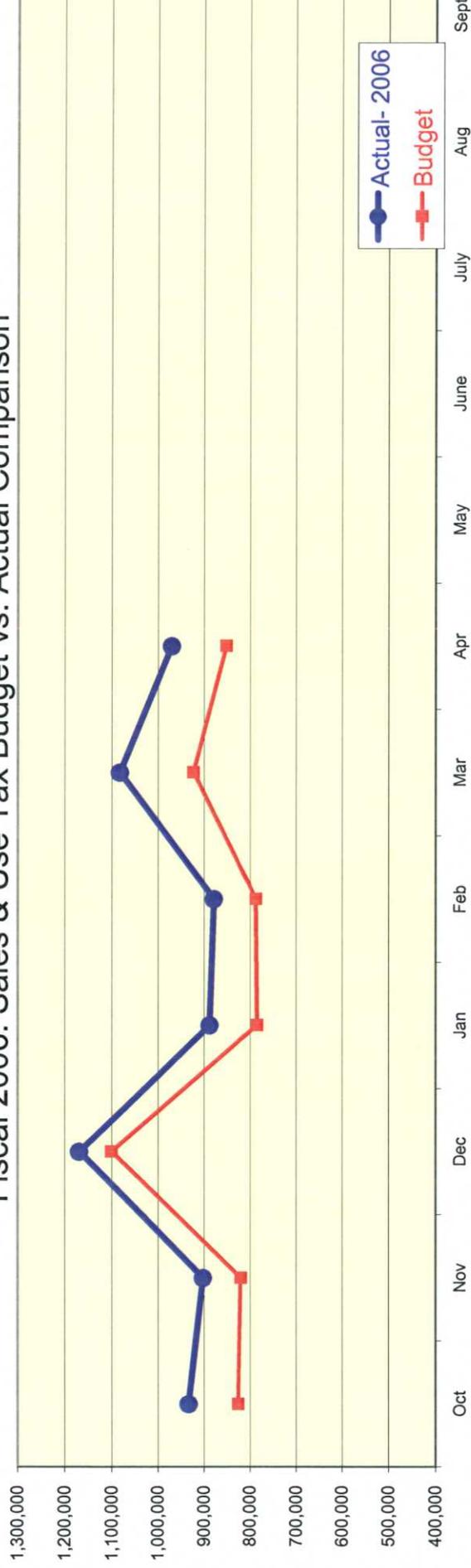
TOTAL collections: FY 05	10,708,261
TOTAL est. bdgt coll: FY 06	10,618,586
Budgeted Dollar Variance 05/06	(89,675)
Budgeted Percent Variance 05/06	-0.84%

TOTAL collections: 4-30-06	6,819,584
Budgeted:10-1-05 to 4-30-06	6,095,039
Actual Coll>( <)Budget, 4-30-06	724,546
% Over/(Under) Budget, 4-30-06	11.89%

### Sales & Use Tax Comparisons



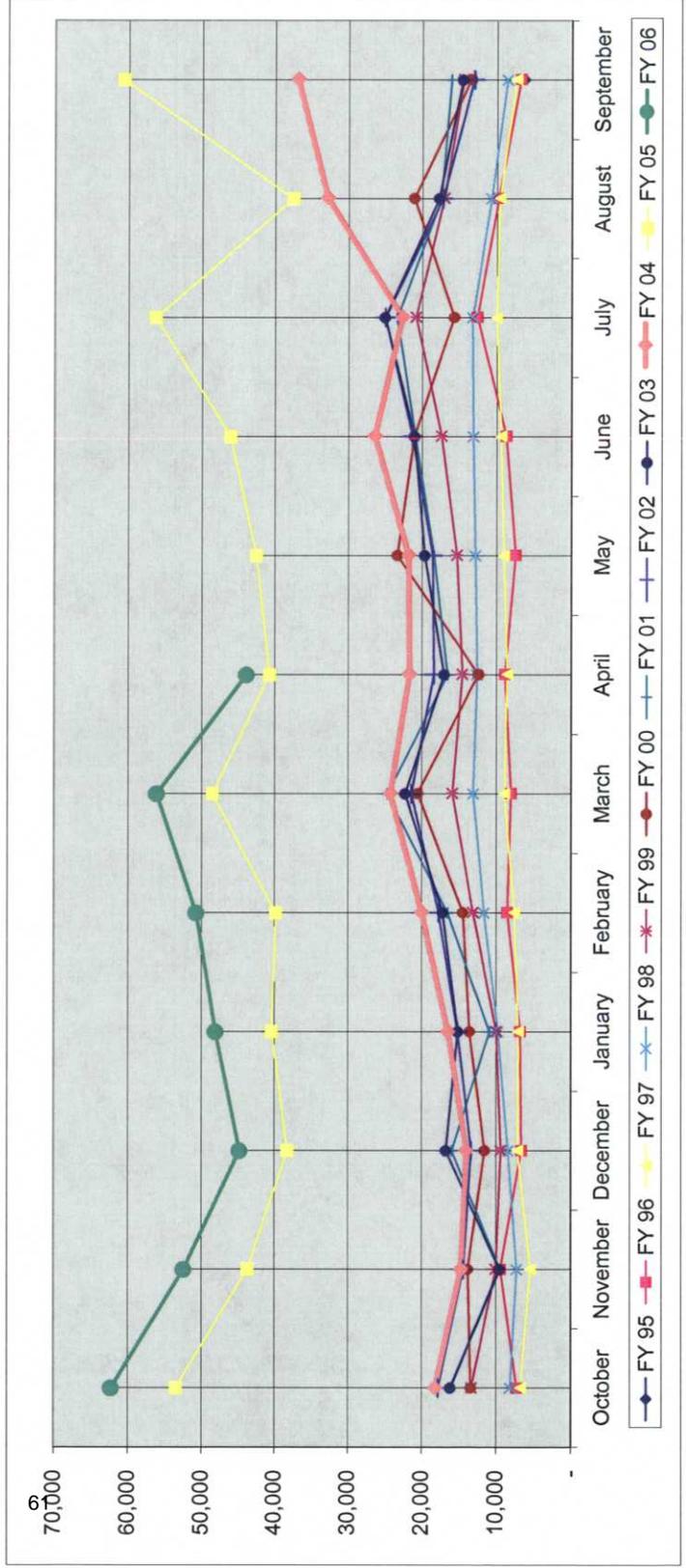
### Fiscal 2006: Sales & Use Tax Budget vs. Actual Comparison



### Monthly Lodging Tax Collections

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
October	6,371.27	7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November	6,806.02	9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December	6,806.02	6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55
January	6,806.02	6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80
February	6,806.02	8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11
March	6,806.02	8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62
April	6,806.02	8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91
May	6,806.02	7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	43,813.91
June	6,806.02	8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	43,813.91
July	6,806.02	12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	43,813.91
August	6,806.02	9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,813.91
September	6,806.02	6,806.02	7,400.70	8,586.97	14,397.17	13,393.86	16,116.04	12,997.60	14,563.86	36,847.13	60,635.33	43,813.91
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	357,801.71

Ordinance 1997-28 adopted December 8, 1997 increased levy from 3% to 4%.



New Businesses  
New Business' April/May 2006

CITY LIMITS	
FIX IT NOW APPLIANCE REPAIR SERVICE	1
H & H COMMERCIAL CONSULTANTS	1
AQUA BLUE POOLS	1
FURNITURE MEDIC	1
TREDZ-N-TREDZ LLC	1
PHILPOT STEPH LMT	1
EVERYDAY TREASURE GIFTS	1
ESP INVESTMENTS	1
SE CIVIL LLC	1
WORSHAM'S TAX SERVICE	1
STARBUCKS COFFEE # 9972	1
POLLARD GROUP LLC	1
BELL, JOHN W.	1
RIVERA'S TRUCKIG	1
THE FURNITURE SHOP	1
ONE SOURCE MORTGAGE	1
J. CHRISTOPHER MITCHELL ANTIQUES	1
SULLIVANS LAWN MAINTENANCE PLUS	1
STARKS CLEANING SERVICE	1
BAY BAYS LAWN SERVICE	1
WHOLESALE OUTLET WAREHOUSE	1
THE HASTINGS GROUP INC	1
CYPRESS POINT DEVELOPMENT INC	1
USA FLOORS	1
COMMERCIAL PRINTING COMPANY	1
AGEE AUGUSTUS DRASHAWN	1
SHIELDS'S FASHIONS	1
BALL BALL MATHEWS & NOVAK PA	1
OLSON & ASSOC OF NW FLORIDA INC	1
<b>TOTAL NEW BUSINESSES- CITY LIMITS</b>	<b>29</b>

OUT OF CITY- CONT.	
BLEVINS INC	1
AFL NETWORK SERVICES LLC	1
GULF COAST AUTO BRIGHT	1
OLE BAY MANAGEMENT INC	1
ELLER & SONS	1
BURCH LANDSCAPING	1
COX AUTO TRADER INC	1
GROOVY FREEZE	1
AEL FINANCIAL LLC	1
OUTER SPACE LANDSCAPING	1
APPLIED TECHNOLOGY GROUP	1
IMAGINE NATION BOOKS LTD	1
PHILLIPS MEDICAL SYSTEMS NC	1
NIXON POWER SERVICES CO	1
ADVANCED MECHANICAL SERV	1
TAYLOR SALES & SERVICE INC	1
ALACAD	1
SAMMONS PRESTON ROLYAN	1
QUALITY CONCRETE	1
SIGNTEK	1
WINDOW FAIR	1
PREMIER GRAPHICS INC	1
OLP OF MOBILE	1
EQUALLOGIC INC	1
CORT BUSINESS SERVICES CO	1
AUSTRALIAN GOLD INC	1
CAPITOL BUILDING PRODUCTS	1
A&D WIGSTROM PLUMBING REI	1
ADVANCED FIXTURES INC	1
DELL EQUIPMENT HOLDINGS LF	1
TRACFONE WIRELESS	1
DEEN'S LAMP & SHADES	1
<b>TOTAL NEW BUSINESSES- NOT IN CITY</b>	<b>52</b>

OUT OF CITY	
FOLEY PRODUCTS COMPANY	1
J B'S SERVICE	1
ROMA FOOD ENTERPRISES INC.	1
CARMEN GARRETT & ASSOCIATES INC	1
UTILITY POWER INC	1
US LEC OF ALABAMA INC.	1
VALLEY FIR & REDWOOD CO INC	1
LIGHT BULB DEPOT 6 LLC	1
EQUALLOGIC INC	1
POLYCOM	1
SOUTHERN LASER INC	1
JOSE DAVID TRUCKING	1
EASTERN SHORE CRANE	1
ROLLING FRITO-LAY SALES LP	1
INTEGRITY PEST CONTROL	1
IMMEDIA INC	1
RABCO CORPORATION THE	1
CHISWICK INC	1
PREMIER GRAPHICSINC	1
SMITH & NEPHEW INC	1

CONTRACTORS	
H BEALLE DAWSON DESIGN & C	1
WIRING MASTERS	1
URBAN ENVIRONMENTAL REST	1
CARPENTER PLUMBING	1
JEFFREY, TIMMY	1
GURLEY ELECTRIC INC	1
R & B CONTRACTING COMPANY	1
AIRCOND CORPORATION	1
LEWIS BRANDON	1
T & J ELECTRIC	1
B & L SITE WORK LLC	1
SEIFERT CONSTRUCTION LLC	1
UNDERWOOD CONSTRUCTION	1
HEAVEN SENT TREE SERVICE 8	1
POPPA'S LAWN CARE	1
MIKE KERR CONSTRUCTION LL	1
PERFORMANCE HARD SURFAC	1
FOUNTAIN PERRY	1
GULF COAST CONSULTING LLC	1

CONTRACTORS-CONT.	
BURT PLUMBING COMPANY	1

New Businesses  
New Business' April/May 2006

MOONLIGHT CONSTRUCTION	1
SULLIVAN'S INSULATION	1
BOB SMITH CONSTRUCTION COMPANY	1
BPM CONSTRUCTION INC	1
HARRISON CUSTOM HOMES LLC	1
DEE GRIFFING PAINTING & CONSTRUCTION	1
AARON'S FIREPLACES & INSULATION	1
ANDY'S CONCRETE	1
BOZEMAN CONTRACTING INC	1
SIMS CONSTRUCTION LLC	1
ANDI'S ISLAND RENOVATIONS LLC	1
GULF COAST POOLS	1
LAWNMASTERS	1
B&B DEBRIS REMOVAL LLC	1
CERTIFIED COLD TREATMENT	1
ABRACADABRA TREE SERVICE	1
ALPHAZE CONSTRUCTION	1
TRUSTMARK SOUTH OF ALABAMA	1
PLUMB-PRO INC	1
<b>TOTAL NEW CONTRACTORS</b>	<b>40</b>

<b>INSURANCE COMPANIES</b>	
JEFFERSON NATIONAL LIFE INS	1
JEFFERSON PILOT LIFE INSURA	1
<b>TOTAL INSURANCE COMPANIES</b>	<b>2</b>

<b>TOTAL NEW BUSINESSES</b>	<b>124</b>
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**From:** Sandra Morse [scmorse@bellsouth.net]

**Sent:** Tuesday, June 06, 2006 12:00 PM

**To:** becjer@bellsouth.net

**Subject:** B&P June 2006 My computer is crazy this is the only way I could send it..

## **Buildings and Property Committee Minutes**

**Friday, June 2, 2006**

**10:00 a.m.**

**City of Daphne**

**Council Chambers**

Committee

Councilman John Lake, Chairman-Absent

Mayor Fred Small-Absent

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Ken Eslava, Public Works, Director

Richard Merchant, Buildings Inspector

Ragan Lambert, Building Department

Ashley Campbell, Erosion Control-Absent

Also attending: Mr. Jeff Hudson, Architect, Mr. Glenn Swaney,

and Mr. John Warner, Johnson Controls

### **Minutes**

#### **City Hall Project- Mr. Jeff Hudson- Project Update**

The meeting opened at 10:09 a.m. with Mr. Jeff Hudson presenting a new City Hall project update. Mr. Hudson stated that he met with a citizens committee to discuss the project for possible changes. He assured the committee that his firm is moving toward completion of the plans. Mr. Hudson stated that minor design changes have been made to better utilize the space and that the project should be out to bid early fall and under construction before Thanksgiving.

Mr. Hudson stated that he would like to hire a project estimator for the project and has contacted a company from Tallahassee, Florida who is working on a proposal. The cost estimator will better ensure that the project remains on budget as materials and labor are continuing to rise. Councilman Palumbo requested that Mr. Hudson attend the next Council work session to bring the Council up to date on his progress if it is approved by the Council President.

## **Civic Center Complex – Lighting, parking lot resurfacing, catch basin painting,**

Mr. Ken Eslava, Public Works Director stated that it appeared that much of the lighting problems in the Civic Center Complex parking lot was due to the blocking of light by trees. Mr. Eslava stated that some of the trees have been extracted which has helped the situation. Mr. Eslava stated that the existing maximum bulb wattage in the parking lot is 400 watts and that he had tested a 1,000 watt bulb for comparison. To test the 1,000 watt bulb Mr. Eslava had to change the ballast and if all the ballasts have to be changed the process would be costly. Foot candle readings were not taken.

Mr. Glenn Swaney discussed the newly painted catch basins near the library and said that the reflective paint is helping. Mr. Eslava stated that all precautions have been taken to ensure visitors safety.

Mr. Eslava stated that the leg work has been completed for the Civic Center Complex parking lot resurfacing. Bids were received ranging from \$20,000-\$30,000. Mr. Eslava stated that it is a good idea to lock in prices now as all services are increasing in price. The longer the projects takes to complete the more costly it may become and more damage can occur to the parking lot during the wait. Mr. Eslava stated that the bids that were taken were based on current damage.

## **Well Road**

Mr. Eslava discussed the need to purchase property on Well Road. After the master plan has been realized for the Public Works department there will be no more property for expansion. The owner of the property on Well Road which is adjacent to the Public Works Department approached the City with an offer to sell said property. The first step in considering the purchase of this property is to have an appraisal done said Mr. Eslava. Mayor Small stated in a memo that there is currently money in the budget for this item and just wanted the make the committee aware of the project. **(See Attached)**

Councilman Palumbo read a letter from Mr. Gregory B. Breedlove requesting that the Committee keep him advised as to updates concerning the location of a possible marina in Daphne. **(See Attached)**

Mr. John B Warner of Johnson Controls presented a Preliminary Opportunity Report after an inspection of the Recreation Department and the Civic Center. Mr. Warner stated that his company found that there are new lighting equipment that can better conserve energy and

better ways to heat and cool the facilities. These changes could be made which could save the City money in energy costs. Mr. Warner stated that his company would like to perform a complete study on all city buildings. Councilman Palumbo requested Mr. Warner to come back to the next Buildings and Property Committee Meeting in July with additional information. **(See Attached)**

Meeting adjourned at 11:25 a.m.

Sandra Morse

# **Ordinance Committee**

*Tuesday June 6, 2006  
City Hall Council Chambers  
5:30 p.m.*

*Councilwoman Regina Landry, Chairperson  
Councilman Greg Burnam  
Councilman Gus Palumbo*

*City Attorney Jay Ross  
Attorney Tim Fleming  
Code Enforcement Officer Ed Kirby*

## **I. CALL TO ORDER/MEMBERS PRESENT**

Mrs. Landry called the meeting to order at 6:07 p.m.

MEMBERS PRESENT: Regina Landry, Greg Burnam, Gus Palumbo.

Also Present: Rebecca Hayes, Richard Merchant

## **II. PUBLIC PARTICIPATION**

No one spoke.

## **III. APPROVAL OF MINUTES**

No minutes to approve.

## **IV. ORDINANCE REVIEW/DISCUSSION**

- a.) Amend Ordinance 2004-10 High Rise fee proposal from Building Inspection Dpt.

Mr. Merchant discussed the changes he wanted to make so that the fees would be more equitable for everyone.

The Committee discussed the Ordinance and recommended some changes for Mr. Merchant to make and to then bring it back to the Committee for further review.

- b.) Repealing Ordinance 1997-03 & 2004-04 and Re-establishing Wrecker and Towing Service Licensing and Regulation

This Ordinance was discussed during the Public Safety Committee meeting, and is not ready for the Ordinance Committee to review.

- c.) Prohibiting Motor Vehicles Avoiding Traffic control Devices or Stop Signs within the City of Daphne.

This Ordinance was also discussed during the Public Safety Committee meeting, and is not ready for the Ordinance Committee to review. They did, however, request the Attorney, Tim Fleming, to research whether if State Law requires jail time for these offenses. The committee does not feel jail time is warranted for this offense.

**V. OTHER BUSINESS**

There was no other business to discuss.

**VI. ADJOURN**

The meeting adjourned at 6:35 p.m.

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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**DOWNTOWN REDEVELOPMENT AUTHORITY**  
**DAPHNE, AL**  
**1705 MAIN STREET**  
**June 7, 2006**  
**5:30 P.M.**

**1. CALL TO ORDER/ROLLCALL**

Starke Irvine called the meeting to order with a quorum present at 5:34 p.m.

Present: Starke Irvine; Glenn Glass; Ceann Wachter; Chris Donald; Jackie Ward; Kit Smith.

Board Members Present: Mayor Small

Board Members Absent: Cathy Barnette; Andy Citrin

Also present: Rebecca Hayes, Recording Secretary; Maria Bueche.

Starke called the meeting to order at 5:35 p.m.

The Authority discussed their presentation for funding that they will make to the Finance Committee on Monday, June 12. Glenn Glass and Chris Donald will present the request for funding.

The Authority also discussed meeting with the new Post Mistress to discuss the re-routing of Post Office traffic. Mayor Small said that he will have his assistant to call and make an appointment.

Discussion was held regarding the establishing of an architectural committee to review building plans for the Olde Towne District in order to keep with the vision for this district. Mayor Small asked Rebecca to check with the City Attorney to get an opinion as to the legality of this type of committee.

The meeting adjourned at 6:45 p.m.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF FEBRUARY 23, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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CALL TO ORDER:

The Chairman stated 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  
Jeff Carrico, Chairman  
Larry Chason, Secretary  
Warren West, Vice Chairman  
DeLeon Thomas  
Cathy Barnette, Councilwoman  
Ed Kirby  
Carter Eide

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney  
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect all members are present and the Commission has one position vacant. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the January 26, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting. The Motion carried unanimously.**

NEW BUSINESS:

The Chairman stated the next order of business is administrative presentation review for Eastern Shore Park Landscape Plan.

An introductory presentation was given by Ms. Camilla Latidy, representing Kent Broom Landscape Architects, of a proposed landscape plan for Interstate 10 North of Eastern Shore Park Subdivision. A slide show presentation was given of the three options proposed by Mr. Broom. The first option is to leave the project as is and maintain the grass every two weeks to present to the public a clean, healthy and easy to maintain right-of-way.

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

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Ms. Latidy stated the second option is to install the plantings as per the presented plan to the ALDOT and maintain the grass every two weeks. Work the planting beds approximately every other month, weeding, mulching, trimming, fertilizing, etc. The new plantings will also require an irrigation system. This will add to the maintenance program. The third option is to install the proposed landscape plan and add additional planting to the East end of the off ramp. This option consists of a hybrid plan.

An introductory presentation was given by Mr. Frank Johnston, representing Malbis Properties, L.L.C. He stated this is for our portion of the subdivision, eighty acres. There are two other parcels remaining.

Mr. Johnston stated this is not the final drawing. The Alabama Department of Transportation, the Honda Dealership, and the Toyota Dealership must approve the landscape plan. The five-foot buffer strip on the Honda and Toyota lots should be their responsibility since it is on their property.

Mr. Kirby stated the five-foot buffer is on their property and the maintenance will be their responsibility.

Mr. Johnston stated this plan was presented by Mr. Broom for review by the Planning Commission.

Ms. Dickson stated Mayor Small requested that the Commission approve one of the options.

The Chairman stated I would like to request that we ask Kent Broom to be involved in deciding which option is best and we would respect what his recommendation will be.

***A Motion was made by Mr. Chason and Seconded by Ms. Barnette to approve option three, the installation of the plantings presented to the Alabama Department of Transportation and maintain the grass every two (2) weeks; to work the planting beds approximately every other month, weeding, mulching, trimming, fertilizing, etc.; the new plantings will require an irrigation system; this will add to the maintenance program; with additional landscaping to be designed by Kent Broom, Landscape Architect. The Motion carried unanimously.***

The Chairman stated the next order of business is site plan review for Starbucks Coffee.

**SITE PLAN REVIEW:**

**File S06-02:**

**Site:** Starbucks Coffee

**Location:** On U. S. Highway 98 South of Chick-fil-a in the Target Shopping Center Development

**Area:** 0.85 Acres ±

**Agent:** Starbucks Coffee

**Owner:** Baker Properties - Bubba Baker

**Engineer:** Cowles, Murphy, Glover & Associates - Gary Cowles

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An introductory presentation was given by Mr. Baker, representing Baker Properties, and Gary Cowles, representing Cowles, Murphy, Glover & Associates, requesting site plan review for a retail sales facility located on U. S. Highway 98 South of Chick-fil-a in the Target Shopping Center. Based on the discussion that we had in site preview regarding the access onto U. S. Highway 98, we have a verbal approval from the Department of Transportation for the access on the South entrance of Starbucks. Also, Mr. West we did locate it in such a manner to miss the Oak Tree. I will be glad to answer any questions you may have.

The Chairman stated do any of the Commissioners have any further questions or comments. He questioned whether or not Mr. Kirby had reviewed and approved the signage for the site.

Mr. Kirby stated they have submitted the sign details. I have reviewed them and they are ok. I received a copy of a sign detail for a pylon sign for the site that was not submitted previously. A pylon sign for this sign is acceptable as long as they do not exceed twenty-one feet in height.

The Chairman stated 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. Burnette **to grant Site Plan approval to the Starbucks Coffee. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for Daphne Utilities Ground Storage Facility for Potable Water.

**File S06-03:**

**Site:** Daphne Utilities Ground Storage Facility for Potable Water

Location: On County Road 13  
Area: 3.54 Acres ±  
Agent: Utilities Board of the City of Daphne  
Owner: Malbis Properties - Bill Scourtes  
Engineer: Volkert & Associates, Inc. - Melinda Immel

An introductory presentation was given by Melinda Immel, representing Volkert & Associates, requesting site plan review for the development of a ground storage facility on the East side of County Road 13 behind Daphne High School. The contractor will be responsible for the ADEM permit and the CBMPP Plan prior to commencement of the site work. As per your request at the site review, the detention and drainage calculations have been revised.

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

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A Motion was made by Ms. Barnette and **Seconded** by Mr. Kirby to **grant Site Plan approval to the Daphne Utilities Ground Storage Facility for Potable Water. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Parker Estates Subdivision.

**FINAL PLAT REVIEW:**

**File SDF05-16:**

**Subdivision: Parker Estates**

Location: On the Southwest corner of Park Drive and Tallent Lane  
Area: 2.49 Acres  $\pm$ , (7) lots  
Owner: Alpha Homes - Aaron Hanberg  
Engineer: Moore Engineering - Seth Moore

An introductory presentation was given by Mr. Moore, representing Moore Engineering, requesting final plat review of a two and one-half acre subdivision consisting of seven lots located on the Southwest corner of Park Drive and Tallent Lane. The subdivision is complete and the owner is requesting final plat approval. I will be happy to answer any questions you may have.

Ms. Barnette questioned whether or not the drainage had been designed adequately for this subdivision. I assume it may be too late to ask this question since it is complete.

Mr. Moore stated he had provided the drainage and erosion control plan as requested by Ms. Barnette. Also, a note has been placed on the plat to restrict Lot 2 access to Tallent Lane only.

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

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby to **grant Final Plat approval to Parker Estates. The Motion carried unanimously.**

The Chairman stated the next order of business is final plat review for Sunset Bay Villas, Phase 10.

**File SDF06-03:**

**Subdivision: Sunset Bay Villas, Phase 10**

Location: South of Lake Forest Yacht Club and West of East Bay Apartments  
Area: 0.96 Acres  $\pm$ , (12) lots  
Owner: Sunset Bay Villas, L.L.C. - Henry Bostwick  
Engineer: Hutchinson, Moore & Rauch - Ray Moore

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An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting final plat review of a 0.96 acre subdivision consisting of twelve lots located South of Lake Forest Yacht Club and West of East Bay Apartments. The subdivision is complete and the owner is requesting final plat approval. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any 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 grant Final Plat approval to Sunset Bay Villas, Phase 10. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for T & C Subdivision.

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF06-01:**

**Subdivision: T & C Subdivision**

**Location: Old County Road**  
**Area: 0.97 Acres ±, (2) lots**  
**Owner: NOA, II, L.L.C. - Thomas Alonzo**  
**Future Ventures, L.L.C. -Cheryl Dutton**  
**Surveyor: Bay Area Surveying - Jerry Perez**

An introductory presentation was given by Mr. Herbert, representing Herbert & Harrell, L.L.C., and John Peterson, representing Hatch Mott MacDonald, requesting preliminary/final plat review of a 0.97 acre subdivision consisting of two lots located on Old County Road. He commented on his request to ask for an exemption as outlined in Section 9-6 and 11-5 of the Land Use and Development Ordinance.

Mayor Small requested that the City Attorney comment on his recommendation.

The Chairman stated we have received and reviewed a recommendation from the City Attorney which states we should send the subdivision to Board of Zoning Adjustment for review. He stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to send the Preliminary/Final Plat for T & C Subdivision to the Board of Zoning Adjustment with a recommendation from the Planning Commission.**

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

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The adjacent property owners, addressed the Commission to express their concerns regarding the proposed development and how it would impact their property with regard to storm water drainage, development of the land, and the removal of the trees.

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

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

The Chairman requested Mr. Fleming, the Associated Attorney, commented on the proposal.

Mr. Fleming stated the owner of this property would have several options. He could pursue a writ of mandamus in order to build on the two lots submitted; appeal this decision to the Board of Zoning Adjustment; could build on the three lots as shown previously on the drawing displayed in the submittal of the application. I felt as if the Planning Commission was given by the language in Sections 11-5 and 11-6 of the Land Use and Development Ordinance the authority to approve the division of the lots. Although according to my research of the Code of Alabama, it states that only the Board of Zoning Adjustment has the authority to grant a variance to the ordinance.

Ms. Barnette stated she was not comfortable with Section 11-5 and granting an exception.

Mr. Eady stated you should deny the subdivision and let them decide whether or not they want to appeal to the Board of Adjustment.

The motion was withdrawn.

**A Motion was made by Ms. Barnette and Seconded by Mayor Small to deny the Preliminary/Final Plat for T & C Subdivision due to the fact that it does not meet the R-1, Low Density Single Family Residential, criteria. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Daphne Utilities Ground Storage Facility for Potable Water Subdivision.

**File SDPF06-02:**

**Subdivision: Daphne Utilities Ground Storage Facility for Potable Water**

Location: On County Road 13  
Area: 3.54 Acres ±  
Agent: Utilities Board of the City of Daphne  
Owner: Malbis Properties - Bill Scourtes  
Engineer: Volkert & Associates, Inc. - Melinda Immel

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

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An introductory presentation was given by Ms. Immel, representing Volkert & Associates, Inc., requesting preliminary/final plat review of a three and one-half acre subdivision consisting of one lot located on County Road 13. I will be happy to answer any questions you may have.

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

**A Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for Daphne Utilities Ground Storage Facility for Potable Water Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for TimberCreek Business Park, Unit Two.

**PRELIMINARY PLAT REVIEW:**

**File SDP06-03:**

**Subdivision:** TimberCreek Business Park, Unit Two

**Location:** On the West side of Mill Lane North and adjacent to TimberCreek Business Park, Unit One

**Area:** 4.32 Acres  $\pm$ , (7) lots

**Owner:** Ebrahim Maghsoud

**Engineer:** Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting preliminary plat review of a four-acre subdivision consisting of seven lots located on the West side of Mill Lane North and adjacent to TimberCreek Business Park, Unit One. This is the second phase of TimberCreek Business Park. I will be happy to answer any questions you may have.

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

**A Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to approve the preliminary plat for TimberCreek Business Park, Unit Two. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Via Dolorosa Subdivision.

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File SDP05-23:

Subdivision: Via Dolorosa

Location: Captain O'Neal near Potters Mill  
Area: 5.9 Acres ±, (7) lots  
Owner: Terry Stewart  
Agent: Single Malt, L.L.C. - Deven Moore  
Engineer: BES, Inc. - Walter Bolton

An introductory presentation was given by Mr. Moore, proposed owner and developer, requesting preliminary plat review of a six-acre subdivision consisting of seven lots located on Captain O'Neal Drive near Potter's Mill Drive. In the beginning the subdivision had some short comings and with some input we have addressed the following: widened the road to a fifty-foot easement and dedicated it for public use; lessened the number of lots in the subdivision; and addressed the problems with the storm water drainage such as agreeing to clean out the detention pond in the Potter's Mill Subdivision. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any 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 with regard to storm water drainage. Many members of the Potter's Mill Property Owners' Association commented on the fact that it was their understanding that the maintenance of the detention pond in Potter's Mill Subdivision was the responsibility of the City of Daphne. They also commented in response to the comment made by Mr. Moore. The Chairman of the Property Owners' Association stated that the association had not been approached by Mr. Moore to discuss this issue.

Mr. West stated he would like a resolution to the question as to who is responsible for the maintenance of this subdivision prior to approval.

The Chairman requested that Mr. Ross respond to this issue.

Mr. Ross, the City Attorney, stated I have researched the documents held by the City of Daphne and the insurance attorney for the City of Daphne and determined that the agreement to clean out the detention pond for the Potter's Mill Subdivision and constructing a berm downstream was a settlement for the prior lawsuit. This is no way meant that the City of Daphne would continue maintenance of the pond. This is an issue that has yet to be resolved by the city.

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

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

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A Motion was made by Mr. Kirby and **Seconded** by Mr. Eide *to approve the preliminary plat for Via Dolorosa Subdivision. The Motion carried. Mr. West opposed.*

The Chairman stated the next order of business is preliminary plat review for the French Settlement, Phase I.

**File SDP06-04:**

**Subdivision: French Settlement, Phase I**

Location: Northwest of the intersection of Whispering Pines Road and County Road 13  
Area: 58.77 Acres ±, (159) lots  
Owner: French Settlement, L.L.C. - Tim Hallman  
Engineer: Hutchinson, Moore & Rauch - Scott Hutchinson

An introductory presentation was given by Mr. Christopher Baker, representing Hutchinson, Moore & Rauch, requesting preliminary plat review of a fifty-eight acre subdivision consisting of one hundred and fifty-nine lots located Northwest of the intersection of Whispering Pines Road and County Road 13.

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

A Motion was made by Mayor Small and **Seconded** by Mr. Kirby *to approve the preliminary plat for French Settlement, Phase I. The Motion carried unanimously.*

The Chairman stated the next order of business is an administrative review for Black Angus Development.

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Shawn Drummond, representing Black Angus Development Company, L.L.C., requesting that the City of Daphne give an official name to a private road on Wilson Avenue.

The Chairman stated do any of the Commissioners or Mr. Eady have any 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. Barnette *to favorably recommend from the Planning Commission to the City Council giving the name Kensington Place to the private street off Wilson Avenue in the Black Angus Development. The Motion carried unanimously.*

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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The Chairman stated the next order of business is an administrative review for the Utilities Board of the City of Daphne.

An introductory presentation was given by Ms. Melinda Immel, representing Volkert & Associates, Inc., of a water main improvement project on U. S. Highway 90/ Malbis and Canterbury Subdivision areas and a sanitary sewer improvement project to serve the Dauphine Acres area.

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

**A Motion** was made by Mayor Small and **Seconded** by Mr. Kirby **to favorably recommend from the Planning Commission to the City Council approval of the water main improvement project on U. S. Highway 90/ Malbis and Canterbury Subdivision areas and a sanitary sewer improvement project to serve the Dauphine Acres area. The Motion carried. Mr. Chason abstained.**

**PLANNING COMMISSION DISCUSSION:**

**A Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to favorably recommend from the Planning Commission to the City Council the design and implementation of a Master Drainage Plan for the City. The Motion carried unanimously.**

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

**ATTORNEY'S REPORT:**

Mr. Ross stated it is the wish of the Sign Committee to send the revisions discussed back to the Planning Commission for review and a recommendation to the City Council.

**ADJOURNMENT:**

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

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

*There being no further business, the meeting was adjourned at 8:10 p.m.*

***Respectfully submitted by:***

---

Jan Dickson, Planning Coordinator

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF FEBRUARY 23, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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APPROVED: March 23, 2006

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Jeff Carrico, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF APRIL 27, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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SUMMARIZATION OF MINUTES:

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CALL TO ORDER:

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:02 p.m.

CALL OF ROLL:

**Members Present:**

Fred Small, Mayor  
Jeff Carrico, Chairman  
Larry Chason, Secretary  
Warren West, Vice Chairman  
DeLeon Thomas  
\*Cathy Barnette, Councilwoman  
Ed Kirby

\* Ms. Barnette arrived at 6:10 p.m.

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney  
Nancy Anderson, GIS Technician

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Eide resigned and the Commission has one other position vacant. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the March 30, 2006 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mayor Small **to approve the minutes of the regular meeting. The Motion carried. Mr. Kirby abstained due to his absence at the meeting.**

THE CITY OF DAPHNE  
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The Chairman stated the next order of business is site plan review for Starbucks Coffee.

Ms. Dickson stated Mr. Chairman we have another set of minutes for approval. The minutes from the April 7, 2006 special meeting.

The minutes of the April 7, 2006 special meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Kirby *to approve the minutes of the special meeting. The Motion carried unanimously.*

The Chairman stated the next order of business is site plan review for Starbucks Coffee.

NEW BUSINESS:

SITE PLAN REVIEW:

File S06-06:

**Site:** Starbucks Coffee

Location: Southeast of U.S. Highway 90 and 98, in Jubilee Square Shopping Center

Area: 0.25 Acres ±

Owner: The City of Daphne

Applicant: Starbucks Coffee

Agent: AIG Baker Daphne, L.L.C. - Andrew Lewis or Scott McGhee

Engineer: LAI Engineering - Bryan Lightweis or Bryan Russell

An introductory presentation was given by Mr. Bryan Russell, representing LAI Engineering, and Scott McGhee, representing AIG Baker Daphne, L.L.C., requesting site plan review for a retail sales facility located on U. S. Highway 90 West of O'Charley's Restaurant. I will be happy to answer any questions you may have.

The Commission discussed at the length the proposed development with regard to the following: the appearance of the dumpster facing U. S. Highway 90, additional traffic which will be generate at this intersection, the area for stacking for vehicles, parking, the location in which a vehicle would park for loading and unloading, the location of the drive-thru window, and the affect on O'Charley's Restaurant.

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Mr. Eady stated that he had spoken with a representative from O'Charley's. They are not opposed to the development of the site. The representative had stated that the pad was sold to them as the development site. The parking is owned by AIG Baker, L.L.C. which sold it to the City of Daphne. This portion of the parking lot is part of a land swap that was approved by the City of Daphne City Council for the purpose of this development.

Mr. Chason stated I do not think that the development of this site was explored adequately. I feel as if another location within the shopping center with an existing parcel or lot would be more suitable for the placement of Starbucks. He addressed his concerns with regards to traffic at this intersection.

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

A **Motion** was made by Mayor Small and **Seconded** by Mr. West **to approve the site plan for Starbucks, U. S. Highway 90.**

**Upon roll call vote, the Motion was denied.**

Mayor Small	Aye
Mr. West	Aye
Mr. Thomas	Aye
Mr. Carrico	Nay
Mr. Chason	Nay
Ms. Barnette	Nay
Mr. Kirby	Nay

Ms. Barnette stated for the record Mr. Chairman we need to say why it was denied.

Mr. Eady stated yes sir. You need to have a valid reason for denying it based on our ordinance.

Ms. Barnette, Mr. Chairman, my opinion.

Mr. Eady stated you cannot have an opinion, Ms. Barnette.

Ms. Barnette stated in fact, they have not effectively answered the questions to place this development on this property so I cannot approve the request. I feel as if they need to do a traffic study and consider an alternative site for the development of Starbucks.

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Mr. Ross stated Mr. Carrico, if you and Mr. Chason concur, the reasons for the denial needs to be part of the motion so you affirm what Ms. Barnette is saying.

Mr. Chason stated I concur with what she is saying and I do not believe they have adequately explored other possibilities. I believe they could accommodate this request more effectively in another location.

Mr. Carrico stated I agree with Ms. Barnette and Mr. Chason.

Mr. Ross stated Mr. Kirby, do you agree with the comments and that these are the reasons for denial.

Mr. McGhee asked Mr. Chairman when would be my time frame to come back with a traffic study and the proposed alternative location.

The Chairman stated the request could be accommodated at the next meeting contingent upon your submitting your request in a timely manner. He stated the next order of business is site plan review for Sam's Club.

**File S06-05:**

**Site:** Sam's Club

Location: Northwest of the intersection of I-10 and Alabama Highway 181, Lot 9 of Eastern Shore Park Subdivision

Area: 17.1 Acres ±

Agent: Sams Real Estate Business Trust

Owner: Malbis Properties, L.L.C.- Frank Johnston

Engineer: Kimberly-Horn and Associates, Inc. - Trey Southerland

An introductory presentation was given by Mr. Chris Nix, representing Kimberly-Horn and Associates, Inc., requesting site plan review for a retail sales facility located Northwest of the intersection of I-10 and Alabama Highway 181 on Lot 9 of Eastern Shore Park Subdivision. I will be happy to answer any questions you may have.

The Chairman stated to avoid any possible conflict because I am associated with the development of Sam's Club, I am going to abstain. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair would entertain a motion.

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A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the site plan for Sam's Club. The Motion carried. Mr. Carrico abstained.**

The Chairman stated the next order of business is site plan review for Hand Retail Building (Revision).

**File S06-03:**

**Site:** Hand Retail Building (Revision)

Location: U.S. Highway 98  
Area: 1.78 Acres ±  
Owner: Tom Hand  
Engineer: Frank Dagley & Associates - Frank Dagley or Patrick Tolbert

An introductory presentation was given by Mr. Tony Spencer, representing Frank Dagley & Associates, requesting site plan review for a warehouse/storage facility located on U. S. Highway 98. I will be happy to answer any questions you may have.

The Chairman stated the issues with the Utilities Board of the City of Daphne have been addressed and approved. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to approve the site plan for Hand Retail Building (Revision). The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for Southeastern Exterminating.

**File S06-04:**

**Site:** Southeastern Exterminating

Location: At the intersection of Stanton Road and Profit Drive  
Area: 0.71 Acres ±  
Owner: Mike Hollis  
Engineer: Frank Dagley & Associates - Frank Dagley or Tony Spencer

An introductory presentation was given by Mr. Tony Spencer, representing Frank Dagley & Associates, requesting site plan review for a business office facility located at the intersection of Stanton Road and Profit Drive. I will be happy to answer any questions you may have.

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Mr. Chason questioned whether or not any trees on the site could be preserved.

Mr. Spencer stated it may not be possible because of the configuration of the lot and the grading, but he would speak to the contractor to address his concerns about the trees.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mayor Small **to approve the site plan for Southeastern Exterminating. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Yacht Club Villas.

PRELIMINARY/FINAL PLAT REVIEW:

**File SDPF06-03:**

Subdivision:       **Yacht Club Villas**

Location:           On Yacht Club Road, West of U. S. Highway 98  
Area:                0.80 Acres  $\pm$ , (3) lots  
Owner:               James H. Cornell  
Engineer:            Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Moore, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat approval of a 0.80 acre subdivision consisting of three lots located on Yacht Club Road just West of U. S. Highway 98. He addressed the issue regarding the vacation of the private easement. We are going to, at the owner's expense to rework the three existing drainage structures and provide easements for them. There will be an easement provided to Sea Cliff North Condominiums for maintenance of the bluff. Sanitary sewer will be addressed by the installation of grinder pumps for a low pressure system. There will be three lots. Each drive way will be crushed stone with curbing to hold the stones in place. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

Mr. Bart Cowart, Maintenance Supervisor for Sea Cliff North Condominiums, addressed the Commission to express his concerns regarding the proposed development and how it would impact the adjacent property.

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

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The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation.

The Commission discussed at the length the proposed development with regard to the following: existing storm water drainage discharge, erosion of the bluff, the damaged inlet, plans for the connection of the proposed pipes and structured to the existing structures .

Mr. Moore proposed plans for the Sea Cliff North Property Owners' Association to enjoin with the owner of this property to connect the existing drainage pipes in order to control the amount of storm water drainage and erosion control on this site.

The Commission discussed at the length the proposed development and suggested the two parties discuss the issue and try to propose a resolution amongst themselves to resolve this issue.

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Preliminary/Final plat approval to Yacht Club Villas. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Pat Place Subdivision.

**File SDPF06-04:**

Subdivision:       **Pat Place**  
Location:           On the South side of Stanton Road, East of U. S. Highway 98  
Area:               4.63 Acres  $\pm$ , (2) lots  
Owner:              Bob Merritt  
Engineer:           Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation was given by Mr. Moore, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat approval of a 4.63 acre subdivision consisting of two lots located on the South side of Stanton Road, East of U. S. Highway 98. The owner wishes to subdivide the property in order to sell lot 2 which is located near the detention pond in the rear. The site will be accessed by an easement which is located along Stanton Road South. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation.

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Mr. Kirby questioned whether or not the plat should be approved as a preliminary/final since the owner has to construct a road and install utilities.

The Chairman questioned whether or not he wished for the plat to be denied or approved as a preliminary.

Mr. Eady stated he was not aware of the road to be constructed. He recommended that the plat be approved as a preliminary plat.

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

**A Motion was made by Mr. Chason and Seconded by Mr. Kirby to grant Preliminary approval to Pat Place Subdivision. The Motion carried unanimously.**

An introductory presentation was given by Mr. Battle, representing Rebol-Battle & Associates, requesting revised master plan review for the Reserve Subdivision.

The Chairman stated the next order of business is preliminary plat review for the Reserve Subdivision, Phase II.

PRELIMINARY PLAT REVIEW:

File SDP06-05:

**Subdivision: The Reserve, Phase II**

Location: On U. S. Highway 90 and Fish River East of Plantation Hills Subdivision

Area: 25 Acres ±, (34) lots

Owner: Daphne Investment Group, L.L.C.

Engineer: Rebol - Battle & Associates - Paul Battle

An introductory presentation was given by Mr. Battle, representing Rebol-Battle & Associates, requesting preliminary plat review of a twenty-five acre subdivision consisting of thirty-four lots located on U. S. Highway 90 and Fish River immediately East of Plantation Hill's Subdivision. I will be happy to answer any questions you may have.

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

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A Motion was made by Mr. West and **Seconded** by Mr. Kirby *to revised Master Plan to the Reserve Subdivision and Preliminary Plat approval to the Reserve Subdivision, Phase Two. The Motion carried unanimously.*

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

**ATTORNEY'S REPORT:**

Mr. Ross stated no report.

**ADJOURNMENT:**

The Chairman stated do any of the Commissioners or Mr. Eady have any further 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 7:20 p.m.*

***Respectfully submitted by:***

---

Jan Dickson, Planning Coordinator

**APPROVED:** May 25, 2006

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Jeff Carrico, Chairman

# **PLANNING COMMISSION REPORT**

## **SET PUBLIC HEARING FOR:**

**JULY 17, 2006**

- a.) Rezone: TimberCreek Land Co. / Property Located Northwest of Woodrow Lane and Interstate 10 / B-2, General Business District to R-4, High Density Single Family Residential District
- b.) Rezone: TimberCreek Land Co. / Property Located Northwest of Woodrow Lane and Interstate 10 / B-2, General Business District to R-3, High Density Single Family Residential District
- c.) Rezone: Country Club Development – Bellaton, Phase Two / Property Located on AL 181 Across from Austin Road / B-1, Professional Business District to R-4, High Density Single Family Residential District
- d.) Rezone: Country Club Development – Bellaton, Phase Three / Property Located on AL 181 Across from Austin Road / R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District
- e.) Rezone: Country Club Development – Bellaton, Phase Three / Property Located on AL 181 Across from Austin Road / R-3, High Density Single Family Residential District to B-1, Professional Business District
- f.) Amend: The Village Overlay Map

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: TimberCreek Land Company, Inc.  
Zoning Amendment  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The owner requested that the City of Daphne rezone the subject property from B-2, General Business, to R-4, High Density Single Family Residential, for the purpose of the construction of a residential subdivision.

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

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

Thank you,

WHE/jd

cc: file

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

Application Number: 206-03 Date Plat Submitted: 3/27/06

Date Presented: April 27, 2006  
May 25, 2006

Name of Owner: TimberCreek Land Co., Inc.

Address: 9811 Millwood Circle Daphne AL 36526 Telephone# (251) 621-1194  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Allen Cox

Address: Same Telephone# \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Proposed TimberCreek, Phase Eleven

Lot(s): \_\_\_\_\_ Unit \_\_\_\_\_

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

Meeting Dates:

Planning Commission: May 25, 2006

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

To develop more residential lots, compatible  
with adjacent lots.

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address SEE ATTACHED SHEET
b) Name of Subdivision PROPOSED TIMBERCREEK, PHASE ELEVEN
c) Lot numbers involved in change
d) Total acreage of change 21.50 ACRES
e) Recorded in Map Book 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-2
b) Reclassification desired R-4
c) Character of neighborhood HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL

3) Certifications:

- a) Owner's Name TIMBERCREEK LAND CO., INC.
b) Address 9811 MILLWOOD CIRCLE DAPHNE, AL. 36526
c) Telephone Number 251-621-1194
d) Date 03-27-2006

Handwritten signature of property owner
Signature of Property Owner

Signature of Property Owner



TIMBERCREEK LAND CO., INC.  
ZONING AMENDMENT (R-4)

LEGAL DESCRIPTION: EXHIBIT "A"

BEGINNING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE RUN N 74° 14' 07" W 280.14 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 626.44 FEET TO A POINT; THENCE RUN S 25° 57' 37" E 53.26 FEET TO A POINT; THENCE RUN S 64° 02' 23" W 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 145.00 FEET TO A POINT; THENCE RUN N 17° 39' 32" W 233.60 FEET TO A POINT; THENCE RUN N 46° 31' 55" W 208.58 FEET TO A POINT; THENCE RUN N 35° 51' 12" W 255.68 FEET TO A POINT; THENCE RUN N 00° 04' 44" W 155.00 FEET TO A POINT; THENCE RUN S 89° 09' 40" E AND ALONG THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, AND THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE POINT OF BEGINNING. CONTAINING 936,660 SQUARE FEET OR 21.5028 ACRES.



**TIMBERCREEK LAND CO., INC.  
ADJACENT PROPERTY OWNERS  
REQUESTING R-4 ZONING**

**TIMBERCREEK LAND CO, INC.  
9811 MILLWOOD CIRCLE  
DAPHNE, AL 36526**

**JOSEPH MOORE, ETUX  
258 MARCELLA AVENUE  
SPANISH FORT, AL 36527**

**KATHERINE M BETHEA  
30493 SPANISH LANE  
SPANISH FORT, AL 36527**

**KATHRYN A JONES  
262 MARCELLA AVENUE  
SPANISH FORT, AL 36527**

**DAVID STAPLETON BUILDERS, INC.  
P.O. BOX 1467  
DAPHNE, AL 36526**

**WILLIAM E MILLS ETAL  
P.O. BOX 72  
SPANISH FORT, AL 36527**

**McLAUGHLIN HOME BUILDERS CO, INC.  
P.O. BOX 7827  
SPANISH FORT, AL 36577**

**MAXINE EZELL  
266 MARCELLA AVENUE  
SPANISH FORT, AL 36527**

**STEVEN D BUTLER & G BUTLER  
30332 KNOLLWOOD  
SPANISH FORT, AL 36527**

**MATHEW P JAYJOHN ET  
30238 LOBLOLLY CIRCLE  
DAPHNE, AL 36526**

**ONEIDA TAYLOR  
134 WILSON DRIVE  
SPANISH FORT, AL 36527**

**JAMES RAY BUILDERS, INC.  
8307 SASSAFRAS COURT  
MOBILE, AL 36691**

**EARBY C MARKHAM  
131 WILSON DRIVE  
SPANISH FORT, AL 36527**

**FRANK E & PEGGY E BREWER  
102 TERRY STREET  
SPANISH FORT, AL 36527**

**WES, JR. & MARGARET S MORRIS  
256 MARCELLA AVENUE  
SPANISH FORT, AL 36527**

**DAVID R & VELMA L HODGEN  
260 MARCELLA AVENUE  
SPANISH FORT, AL 36527**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and  
Interstate 10 (21.50 Acres)  
Timber Creek Land Company Inc.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

Legal Description:

BEGINNING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE RUN N 74° 14' 07" W 280.14 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 626.44 FEET TO A POINT; THENCE RUN S 25° 57' 37" E 53.26 FEET TO A POINT; THENCE RUN S 64° 02' 23" W 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 145.00 FEET TO A POINT; THENCE RUN N 17° 39' 32" W 233.60 FEET TO A POINT; THENCE RUN N 46° 31' 55" W 208.58 FEET TO A POINT; THENCE RUN N 35° 51' 12" W 255.68 FEET TO A POINT; THENCE RUN N 00° 04' 44" W 155.00 FEET TO A POINT; THENCE RUN S 89° 09' 40" E AND ALONG THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, AND THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE POINT OF BEGINNING. CONTAINING 936,660 SQUARE FEET OR 21.5028 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

\_\_\_\_\_  
**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 for the First Time on Wednesday, June 21, 2006

**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 17, 2006 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-2 General Business 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. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and Interstate 10 (21.50 Acres)  
Timber Creek Land Company Inc.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

Legal Description:

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44" W 155.00 FEET TO A POINT; THENCE RUN S 89° 09' 40' E AND ALONG THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, AND THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE POINT OF BEGINNING. CONTAINING 936,660 SQUARE FEET OR 21.5028 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

\_\_\_\_\_  
**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 for the Second Time on Wednesday, June 28, 2006.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 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-2, General Business 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. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and Interstate 10 (21.50 Acres)  
Timber Creek Land Company Inc.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

BEGINNING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE RUN N 74° 14' 07" W 280.14 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 626.44 FEET TO A POINT; THENCE RUN S 25° 57' 37" E 53.26 FEET TO A POINT; THENCE RUN S 64° 02' 23" W 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 145.00 FEET TO A POINT; THENCE RUN N 17° 39' 32" W 233.60 FEET TO A POINT; THENCE RUN N 46° 31' 55" W 208.58 FEET TO A POINT; THENCE RUN N 35° 51' 12" W 255.68 FEET TO A POINT; THENCE RUN N 00° 04' 44" W 155.00 FEET TO A POINT; THENCE RUN S 89° 09' 40" E AND ALONG THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, AND THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184

OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE POINT OF BEGINNING. CONTAINING 936,660 SQUARE FEET OR 21.5028 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: TimberCreek Land Company, Inc.  
Zoning Amendment  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The owner requested that the City of Daphne rezone the subject property from B-2, General Business, to R-3, High Density Single Family Residential, for the purpose of the construction of a residential subdivision.

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

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

Thank you,

WHE/jd

cc: file

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

Application Number: 206-04 Date Plat Submitted: 3/27/06

Date Presented: April 27, 2006  
May 25, 2006

Name of Owner: TimberCreek Land Co., Inc.

Address: 9811 Millwood Circle Daphne AL 36526 Telephone# (251) 621-1194  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Allen Cox

Address: Same Telephone# \_\_\_\_\_  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Proposed TimberCreek, Phase Eleven

Lot(s): \_\_\_\_\_ Unit \_\_\_\_\_

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

Meeting Dates:

Planning Commission: May 25, 2006

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

To develop more residential lots, compatible  
with adjacent lots.

*D. Joel Coleman*  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

**APPLICATION FOR ZONING AMENDMENT**

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

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

1) Description of property for which amendment is requested:

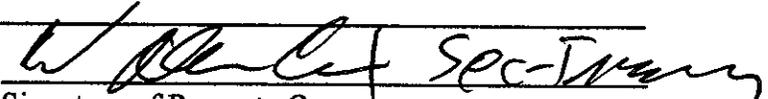
- a) Address SEE ATTACHED SHEET
- b) Name of Subdivision PROPOSED TIMBERCREEK, PHASE ELEVEN
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change 10.23 ACRES \_\_\_\_\_
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? \_\_\_\_\_
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property B-2
- b) Reclassification desired R-3
- c) Character of neighborhood HIGH DENSITY SINGLE FAMILY RESIDENTIAL

3) Certifications:

- a) Owner's Name TIMBERCREEK LAND CO., INC.
- b) Address 9811 MILLWOOD CIRCLE DAPHNE, AL 36532
- c) Telephone Number 251-621-1194
- d) Date 03-27-2006

  
Signature of Property Owner

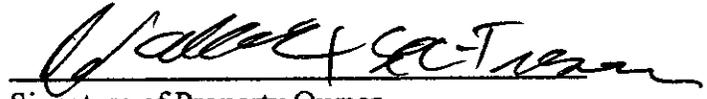
\_\_\_\_\_  
Signature of Property Owner

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.

03-27-2006  
Date

  
Signature of Property Owner

TIMBERCREEK LAND CO., INC.  
ZONING AMENDMENT (R-3)  
EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 15° 43' 34" W 250.00 FEET, S 74° 16' 26" E 41.00 FEET, S 15° 43' 34" W 222.16 FEET TO A POINT; THENCE RUN N 73° 26' 32" W 291.59 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 469.59 FEET TO A POINT; THENCE RUN N 67° 48' 44" W 153.56 FEET TO A POINT; THENCE RUN N 51° 45' 34" W 96.12 FEET TO A POINT; THENCE RUN N 00° 43' 02" W 195.86 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 8.63 FEET TO A POINT; THENCE RUN N 64° 02' 23" E 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 53.26 FEET TO A POINT; THENCE RUN S 89° 09' 40" E 626.44 FEET TO A POINT; THENCE RUN S 74° 14' 07" E 280.14 FEET TO THE POINT OF BEGINNING. CONTAINING 445,931 SQUARE FEET OR 10.2372 ACRES.



**TIMBERCREEK LAND CO., INC.  
ADJACENT PROPERTY OWNERS  
REQUESTING R-3 ZONING**

**TIMBERCREEK LAND CO, INC.  
9811 MILLWOOD CIRCLE  
DAPHNE, AL 36526**

**KATHERINE M BETHEA  
30493 SPANISH LANE  
SPANISH FORT, AL 36527**

**ROBERT L. JOHNSON ETUX  
1960 STORY ROAD  
SAN JOSE, CA 95122**

**DAVID STAPLETON BUILDERS, INC.  
P.O. BOX 1467  
DAPHNE, AL 36526**

**McLAUGHLIN HOME BUILDERS CO, INC.  
P.O. BOX 7827  
SPANISH FORT, AL 36577**

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and  
Interstate 10 (10.23 Acres)  
Timber Creek Land Company Inc.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-3, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

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**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day<sup>s</sup> of \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**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 for the First Time on Wednesday, June 21, 2006

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 17, 2006 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-2 General Business District to R-3 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. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and Interstate 10 (10.23 Acres)  
Timber Creek Land Company Inc.**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-3, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 15° 43' 34" W 250.00 FEET, S 74° 16' 26" E 41.00 FEET, S 15° 43' 34" W 222.16 FEET TO A POINT; THENCE RUN N 73° 26' 32" W 291.59 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 469.59 FEET TO A POINT; THENCE RUN N 67° 48' 44" W 153.56 FEET TO A POINT; THENCE RUN N 51° 45' 34" W 96.12 FEET TO A POINT; THENCE RUN N 00° 43' 02" W 195.86 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 8.63 FEET TO A POINT; THENCE RUN N 64° 02' 23" E 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 53.26 FEET TO A POINT; THENCE RUN S 89° 09' 40" E 626.44 FEET TO A POINT; THENCE RUN S 74° 14' 07" E 280.14 FEET TO THE POINT OF BEGINNING. CONTAINING 445,931 SQUARE FEET OR 10.2372 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

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

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

\_\_\_\_\_  
**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 for the Second Time on Wednesday, June 28, 2006.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 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-2, General Business 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. 2006 -**

**Ordinance to Rezone Property Located Northwest of Woodrow Lane and Interstate 10 (21.50 Acres)  
Timber Creek Land Company Inc.**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4, High Density Single Family Residential District, said property is located northwest of Woodrow Lane and Interstate 10 in Daphne, Alabama, being more particularly described as follows:

**Legal Description:**

BEGINNING AT THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D, OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST BOUNDARY OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT), RUN AS FOLLOWS: S 20° 51' 15" W 296.10 FEET, S 26° 13' 34" W 60.00 FEET, S 63° 46' 26" E 20.33 FEET, S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE RUN N 74° 14' 07" W 280.14 FEET TO A POINT; THENCE RUN N 89° 09' 40" W 626.44 FEET TO A POINT; THENCE RUN S 25° 57' 37" E 53.26 FEET TO A POINT; THENCE RUN S 64° 02' 23" W 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 145.00 FEET TO A POINT; THENCE RUN N 17° 39' 32" W 233.60 FEET TO A POINT; THENCE RUN N 46° 31' 55" W 208.58 FEET TO A POINT; THENCE RUN N 35° 51' 12" W 255.68 FEET TO A POINT; THENCE RUN N 00° 04' 44" W 155.00 FEET TO A POINT; THENCE RUN S 89° 09' 40" E AND ALONG THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, AND THE SOUTH BOUNDARY OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184

FEET TO A POINT; THENCE RUN N 89° 09' 40" W 469.59 FEET TO A POINT;  
THENCE RUN N 67° 48' 44" W 153.56 FEET TO A POINT; THENCE RUN N 51° 45'  
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POINT; THENCE RUN S 74° 14' 07" E 280.14 FEET TO THE POINT OF BEGINNING.  
CONTAINING 445,931 SQUARE FEET OR 10.2372 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006  
has considered said request and set forth affirmative recommendation to the City Council  
of the City of Daphne that said property be rezoned; and,

/End Synopsis

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Country Club Development,  
L.L.C.  
Zoning Amendment  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The owner requested that the City of Daphne rezone the subject property from B-1, Local Business, to R-4, High Density Single Family Residential.

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

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

Thank you,

WHE/jd

cc: file



**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 \_\_\_\_\_  
\_\_\_\_\_
- b) Name of Subdivision Bellaton, Phase Two
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change 1.06 AC
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property B-1
- b) Reclassification desired R-4
- c) Character of neighborhood R-3, R-4 & B-1

3) Certifications:

- a) Owner's Name Country Club Development, LLC
- b) Address 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532
- c) Telephone Number 928-0700
- d) Date May 1, 2006

\_\_\_\_\_  
Signature of Property Owner

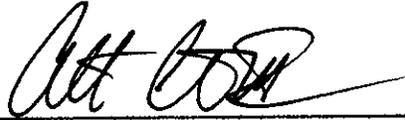
  
\_\_\_\_\_  
Signature of Property Owner

**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.

May 1, 2006  
Date

  
Signature of Property Owner

**COUNTRY CLUB DEVELOPMENT, L.L.C.  
REZONING TO R-4 SINGLE FAMILY  
(1.06 AC TRACT)  
EXHIBIT "A"**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET; THENCE RUN SOUTH 61 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 104.94 FEET FOR A POINT OF BEGINNING: THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 138.50 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 140.00 FEET; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 217.93 FEET; THENCE RUN SOUTH 05 DEGREES 39 MINUTES 45 SECONDS WEST, A DISTANCE OF 120.46 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 164.01 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13 SECONDS EAST, A DISTANCE OF 91.42 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 190.00 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 14.15 FEET; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 6.23 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 1.06 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**BELLATON, PHASE TWO**



DATE 5/1/2006

ENGINEERING DEVELOPMENT SERVICES, L.L.C.

# COUNTRY CLUB DEVELOPMENT, L.L.C. REZONING SKETCH EXHIBIT "B"

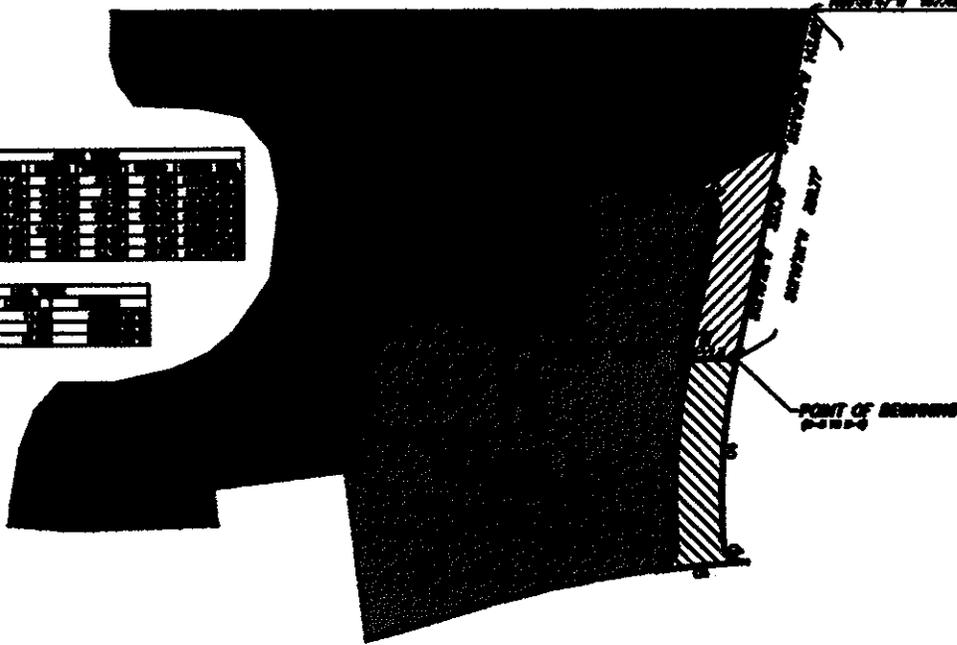
## BELLATON A PLANNED UNIT DEVELOPMENT



22 23  
27 26

POINT OF COMMENCEMENT

SERVITY TRAIL



ZONED R-3



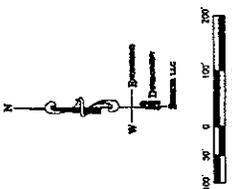
AUSTIN RD



ALABAMA HWY 181

- ZONE B-1
- ZONE R-4
- ZONE R-3
- PROPOSED B-1 TO R-4 (1.06 AC)
- PROPOSED R-3 TO R-4 (0.27 AC)
- PROPOSED R-3 TO B-1 (0.26 AC)

COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT EXHIBIT "B"



UNZONED  
2 AC +  
1188 LOT COATS  
FARMERS, N. 35513

UNZONED  
20 AC +  
1078 LOT COATS  
FARMERS, N. 35513

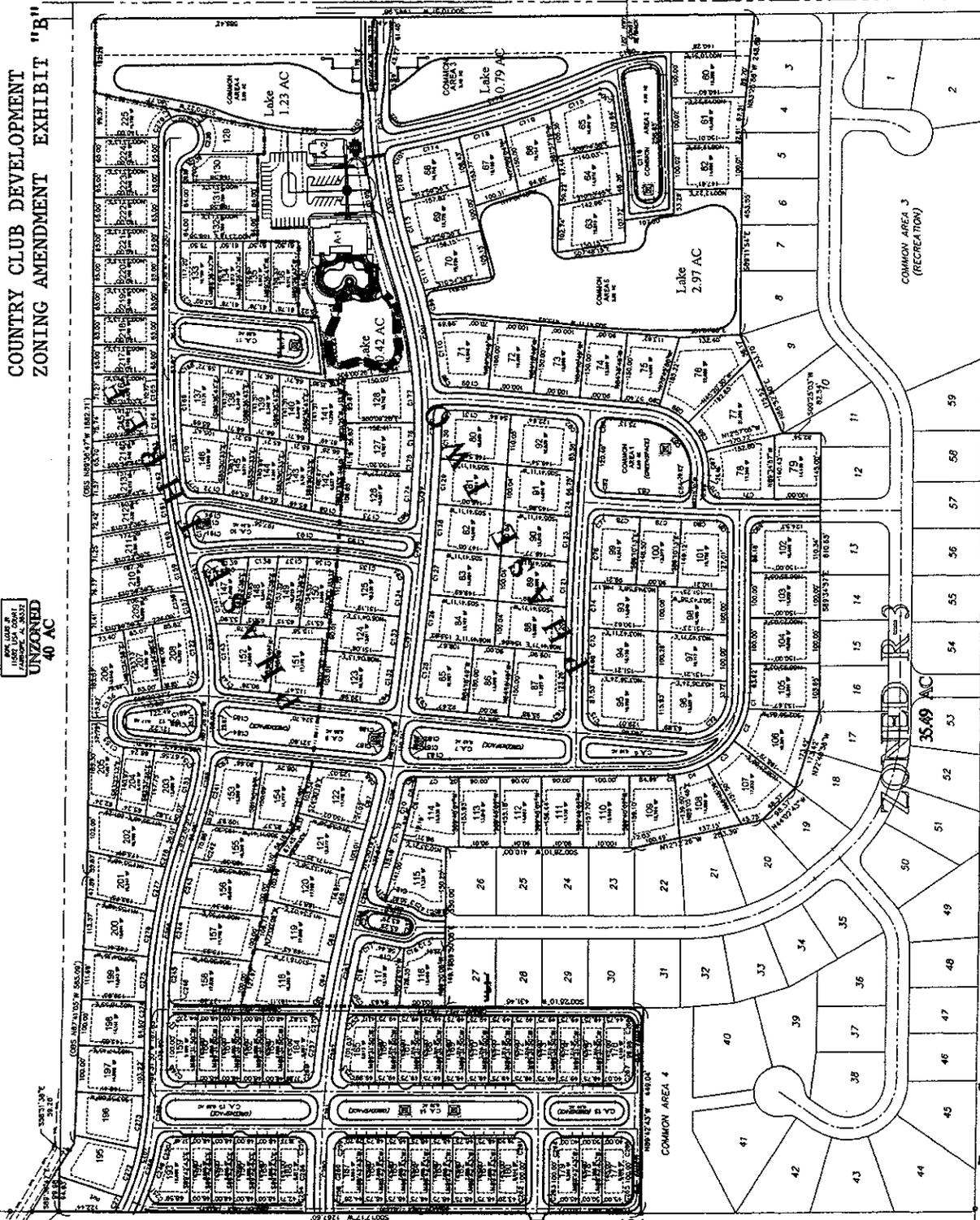
SITE SUMMARY  
PHASE TWO & THREE  
TOTAL AREA 81.64 AC  
TOTAL LOTS 166 (2 Units/Acre)  
STREET LENGTH 18,843 L.F.

OPENSOURCE SUMMARY  
PARKS 4.96 AC (6% of Total)  
LAKES 5.41 AC (7% of Total)  
MISC./BUFFER 4.22 AC (5% of Total)  
TOTAL OPENSOURCE 14.59 AC (18% of Total)

# BELLATON

A PLANNED UNIT DEVELOPMENT  
**MASTER PLAN**

UNZONED  
40 AC  
1188 LOT COATS  
FARMERS, N. 35513



UNZONED  
153 AC  
1188 LOT COATS  
FARMERS, N. 35513

ENGINEERING DEVELOPMENT SERVICES, L.L.C.  
1188 LOT COATS FARMERS, N. 35513  
FARMERS, N. 35513  
FARMERS, N. 35513  
FARMERS, N. 35513

COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

**BELLATON SUBDIVISION  
Highway 181, Daphne, AL**

05-43-08-27-0-000-003.001  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-004.000  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-003.002  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-002.000  
BONI, THELMA MARIE AS  
PERSONAL REPRESENT  
25170 COUNTY ROAD 13  
DAPHNE, AL 36526

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (1.06 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Professional Business District, to R-4, High Density Single Family Residential District, said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET; THENCE RUN SOUTH 61 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 104.94 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 138.50 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 140.00 FEET; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 217.93 FEET; THENCE RUN SOUTH 05 DEGREES 39 MINUTES 45 SECONDS WEST, A DISTANCE OF 120.46 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 164.01 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13 SECONDS EAST, A DISTANCE OF 91.42 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 190.00 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 14.15 FEET; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 6.23 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 1.06 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,** that said property described above is hereby rezoned from B-1, Professional Business District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

\_\_\_\_\_  
**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 for the First Time on Wednesday, June 21, 2006

**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 17, 2006 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, Professional Business 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. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (1.06 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Professional Business District, to R-4, High Density Single Family Residential District, said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

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

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

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

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, June 28, 2006.

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Legal Description:

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SECONDS EAST, A DISTANCE OF 91.42 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 190.00 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 14.15 FEET; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 6.23 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 1.06 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Country Club Development,  
L.L.C.  
Zoning Amendment  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The owner requested that the City of Daphne rezone the subject property from R-3, High Density Single Family Residential, to R-4, High Density Single Family Residential.

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

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

Thank you,

WHE/jd

cc: file

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

Application Number: 206-07 Date Plat Submitted: April 25, 2006

Date Presented: May 25, 2006

Name of Owner: Country Club Development, LLC

Address: 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532 Telephone# 928-0700  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Engineering Development Services, LLC

Address: P O Box 1395 Daphne, AL 36526 Telephone# 626-2122  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Bellaton, Phase Three

Lot(s): \_\_\_\_\_ Unit \_\_\_\_\_

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: April 25, 2006).

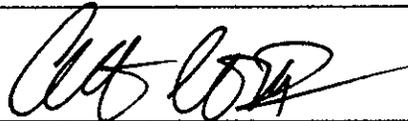
Meeting Dates:

Planning Commission: May 25, 2006

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

To rearrange and reduce the current area designated as B-1.



**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address \_\_\_\_\_
- b) Name of Subdivision Bellaton, Phase Three
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change .27 AC
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

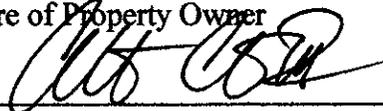
2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired R-4
- c) Character of neighborhood R-3, R-4 & B-1

3) Certifications:

- a) Owner's Name Country Club Development, LLC
- b) Address 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532
- c) Telephone Number 928-0700
- d) Date May 1, 2006

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.

May 1, 2006

Date



Signature of Property Owner

**COUNTRY CLUB DEVELOPMENT, L.L.C.  
REZONING TO R-4 SINGLE FAMILY  
(0.27 AC TRACT)  
EXHIBIT "A"**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 237.75 FEET; THENCE RUN NORTH 89 DEGREES 33 MINUTES 28 SECONDS WEST, A DISTANCE OF 51.00 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET); THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.27 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**BELLATON, PHASE THREE**

  
\_\_\_\_\_  
ENGINEERING DEVELOPMENT SERVICES, L.L.C.

DATE 5/1/2006



COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

**BELLATON SUBDIVISION  
Highway 181, Daphne, AL**

05-43-08-27-0-000-003.001  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-004.000  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-003.002  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-002.000  
BONI, THELMA MARIE AS  
PERSONAL REPRESENT  
25170 COUNTY ROAD 13  
DAPHNE, AL 36526

# COUNTRY CLUB DEVELOPMENT ZONING AMENDMENT EXHIBIT "B"

UNZONED  
40 AC

UNZONED  
153 AC

UNZONED  
29 AC

UNZONED  
270 AC

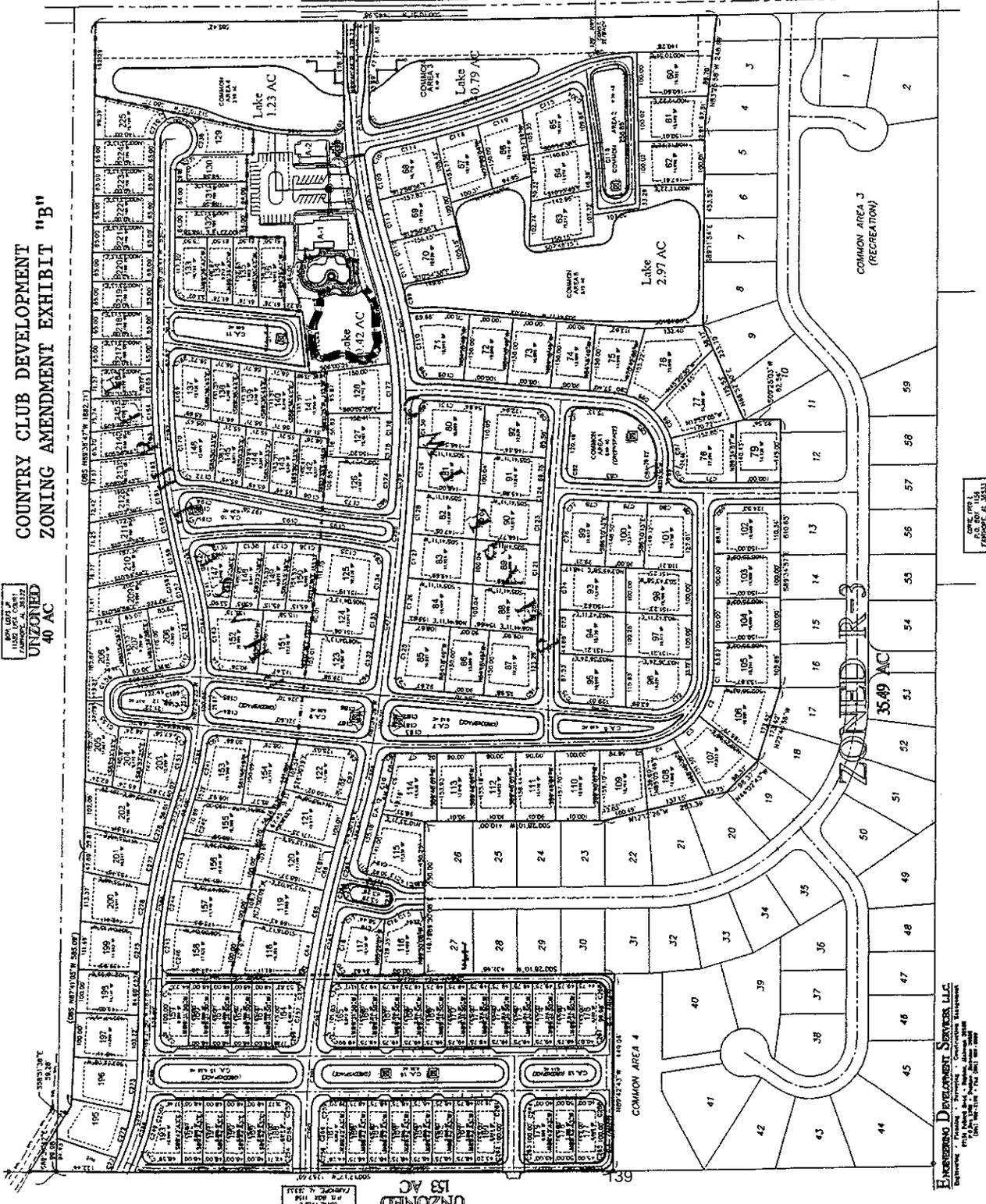
**SITE SUMMARY**  
PHASE TWO & THREE  
TOTAL AREA 81.64 AC  
TOTAL LOTS 166 (2 Units/Acre)  
STREET LENGTH 18,843 L.F.

**OPENSOURCE SUMMARY**  
PARKS 4.96 AC (6% of Total)  
LAKES 5.41 AC (7% of Total)  
MISC./BUFFER 4.22 AC (5% of Total)  
TOTAL OPENSOURCE 14.59 AC (18% of Total)

# BELLATON

A PLANNED UNIT DEVELOPMENT

## MASTER PLAN



Engineering Development Services, LLC  
10000 W. 10th Street, Suite 100  
Denver, CO 80202  
Tel: 303.755.1000  
Fax: 303.755.1001  
www.eds-llc.com

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.27 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Three)**

**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 Residential District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

**COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 237.75 FEET; THENCE RUN NORTH 89 DEGREES 33 MINUTES 28 SECONDS WEST, A DISTANCE OF 51.00 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12 DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET); THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.27 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

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

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

\_\_\_\_\_  
**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 for the First Time on Wednesday, June 21, 2006

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 17, 2006 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. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.27 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Three)**

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 Residential District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 237.75 FEET; THENCE RUN NORTH 89 DEGREES 33 MINUTES 28 SECONDS WEST, A DISTANCE OF 51.00 FEET; THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 10.37 FEET (CHORD BEARS NORTH 11 DEGREES 47 MINUTES 23 SECONDS EAST, 10.37 FEET); THENCE RUN NORTH 12

DEGREES 10 MINUTES 22 SECONDS EAST, A DISTANCE OF 145.49 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 44.41 FEET (CHORD BEARS NORTH 38 DEGREES 43 MINUTES 12 SECONDS WEST, 38.80 FEET); THENCE RUN NORTH 61 DEGREES 55 MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.27 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

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

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

\_\_\_\_\_  
**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 for the Second Time on Wednesday, June 28, 2006.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 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. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.27 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Three)**

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 Residential District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

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**MINUTES 58 SECONDS EAST, A DISTANCE OF 104.94 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.27 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Country Club Development,  
L.L.C.  
Zoning Amendment  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The owner requested that the City of Daphne rezone the subject property from R-3, High Density Single Family Residential, to B-1, Local Business.

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

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

Thank you,

WHE/jd

cc: file



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 \_\_\_\_\_  
\_\_\_\_\_
- b) Name of Subdivision Bellaton, Phase Two
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change .26 AC
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B1
- c) Character of neighborhood R-3, R-4 & B-1

3) Certifications:

- a) Owner's Name Country Club Development, LLC
- b) Address 22881 US Hwy. 98 Bldg. J Fairhope, AL 36532
- c) Telephone Number 928-0700
- d) Date May 1, 2006

\_\_\_\_\_  
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.

May 1, 2006  
Date

  
\_\_\_\_\_  
Signature of Property Owner

**COUNTRY CLUB DEVELOPMENT, L.L.C.**  
**REZONING TO B-1**  
**(0.26 AC TRACT)**  
**EXHIBIT "A"**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 380.77 FEET FOR A POINT OF BEGINNING; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 725.24 FEET, AN ARC DISTANCE OF 194.17 FEET (CHORD BEARS SOUTH 04 DEGREES 30 MINUTES 10 SECONDS WEST, 193.60 FEET); THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.05 FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**BELLATON, PHASE TWO**

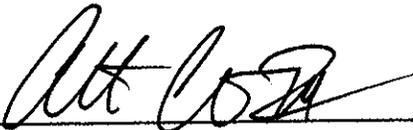
  
\_\_\_\_\_  
ENGINEERING DEVELOPMENT SERVICES, L.L.C.      DATE 5/1/2006

**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.

May 1, 2006  
Date

  
Signature of Property Owner



UNZONED  
153 AC

CONV. FROM  
P.O. BOX 1156  
PARSONS, A. 3533

CONV. FROM  
P.O. BOX 1156  
PARSONS, A. 3533

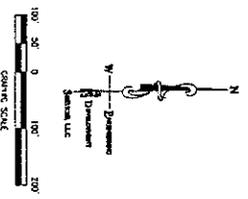
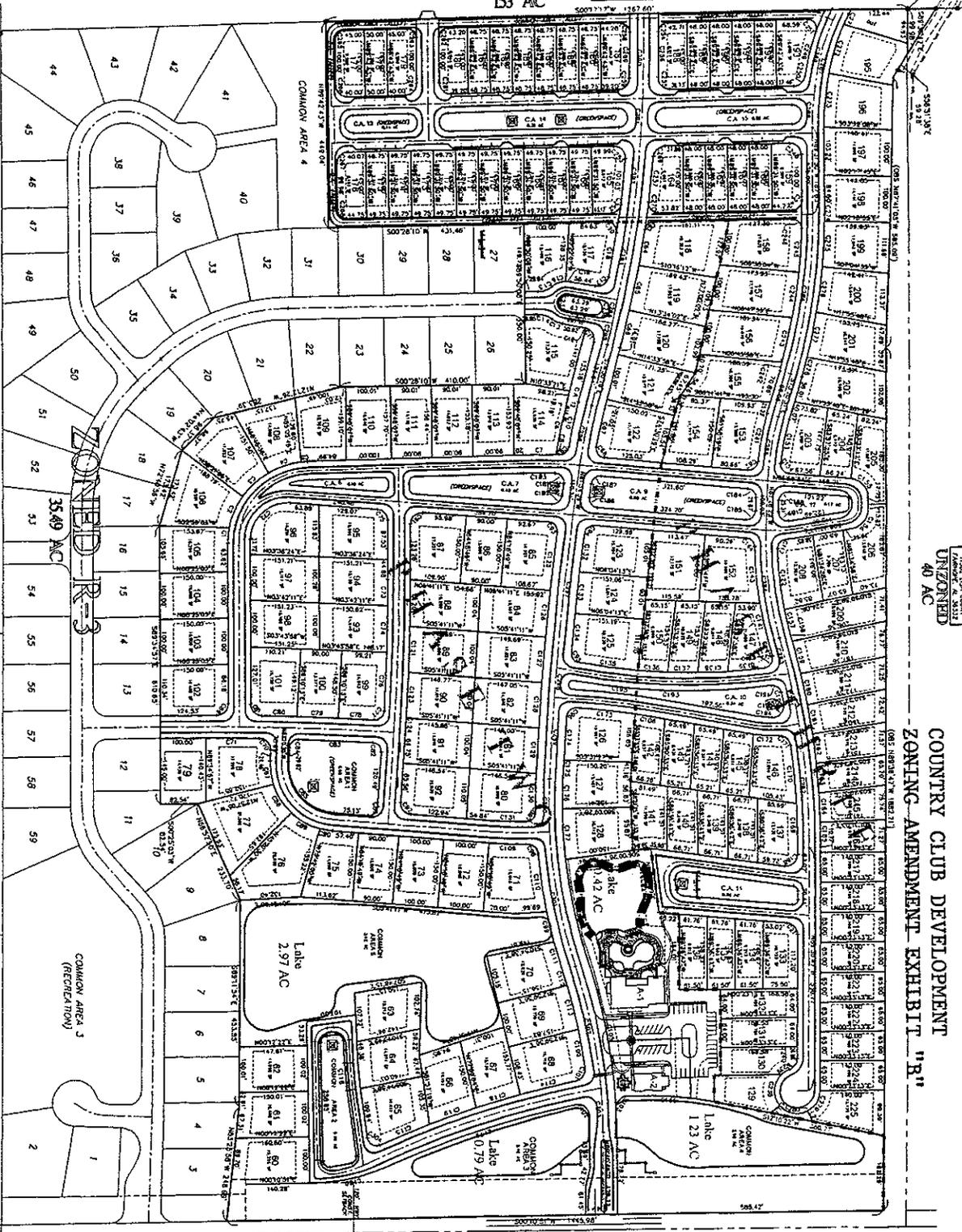
COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT EXHIBIT "R"

CONV. FROM  
P.O. BOX 1156  
PARSONS, A. 3533

CONV. FROM  
P.O. BOX 1156  
PARSONS, A. 3533

**Hammerhead Development Services, LLC**  
 Registered Professional Land Surveyor  
 License No. 10000  
 2717 N. Central Expressway, Suite 200  
 Raleigh, NC 27615  
 Phone: 919.871.1111  
 Fax: 919.871.1112  
 Email: info@hammerhead.com

CONV. FROM  
P.O. BOX 1156  
PARSONS, A. 3533



**SITE SUMMARY**  
 PHASE TWO & THREE  
 TOTAL AREA 81.64 AC  
 TOTAL LOTS 166 (2 Units/Acre)  
 STREET LENGTH 18,843 L.F.

**OPENSPACE SUMMARY**  
 PARKS 4.96 AC (6% of Total)  
 LAKES 5.41 AC (7% of Total)  
 MISC./BUFFER 4.22 AC (5% of Total)  
 TOTAL OPENSPACE 14.59 AC (18% of Total)

**BELLATON**  
 A PLANNED UNIT DEVELOPMENT  
**MASTER PLAN**

COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

**BELLATON SUBDIVISION  
Highway 181, Daphne, AL**

05-43-08-27-0-000-003.001  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-004.000  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-003.002  
CORTE, FRED L  
P O BOX 1156  
FAIRHOPE, AL 36533

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-001.000  
BONI, LOUIS JR  
11582 LISA COURT  
FAIRHOPE, AL 36532

05-43-08-27-0-000-002.000  
BONI, THELMA MARIE AS  
PERSONAL REPRESENT  
25170 COUNTY ROAD 13  
DAPHNE, AL 36526

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.26 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

**COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 380.77 FEET FOR A POINT OF BEGINNING; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 725.24 FEET, AN ARC DISTANCE OF 194.17 FEET (CHORD BEARS SOUTH 04 DEGREES 30 MINUTES 10 SECONDS WEST, 193.60 FEET); THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.05 FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-1, Professional 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 \_\_\_\_\_, 2006.**

\_\_\_\_\_  
**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 for the First Time on Wednesday, June 21, 2006

**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 17, 2006 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 B-1, Professional 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. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.26 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

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FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 17, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-1, Professional 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
**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 for the Second Time on Wednesday, June 28, 2006.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 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 B-1, Professional 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 to Rezone Property Located on Alabama 181 Across from  
Austin Road (.26 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

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**WHEREAS**, the Planning Commission of the City of Daphne on May 25, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Village Overlay District Map  
Date: May 31, 2006

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, May 25, 2006, six members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned request.

The Community Development Department requested that the City of Daphne amend the above captioned map to include the Utilities Board of the City of Daphne and Cypress Point, L.L.C. property located immediately to the North.

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

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

Thank you,

WHE/jd

cc: file

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

**Amend City of Daphne Village Overlay District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, favorably recommended to amend the City Daphne Village Overlay District Map; and

**WHEREAS**, said amendment to map is necessary due to need to include the Daphne Utilities Board property and Cypress Point, L.L.C. property by updating the City of Daphne Village Overlay District Map to include these properties in addition; and

**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believe the amendment to said City Daphne Village Overlay District Map as requested by the Planning Commission is proper and in the best interest of the City.

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

**SECTION I. REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION II. EFFECTIVE DATE**

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

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

**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 17, 2006 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 Village Overlay District Map 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. 2006-**

**Amend City of Daphne Village Overlay District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, favorably recommended to amend the City Daphne Village Overlay District Map; and

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**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, June 28, 2006.

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David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE**

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

**Amend City of Daphne Village Overlay District Map**

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**WHEREAS**, said amendment to map is necessary due to need to include the Daphne Utilities Board property and Cypress Point, L.L.C. property by updating the City of Daphne Village Overlay District Map to include these properties in addition; and

**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**/END SYNOPSIS**

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**CITY OF DAPHNE**

**RESOLUTION NO. 2006-47**

**A RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
VISION STATEMENT SECTION**

**WHEREAS**, the City of Daphne Planning Commission having previously engaged in the extensive studies of the environment, patterns of development, distribution of population and having made a careful and comprehensive survey and study of present conditions and future growth patterns for the City of Daphne and with due regard to its relation to neighboring territories as well as the characteristics of social and economic structure within the City of Daphne and;

**WHEREAS**, the City of Daphne Planning Commission, having developed a comprehensive plan in conjunction with the assistance and support of the South Alabama Regional Planning Commission which the Planning Commission deemed appropriate and necessary for the purposes of promoting the health, safety and welfare of the citizens of the City of Daphne and;

**WHEREAS**, the City of Daphne Planning Commission, by Resolution, gave unanimous, favorable recommendation on June 26, 2003 to the Daphne City Council for its consideration for the adoption of the of the Comprehensive Plan and;

**WHEREAS**, all requirements and requisites of the laws of the State of Alabama have been met with regard to discussion, preparation and passage of the Comprehensive Plan and the City of Daphne Planning Commission have recommended favorable adoption by the Daphne City Council;

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE** that the document entitled *ADaphne Comprehensive Plan@* and all official maps and related documents pertaining thereto, be and is hereby adopted by the Daphne City Council on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**CITY OF DAPHNE, ALABAMA**

\_\_\_\_\_  
**GREG BURNAM  
COUNCIL PRESIDENT**

Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL  
MAYOR**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN, CITY CLERK, MMC**

## CHANGES TO THE COMPREHENSIVE PLAN VISION STATEMENT

To be a safe, healthy, caring and progressive City committed to a high quality of life, financial self-sufficiency, a spirit of civic cooperation, a strong sense of community, and a positive environment for educational, personal, cultural, religious, and business growth. Through comprehensive planning , the citizens of Daphne intend to manage and direct the City's growth, ~~ensure~~ **{ensuring}** the highest quality of living for each resident **{by preserving the residential climate, city image and small town character,}** stimulate economic growth, and attracting quality industry **{while preserving and protecting the natural environment and scenic beauty for all}**.

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
SPECIAL MEETING OF NOVEMBER 22, 2005  
COUNCIL CHAMBERS, CITY HALL - 4:30 P.M.**

Ms. Burnett stated the revision to the image map represented is from Van Buren Street to Interstate 10 West of U.S. Highway 98. This would allow residential high rise development to exceed fifty feet within the described area. The proposal will combine residential and business uses which are compatible to the residential high rise development within a height limit of two hundred feet. The developer once placed on the image map shall petition the Planning Commission and City Council for a zoning amendment to a residential high rise, RHR, zone.

Mr. Rob McElroy, General Manager of the Utilities Board of the City of Daphne, commented on the amendment proposed by Mr. Fine in the public hearing. He stated that the Utilities Board of the City of Daphne had affirmed the agreement for the proposed sale of the property located Southwest of the intersection of Merritt Boulevard and U. S. Highway 98. He requested that the Planning Commission consider the proposed revision to the Image Map to include the property for Mr. Merritt and the Utilities Board.

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

**A Motion was made by Ms. Barnette and Seconded by Mayor Small to adopt the revision to the Vision Statement section of the Comprehensive Plan.**

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

Mayor Small	Aye
Mr. Chason	Aye
Mr. Carrisco	Aye
Mr. West	Aye
Mr. Segalla	Aye
Ms. Barnette	Aye
Mr. Eide	Aye

**A Motion was made by Ms. Barnette and Seconded by Mr. Chason to adopt the revision to the Image Map section of the Comprehensive Plan to include the area located from Van Buren Street to Interstate 10 West of U.S. Highway 98 (reference: Apalachee Residential Community) and the area, presented by Mr. Rick Fine, located West and Southwest of the intersection of Merritt Boulevard and U. S. Highway (reference: Utilities Board of the City of Daphne and Robert Merritt property).**

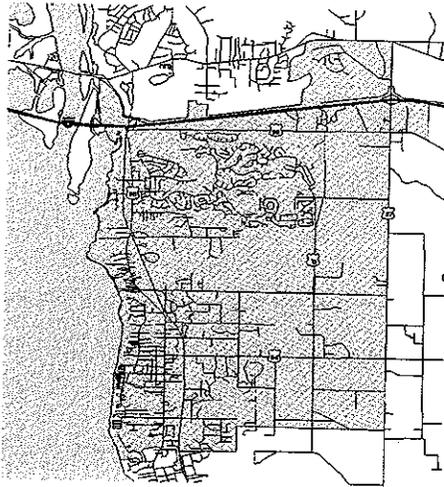
**Upon roll call vote, the Motion failed.**

Mayor Small	Nay
Mr. Chason	Aye
Mr. Carrisco	Nay
Mr. West	Nay
Mr. Segalla	Abstained
Ms. Barnette	Aye
Mr. Eide	Aye

**A Motion was made by Mr. West and Seconded by Mayor Small to adopt the**

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# PREPARING DAPHNE FOR THE FUTURE



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## A Comprehensive Plan 2000-2020

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### **Purpose**

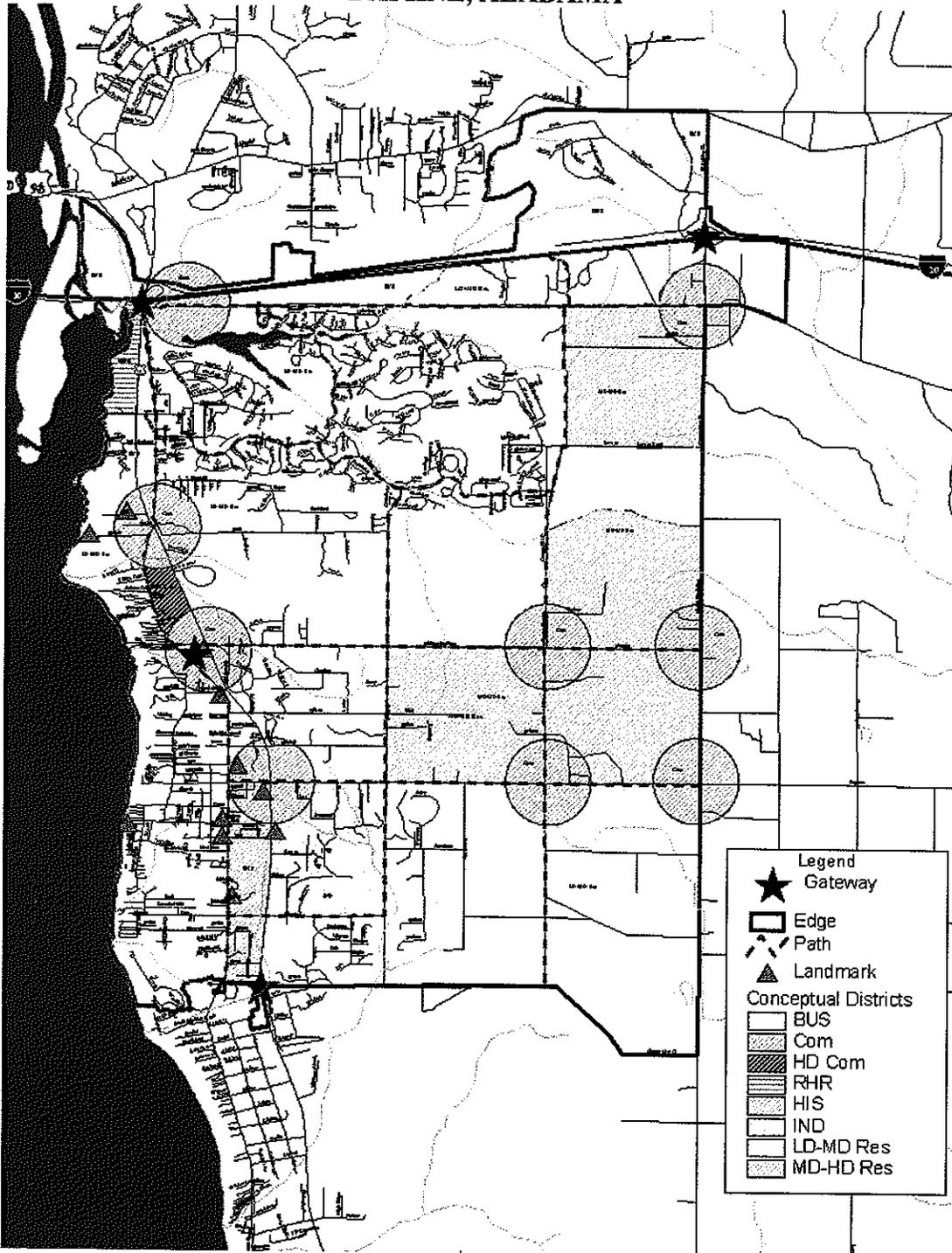
To be the preferred residential waterfront community in South Alabama for families, retirees and businesses.

### **Vision<sup>1</sup>**

To be a safe, healthy, caring and progressive City committed to a high quality of life, financial self-sufficiency, a spirit of civic cooperation, a strong sense of community, and a positive environment for educational, personal, cultural, religious, and business growth. Through comprehensive planning, the citizens of Daphne intend to manage and direct the City's growth, ensuring the highest quality of living for each resident by, preserving the residential climate, city image and small town character, stimulating economic growth, and attracting quality industry, while preserving and protecting the natural environment and scenic beauty for all.

1. Amended: November 22, 2005

**FIGURE 3  
IMAGE MAP<sup>1</sup>  
DAPHNE, ALABAMA**



1. Amended: November 22, 2005

**RESOLUTION 2006-52  
PREPAID TRAVEL**

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

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

*Betty Stevens, Court Magistrate, Alabama Municipal Court Clerk and Magistrate Association, July 26-29, 2006, Hoover, AL - \$140*

*Randy Pennycuff, Mechanic, Heil Electronic Control Training, July 10-13, 2006, Fort Payne, AL - \$140*

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this 19<sup>th</sup> - - day of June, 2006.**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2006-53**  
**2006-V-FD/SELF-CONTAINED BREATHING APPARATUS**

**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 SELF-CONTAINED BREATHING APPARATUS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FD/SELF-CONTAINED BREATHING APPARATUS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FD/SELF-CONTAINED BREATHING APPARATUS be awarded to Sunbelt Fire Apparatus.

**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 Sunbelt Fire Apparatus for a cost of \$21,330 as specified in BID SPECIFICATION NO: 2006-V-FD/SELF-CONTAINED BREATHING APPARATUS.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 19<sup>th</sup> day of June, 2006**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2006-54  
2006-X-BI/STANDARD CAB TRUCK**

**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 BUILDING INSPECTION STANDARD CAB TRUCK will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the BI/STANDARD CAB TRUCK and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the BI/STANDARD CAB TRUCK be awarded to Treadwell Ford .

**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 Treadwell Ford in the amount of \$19,686 as bid in BID SPECIFICATION NO. 2006-X-BI/STANDARD CAB TRUCK.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** 19<sup>th</sup> **day of** June **,2006.**

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

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

**ATTEST:**

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

**RESOLUTION 2006 - 55**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY**

**WHEREAS**, the Department Heads of the City of Daphne have determined that the items scheduled on Schedule A are no longer required for public or municipal purposes; and

**WHEREAS**, the items on said Schedule A are recommended for disposal.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Daphne that

- 1- The property included on Schedule A and attached hereto is hereby declared to be surplus property and
- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property on Schedule A which is not claimed by any bidder.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this 19<sup>th</sup> day of June, 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**

Date & Time Signed: \_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

**RESOLUTION NO. 2006-56  
2006-R-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 Baldwin Square 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 Baldwin Square Cleaners for unit dry cleaning cost as follows:

- 1-Uniform Shirt-----\$2.00
- 1-Uniform Pants-----\$3.00
- 1-Uniform Jacket-----\$6.00
- 1-Complete Uniform (2 Piece)-----\$5.00
- 1-Jail Shirt-----\$2.00
- 1-Jail Pants-----\$3.00
- 1-Complete Jail Uniform (2 Piece)--\$5.00

as specified in BID SPECIFICATION NO. 2004-M-PD/DRY CLEANING.

**APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** 19<sup>th</sup> day of June, 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006-40**

**DAPHNE HIGH SCHOOL GIRLS SOFTBALL TEAM APPROPRIATION**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, Daphne High School provides valuable education services to the youth, many of whom are citizens of the City of Daphne; and

**WHEREAS**, the City Council of the City of Daphne recognizes the discipline and skills school-sponsored programs foster and the importance of these programs to a quality education; and

**WHEREAS**, the Daphne High School Lady Trojan Softball Team is a school-sponsored program with the public purpose of enhancing the quality of education for future leaders of our community by promoting pride and a sense of community involvement.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) is hereby appropriated to Daphne High School for the benefit of the Lady Trojan Softball Team.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this 19<sup>th</sup> day of June, 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006-41**

**EASTERN SHORE HURRICANES BASEBALL TEAM APPROPRIATION**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, Eastern Shore Hurricanes Baseball team will be representing Daphne in the United States Specialty Sports Association (USSSA) World Series in Beaumont, Texas; and

**WHEREAS**, the City Council of the City of Daphne recognizes the discipline and skills community-sponsored programs foster; and

**WHEREAS**, the Eastern Shore Hurricanes Baseball Team is a community-sponsored program that promotes pride and a sense of community involvement in the future leaders of our community.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) is hereby appropriated to Eastern Shore Hurricane Baseball Team.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this 19<sup>th</sup> day of June , 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006-42**

**An Ordinance Appropriating Funds**

**Fire Stations #2 & #3 Mold Testing and Remediation**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, Fire Stations #2 & #3 have received recommendations for mold remediation; and

**WHEREAS**, modifications, cleaning and sanitizing of Fire Stations #2 & #3 is required for an environmentally safe working environment.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2006 Budget is hereby amended to include a General Fund appropriation in the amount of \$6,000 for the purpose of mold testing and remediation for Fire Stations #2 & #3.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006-43**

**Appraisal: Bay Front Property Land Swap**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the City of Daphne and Irvine Properties Inc presently own certain real properties located near Daphne Bay Front; and

**WHEREAS**, Irvine Properties Inc has requested that the City swap a certain tract of the land in order to provide for a commercial development project.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that an appraisal in the amount of \_\_\_\_\_ shall be obtained for the above referenced properties and the City shall pay one-half the cost of the appraisal with Irvine Properties Inc paying the remaining one-half.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this 19<sup>th</sup> day of June , 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006-44**

**An Ordinance Appropriating Funds**

**Storm Water Management Study**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the Bluewater Committee was appointed to address storm water management on a county wide basis; and

**WHEREAS**, the cost for the six one-day conferences will be \$40,000 - \$60,000; and

**WHEREAS**, the Mobile Bay National Estuary has pledged \$25,000 through grants for these educational conferences and the Baldwin County Commission has pledged to pay one-half of the remaining cost not funded by grants; and

**WHEREAS**, the City Council of the City of Daphne has determined that participation in the storm water management conferences will provide vital information required to address watershed issues within the City of Daphne.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1), the City of Daphne does hereby appropriate an amount up to \$10,000 for participation in the storm water management conferences, and 2) the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such storm water management conferences.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**Greg Burnam, Council President**

Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**

Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**ORDINANCE 2006-45**

**An Ordinance Appropriating Funds**

**City of Daphne Website Rebuild**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has from time to time determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the City of Daphne's current website has become out-dated and difficult to navigate; and

**WHEREAS**, the City of Daphne desires a website to support the various aspects of the City by providing a world wide interface to current information about the City, its government, and community; and

**WHEREAS**, the City of Daphne has received and evaluated quotes to rebuild the website.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a Fiscal Year 2006 General Fund appropriation in the amount of \$ 8,160 is hereby approved for the rebuilding of the City of Daphne's website.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

**ATTEST:**

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