

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**JULY 3, 2006**  
**6:30 P.M.**

**1. CALL TO ORDER**

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

**3. APPROVE MINUTES:**           Work Session Minutes / June 15, 2006  
  Council Minutes / June 19, 2006

**4. REPORT STANDING COMMITTEES:**

- A. FINANCE COMMITTEE – Scott*
- B. BUILDINGS & PROPERTY - Lake*
- C. PUBLIC SAFETY – Burnam*
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry*
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – Yelding*  
Review Beautification minutes meeting held June 2<sup>nd</sup>

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

- A. Board of Zoning Adjustments – Eady*  
Re-appoint Jeri Hargiss
- B. Downtown Redevelopment Authority - Barnette*
- C. Industrial Development Board – Yelding*  
Review minutes meeting held May 22<sup>nd</sup>
- D. Library Board – Lake*  
Review minutes meeting held June 12<sup>th</sup>
- E. Planning Commission – Barnette*  
Review minutes meeting held May 25<sup>th</sup>
  - 1.) Set Date For Public Hearings for **August 7, 2006:**  
Annexation: Pollard Group, LLC / Property located southeast of the Intersection of County Road 64 and Pollard Road / R-4, High Density Multi-Family Residential District
  - 2.) Discuss Height Moratorium with Exclusion of Commercial Buildings
- F. Recreation Board - Palumbo*  
Review minutes meeting held June 14<sup>th</sup>
- G. Utility Board – Scott*  
Review minutes meeting held January 25<sup>th</sup>  
Review minutes meeting held March 1<sup>st</sup>  
Review minutes meeting held March 29<sup>th</sup>  
Review minutes meeting held May 31<sup>st</sup>

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

- a.) *Change September 4<sup>th</sup> meeting date / It is Labor Day*
- b.) *Update on Tallent Property*

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

Mr. Washington / Jenkins Lane / Regarding a Nuisance of a Dirt Pit Next To His House

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Acceptance of Streets & Drainage / Historic Malbis,  
Phase Two, Part A, Section Two, Phase II. .... /Resolution 2006-58**
- b.) **Acceptance of Streets & Drainage / Brookhaven Subdivision  
Unit One. .... /Resolution 2006-59**

**ORDINANCES:**

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

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

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

- d.) **Extension of the Moratorium on Approval and Construction  
of Residential Noncommercial Buildings in Excess of Fifty (50)  
Feet and/or Four Stories in Height ..... /Ordinance 2006-46**

**9. COUNCIL COMMENTS**

**MOTION:** BY JOHN LAKE: Transfer Training Funds

**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 15, 2006  
CITY OF DAPHNE  
CITY COUNCIL  
WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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

Absent: John Lake.

Also present: Mayor Small; David Cohen, City Clerk; Jay Ross, City Attorney; Shannon Spivey, Mayor's Assistant; Mund Hanson, Fire Chief; Al Guarisco, Village Point Foundation, Ray Moore, Hutchinson, Moore & Rauch.

**1. CALL TO ORDER**

*Council President Burnam* called the meeting to order at 6:34 p.m.

**2. DISCUSS: SCHOOL FEASIBILITY STUDY / DR. IRA HARVEY**

Dr. Harvey gave a power point presentation of the School Feasibility Study showing whether or not it was feasible for the City of have it's own school system.

Council asked questions about some of the facts gathered by Dr. Harvey.

There being no further business to discuss, the meeting adjourned at 9:12 p.m.

Respectfully submitted by

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

Certification of Presiding Officer

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

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

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**1. CALL TO ORDER**

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

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

Chief Hanson gave the invocation.

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

**COUNCIL MEMBERS ABSENT:** Greg Burnam.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Tonya Young, Library Director; Kim Briley, Finance Director; Scott Hutchinson, City Engineer; Starke Irvine, DRA; Bob Segalla, Utility Board; Mickey Boykin, Daphne Museum Board; Rob McElroy, Utility Director, Danny Lyndall, Operation Manager for Utilities; Willie Robison, BZA; Al Guarisco, Village Point Foundation.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to adopt the Council Meeting minutes meeting held June 5, 2006. *Seconded by Mrs. Landry.***

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

**MOTION BY Mr. Palumbo that the City of Daphne cease all effort toward forming a City School District. Further, that no future funds be expended, including legal fees, toward such effort. *Seconded by Mr. Yelding.***

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

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

*Mr. Hudson* gave a presentation along with drawings of the design for City Hall.

**PRESENTATION:** Mr. Bise to discuss Impact Fees

Mr. Bice 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.

**MOTION:**

**MOTION BY Mr. Scott to authorize the Police Department to seek bids for Crime Scene Diagramming Equipment and software. *Seconded by Mr. Yelding.***

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

*Mr. Scott* stated that representatives of the Hurricane Baseball team are present and requested to consider Ordinance 2006-41 early so that they would not have to sit through the whole meeting.

**MOTION BY Mr. Scott to suspend the rules to consider Ordinance 2006-41. *Seconded by Mrs. Landry.***

**ROLL CALL VOTE**

Yelding	Aye	Scott	Aye
Barnette	Aye	Palumbo	Aye
Landry	Aye	Lake	Aye

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

**MOTION BY Mr. Scott to waive the reading of Ordinance 2006-41. *Seconded by Mrs. Landry.***

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

**MOTION BY Mr. Scott to adopt Ordinance 2006-41. *Seconded by Mrs. Landry.***

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

*Mr. Lake* requested that in the future that request for funding regarding recreation come through the Recreation Board first then to the Finance Committee.

Treasurers Report / April 30, 2006

MOTION BY Mr. Scott to accept the Treasures Report with an ending balance \$26,039,387.99. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Scott stated that the big difference between this month and last month is that the 12 million dollars in bonds that have been sold.

Sales Tax Collection / April 30, 2006

Mr. Scott reported that \$117,470.56 was collected in April. He stated that year to date \$724,000 has been collected than budgeted.

Lodging Tax Collection / March 31, 2006

Mr. Scott stated that this for the first time it is almost flat, and that \$43,813.91 was collected, and the amount collected last year was \$40,666. He stated that as they expected that this may flatten out a little bit. Mr. Scott stated that the Holiday Inn in TimberCreek will help out a little bit in the latter months, but last year they had the windfall of all the people that were staying in the hotels during Katrina.

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

Mr. Palumbo reported that the minutes are in the packet. He stated that, basically, they had the same presentation that Mr. Hudson just gave to the Council regarding the City Hall project. He said that they also discussed the acquisition of the Talent property, and that is an ongoing process, and they hope to have all the legal work completed very soon. He stated that the next meeting will be on July 7<sup>th</sup> at City Hall.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

Mrs. Landry stated that the minutes of the last meeting will be in the next packet. She mentioned that Resolution 2006-57 was handed out before the meeting, and that there is a time limit to apply. Chief Hanson stated that last year they had asked for twelve (12) firemen, this year they just asked for six (6), so hopefully, they will get them. Mrs. Landry stated that they are not asking for funding at this time. They will wait and see if the grant comes through.

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

Mrs. Landry stated that the minutes for the last meeting are in the packet. The Committee is considering several Ordinances. The next meeting will be July 5<sup>th</sup>.

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

*Mr. Yelding* asked Mr. Eslava to give an update on all the projects going on in the city. Mr. Eslava reported that the major road projects, a total of \$433,198.80, are scheduled for mobilization tomorrow, which are on Daphne Avenue, North Main Street, Guarisco Street, Mancini Avenue, and Trione Street. He stated that the Daphne Ferry Pier (Village Point Park Preserve), Bayfront Park Pier, and Village Point Park Preserve Boardwalk is now complete and open to the public. He said that May Day Pier will be complete in the next two (2) or three (3) days. He reported that Public Works is still in District #2 with the sidewalks, and that he has a pre-bid meeting with three (3) contractors tomorrow, and bids being formally opened on the 27<sup>th</sup> of June for the major sidewalk work. He also reported that \$1.62 million in NRCS projects are currently being engineered, and will be bid on about the end of July. Mr. Yelding stated that the next meeting has been rescheduled from June 23<sup>rd</sup> to June 30<sup>th</sup> at 8:00 a.m. in the Council Chambers.

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

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

The Board will meet July 6<sup>th</sup> 6:00 p.m. in the Council Chambers with one application for a Day Care on the corner of Adams and Main.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that the minutes for the last meeting are in the packet. She also stated that Mr. Glass and Mr. Donald came to the Finance Committee asking for some support for underground utilities, and she knows that the Finance Committee requested some additional information, and she is sure that they will be coming back with that information. She stated that an exciting project, which they have been trying for five (5) or six (6) years to get, is the traffic re-flowed at the Post Office. The Mayor and Mr. Irvine will be meeting with the Post Mistress to discuss this issue. She stated that there is a new restaurant coming into town behind Centennial Park, which will be opening up the whole back area. She thinks this is some exciting momentum for downtown, and she thinks they will start to hear a lot more activity and enthusiasm from the committees as they come back to the Council, and she hopes the Finance Committee can find some funds for the Authority. She deferred to Mr. Irvine for further comments.

*Mr. Irvine* mentioned that discussion had come up regarding establishing architectural control in an area that is already developed, he wanted the City Attorney to research the feasibility of establishing such controls.

*Mr. Ross* stated that he had received an e-mail a week or so ago requesting that information, and that he would research it for the committee.

*Mr. Scott* stated that the Committee is requesting about \$13,000 a month which would allow them to be able to go and sell bonds, which they then could go from school to school with underground utilities. The Finance Committee asked them to go back and find out how much it would cost to put telephone and cable wires underground, basically all wires. Mr. Scott stated that it would be fabulous if they could do it. He stated that the Committee will probably recommend that it be brought up at a work session.

**C. Industrial Development Board – Yelding**

No report. The next meeting will be June 26<sup>th</sup> at 6:00 p.m. in the Council Chambers.

**D. Library Board – Lake**

*Mr. Palumbo* stated that the Board met, but he was not present for the meeting, and that the next meeting will be July 10<sup>th</sup> at 4:30 p.m. He stated that the Library Board, after interviewing some 40 applicants, has chosen the new Library Director. He stated that Ms. Tonya Young is currently the Children’s Librarian, she has been in that position for eight (8) years, and she is very highly qualified, she has a Master’s Degree in both Geology and Library Science, and she will be taking over as the permanent full time Library Director, replacing Dale Foster, and he asked everyone to welcome her aboard as the City’s new Department Head.

**E. Planning Commission – Barnette**

*Mrs. Barnette* stated that there are minutes in the packet in full sets. She stated that at the end of the agenda there is discussion about the image map and the changes to the Comprehensive Plan that were not in the packet last time. She said that it is pretty self explanatory with strike outs and they can see what was changed and what is proposed. She also stated that a number of Public Hearings needed to be set for rezonings.

**MOTION BY Mrs. Barnette to set Public Hearings on July 17, 2006 to consider the following Ordinances:**

- 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**

*Seconded by Mrs. Landry.*

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

*Mrs. Barnette* stated that the Planning Commission meeting is this Thursday 6:00 p.m. in the Council Chambers. She stated that they still need to do something with the Residential High Rise Ordinance, she

said it has not come out of Planning so it hasn't gotten back to Council, and July 7<sup>th</sup> is the deadline for the moratorium, and it is not on the Planning Commission agenda for June. She said there seems to be a little bit of confusion where the Council sent it back to the Planning Commission saying stop at Van Buren and include two parcels that are Utility property and Merrit Oil property. She said that those have gone into the Village Overlay map, and so the Council needs to give some direction back to the Planning Commission on whether or not they want to stop at Van Buren or carry it down to where that parcel was. She stated that she feels that the Planning Commission feels that it does not have direction from the Council. She said that this may need to go on a work session. She asked the Council to think about it.

*Council Vice President Lake* asked that this be put on the next work session on July 13<sup>th</sup>.

**F. Recreation Board – Burnam**

*Mr. Palumbo* stated that they met last week and they are still in the organizing stage. He stated that they have been in discussion regarding what they can and what they need to put in the new recreation facility when it is acquired. They also received input on setting up handicap equipment or enhancing the equipment that they currently have in the parks. Mr. Palumbo asked the City Clerk to make a note to put on the work session the redesign of the Board. He stated that he had discussed with Mr. Burnam reducing the number from nine to seven members. However, the nine members is by Ordinance so that will have to be changed. He also wants to discuss whether to keep it a Board or make it a Committee.

**G. Utility Board – Scott**

*Mr. Scott* reported that the minutes of the last two meetings will be in the next packet. Mr. Scott asked Mr. Rob McElroy, Utility Director, to give a presentation on water restriction.

*Mr. McElroy* explained the Utilities plan to restrict water usage in order to build up the water level for the city. He said that the area is in a D-2 drought.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

No report.

**B. City Attorney's Report**

*Mr. Ross* asked the Council to enter into an Executive Session later in the meeting to discuss some minor issues.

**C. Department Head Comments**

*David Carpenter – Police Chief* - stated that the Crime Scene Diagramming Equipment will be a great tool in investigating major crime scenes.

*Sandra Morse – Civic Center Director* – stated that Friday the Civic Center hosted the Ed Jones Orchestra & Ballroom Dancing. She stated that there was a great turnout for this with some 450 people attending. She said that they are currently working on the Taste of the Eastern Shore.

7. PUBLIC PARTICIPATION

*Mr. Dave Woodruff – College Avenue* – spoke regarding the amount of foot traffic in May Day Park and congratulated the city for getting the pier restored.

*Ms. Diane O'Connor Page* – spoke supporting the Baldwin County School system, spot zoning, eminent domain, rewriting the constitution of Alabama and secrecy in politics.

*Tom Hess – Daphne* – spoke regarding the water issue and the wasting of water.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

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.) Bid Award: Self Contained Breathing Apparatus. . . . . /Resolution 2006-53
- d.) Bid Award: Purchase Standard Cab Truck . . . . . /Resolution 2006-54
- e.) Declare Surplus Equipment . . . . . /Resolution 2006-55
- f.) Bid Award: Dry Cleaning. . . . . /Resolution 2006-56
- g.) Approve Application for SAFER Grant . . . . . /Resolution 2006-57

MOTION BY Mrs. Landry to waive the reading of Resolution 2006-47, 2006-52, 2006-53, 2006-54, 2006-55, and 2006-56. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-47.      *Seconded by Mrs. Barnette.*

*Mrs. Barnette* stated that this was a unanimous recommendation from the Planning Commission.

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-52. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Ms. to adopt Resolution 2006-53. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-54. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-55. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-56. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to suspend the rules to consider Resolution 2006-57.  
*Seconded by Mrs. Barnette.*

ROLL CALL VOTE

Yelding	Aye	Scott	Aye
Barnette	Aye	Palumbo	Aye
Landry	Aye	Lake	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to waive the reading of Resolution 2006-57. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-57. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**ORDINANCES:**

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

- a.) Lady Trojans Softball Team: AHSAA State Tournament . . . . ./Ordinance 2006-40
- b.) Appropriating Funds: Eastern Shore Hurricanes:  
Travel to World Series. . . . . /Ordinance 2006-41
- c.) Appropriating Funds: Fire Station #2 and #3 Mold  
Testing and Remediation. . . . . /Ordinance 2006-42
- d.) Appropriating Funds: Bayfront Park Land Swap  
Appraisal Fee. . . . . /Ordinance 2006-43
- e.) Appropriating Funds: Storm Water Management Study  
Participation . . . . . /Ordinance 2006-44
- f.) Appropriating Funds: City of Daphne Website Rebuild . . . . . /Ordinance 2006-45

**ORDINANCE 2006-41 WAS ADOPTED EARLIER IN THE MEETING.**

MOTION BY Mr. Palumbo to suspend the rules to consider Ordinance 2006-40.  
*Seconded by Mr. Yelding.*

**ROLL CALL VOTE**

Yelding	Aye	Scott	Aye
Barnette	Aye	Palumbo	Aye
Landry	Aye	Lake	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to waive the reading of Ordinance 2006-40. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to adopt Ordinance 2006-40. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2006-45. *Seconded by Mr. Yelding.*

ROLL CALL VOTE

Yelding	Aye	Scott	Aye
Barnette	Aye	Palumbo	Aye
Landry	Aye	Lake	Aye

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to waive the reading of Ordinance 2006-45. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Ordinance 2006-45. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2006-42, 2006-43, AND 2006-44 ARE FIRST READ.

8. COUNCIL COMMENTS

*Mr. Yelding* commended Mr. Lake for a job well done.

*Mrs. Barnette* mentioned that there will be a community meeting of District #2 Wednesday at 6:00 p.m. in the Council Chambers. She stated that anyone is welcome to attend. She stated that she would still like to see the paper Council packets placed in the Library as a public service, so the packet will be available for those who do not have the internet.

*Mr. Scott* stated that he felt good about the way the city worked regarding the schools. The situation was brought to them by some concerned citizens. He stated that they did diligence by having a competent person give them a study, and they listened to the citizens, and he thinks that they have spoken for the City of Daphne. Mr. Scott feels confident that they are going to build a bond with the Baldwin County School Board based upon the Councils actions, and based upon their good will in wanting to work with the Council.

*Mr. Palumbo* agreed with Mr. Scott's statements. He stated that he applauds the Council for putting this issue to rest, and sending a signal that they want to stick to the Comprehensive Plan in forming a bond with the school board. They have shown in the last several months that diplomacy and forming a committee and working with them has done very well for the city, and the students in the city. He looks forward to continuing that. He stated that last week there was a groundbreaking at the Eastern Shore Park, and if there is anyone out there that has been in a cave for the last couple of months, there is an army of workers out there at Malbis. It is progressing very quickly. He stated that there were local, state and Federal officials at the groundbreaking. He said it is going to be quite a project, one that the city will be proud of, and will bring in a lot of money into the city in the future. He has been assured by Mr. Johnston, of Aronov, that it is going to be physically attractive project. He said that he wants to hold their feet to the wire on the landscaping.

*Mr. Lake* stated that he will not be present at the July 3<sup>rd</sup> Council meeting.

*Mayor Small* stated that tomorrow he will be attending a County Commission meeting regarding affordable housing in the area. He said that he has been working with a committee for affordable housing that will be starting in this area very soon, and he will continue working with that committee. He will let the Commission know that the City is on board in support of affordable housing. He stated, as well, hopefully, they will be able to change some the Planning regulations and subdivision regulations to allow some affordable housing in with some of the larger subdivisions. He stated that on June 28<sup>th</sup> he will have "Coffee with the Mayor", and Mr. "Hoss" Mack, the new sheriff, will be at the meeting. He invited everyone to come out to meet the new sheriff, and there is some very interesting visitors scheduled for future meetings. He stated that Starbucks is hosting the meeting by providing coffee.

**MOTION BY Mr. Yelding to enter into Executive Session to discuss Real Estate property, a personnel issue, and some litigation. The City Attorney certified that the meeting is necessary for the reasons stated, and the meeting should last 15 minutes. Seconded by Mrs. Barnette.**

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

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

12

*Council entered into Executive Session at 7:57.*

*Council returned from Executive Session at 8:30 p.m.*

**9. ADJOURN**

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

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

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

Respectfully submitted by,

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

Certification of Presiding Officer:

\_\_\_\_\_  
John Lake, Council Vice 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**

# Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

## Minutes of Meeting

June 2, 2006 - 10:00 AM

**Meeting:** General Membership Meeting

**Invitees:**

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

**Members:**

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

**I. Call to order** – 10:00 a.m.

**II. Roll call** – Present – Carollee Grindel, Frieda Romanchuck, Marilyn O'Connor Moore, Jerry Guillott, Tomasina Werner, Dorothy Rankins, Bea Wilson, Audrey Rouire, Patty Kearney and Marshall Parsons

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

**IV. Announcements** - None

**V. Sub-Committee Reports**

- a) Butterfly Gardens – This project will be planned out in advance and completed in phases starting with the entrance and bench areas. A Project Proposal will be completed and submitted to the Baldwin County Master Gardeners for assistance in planning and installation. Long-term maintenance is a concern and ideas are being discussed. The need for water supply to the flowerbeds was discussed. Marshall was asked to evaluate the feasibility of running a line from the Hwy 98 median/Welcome sign and he stated that he will look into it. Asked that Public Works address the severe erosion issues occurring underneath the supporting structures of the boardwalk. (Demonstrated with photos.)

- b) Christmas Decorations – The Christmas Decoration sub-committee plans to look into getting a 40’ artificial pre-decorated tree for Overlook hillside at I-10 and 98.
- c) Crepe Myrtles – The first of the Crepe Myrtle trees are moved, but will wait on removing others now due to equipment problems.
- d) Beautification Awards – Jerry Guillott had a brochure of the Beautification Awards Ceremony to pass around. This committee was to meet immediately after the general meeting.

**VI. Open business - none**

**VII. New Business - none**

**Public Works Report** – Marshall reported on the possibility of a pre-decorated Christmas tree to be placed at Scenic Overlook hillside at I-10 and 98. We discussed the I10/AL 181 quadrants and decided that we would not do anything new there until after Marshall’s crew gets into the areas immediately adjacent to I-10 that are planted. Unfortunately, they need water.

He also asked that we form a Tree Ordinance Committee to review the Daphne Tree Ordinance. This committee will report recommendation to Daphne Ordinance Committee that includes three city council members to accept or reject recommendations. Public Works also involved in hearing recommendations. When approved, they go to Planning commission to accept, reject, send back. When passed by Planning Commission, then sent to City Council for final approval. Carollee and Frieda are on this committee. We need one more.

Marshall told us that the greenhouse is now 95% complete.

**VIII. Adjournment – 11:20a.m.**

Respectfully Submitted,

Tomasina Warner

Acting Secretary

**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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**May 22, 2006  
CITY OF DAPHNE, AL  
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at City Council  
Chambers**

**1. CALL TO ORDER/ROLL CALL**

Members present – Jack Ehlenberg, Joe Lovelady, John Coulter, Toni Fassbender, Yancey Baldwin, Pokey Miller and Nancy Cox

Also present – David Cohen and Bob Higgins

**2. Old Business**

a. April 24 Minutes

<b>Motion by Mr. Coulter</b>	<b>Seconded by Mr. Baldwin</b>	<b>To approve the minutes</b>
<b>ALL IN FAVOR</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>

b. May 3 Minutes

<b>Motion by Mrs. Fassbender</b>	<b>Seconded by Mr. Baldwin</b>	<b>To approve the minutes</b>
<b>ALL IN FAVOR</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>

**2. DAPHNE COMMERCE AND TECHNOLOGY CENTER**

The board discussed the questions that the mayor put out with regard the DCTC.

**3. TREASURES REPORT**

Mr. Coulter gave report with an ending balance of \$69,169.66.

<b>Motion by Mrs. Fassbender report</b>	<b>Seconded by Ms. Cox</b>	<b>To approve the treasures</b>
<b>ALL IN FAVOR</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>

**4. OTHER BUSINESS**

**5. ADJOURN**

**Motion by Mrs. Fassbender                      Seconded by Mr. Baldwin    To approve the minutes**

**ALL IN FAVOR**

**NONE OPPOSED**

**MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING  
ADJOURNED AT 6:42 P.M.**

Respectfully Submitted,

\_\_\_\_\_  
David L. Cohen, Secretary

Approved:

\_\_\_\_\_  
Jack Ehlenberg, Chairman

**Daphne Library Board  
June 12, 2006  
Meeting Minutes**

**In Attendance:**

Library staff member Deborah Norris, Board Members Glenn Swaney, Chairman, Gayle Robinson, Cassandra Day, Ernie Seckinger, Anita Rigas and visitor Jim Morris. Absent were Nancy Seale and Council Representatives John Lake and Gus Palumbo.

**Call to order:**

After a quorum was established, Glenn Swaney called the meeting to order at 4:45pm.

**Reading and Approval of Minutes:**

The minutes of the May 8, 2006 meeting were reviewed and approved.

**Monthly Reports:**

A revised Monthly Report for April was presented, noting that 2000 people participated in the Spring Into Reading Festival, which is a record number. The Report for May was presented to the Board and accepted also. Circulation is up over 12.5% and computer users are also up.

**Report on Carpeting:**

Mr. Swaney reported that the new carpet has been installed and matches the old perfectly. Three City workers and Library staff worked on Memorial Day weekend to move books out and put them back in place when the installation was complete. Glenn and the staff were thanked for their hard work.

**DVD Discussion:**

DVDs are still being taken, with the loss to the Library being approximately \$900. Discussion followed on the possibility of putting them behind the desk in drawers built as part of the counter. Glenn will revisit this and report possible solutions at the next Board meeting.

**Library Expansion Update:**

It was reported that we are about ready to do preliminary engineering and begin fund raising.

**Public Participation:**

New Daphne resident Jim Morris was welcomed to the meeting. He was a former Library Board member in Newport News and complimented our monthly reports. His library also had DVD losses and set up an electronic alarm system. Glenn reported that the estimated \$10,000 cost of such a system may prove too expensive for us.

The meeting adjourned at 5:30pm.

Respectfully submitted by Anita Rigas

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 25, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

---

**SUMMARIZATION OF MINUTES:**

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**CALL TO ORDER:**

The Vice 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 6:05 p.m.

**CALL OF ROLL:**

**Members Present:**

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

**Members Absent:**

Jeff Carrico, Chairman

**Staff Present:**

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

**Staff Absent:**

Tim Fleming, Associate Attorney

The Vice 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 two positions vacant. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the April 27, 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.

THE CITY OF DAPHNE  
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A Motion was made by Mayor Small and **Seconded** by Mr. Kirby **to approve the minutes of the regular meeting. The Motion carried unanimously.**

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

OLD 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 Lightweis, representing LAI Engineering, Andrew Lewis representing AIG Baker Daphne, L.L.C., 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 and additional traffic which will be generated at this intersection, and the affect on O'Charley's Restaurant.

Mr. Lewis presented the pertinent information contained in the revised traffic study.

Mr. Kirby questioned whether or not the traffic coming from North Main Street was considered in the number of trips represented in the study.

Mr. Chason stated I do 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. I had spoken with the traffic engineer and he had expressed to me that he did not take into consideration the traffic at the intersection of U. S. Highway 90 and North Main Street.

THE CITY OF DAPHNE  
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Ms. Barnette questioned where the information contained in the report came from.

Mr. Lewis stated there is a text book which is used by traffic engineers based on certain information which give the guidelines which you follow.

Mr. McGhee stated an alternate site was considered for Starbucks. They have expressed to us that their preference is this particular location.

The Vice 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 carried.**

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

Mr. Ross stated it was four to two. The motion carried; therefore, Starbucks is approved.

The Vice Chairman stated the next order of business is site plan review for Malbis Lube Center.

**NEW BUSINESS:**

**SITE PLAN REVIEW:**

**File S06-10:**

**Site: Malbis Lube Center**

**Location:** The Northeast corner of U. S. Highway 90 and Alabama Highway 181

**Area:** 3.16 Acres ±

**Owner:** Spriggs Enterprises, Inc. - Kevin Spriggs

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

THE CITY OF DAPHNE  
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An introductory presentation was given by Mr. Kevin Spriggs, the owner, requesting site plan review for an automobile lube and minor repair facility located at the Northeast corner of U. S. Highway 90 and Alabama Highway 181. The architecture will be compatible with the existing business to the South, Malbis Shell. The plans will be reviewed and approved by Historic Malbis Plantation prior to the issuance of a building permit and the commencement of construction. I will be happy to answer any questions you may have.

The Vice 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 Ms. Barnette and **Seconded** by Mr. Kirby **to approve the site plan for Malbis Lube Center. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is site plan review for O'Reilly Auto Parts Store.

**File S06-08:**

**Site:** O'Reilly Auto Parts Store

**Location:** 1808 U. S. Highway 98, Northeast of the intersection of U. S. Highway 98 and County Road 64  
**Area:** 0.68 Acres ±  
**Broker:** Baker Properties - Bubba Baker  
**Agent:** O'Reillys Auto Parts - Jimmy Dickens  
**Engineer:** Buddy Webb and Company - Buddy Webb

An introductory presentation was given by Mr. Jimmy Pickens, representing O'Reilly Auto Parts Store, and Bubba Baker, Baker Properties, requesting site plan review for some automobile parts sales facility located Northeast of the intersection of U. S. Highway 98 and County Road 64.

Mr. Baker addressed the concerns discussed at site preview. He gave an overview of the drainage system, as well as, outlined the concerns regarding the maintenance of the underground system. The system will be maintained annual to address the concerns expressed by the Director of Public Works.

The Vice Chairman stated 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 Mayor Small **to approve the site plan for O'Reilly Auto Parts Store. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is final plat review for Landsdown Subdivision.

FINAL PLAT REVIEW:

File SDF06-11:

Subdivision:       **Landsdown**

Location:           On the East side of Alabama Highway 181, South of Rigsby Road

Area:               37.08 Acres ±, (66) lots

Owner:             Point Clear Ridge Development

Engineer:          Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting final plat review of a thirty-seven acre subdivision consisting of sixty-six lots located on the East side of Alabama Highway 181, South of Rigsby Road. The issues expressed at the site preview have been addressed and all of the notes have been placed on the plat. I will be happy to answer any questions you may have.

The Vice 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 Ms. Barnette and **Seconded** by Mr. Kirby **to approve the final plat for Landsdown Subdivision. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is preliminary/final plat review for TimberCreek Subdivision, Phase Eleven.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF06-05:

Subdivision:       **TimberCreek, Phase Eleven**

Location:           South of Wilson Drive and West of the extension of Pine Run

Area:               31.73 Acres ±, (2) lots

Owner:             TimberCreek Land Company, Inc. - Allen Cox

Engineer:          Rester & Coleman Engineers - Joel Coleman

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An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting preliminary/final plat review of a thirty-one acre subdivision consisting of two lots located South of Wilson Drive and West of the extension of Pine Run. We are requesting the division of the property into two parcels in order to ask for the zoning amendment for each. I will be happy to answer any questions you may have.

The Vice 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 Ms. Barnette and **Seconded** by Mr. Kirby **to approve the preliminary/final plat for TimberCreek Subdivision, Phase Eleven. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is preliminary/final plat review for Historic Malbis Subdivision, Phase III-B.

**File SDPF06-06:**

**Subdivision:** Historic Malbis, Phase III-B

**Location:** Northeast of the intersection of U.S. Highway 90 and Alabama Highway 181 on the West side of Saint Barbara Street

**Area:** 1.22 Acres ±, (4) lots

**Owner:** Historic Malbis Development Corporation - Dave Taylor

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

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting preliminary/final plat review of a one acre subdivision consisting of four lots located Northeast of the intersection of U.S. Highway 90 and Alabama Highway 181 on the West side of Saint Barbara Street. This is the final phase of Historic Malbis. There was no construction necessary during this phase. It is located on an existing street; therefore, we are asking for preliminary/final of this phase. I will be happy to answer any questions you may have.

The Vice 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.

Ms. Barnette commented on the development we have had in the past and asked if the Historic Malbis property owners' association was notified.

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Mr. Coleman stated they were not on the list to be notified this time because the property owners' association did not have any property which would be affected by this development.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Barnette **to approve the preliminary/final plat for Historic Malbis Subdivision, Phase III-B. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is preliminary plat review for Chaucer Ridge Subdivision.

**PRELIMINARY PLAT REVIEW:**

**File SDP06-10:**

**Subdivision: Chaucer Ridge**

Location: On County Road 54 East  
Area: 29.93 Acres ±, (60) lots  
Owner: Elite Development, L.L.C.  
Engineer: Engineering Development Services - Jason Estes

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting preliminary plat approval of a twenty-nine acre subdivision consisting of sixty lots located on County Road 54 East. He pointed out that the original submission contained ten acres. The owner elected to purchase the adjacent property to the North and increase the development. I will be happy to answer any questions you may have.

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

An adjacent property owner, Ms. Judy Dailey Naef, addressed the Commission to express her concerns regarding the proposed development and how it would impact her property. She stated she had spoken with her attorney and he advised her to address the Commission to express her concern with regard to the parcel of land which lies between this development and her property. Apparently years ago there was a path or trail in this area. At the time of the purchase of the property and the proposed approval of the subdivision, it was discovered that a thirty-foot gap lies between this parcel and ours. The original agreement with the development, Mr. Burke, is a drainage structure and road shall to constructed up to my property. With the gap between the properties and not knowing who the property belongs to this cannot occur. Our attorney has advised us that a quiet deed must be agreed on and filed in order to have ownership of this parcel. I am not opposed to the development of this property, but I would like to ask that enough time lapse in order for this to occur prior to final approval of the development.

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The Vice Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. The Commission agreed in order to give this proper consideration, it needed to be resolved prior to final review of the subdivision. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the Preliminary Plat for Chaucer Ridge. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is a zoning amendment for TimberCreek Land Company, Inc.

**PETITIONS:**

**ZONING AMENDMENT REVIEW:**

**File Z06-03: TimberCreek Land Company, Inc.**

Location: Northwest of Woodrow Lane and Interstate 10  
Area: 21.50 Acres ±  
Owner: TimberCreek Land Company, Inc. - Allen Cox  
Engineer: Rester & Coleman - Joel Coleman

**Present Zoning: B-2                      Proposed Zoning:                      R-4**

**Reference: Proposed TimberCreek, Phase Eleven**

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting the rezoning of a portion of TimberCreek Subdivision, Phase Eleven from a B-2, General Business, to an R-4, High Density Single Family Residential, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision. This property lies North of the proposed interchange. I will be happy to answer any questions you may have.

The Vice 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.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of TimberCreek Land Company, Inc. from a B-2, General Business, to an R-4, High Density Single Family Residential, zone. The Motion carried unanimously.**

THE CITY OF DAPHNE  
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The Vice Chairman stated the next order of business is a zoning amendment for TimberCreek Land Company, Inc.

**File Z06-04: TimberCreek Land Company, Inc.**

Location: Northwest of Woodrow Lane and Interstate 10  
Area: 10.23 Acres ±  
Owner: TimberCreek Land Company, Inc. - Allen Cox  
Engineer: Rester & Coleman - Joel Coleman

**Present Zoning: B-2 Proposed Zoning: R-3**

**Reference: Proposed TimberCreek, Phase Eleven**

An introductory presentation was given by Mr. Coleman, representing Rester & Coleman Engineers, requesting the rezoning of a portion of TimberCreek Subdivision, Phase Eleven from a B-2, General Business, to an R-3, High Density Single Family Residential, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision. This property lies North of the proposed interchange. I will be happy to answer any questions you may have.

The Vice 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.

**A Motion was made by Mr. Kirby and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of TimberCreek Land Company, Inc. from a B-2, General Business, to an R-3, High Density Single Family Residential, zone. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is revised master plan review for Bellaton Subdivision.

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting Revised Master Plan approval for Bellaton Subdivision.

**A Motion was made by Mr. Kirby and Seconded by Mayor Small to grant approval for the Revised Master Plan for Bellaton Subdivision. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is a zoning review for Country Club Development, L.L.C.

**THE CITY OF DAPHNE  
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**File Z06-05:      Country      Club      Development,      LLC**

Location:            On Alabama Highway 181 across from Austin Road  
Area:                1.06 Acres ±  
Owner:               Fred L. Corte  
Agent:                Country Club Development, LLC - Trae Corte  
Engineer:            Engineering Development Services - David Diehl

**Present Zoning: B-1                      Proposed Zoning:                      R-4**

**Reference: A portion of Phase Two of Bellaton Subdivision**

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting the rezoning of a portion of Bellaton Subdivision, Phase Two from a B-1, Local Business, to an R-4, High Density Single Family Residential, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision and a reduction of the B-1, Local Business, zoned area around the clubhouse. I will be happy to answer any questions you may have.

The Vice 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.

**A Motion was made by Mr. Kirby and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of Country Club Development, L.L.C. from a B-1, Local Business, to an R-4, High Density Single Family Residential, zone. (Reference: A portion of Phase Two of Bellaton Subdivision). The Motion carried unanimously.**

The Vice Chairman stated the next order of business is a zoning review for Country Club Development, L.L.C.

**File Z06-06:      Country Club Development, LLC**

Location:            On Alabama Highway 181 across from Austin Road  
Area:                0.26 Acres ±  
Owner:               Fred L. Corte  
Agent:                Country Club Development, LLC - Trae Corte  
Engineer:            Engineering Development Services - David Diehl

**Present Zoning: R-3                      Proposed Zoning:                      B-1**

**Reference: A portion of Phase Two of Bellaton Subdivision**

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An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting the rezoning of a portion of Bellaton Subdivision, Phase Two from R-3, High Density Single Family Residential, to a B-1, Local Business, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision and a reduction of the B-1, Local Business, zoned area around the clubhouse. I will be happy to answer any questions you may have.

The Vice 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.

**A Motion was made by Mr. Kirby and Seconded by Ms. Barnette for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of Country Club Development, L.L.C. from an R-3, High Density Single Family Residential, to a B-1, Local Business, zone. (Reference: A portion of Phase Two of Bellaton Subdivision). The Motion carried unanimously.**

The Vice Chairman stated the next order of business is a zoning review for Country Club Development, L.L.C.

**File Z06-07: Country Club Development, LLC**

Location: On Alabama Highway 181 across from Austin Road  
Area: 0.27 Acres ±  
Owner: Fred L. Corte  
Agent: Country Club Development, LLC - Trae Corte  
Engineer: Engineering Development Services - David Diehl

**Present Zoning: R-3 Proposed Zoning: R-4**

**Reference: A portion of Phase Three of Bellaton Subdivision**

An introductory presentation was given by Mr. Diehl, representing Engineering Development Services, requesting the rezoning of a portion of Bellaton Subdivision, Phase Two from R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone. We are asking for the rezoning of this parcel for the construction of residential subdivision and a reduction of the B-1, Local Business, zoned area around the clubhouse. I will be happy to answer any questions you may have.

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 25, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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**SUMMARIZATION OF MINUTES:**

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The Vice 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.

**A Motion** was made by Mayor Small and **Seconded** by Mr. Kirby for the **affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of Country Club Development, L.L.C. from R-3, High Density Single Family Residential, to an R-4, High Density Single Family Residential, zone. (Reference: A portion of Phase Three of Bellaton Subdivision). The Motion carried unanimously.**

The Vice Chairman stated the next order of business is an administrative presentation for the Village Overlay District Map.

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Eady, Director of Community Development, of a proposed revision to the City of Daphne Land Use Ordinance requesting consideration to include the area West of U. S. Highway 98 from Van Buren Street South to the North boundary of the Village Overlay District in the Residential High Rise Overlay District. The owners of the three parcels shown on the Baldwin County Tax Map as parcels 8 and 14, Lot 2 of D'Olive Grant located Southeast of the intersection of U. S. Highway 98 and World Gym Drive has requested in writing to be included in the Village Overlay District and rezoned to a multi-use zone to be compatible with the use they are proposing in the development.

Ms. Barnette stated the City Council had requested the Planning Commission amend the map to include these parcels in the Village Overlay District Map to allow the construction of the project.

The Vice 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 Ms. Barnette and **Seconded** by Mayor Small for the **affirmative recommendation by the Planning Commission to the City Council of Daphne for the inclusion of the subject parcels in the Village Overlay Map and the rezoning of Cypress Pointe, L.L.C. and the Utilities Board of the City of Daphne from a B-2, General Business, to an M/U, multi-use, zone.**

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 25, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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The Commission discussed at length the proposal. They questioned whether or not a zoning amendment could be done without documentation and the Planning Commission holding a public hearing.

Mr. Eady stated it is not necessary that the Planning Commission hold a public hearing for a zoning amendment. The public hearing is held by the City Council.

The Vice Chairman asked Mr. Ross whether or not a motion to rezone a parcel could be done by the Planning Commission without documentation and a public hearing.

Mr. Ross stated it has been our practice to have the documentation and to hold a public hearing. Has it not, Mr. Eady?

Mr. Chason stated we have just discussed several zoning amendments in which we had a public hearing and the adjacent property owners we notified. I think that we as the Commission need to be consistent. If we notified the adjacent property owners and had public participation for the others I think we need to do it for this one also.

Ms. Barnette concurred. I believe that we need to be consistent. The only concern that I had was recommending the amendment to the map as requested by the City Council.

The motion was withdrawn.

**A Motion was made by Ms. Barnette and Seconded by Mr. Kirby for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the inclusion of the subject parcels in the Village Overlay Map. The Motion carried unanimously.**

The Vice Chairman stated the next order of business is an administrative presentation for the traffic study for the Daphne Elementary School South.

An introductory presentation to be given by Mr. Eady, Director of Community Development, of the traffic study for the Daphne Elementary School South located on Main Street.

Mr. Chason stated he had discussed some of his concerns with Mr. Skipper, the traffic engineer for Starbucks - U. S. Highway 90.

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

**THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 25, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

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**SUMMARIZATION OF MINUTES:**

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Mr. Kit Smith, representative of Downtown Redevelopment Authority, and Ms. Lynn Davis, addressed the Planning Commission with regard to their concerns about the additional traffic this would generate on Main Street.

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

**A Motion** was made by Ms. Barnette and **Seconded** by Mayor Small *which states the City of Daphne Planning Commission does not accept the traffic study proposed by the Baldwin County Board of Education as prepared by Mr. William J. Metzger, Jr. Due to the additional traffic flow generated the City of Daphne Planning Commission recommends that prior to the commencement of construction of the facility located on Main Street, the plans be presented to the Planning Commission for review and approval.*

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

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

The Vice Chairman stated the next order of business is an administrative presentation for the Holiday Inn Express.

An introductory presentation was given by Mr. Eady, Director of Community Development, of a request by Herbert Meisler, developer of Holiday Inn Express, located Northwest of the intersection of Interstate 10 and Alabama Highway 181 to thin trees and underbrush on state property along Interstate 10 for site clearance. A letter has been given to the Planning Commission which was addressed to Ms. Burnette requesting that the clearing not be allowed along Interstate 10 due to concerns of the adjacent property owners. They are concerned if you remove the buffer zone along Interstate 10 there will be a lot of additional noise. When we were in Fire Station No. 4 in TimberCreek Subdivision, they was a property owner who sold his house and moved once they removed some of the trees near his house on Woodrow Lane.

**A Motion** was made by Mayor Small and **Seconded** by Ms. Barnette *to request that the Alabama Department of Transportation deny the permit for to thin the trees and underbrush located Northwest of the intersection of Interstate 10 and Alabama Highway 181. The Motion carried unanimously.*

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF MAY 25, 2006  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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

**ATTORNEY'S REPORT:**

Mr. Ross stated no report.

**ADJOURNMENT:**

The Vice 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 8:30 p.m.*

***Respectfully submitted by:***

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Jan Dickson, Planning Coordinator

**APPROVED:** June 22, 2006

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Warren West, Vice Chairman

SET PUBLIC HEARING DATE

FOR

AUGUST 7, 2006

ANNEXATION: Pollard Group, LLC / 4.11 Acres / Property  
Located Southeast of the intersection of  
County Road 64 and Pollard Road / R-4,  
High Density Multi-Family Residential  
Zoning

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Pollard Group, L.L.C.  
Petition for Annexation

## MEMORANDUM

Date: June 26, 2006

At the regular meeting of the City of Daphne Planning Commission on June 22, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Proposed project name is St. Charles Village.

Upon receipt of said documentation, please set the public hearing, advertise, 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

STATE OF ALABAMA

COUNTY OF BALDWIN

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

( \_\_\_\_\_ )

The undersigned, POLLARD GROUP, LLC., files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as ST. CHARLES VILLAGE - PHASE I to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. Owner: The Petitioner, POLLARD GROUP, LLC., is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

ZONING : R-4 MULTI-FAMILY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DATED this 22nd day of May, 2006

Respectfully submitted,

POLLARD GROUP, LLC.  
Name of Corporation

By: \_\_\_\_\_

Its: MANAGER

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Justin Clements whose name as Manager of Pollard Group, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 22nd day of May, 2006.

Emily Murphy (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: May 31, 2009

**Pollard Group, LLC.**  
ANNEXATION OF 4.11 ACRES  
AS R-4 SINGLE FAMILY

**“Exhibit A”**

**DESCRIPTION TO ACCOMPANY SKETCH OF 4.11 ACRES TO-WIT:**

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE RUN SOUTH, 559.7 FEET TO THE BEGINNING CORNER; THENCE CONTINUE SOUTH 763.3 FEET TO A CORNER, THENCE RUN EAST 609.5 FEET TO A CORNER; THENCE RUN N-61°00'48"-W. 48 FEET TO A CORNER; THENCE RUN N-37°45'-W, 937 FEET TO THE BEGINNING CORNER. LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE SOUTH ALONG THE WEST LINE OF THE SAID SECTION, A DISTANCE OF 1241.8 FEET FOR A POINT OF BEGINNING. THENCE CONTINUE SOUTH 81.2 FEET; THENCE RUN S-88°38'-E, 164.7 FEET, TO AN IRON PIN MARKER; THENCE RUN N-17°05'-E, 84.6 FEET TO AN IRON PIN MARKER; THENCE RUN N-88°39'-W 190.2 FEET TO THE POINT OF BEGINNING. SUBJECT TO: A RIGHT-OF-WAY EASEMENT OVER AND ACROSS THE WEST 40 FEET THEREOF IN USE AS PART OF A PUBLIC ROAD. PARCEL CONTAINS 0.33 ACRES, MORE OR LESS, RIGHT-OF-WAY INCLUDED.



**ORDINANCE NO. 2006-**

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

**POLLARD GOUP. LLC**

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

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

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

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

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

**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on June 22, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-4, High-Density Single and Multi-Family Residential, District**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 7, 2006 concerning the petition for annexation; and,

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

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

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

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

EXHIBIT "A"

LEGAL:

FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, THENCE RUN SOUTH, 559.7 FEET TO THE BEGINNING CORNER; THENCE CONTINUE SOUTH 763.3 FEET TO A CORNER, THENCE RUN EAST 609.5 FEET TO A CORNER; THENCE RUN N-61°00'48"-W. 48 FEET TO A CORNER; THENCE RUN N-37°45'-W, 937 FEET TO THE BEGINNING CORNER. LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE SOUTH ALONG THE WEST LINE OF THE SAID SECTION, A DISTANCE OF 1241.8 FEET FOR A POINT OF BEGINNING. THENCE CONTINUE SOUTH 81.2 FEET; THENCE RUN S-88°38'-E, 164.7 FEET, TO AN IRON PIN MARKER; THENCE RUN N-17°05'-E, 84.6 FEET TO AN IRON PIN MARKER; THENCE RUN N-88°39'-W 190.2 FEET TO THE POINT OF BEGINNING. SUBJECT TO: A RIGHT-OF-WAY EASEMENT OVER AND ACROSS THE WEST 40 FEET THEREOF IN USE AS PART OF A PUBLIC ROAD. PARCEL CONTAINS 0.33 ACRES, MORE OR LESS, RIGHT-OF-WAY INCLUDED.

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

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

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

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

\_\_\_\_\_  
**John Lake**  
**Council Vice President**  
Date & Time Signed: \_\_\_\_\_

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section on Wednesday,  
July 5, 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 August 7, 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 annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

PLEASE Publish in the Bulletin Legal Section on Wednesday, July 12, 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 August 7, 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 annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006-**

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

**DEREK ANTONIO DEFILLIPI AND KEVIN STACEY DEFILLIPI  
ANTONIO JAMES DEFILLIPI  
LUTHER G AND SHARON MILSTEAD  
STEVE MILSTEAD**

**FRENCH SETTLEMENT**

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

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

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

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

**WHEREAS**, said petition has been presented to the Planning Commission of the City of Daphne on January 26, 2005 and a affirmative recommendation was **approved** for the City

**/END SYNOPSIS**

**City of Daphne Recreation Board Minutes**  
**1705 Main Street**  
**Daphne, AL**  
**June 14, 2006**  
**6:00 p.m.**

Members present: Councilman Gus Palumbo, Rick Cleveland, Eric Smith, James Foster, Kit Smith, Glenn Vickery and David McKelroy, Recreation Director.

Members absent: Matt Cunningham.

Others present: Ms. Harrell; Christopher Allen; Steve Commander, Vice President of Volkert & Associates; Tim Patton, Vice President of Volkert & Associates; and Robbin Gregory, Assistant Vice President of Volkert & Associates.

**Call to Order**

The meeting was called to order by Councilman Gus Palumbo at 6:05 p.m. Approval of the May minutes was postponed until later in the meeting to allow other members to arrive.

**Public Participation**

*Handicapped Accessible Play Equipment* - Ms. Harrell spoke to the Board about her request that Daphne parks provide play equipment for children that is handicapped accessible. A discussion followed regarding what possibilities were available to retrofit existing parks with play equipment designed for handicapped children. Councilman Palumbo requested that Ms. Harrell review available play equipment that would suit the needs of disabled children and requested that she contact Ms. Shannon Spivey in the Mayor's office with her input and suggestions. Mr. Steve Commander of Volkert & Associates offered to assist Ms. Harrell with her research on finding suitable play equipment. Councilman Palumbo invited Ms. Harrell to return during the July Board meeting with her ideas. Palumbo requested that Volkert and Associates research possible grants that would assist the City of Daphne with the purchase of handicapped accessible play equipment.

*BMX Track* - Mr. Christopher Allen presented the Board with over 200 signatures of those in favor of a BMX track for the City of Daphne. He provided the Board with additional literature on other BMX tracks around the country for their review.

Councilman Palumbo asked that Mr. Allen retain the signatures until further progress is made on acquiring the Tallent property which is planned to house a newly constructed Recreation facility.

Mr. Allen explained that the BMX tracks are usually open all 12 months of the year, with most competitive races lasting 1 to 2 days on Friday and Saturday nights. He said that the City of Daphne could expect a local attendance of 100 – 150 people.

Larger races could draw several hundred up to 2,000 in attendance. Mr. Allen clarified that the track could be kept open daily for general usage. However, this decision would be up to the City of Daphne. The closest BMX tracks in this area are located in Ft. Walton Beach, Florida; Dothan, Alabama; and Baton Rouge, Louisiana. The largest age group is men between 40-50 years old, and the second largest are 13 year old boys. Boys and girls race separately. The average cost of a bike is \$1,800, but the price varies depending on what the needs are of the individual. Mr. Allen suggested that bikes be provided for rental use if the BMX track is approved and offered to assist with providing the rental bikes.

Councilman Palumbo invited Mr. Allen to attend the July Board meeting to review a DVD of actual races.

### **Old Business**

Councilman Palumbo explained that the Board would act as an advisory committee to the City Council and would continue operating as current until the ordinance is changed.

Councilman Palumbo asked if there were any objections to reducing the number of Board members from 9 to 7. No objections were voiced.

Councilman Palumbo asked that the minutes of the Recreation Board meetings be emailed to the Board members. Palumbo called for a motion to approve the May Board minutes. Rick Cleveland gave a motion for the approval. Kit Smith seconded the motion and the motion was approved.

### **New Business**

*Skate Park* – Mr. James Foster gave a description of the Bay Minette, AL facility which includes a skate park, bowling lanes, pool tables and game room.

Councilman Palumbo requested that all diagrams and maps be kept in files and brought to each of the Board meetings for reference at future meetings.

*Park Master Plan* – Councilman Palumbo explained that the City of Daphne is in the process of acquiring the Tallent property, located east of Walmart off of Hwy 98. Tim Patton with Volkert & Associates clarified that the property survey had been completed, but that a problem still existed with the contiguous property owners. The Daphne City Council has set aside \$1 million for the property acquisition.

Mr. Tim Patton of Volkert & Associates gave a brief introduction of his team. Mr. Steve Commander gave a detailed explanation of the services that Volkert could provide to the City of Daphne.

Mr. Robbin Gregory gave a detailed presentation of park plan projects that Volkert & Associates had designed for other cities in the South, including Robertsdale, AL; Birmingham, AL; Auburn, AL; Fairhope, AL; and Gulf Shores, AL.

Mr. Gregory opened a dialogue regarding the current Tallent property topography and explained the process of Volkert & Associate's engineering and design services. Mr. Commander confirmed that there were no anticipated issues with the wetlands area that runs through the middle of the Tallent property. Mr. Gregory commented that the site would afford a nice separation from site to site for varying athletic activities and explained that by working with the existing topography of the site, more money could be saved.

Mr. Gregory clarified that their services would include a process of researching the site further and identifying access and wetlands constraints, in addition to identifying the needs for the site.

Councilman Palumbo explained that the site engineering and the site design would most likely be two separate contracts. Mr. Gregory agreed that a phased approach would probably work best for the project.

Councilman Palumbo suggested that the Board discuss what needs the City of Daphne has for all of their parks and bring these ideas to the July Board meeting.

Mr. Kit Smith suggested that they contact Mr. Guarisco about what park amenities the Village Point development provides to help ensure that the City of Daphne does not repeat the same designs in their future design for the Tallent property.

Councilman Palumbo invited Volkert & Associates to return to a future Board meeting once the Tallent property was purchased.

Councilman Palumbo asked the Board for any new business that needed to be discussed. Mr. David McKelroy, Director of Recreation, forwarded a request from the Mayor's office that the Board hold special meetings for individuals who were not able to attend the normally scheduled monthly meetings. Palumbo clarified that special meetings would not be called and instead preferred individuals be invited to future monthly meetings in order to give their presentations.

Councilman Palumbo requested that Mr. McKelroy distribute copies of the Recreation survey that was completed earlier in the year to the City Council. Palumbo commended Mr. McKelroy and the Recreation Department for the excellent survey results.

Councilman Palumbo called for a motion to adjourn the meeting. Glenn Vickery made a 1<sup>st</sup> motion; Rick Cleveland seconded the motion and the meeting was adjourned at 7:50 p.m.

**MINUTES**  
**Utilities Board of the City of Daphne**

**CITY COUNCIL CHAMBERS**

**January 25, 2006**

**5:00 P.M.**

**I. Call to Order**

**II. Roll Call:**

The Utility Board Meeting was called to order by the Chairman, Bob Segalla, at 5:00 p.m. on Wednesday, January 25, 2006.

**Members Present:** Robert Segalla, Chairman; Ron Scott, Vice Chairman; Lon Johnston, Secretary Treasurer (arrived at 5:05 p.m.); Lloyd Taylor, Board Attorney

**Absent:** Mayor Fred Small

**Others Present:** Rob McElroy, Stan Clayton, Teresa Logiotatos, Deloris Brown, Stephnie Merchant, Ray Moore, Melinda Immei, Tim Patton, Ed Bellue, Andrew Bolar, Donnie Douglas, Terry Cawthron, Rebecca Williamson, Tim Jones, Drew Klumpp,

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

The Board reviewed the minutes from the December 28, 2005, Utility Board Meeting.

Mr. Scott made a motion to approve the minutes from December 28, 2005, and Mr. Patterson seconded the motion: all were in favor.

**V. Old Business**

**A. Brookhaven Subdivision**

Mr. McElroy informed the Board that Belforest Water System had signed an agreement to authorize Daphne Utilities to provide water for pressure testing of the Brookhaven Subdivision. Mr. Taylor advised the Board that he was working with the attorney for Belforest Water to finalize the agreement defining the territory for water services in the Brookhaven Subdivision. He stated that the agreement would clearly define the areas serviced by Daphne Utilities and Belforest Water System within the subdivision. Mr. Scott asked the Board Attorney how disputed utility service territories are handled and Mr. Taylor explained the legalities of the process.

**B. Riviera Utilities Property**

Mr. Taylor informed the Board that he was waiting on Irby and Heard, P.C., for the title on the property. He stated that he had discussed the issue with the City Attorney and had informed him that based on the title requirements a City ordinance may be required.

**MINUTES**  
**Utilities Board of the City of Daphne**

**CITY COUNCIL CHAMBERS**

**January 25, 2006**

**5:00 P.M.**

**VI. New Business**

**VII. Finance Reports**

**A. Financial Reports**

Mrs. Logiotatos reviewed the December 31, 2005, financial reports with the Board, and updated them on the status of the financial audit. She answered Board inquiries relating to the balance sheet, expenditures, and refinancing benefits.

**VIII. General Manger's Report**

**A. Administration/HR/Purchasing**

Mr. McElroy reviewed the General Manager's Report with the Board. He discussed plans for reorganization that were necessary to keep the Utility running effectively, efficiently, and to meet the needs of the City of Daphne. He reviewed the revised organizational chart with the Board and informed them that he was reassigning Mr. Clayton to the position of Planning & Construction Manager due to the extensive workload and increase involving current and future capital projects and planning. He informed the Board that he was in the process of finalizing the reorganization primarily in the operations area and that the plan would be completed and implemented within the next two to three weeks. He stated that he would be available to meet with the Board members individually if there were questions.

Mr. Segalla informed Mr. Clayton that he had done a great job and commended him on the time and effort that he had expended with several recent major projects. Mr. Segalla told Mr. Clayton that he felt capital improvements and planning were his strong suit, and that he was glad the General Manager recognized this real talent and was putting him where he could do the most good for the Utility. Mr. Segalla stated that the Board was only interested in interviewing and approving four positions within the organization of Daphne Utilities: General Manager, Finance Manager, Human Resources Manager, and Operations Manager. He stated that involvement in additional positions would be micromanaging and the Board was not going to micromanage. Mr. Segalla stated that the Board does not evaluate the departmental operations managers/supervisors on a daily basis and although the Board has good knowledge of what the managers do, they do not know how proficient they are at

their jobs. Mr. Segalla stated a pay for performance program was in place which had purified the system, rewarding good hard work, and that it was not yet perfect but it would be thanks to the managers/supervisors, Rob, and Stan. Mr. Segalla requested a motion from the Board to approve the revised organizational chart and authorize the Human Resources Manager to advertise for an Operations Manager. Mr. Segalla requested that the Human Resource Manager screen the applications and resumes to narrow down the list to no less than 25 percent and/or 4 applicants for the Board to interview.

**MINUTES**  
**Utilities Board of the City of Daphne**

**CITY COUNCIL CHAMBERS**  
**January 25, 2006**  
**5:00 P.M.**

Mr. Scott inquired if the Operations Manager position would be posted internally. Mr. Segalla stated that it would. Mr. Scott personally commended and thanked Stan for the excellent job he had done and informed him of recent high regards and compliments from council member Cathy Barnette. Mr. Patterson asked if the revised organizational chart reflected the discussed changes for the Operations Manger position and Mr. McElroy stated that it did.

Mr. Johnston motioned approve the organizational chart and authorize the Human Resources Manger to advertise for the position of Operations Manager, and Mr. Scott seconded the motion; all were in favor.

**B. Operations Report**

Mr. Clayton thanked the Board and the Departmental Managers for all of their support while he served as Operations Manager. Mr. Clayton reviewed the Operations Report with the Board.

**C. Engineering/Current Construction Reports**

Melinda Immel of Volkert & Associates reviewed the report and updated the Board on the status of current projects. Mrs. Immel informed the Board that ADECA was going to receive 74 million dollars from Hurricane Katrina, and that they were very optimistic about receiving the 1 million dollar grant for the equalization tank at the Wastewater Treatment Plant. She updated the Board on the status of current bids and planning commission submittals.

Ray Moore of HMR reviewed the project and engineering status report with the Board. He advised the Board that bids were opened January 24 for the upgrade to Well #5. He recommended that the Board award the bid to the Griner Drilling Service, Inc. who was the lowest bidder at \$258,800. Mr. Scott inquired regarding the significant difference in the bids received and performance bonds. Mr. Johnston inquired regarding the time frame for completion of the project and liquidated damages. Mr. Patterson inquired regarding previous work performed by Griner Drilling.

Mr. Scott motioned to award the bid to Griner Drilling for the Well #5 upgrade, and Mr. Patterson seconded the motion; all were in favor.

**IX. Resolutions/Board Action Required**

**A. General Manager Monetary Authority Resolution 2006-01**

The Board reviewed the revised resolution prepared by Mr. Taylor that was amended to reflect \$100,000 limit contingent upon attorney and finance manager approval.

**MINUTES**  
**Utilities Board of the City of Daphne**

**CITY COUNCIL CHAMBERS**  
**January 25, 2006**  
**5:00 P.M.**

Mr. Scott motioned to adopt Resolution 2006-01 granting monetary authority to the General Manager, and Mr. Johnston seconded the motion; all were in favor.

**X. Public Participation**

Mr. Segalla thanked all the Managers for attending the meeting and asked them if they would like to make any comments or ask any questions. Mr. Segalla stated that he would like to thank all of the managers for doing a good job and making Daphne Utilities the best in the State.

**XI. Board Comments**

**XII. Executive Session**

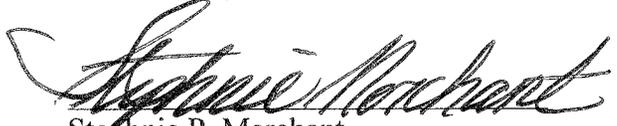
**XIII. Adjournment**

Mr. Scott motioned to adjourn at 5:50 p.m.

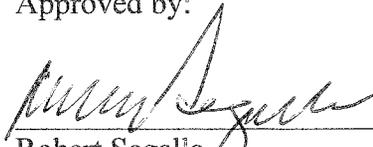
The Board meeting was called back to order by the Chairman at 5:50 p.m. to amend Resolution 2006-01 due to incorrect verbiage. The resolution read Treasurer where it should have read Finance Director. Mr. Scott motioned to authorize the Board Attorney replace "Treasurer" with "Finance Director" in Resolution 2006-01, and Mr. Johnston seconded the motion all were in favor.

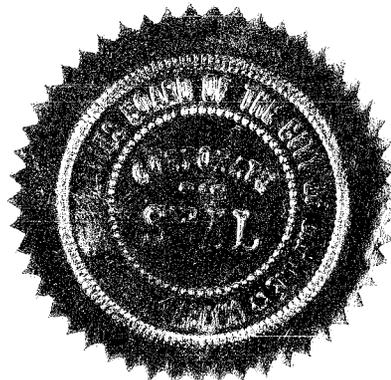
Mr. Scott motioned to adjourn at 5:52 p.m.

Submitted by:

  
Stephanie P. Merchant  
Executive Assistant

Approved by:

  
Robert Segalla  
Chairman of the Board



**MINUTES**  
**Utilities Board of the City of Daphne**

**March 1, 2006**  
**5:00 P.M.**

**I. Call to Order**

**II. Roll Call:**

The Utility Board Meeting was called to order by the Chairman, Bob Segalla, at 5:00 p.m. on Wednesday, March 1, 2006.

**Members Present:** Robert Segalla, Chairman; Ron Scott, Vice Chairman; Mayor Fred Small; Bob Patterson; Lloyd Taylor, Board Attorney

**Absent:** Lon Johnston, Secretary Treasurer

**Others Present:** Rob McElroy, Stan Clayton, Danny Lyndall, Teresa Logiotatos, Deloris Brown, Stephnie Merchant, Ruth McCulloh, Ray Moore, Melinda Immel, Andrew Bolar, Terry Cawthron, Tim Jones, Kenny Johnson

**III. Pledge of Allegiance**

**IV. Approval of Minutes**

Mr. Segalla commended Kevin Bryant and the Water Reclamation Department on the Grease Recycling Program. He thanked the employees who took time to assist with the community benefit at Lott Park for PD Raines who was seriously injured in Iraq.

The Board reviewed the minutes from the January 25, 2006, Utility Board Meeting.

Mayor Small made a motion to approve the minutes from January 25, 2006, and Mr. Patterson seconded the motion; all were in favor.

**V. Old Business**

**A. Brookhaven Subdivision**

Mr. Taylor advised the Board that he had sent the attorney for Belforest Water a letter requesting finalization of the agreement defining the territory for water services in the Brookhaven Subdivision.

**B. Sale of Property by the Utilities Board**

Mr. Segalla reviewed a letter from Tim Fleming, of Ross & Jordan, P.C., regarding the sale/disposal of property and stated that the sale was permissible if the property was exchanged for fair value. Mr. Taylor advised the Board that he had requested the City Attorney to prepare a resolution for the City Council to pass to satisfy the title requirement for the property.

**MINUTES**  
**Utilities Board of the City of Daphne**

**March 1, 2006**  
**5:00 P.M.**

C. Fire Hydrant Maintenance

Mr. McElroy advised the Board that the decision was still in the Fire Chief's hands and that he did not have any new information. Mr. Segalla stated that whoever performs the maintenance will take 100% of the functions related to the program and that it will not be a joint effort.

D. Sewer Non-connect Status

Mr. Clayton advised the Board that he had met with Judge Doyle and Mr. Scroggins to review the Sewer Ordinance. The Board discussed the current process and procedures. Mr. Taylor stated that the Board needed to pass a resolution requiring sewer connection within six months to be consistent with the City Ordinance.

Mayor Small made a motion to adopt a resolution to reflect a six month sewer connection requirement and Mr. Scott seconded the motion; all were in favor.

**VI. New Business**

A. Park City Water Authority Agreement

The Board reviewed the proposed agreement from Park City Water System allowing Park City to bill for sewer usage and in return pay Daphne Utilities. The Mayor discussed problems with garbage fee collections from the Park City residents. Mr. Taylor stated that the agreement would be acceptable once a rate structure is established.

Mr. Scott made a motion to approve the agreement with Park City Water System contingent upon a rate structure being set, and Mayor Small seconded the motion; all were in favor.

B. Daphne Utilities Reorganization Plan

Mr. McElroy advised the Board that a new organizational chart was included in the agenda packet and that he would review the reorganization details in his General Manager's report.

**VII. Finance Reports**

A. Financial Reports for Month Ending January 31, 2006.

Mrs. Logiotatos reviewed and discussed the Summary Report, Balance Sheet, Combined Reports, Departmental Reports, Allocation of Support Report, Cash Flow Report, Projected Cash/Cash Payment Report, and Check History Report for month ending January 31, 2006, with the Board.

**VIII. Board Attorney's Report**

Mr. Taylor updated the Board on the status of the Krystal Ridge Natural Gas Agreement, Park City Water Agreement, Bayfront Villa Agreement, Brookhaven Territory Agreement, Sale of Utility Board Property, Sewer Ordinance/Resolution Revisions, Oldfield Development Agreement, Oldfield Water Service, and Haley's Lane Agreements.

**MINUTES**  
**Utilities Board of the City of Daphne**

**March 1, 2006**  
**5:00 P.M.**

Mr. Taylor advised the Board that he was requesting a fee increase. Mr. Segalla and Mr. McElroy proposed a fee increase from \$100/hr to \$200/hr. The Board discussed the request and proposal and determined that it should be discussed in an executive session.

**IX. General Manager's Report**

**A. GM Report**

Mr. McElroy introduced and welcomed Danny Lyndall – Operations Manager Kenny Johnson – Code Enforcement, and Ruth McCulloh – Administrative Assistant. Mr. McElroy updated the Board on the status of Administration including operational reorganization summary, Marketing & Public Relations, Human Resources, Customer Service, Purchasing, Field Services (Wastewater Collection, Water Distribution, Line Locate), Maintenance (Building, Grounds, Electrical & Street Maintenance, Natural Gas), Wastewater Treatment, Water Quality and Code Enforcement. Mr. Segalla commended the Customer Service Department on their friendly customer service including smiles and welcome greetings. Terry Cawthron updated the Board on Field Services operations and reorganization status, and Andrew Bolar updated the Board on Maintenance operations and reorganization status. Mr. Clayton updated the Board on the status of current projects including Sewer Connections, Buildings and Construction, Well #5, Highway 90/Canterbury Main Extensions, Water Storage Tank, Eastern Shore Park, Oldfield Development, BioTerminator, Scum Beach, Bayfront Villa, Natural Gas Annual Contract Bid, Street Paving Annual Contract Bid, Natural Gas Projects, and Fire Hydrant Maintenance.

**B. Engineering Report**

Mr. Moore updated the Board on the status of Highway 64 South Sewers, Well #5 Upgrades, Survey of 19 Acre Utility Board Property, and North Winding Brook Sewer. Mrs. Immel updated the Board on the status of current Short Term Water System Improvements, Sanitary Sewer Improvements for the Dauphine Acres Area, Evaluation of Selected Sanitary Sewer Areas, Long Range Plan & Annual Report, Standard Specifications, Annual Contracts and ADECA Grants. Mrs. Immel reviewed the bid tabulation and recommended that the Board award the bid water main extensions along US 90/Canterbury to the lowest bidder R & B Contracting Company in the amount of \$491,838.

**C. Utility Revenues Report**

The Board reviewed the reports and graphs for water, sewer, and gas revenues for October 2005 through January 2006.

**X. Public Participation**

**XI. Board Comments**

**MINUTES**  
**Utilities Board of the City of Daphne**

**March 1, 2006**  
**5:00 P.M.**

**XII. Executive Session**

Mayor Small motioned for the Board to conduct an Executive Session to discuss legal and personnel issues at 6:19 p.m. The Board returned from Executive Session at 7:46 p.m.

**XIII. Board Action**

**A. Bid Award – Water Main Extensions**

Mr. Scott motioned to award the bid for water main extensions along US 90/Canterbury to R & B Contracting Company, and Mr. Patterson seconded the motion; all were in favor.

**B. Adoptions of Standard Specifications**

Mr. Scott motioned to adopt the standard specifications and Mayor Small seconded the motion: all were in favor.

**C. Attorney Fee Increase**

Mr. Patterson motioned to increase the hourly rate for the Board Attorney and Mayor Small seconded the motion: all were in favor.

**D. Resolution 2006-02 Oldfield Development Agreement**

Mayor Small motioned to adopt Resolution 2006-02 and Mr. Patterson seconded the motion: all were in favor.

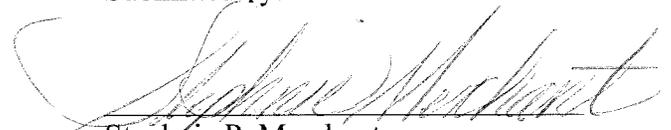
**XIV. Adjournment**

Mayor Small motioned to adjourn at 7:50 p.m.

**MINUTES**  
**Utilities Board of the City of Daphne**

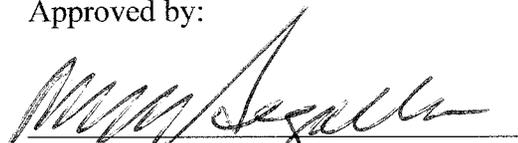
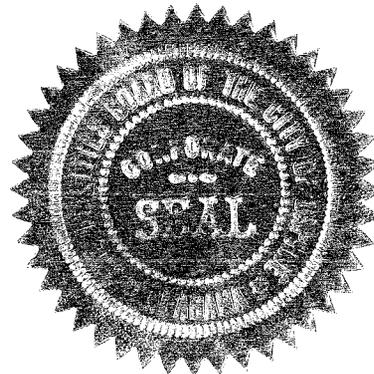
**March 1, 2006**  
**5:00 P.M.**

Submitted by:



Stephanie P. Merchant  
Executive Assistant

Approved by:

  
Robert Segalla  
Chairman of the Board

I. **Call to Order**

5:25 p.m. March 29, 2006

II. **Roll Call**

The Utility Board Meeting was called to order by the Bob Segalla-Chairman, at 5:25p.m. on Wednesday, March 29, 2006

**Members Present**

Robert Segalla-Chairman, Ron Scott-Vice Chairman, Lon Johnston-Secretary Treasurer,

**Absent**

Fred Small-Mayor, Bob Patterson, Lloyd Taylor-Board Attorney

**Others Present**

Rob McElroy-General Manager, Danny Lyndall, Rebecca Williamson, Stan Clayton, Melinda Immel, Ray Moore, Teresa Logiotatos, Deloris Brown, Stephnie Merchant, Ruth McCulloh

III. **Pledge of Allegiance**

IV. **Approval of Minutes**

**March 1, 2006 – Utility Board Meeting**

Approval of the minutes from the meeting March 1, 2006. No additions or deletions to the minutes were made. ***Mr. Scott made a motion for approval of the minutes; Mr. Segalla seconded the motion, and all were in favor.***

V. **Old Business**

**Fire Hydrant Maintenance**

Rob McElroy stated that Danny Lyndall has been in charge of gathering information regarding the fire hydrant maintenance. No movement in the consideration of the hand-off of the program to the Fire Department had been made, but Mr. McElroy informed the Board that the City is being billed for maintenance on each hydrant. Utilities had been billing them \$55,000 per year but has now gone to billing at a unit price. The yearly projected amount based on the current number of hydrants is \$58,800. No profit is made from the \$58,800. We install the hydrants and know how to maintain them. The Fire Department will have to learn how to maintain them. Ron Scott said that if we do pass this project over to the Fire Department, we need to know how much to bill them for water usage since there are no meters. Also, he stated that a profit needed to be made if we are going to continue to maintain the system. If the Fire Department maintains them, they will be totally responsible for them.

**IX. General Manager's Report  
Summary**

Mr. McElroy reviewed the GM Report with the Board to include some of the following highlights: a recent newspaper article, interview with Fox 10 News regarding security of our Well Facilities, an television advertisement for Daphne Utilities that will run on WKRG and placed on our website (the video of the commercial was viewed at the board meeting), pursuit of grant funds from ADECA or a subgroup of them, bio-diesel program and monies it will save including other benefits of the program, reorganization update on the Field Services and Maintenance Departments, major clean up efforts at the facilities which created cleaner and safer facilities, plans for a pole barn at the Water Reclamation Facility to serve as a warehouse, training programs and substance abuse classes, status of new Operations Manager - Danny Lyndall, and gas leaks and repairs.

Stan Clayton reported that the applications being submitted for grant funds were for two different programs, one for septic tanks and the other for the sewer pretreatment program (Code Enforcement). A meeting was held on the Bioterminator with the Shaw staff. Smoke testing was discussed and is part of the budget. The Board stated that no exceptions will be allowed for not connecting to the sewer system. Street paving contract bids were put out and a contract is now in place.

**X. Engineering Reports**

Mr. Ray Moore with HMR, reported on Well #5, the 19 acres Utility property, and the North Winding Brook sewer. Mr. Moore stated that he will review the projects with Danny Lyndall.

Melinda Immel with Volkert reported on design projects and informed the Board that she attended a public hearing for ADECA on the Hurricane Katrina grant. She has the application and is in the process of getting everything together to submit this in a timely fashion. She reviewed the annual contracts for the installation of gas mains and services, and pavement and asphalt services. Mr. Segalla recommended that a motion be made to award the annual contracts for gas and street/sidewalk services. The street/sidewalk contract had two bids, one from Asphalt Services, who had the lowest total bid, and the other from Construction Labor Services. The gas contract had two bids, one from Boyington Pipeline Construction, who was had the lowest total bid, and Earl Ryland's Underground Services, Inc. After review and discussion with Rob McElroy and engineering, it was recommended that it was in the Board's best interest to award the gas contract bid to Earl Ryland's Underground Services, Inc. based on lower unit prices on the most essential items, and excellent history of good service. Ron Scott made a motion that the Board accept Volkert's recommendation and award the bid to Ryland's, and make note of why we are taking the higher of the two bids, all were in favor of the motion.

City of Daphne Council Chambers ♦ March 29, 2006 ♦ 5:00 p.m.

**XI. Board Action**

**Motion – Change Board Meeting Date**

Mr. Scott motioned to change the Board Meeting to last Wednesday of each month instead of the fourth Wednesday, to allow for adequate time to prepare financial reports. Mr. Johnston seconded the motion, and all were in favor.

**Motion – Gas Services Bid**

Mr. Scott motioned to award Natural Gas Services Contract to Ryland's Underground Services. Mr. Johnston seconded the motion, and all were in favor.

**Motion – Asphalt and Paving Bid**

Mr. Scott motioned to award Asphalt Services Contract Asphalt Services. Mr. Johnston seconded the motion and all were in favor.

**XII. Public Participation**

None

**XIII. Board Comments**

Ron Scott thanked Stan Clayton for his effort and what a great job he has done. Lon Johnston added what a real pleasure it has been working with Stan. Mr. Segalla added thank him and wished him the very best.

**XIV. Executive Session**

Executive session was not conducted.

**XV. Adjournment**

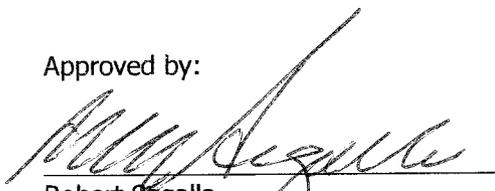
The meeting adjourned at 6:48 p.m.

Submitted by:

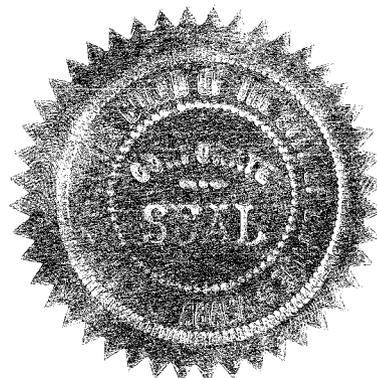


Stephanie P. Merchant  
Executive Assistant

Approved by:



Robert Segalla  
Chairman of the Board



# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

### I. Call to Order

The Utility Board Meeting was called to order by the Chairman, Bob Segalla, at 5:15 P.M. Wednesday, May 31, 2006.

### II. Roll Call

#### Members Present

Ron Scott-Vice Chairman, Lon Johnston-Secretary Treasurer, Fred Small-Mayor, Rob McElroy-General Manager

#### Absent

Bob Patterson

Lloyd Taylor – Board Attorney

Stephnie Merchant – GM Executive Assistant (Death in Family)

#### Others Present

Melinda Immel, Tim Patton, Larry English, Deloris Brown, Danny Lyndall, Drew Klumpp, Ray Moore.

### III. Pledge of Allegiance

### IV. Approval of Minutes

Mr. Segalla stated that he had made a few observations regarding the minutes submitted from May 3, 2006. Note was made to correct the last paragraph on page 5 to reflect that Mr. Scott had made the motion and not Mr. Segalla, because he was not present at the meeting held May 3, 2006.

Mr. Scott made a motion for approval and Mr. Johnston seconded the motion and all were in favor.

- **NOTE**

*The minutes submitted for approval in the May 31, 2006, agenda booklet for the Utility Board Meeting conducted May 3, 2006, were incorrect. Only a portion of these minutes were an accurate reflection of the May 3 Utility Board Meeting. The wrong file was erroneously printed and placed in the board agenda. As the GM's executive assistant, I truly apologize for this error. Therefore, the correct minutes will be submitted for re-adoption at the June 28 Utility Board Meeting.*

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

### V. Old Business

**The Amendment for the Extension Option** - Mr. McElroy informed the Board that Mr. Fine had requested an extension agreement for the Utility Board property. The negotiated extension agreement contained a non-refundable five thousand dollars per month applicable to the sale extension and paid a month in advance. The original \$15,000 check will be on December 31, 2006. The board discussed the check and Mr. McElroy advised the Board that it was a cashier check. Board Attorney, Lloyd Taylor, advised the Board that this is standard practice and the check will be held until the option expires or if the purchase does not come to pass, and at that point the non-refundable check will be deposited in Daphne Utilities bank account.

**Board Attorney's Fee** r. Scott requested that the minutes reflect that the Board had agreed to double the Board Attorney's hourly rate and that the Board expects him to attend all board meetings or send a representative that can answer any legal questions that may arise during the meetings. Mr. Scott also request that a letter be sent to the Board Attorney to reflect this request.

### VI. New Business

**Spanish Fort Sewer System Feasibility Study** – Mr. McElroy reported that he had met with Volkert regarding a feasibility study for expanding the sewer in Spanish Fort and that a meeting had been scheduled with Mayor Small and Mayor Bonner. There are some things shown on the sewer plans that is inconsistent and it is difficult to determine what is actually in place in various locations. He advised that Melinda Immel had given a estimate for the feasibility study for \$12,000. He informed the Board that he was going to propose that Spanish Fort perform the study at their cost. An update will be given at the June Board meeting.

### VII. Board Attorney's Report

None – Lloyd Taylor was not present at the May 31, 2006, Utility Board Meeting.

### VIII. Finance Report

Mrs. Logiotatos reviewed the April financial summary with the Board. She reported total assets had increased by \$414,242 and also an increase in accounts receivable. The savings account balance was \$2,709,304 with \$241,170 transferred in the month of April 2006. Sixty percent is now being approved as of April 2006 and that percent will increase to eighty percent. She reviewed the income statement highlights and reported that year to date income is \$7,437,725 with natural gas being the highest, and that will change as the summer progresses. During these months water revenues will significantly increase. She reviewed expenses and reported that year to date the total is \$5,620,530 and gas purchases were the highest of these expenditures. She

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

reviewed the net income report and informed the Board that that \$149,746 was received for the month of April which was significantly more than projected. Budgetary comments included that revenue is within 3% and that is 4% under budget. Ms. Logiotatos also reported on income statements for period seven ending April 30, 2006. Also discussed were the cash flow report, operating report, check history report, and net income report. A purchase for water meters totaling \$13,881 was discussed and reflected in the check history report for April.

### IX. **General Manager's Report**

Mr. McElroy reviewed the April GM report with the Board. He updated the Board on the progress of the Brookhaven subdivision and water supply territories. He informed the Board that the developer had requested Daphne to serve the Belforest territory and he stated that Daphne Utilities would not do this unless a formal legal agreement is established with Belforest Water System. He reported that Lloyd Taylor wrote a follow up letter to referencing the previously issued letter stating that Daphne Utilities was still waiting on a response, and we are not going to do anything until a legal agreement is reached. The letter was included in the board agenda for review. He reported that he had heard from a representative of Belforest and they were scheduled to have their Board Meeting tonight and the issue was supposedly on their agenda. Belforest was to bring the final signed contract to Daphne Utilities the following morning. Hopefully this will be resolved within days and Mr. McElroy stated that he would inform the Board when this actually happens, and he stressed to Belforest that that it was not Daphne Utilities holding up the progress on this issue with Brookhaven.

#### ○ **Bio-diesel Program (Cooking Oil Recycling Program)**

Mr. McElroy reports that he and Danny Lyndall had a very productive meeting with the University of South Alabama regarding the bio-diesel program. He met with grant writer Janie Galbraith, Bob Galbraith, Financial Vice President of sponsored programs, and their engineering department. He stated there was general enthusiasm across the board and the proposal has real merit and the ability to bring additional funding and national exposure. They are very anxious to be on board with us and is willing to help in any way. Mr. Johnston referenced Mr. McElroy's interview on Fairhope radio station WABF and stated that the interview was a great success.

#### ○ **Customer Service Report**

Mr. McElroy reported that our on-line payments have increased to \$21,000 per month.

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

- **Summary of Technical Projects**

Some questions were raised concerning payments to American Computer Enterprises. Mr. McElroy explained that we are frugal with the Utilities resources and are making maximum use of every computer in house and purchases are made only when it is necessary for efficient and effective operational purposes.

### X. Operations Report

- **Water Distribution**

Mr. Lyndall reported that the Water Department has installed the line in Rock Creek and are waiting on the City of Fairhope to authorize our request our request to run a line through a Fairhope subdivision. Our water lines are within their right-of-way and as soon as this authorization is received we will be able to service 15 homes in Wild Oaks.

- **Well No. 5 Upgrade**

The pumps were activated Friday, May 26, but we had a shaft break and Larry English and his crew should have it restored this evening. The pumps and shafts should be replaced by the weekend and should be operational by Monday. They are running water again and within two weeks we will be able to put water into the system as soon as ADEM testing requirements are complete.

- **Gas Operations**

Mr. Lyndall reported that all Grade I and II leaks have been repaired and there is only one Grade III to repair. Mr. Segalla commended Mr. Lyndall on his proactive efforts and commented that these issues had been unattended for too long and could have led to serious situations. Mr. Lyndall reported that Tommy Mitchell should have the Grade III issue corrected by the weekend and that it would require a minor road cut in order to make the repair.

- **Code Enforcement**

Mr. Johnston inquired regarding the Code Enforcement program and if courtesy visits to the food service facilities had began. Mr. Lyndall reported that it is his intent to visit all restaurants within the city and all other facilities that generate fats, oils, and grease. He informed the Board that the process would include schools, hospitals and all other facilities that may have cooking facilities. He informed the Board that Kenneth Johnson has contacted nearly 50% of the food service facilities and conducted courtesy inspections and has had no complaints to date. Most contacts have been very curious and interested in the program and have been very cooperative. He has also discussed obtaining used oil from these

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

facilities for the cooking oil recycling program. Public awareness forums will begin in July and will provide information on the requirements and purpose for implementation of this Utility Resolution. Mr. Johnson has prepared an excellent power point presentation as well as information to assist business owners with compliance with the Resolution.

### **Danny Lyndall – Visual Presentation**

A presentation was presented to the board to inform what the Water Quality Department is responsible for. He explained that they pump water out of the ground from aquifers, and after filtration and treatment it is then placed into the main water system supply. Based on the capacity of the wells, they produce approximately 5.1 million gallons of water day. He explained that we have the ability to supply water to Spanish Fort, Belforest and Fairhope. We have nine wells and seven tanks which pump from depths of 200 to 400 feet. He explained the treatment process, booster stations, and the general distribution system. He reported that the central plant is where all testing, lab work and treatment is performed. He reported on the tremendous efforts required to maintain the facilities and wells and updated on the status of paint the water towers. He briefed the Board on drought conditions and how it has affected water pressure and measures that would need to be addressed if these drought conditions did not improve.

### XI. **Engineering Reports**

#### ○ **Volkert Report**

Melinda Immel of Volkert Engineering reported that an update on the status of all projects Volkert is handling is included in her report. She reported that the grant application for generators was sent by Federal Express today. She advised that some minor revisions to the application had been made and resubmitted. She reported that we should have a response by June 1 regarding the CDBG grant application for the Katrina disaster recovery fund. She advised the Board that the Municipal Water Pollution report has been completed and requires Board action in the form of a Resolution.

#### ○ **HMR**

HMR reported on the problems with the equipment problems but reported that everything was back online. He updated the Board on the Utility Board 19 acre property. He advised the board that approximately 16 property owners in the North Winding Brook area have inquired about the status of sanitary sewer.

# MINUTES

## Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 31, 2006 ♦ 5:00 p.m.

### XII. Board Action

- **Resolution 2006 Retiree Cost of Living Act 2005-316**

Retiree cost of living information was presented by Mrs. Brown which was provided by the Retirement Systems of Alabama. She advised the Board that this would affect two retirees from the Utility Board. Mr. Segalla stated that he felt this was the right thing to do whether it is for two or two hundred retired employees.

Mr. Ron Scott made a motion to adopt Resolution 2006-03 Retiree Cost of Living Increase Act 2005-316 from the Retirement Systems of Alabama, and Mr. Johnston seconded the motion and all were in favor.

- **Resolution No. 2006-04 Municipal Water Pollution Program**

Mr. Scott motioned to adopt the resolution and Mr. Johnson seconded the motion and all were in favor.

***Resolution No. 2006-04 Municipal Water Pollution Program***

### XIII. Public Participation

None

### XIV. Board Comments

None

### XV. Executive Session

None

### XVI. Adjournment

The meeting adjourned at 6:35 P.M.

**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:**

**RESOLUTION 2006- 58**

**Acceptance of Streets and Drainage  
located in Historic Malbis, Phase Two, Part A,  
Section Two, Phase II**

**Whereas**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Historic Malbis, Phase Two, Part A, Section Two, Phase II on June 22, 2006 and the City of Daphne hereby recommends acceptance of said street located in Historic Malbis, Phase Two, Part A, Section Two, Phase II; and,

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

**Whereas**, the Division of Public Works has accepted said streets and storm water drainage of Historic Malbis, Phase Two, Part A, Section Two, Phase II; and,

**Whereas**, the Utilities Board of the City of Daphne has accepted the utilities of Historic Malbis, Phase Two, Part A, Section Two, Phase II; and,

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

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Historic Malbis, Phase Two, Part A, Section Two, Phase II according to the plat by Rester & Coleman Engineers as recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Saint Helen Street, Saint Simon Street, Estia Street, Gregor Street, and St. Barbara Street are hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

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

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

\_\_\_\_\_  
**GREG BURNAM  
COUNCIL PRESIDENT  
DATE AND TIME SIGNED: \_\_\_\_\_**

\_\_\_\_\_  
**FRED SMALL  
MAYOR  
DATE AND TIME SIGNED: \_\_\_\_\_**

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN, CITY CLERK, MMC**

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

**SUBDIVISION NAME:** Historic Malbis, Phase Two (2), Part A,  
Section Two (2), Phase II

**LOCATION:** Estia Street and Gregor Street  
(Section 35, T4S-R2E)

**THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY** is made this 2nd day of June, 2006 by FRANK TURNER, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Historic Malbis Pt. 2 Pt. A Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and, sect 2

**WHEREAS**, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 64,200.00 in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

**WHEREAS**, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

**WHEREAS**, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

**WHEREAS**, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of June 22, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named \_\_\_\_\_  
Historic Mall's Phase Two, Part A, Section Two  
Saint Helen St, Saint Simon St,  
Estia Street and Gregor Street, Saint Barbara St,

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Frank Turner Construction Co., Inc.

Name of Individual or Corporation

By:

Frank Turner

Frank B. Turner  
President

Its:

STATE OF ALABAMA    )  
COUNTY OF BALDWIN )

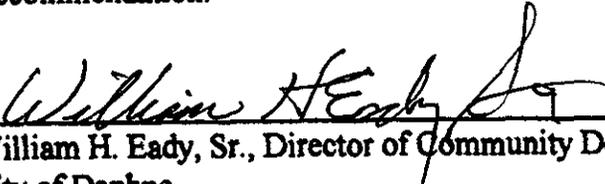
I, the undersigned Notary Public in and for said State and County, hereby certify that Frank Turner whose name as President of TURNER CONST. INC. an Alabama corporation or as owner of Historic Mall's Phase Two, Part A, Section Two is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 2<sup>nd</sup> day of JUNE 2006

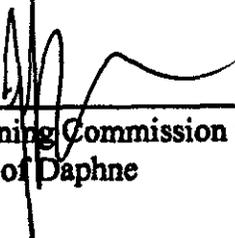
David P. Douglas (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 3-29-08

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

Recommendation:

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

Approval:

  
\_\_\_\_\_  
Planning Commission Chairman  
City of Daphne

**RESOLUTION 2006 - 59**

**Acceptance of Streets and Drainage  
located in Brookhaven Subdivision, Unit One**

**Whereas**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Brookhaven Subdivision, Unit One on June 22, 2006 and the City of Daphne hereby recommends acceptance of said street located in Brookhaven Subdivision, Unit One; and,

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

**Whereas**, the Division of Public Works has accepted said streets and storm water drainage of Brookhaven Subdivision, Unit One; and,

**Whereas**, the Utilities Board of the City of Daphne has accepted the utilities of Brookhaven Subdivision, Unit One; and,

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

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Brookhaven Subdivision, Unit One according to the plat by Rester & Coleman Engineers as recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Gramery Lane, Drifton Court, Brookings Drive, Bainbridge Drive, and Brookhaven Drive are hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

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

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

\_\_\_\_\_  
**GREG BURNAM  
COUNCIL PRESIDENT  
DATE AND TIME SIGNED: \_\_\_\_\_**

\_\_\_\_\_  
**FRED SMALL  
MAYOR  
DATE AND TIME SIGNED: \_\_\_\_\_**

**ATTEST:**

\_\_\_\_\_  
**DAVID L. COHEN, CITY CLERK, MMC**

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

**SUBDIVISION NAME:** Brookhaven, Unit One

**LOCATION:** North Side of Whispering Pine Road; opposite  
Daphne Middle School (Sec 9, T5S-R2E)

**THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY** is made this 2nd day of June, 2006 by Michael Ten, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Brookhaven Ph. 1 Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

**WHEREAS**, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 1,273,234.00) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

**WHEREAS**, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

**WHEREAS**, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

**WHEREAS**, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of June 22, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named \_\_\_\_\_  
Brookings Drive; Bainbridge Drive (East & West); Brookhaven Drive

Gramercy Lane, Drifton Court

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Point Clear Ridge Development, LLC

Name of Individual or Corporation

By:

Michael B. Tew

Michael B. Tew

Its:

Member

STATE OF ALABAMA    )  
COUNTY OF BALDWIN )

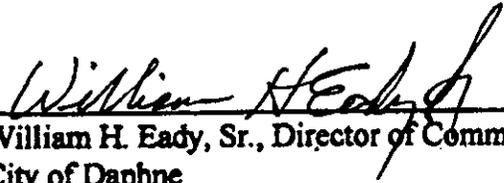
I, the undersigned Notary Public in and for said State and County, hereby certify that Michael B. Tew whose name as Member of Point Clear Development, LLC an Alabama corporation or as owner of Brookhaven Subdivision is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 22<sup>nd</sup> day of JUNE, 2006

Jarvis L. Douglas (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 3-29-08

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

Recommendation:

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

Approval:

\_\_\_\_\_  
Planning Commission Chairman  
City of Daphne

**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

**CITY OF DAPHNE  
ORDINANCE NO: 2006 - 46**

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**AN ORDINANCE AUTHORIZING AN EXTENSION OF THE MORATORIUM  
ON APPROVAL AND CONSTRUCTION OF RESIDENTIAL  
NONCOMMERCIAL BUILDINGS  
IN EXCESS OF FIFTY (50) FEET AND/OR FOUR (4) STORIES IN HEIGHT**

---

**WHEREAS**, the City Council of the City of Daphne desires to promote the health, welfare and safety of the citizens of the City of Daphne by exercising proper and appropriate land use management; and

**WHEREAS**, the City Council of the City of Daphne has determined that in order to promote and maintain the health, welfare and safety of the citizens of the City of Daphne, a plan of development is needed to properly oversee and authorize the approval and subsequent construction of any residential noncommercial structure in excess of fifty (50) feet and/or 4 stories in height, it shall be necessary to prepare, approve and pass a comprehensive land use plan involving the height of such buildings; and

**WHEREAS**, Section 13-7 of the City of Daphne Land Use Ordinance No. 2002-22, currently addresses the authorization of buildings in excess of 50 feet or 4 stories in height, but that said ordinance is in need of amendment and expansion; and

**WHEREAS**, the City Council of the City of Daphne desires to promote the health, welfare and safety of the citizens of the City by establishing an moratorium on the approval and construction of all residential noncommercial buildings in excess of 50 feet and/or 4 stories in height; and

**WHEREAS**, the City Council of the City of Daphne pursuant to a prior Ordinance previously enacted a moratorium on approval and construction of all buildings in excess of fifty (50) feet and/or 4 stories in height, and

**WHEREAS**, the City of Daphne requires additional time to study, prepare and establish a comprehensive and binding Land Use Ordinance to effectively address the authorization and construction of all residential non-commercial buildings in excess of 50 feet and/or 4 stories;

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

**SECTION I:**

- (a). That a moratorium is hereby declared to be in effect from the effective date of passage of this ordinance through **October 2, 2006**, thereby prohibiting the approval of and construction of any and all residential noncommercial buildings or structures within the City of Daphne in excess of 50 feet and/or 4 stories in height in order to afford the City sufficient time to prepare and establish a building and land use ordinance (or amendment of the existing Land Use Ordinance) that adequately regulates the construction of residential noncommercial buildings in excess of 50 feet and/or 4 stories in height.
- (b). That this moratorium may be extended in length of time upon the majority vote of the City Council by passage of appropriate ordinance.
- (c). That Section 13-7 of the Daphne Land Use Ordinance No. 2002-22 is hereby suspended in that part as it relates to the approval ~~or~~ consideration of all residential noncommercial buildings or structures of more than four (4) stories or fifty (50) feet, as said provision is

deemed suspended and without authority until such time as this moratorium expires and/or when said ordinance is amended by the City Council.

**SECTION II: CONFLICT WITH OTHER ORDINANCES**

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

**SECTION III: SEVERABILITY**

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

**SECTION IV: EFFECTIVE DATE**

That this Ordinance shall be in full force and effect upon it adoption as provided by law by the City Council of the City of Daphne.

**APPROVED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006.**

\_\_\_\_\_  
**GREG BURNAM**  
**COUNCIL PRESIDENT**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**  
Dated & Time Signed:\_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
**DAVID L. COHEN**  
**CITY CLERK, MMC**

