

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**JULY 17, 2006**  
**6:30 P.M.**

**1. CALL TO ORDER**

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

**3. APPROVE MINUTES:** Council Minutes / July 3, 2006

**PRESENTATION:** Library Summer Reading Program Awards / Tonja Young

**PRESENTATION:** Present to City the plaque stating that Village Point Park Preserve is on the Register of Historical Records / Village Point Foundation

**PUBLIC HEARINGS:**

- 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 / **Ordinance 2006-49**
- 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 / **Ordinance 2006-50**
- 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 / **Ordinance 2006-51**
- 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 / **Ordinance 2006-52**
- 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 / **Ordinance 2006-53**
- f.) Amend the Village Overlay Map / **Ordinance 2006-54**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

Review minutes meeting held July 10<sup>th</sup>

a.) **Prepaid Travel** / Rebecca Hayes, Asst. City Clerk / Certification Training / Tuscaloosa, AL / August 7-11, 2006 / \$140 / **Resolution 2006-60**

**b.) Bids:**

1.) Daphne Side Walks, Phase I / Double D Construction / **Resolution 2006-61**

**c.) MOTION:**

Reject Bid: Horticulture Chemicals

**d.) Appropriations:**

- 1.) AL Storm Baseball Team / **Ordinance 2006-57**
- 2.) Create Planner Position / **Ordinance 2006-58**

3.) Annual Review of Jobs / Ordinance 2006-59

**e.) Resolutions:**

1.) Assignment of Paying Agent: 1999 Warrants / Resolution 2006-62

2.) Assignment of Paying Agent: 2002 Warrants / Resolution 2006-63

3.) Volunteer Firefighters / Resolution 2006-64

**f.) Financial Reports:**

1.) Treasurers Report / June 30, 2006

2.) Sales Tax Collection Graphs / May 31, 2006

3.) Lodging Tax Collections / May 31, 2006

**B. BUILDINGS & PROPERTY - Lake**

**C. PUBLIC SAFETY – Burnam**

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

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

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

**Council Action:**

a.) Ordinance 2006-55 / Amending Ordinance 2004-10 / Building Fees

b.) Ordinance 2006-56 / Prohibiting Motor Vehicles Avoiding Traffic Control Devices or Stop Signs Within the City of Daphne

c.) Ordinance 2006-47 / Sewer Ordinance

d.) Ordinance 2006-48 / Gas Ordinance

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

Review minutes meeting held June 30<sup>th</sup>

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

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

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

Review minutes meeting held July 6<sup>th</sup>

**B. Downtown Redevelopment Authority - Barnette**

**C. Industrial Development Board – Yelding**

**D. Library Board – Lake**

**E. Planning Commission – Barnette**

**F. Recreation Board - Palumbo**

**G. Utility Board – Scott**

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Prepaid Travel / Rebecca Hayes...../Resolution 2006-60
- b.) Bid: ALDOT Grant Project No. STPTE-TE05(933)  
Daphne Sidewalks, Phase I...../Resolution 2006-61
- c.) Appointing The Bank of New York Paying Agent  
& Registrar General Obligation Warrants Series 1999...../Resolution 2006-62
- d.) Appointing The Bank of New York Paying Agent  
& Registrar General Obligation Warrants Series 2002...../Resolution 2006-63
- e.) Agreement Daphne Volunteer Firefighters Assn., Inc...../Resolution 2006-64

ORDINANCES:

**2ND READ**

- a.) 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

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

- b.) Repealing Ordinance 2001-12 and Re-Establishing Policy  
and Procedure for Improving Sewer Service for the  
Citizens of Daphne, AL...../Ordinance 2006-47
- c.) Establishing General Gas Codes and a Schedule  
Of Gas Inspection Procedures...../Ordinance 2006-48
- d.) Rezone: TimberCreek Land Company, Inc. (21.50 Acres) /  
Property Located Northwest of Woodrow Lane and I-10 /  
B-2, General Business District to R-4, High Density Single  
Family Residential District...../Ordinance 2006-49
- e.) Rezone: TimberCreek Land Company, Inc. (10.23 Acres) /  
Property Located Northwest of Woodrow Lane and I-10 /  
B-2, General Business to R-3, High Density Single Family  
Residential District...../Ordinance 2006-50

- f.) **Rezone: Country Club Development, LLC / 1.06 Acres) /  
Property Located on AL 181 Across from Austin Road  
(Bellaton - Phase Two) / B-1, Professional Business  
District to R-4, High Density Single Family Residential District. . . . . /Ordinance 2006-51**
- g.) **Rezone: Country Club Development, LLC / (.27 Acres) /  
Property Located on AL 181 Across from Austin Road  
(Bellaton, Phase Three) / R-3, High Density Single Family  
Residential District to R-4, High Density Single Family  
Residential District. . . . . /Ordinance 2006-52**
- h.) **Rezone: Country Club Development, LLC (.26 Acres) /  
(Bellaton, Phase Two) / Property Located on AL 181  
Across from Austin Road / R-3, High Density Single Family  
Residential District to B-1, Professional Business District. . . . . /Ordinance 2006-53**
- h.) **Amending City of Daphne Village Overlay District Map. . . . . /Ordinance 2006-54**
- i.) **Amending Ordinance 2004-10 Relating to Building &  
Re-Inspection Fees. . . . . /Ordinance 2006-55**
- j.) **Prohibiting Motor Vehicles Avoiding Traffic Control  
Devices or Stop Signs Within the City of Daphne. . . . . /Ordinance 2006-56**
- k.) **Appropriation of Funds: AL Storm Baseball Team. . . . . /Ordinance 2006-57**
- l.) **Establish a New Position in the Planning Department. . . . . /Ordinance 2006-58**
- m.) **Amending Job Classification Schedule. . . . . /Ordinance 2006-59**
- n.) **Amending Ordinance 1996-13 Establishing a Recreation Board  
For the City of Daphne, AL (Handout Monday). . . . . /Ordinance 2006-60**

**9. COUNCIL COMMENTS**

**Discuss:** Letter from Olde Towne Daphne West Association / Burnam

**Discuss:** Residential High Rise Height and Boundary / Burnam

**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

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

1

**1. CALL TO ORDER**

Councilman Yelding called the meeting to order at 6:37 p.m.

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

Mr. Eady gave the invocation.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; Greg Burnam arrived at 6:38; Ron Scott; August Palumbo.

**COUNCIL MEMBERS ABSENT:** John Lake; Regina Landry.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Planning Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Tonja Young, Library Director; Kim Briley, Finance Director; Capt. Joey Holasz, Fire Department; Lt. Danny Bell, Police Department; Al Guarisco, Village Point Foundation.

Absent: Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Mund Hanson, Fire Chief; Sandra Morse, Civic Center Director; David Carpenter, Police Chief.

**3. APPROVE MINUTES:**

**MOTION BY Mrs. Barnette to adopt the Work Session minutes meeting held June 16, 2006. *Seconded by Mr. Yelding.***

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

**MOTION BY Mrs. Barnette to adopt the Council Meeting minutes meeting held June 19, 2006. *Seconded by Mr. Yelding.***

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

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

**Mr. Scott** stated that the next meeting will be July 10<sup>th</sup> at 4:00 p.m. in the Executive Council Chambers.

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

*Mr. Palumbo* stated that the next meeting will be Friday, July 7<sup>th</sup> at 10:00 a.m. in the Council Chambers.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

The next meeting will be Wednesday at 4:30 p.m. in the Council Chambers.

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

The next meeting will be July 5<sup>th</sup> at 5:30 p.m. in the Council Chambers.

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

*Mr. Yelding* stated that the next meeting will be July 28<sup>th</sup> 8:00 a.m. in the Council Chambers, and that the Public is welcome.

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

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

*Mr. Eady* stated that 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.

**MOTION BY Mrs. Barnette to re-appoint Jeri Hargiss to the Board of Zoning Adjustments. Term expiring June 30, 2009. *Seconded by Mr. Yelding.***

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

*Mr. Yelding* wanted to back up to Public Works stating that Mrs. Jessica Praytor will be joining the Beautification Committee from District #1.

*Mr. Palumbo* asked Mr. Yelding why they are revisiting the Tree Ordinance and are establishing a committee?

*Mr. Yelding* stated that Marshall Parsons said that the Ordinance in place now is not enforceable.

*Mr. Palumbo* stated that since the City has an Ordinance Committee he doesn't know why they need another committee.

*Mrs. Barnette* stated that since the Tree Ordinance is part of the Land Use Ordinance that the changes should come through the Planning Commission.

**B. Downtown Redevelopment Authority – Barnette**

*Mrs. Barnette* stated that the next meeting will be July 10<sup>th</sup> at 5:30 p.m. in the Council Chambers.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

*Mr. Palumbo* stated that the next meeting will be July 10<sup>th</sup> at 4:30 p.m. at the Library.

**E. Planning Commission – Barnette**

*Mrs. Barnette* stated that the minutes for the May 25<sup>th</sup> meeting are in the packet.

**MOTION BY Mrs. Barnette to set a Public Hearing for August 7, 2006 to consider an Annexation by the Pollard Group, LLC / Property located southeast of the intersection of County Road 64 and Pollard Road with a zoning request of R-4, High Density Multi-Family Residential District. Secoded by Mr. Yelding.**

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

*Mrs. Barnette* stated that a Planner I job description had been sent to the Council and stated that this should go before the Finance Committee. She stated that the Site Review meeting will be July 19<sup>th</sup> at 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be July 27<sup>th</sup> at 6:00 p.m. in the Council Chambers.

**F. Recreation Board – Burnam**

*Mr. Palumbo* stated that the next meeting will be July 12<sup>th</sup> at 6:00 p.m. in the Council Chambers.

**G. Utility Board – Scott**

*Mr. Scott* reported that four (4) sets of minutes are in the packet, which will bring them up to date. The next meeting will be July 26<sup>th</sup> at 5:00 p.m. in the Council Chambers.

**6. REPORTS OF THE OFFICERS:**

**A. Mayor's Report**

*a.) Change September 4<sup>th</sup> Council meeting date because of it being Labor Day.*

**MOTION BY Mr. Yelding to change the Monday, September 4, 2006 Council meeting to Tuesday, September 5, 2006. Secoded by Mrs. Barnette.**

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

*b.) Update on Tallent Property*

*Mayor Small* reported that the closing for the Tallent Property was last Thursday. The City now owns the property.

*c.) Contract and earnest money for Park Drive property for ingress and egress to Tallent property.*

*Mayor Small* stated that he needed Council authorization to enter into a contract for the property on Park Drive with \$2,000 earnest money.

Council was not comfortable authorizing entering into a contract for the purchase of the property. They wanted an appraisal of the property, and if possible have it for the Work Session on July 13<sup>th</sup>.

**MOTION BY Mrs. Barnette to authorize the Mayor to hire an appraisal company not affiliated with the Real Estate company that was used to sell the property to appraise the property on Park Drive. Seconded by Mr. Scott.**

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

*Council President Burnam* asked that this be put on the Work Session if the appraisal can be completed by then.

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

*Mr. Ross* stated that the reason Mr. Carson Bice was not present for the last Council meeting for his presentation regarding impact fees, was due to confusion regarding the date of the meeting. He stated that Mr. Bice will be available for the Work Session on the 13<sup>th</sup>.

***C. Department Head Comments***

No reports.

**7. PUBLIC PARTICIPATION**

*Mrs. Anna Washington - 27698 Jenkins Lane* – distributed to Council and read a letter, which is spread out upon these minutes, regarding a nuisance of the Earth, Inc. Dirt Pit, and how it was affecting her home and property.

Council discussed possible solutions to the problem. Some Council members felt that the Erosion Control Officer should be able to take care of this problem.

**MOTION BY Mr. Palumbo to authorize the City Attorney to send a letter to Earth, Inc. on behalf of the Council asking that they take corrective measures immediately to solve the dust problem that is affecting the Washington's. Seconded by Mrs. Barnette.**

**Mrs. Barnette amended the motion to add to the letter a seven (7) day response time. Mr. Palumbo so amended the motion. Mrs. Barnette seconded the amendment.**

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

*Mrs. Barnette* also asked that the job description of the Erosion Control Officer be reviewed and if not already included, then include adding this type of control to the job description.

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

**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

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-58. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-58. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-59. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-59. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

**ORDINANCES:**

**2ND 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

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-42, 2006-43 and 2006-44. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-42. *Seconded by Mr. Yelding.*

Mr. Scott amended the motion to read the City will pay up to \$1,000 toward the appraisal as the City's half.

Mrs. Barnette amended the motion. Mr. Yelding seconded the amendment.

AYE ALL IN FAVOR      NAY NONE OPPOSED      MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-43 as amended. *Seconded by Mr. Yelding.*



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

*Mayor Small* wished everyone a happy 4<sup>th</sup> of July, and asked that they be careful.

**9. ADJOURN**

**MOTION BY Mrs. Barnette to adjourn. *Seconded by Mr. Yelding.***  
**AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:00 P.M.**

Respectfully submitted by,

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

Certification of Presiding Officer:

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

## PUBLIC HEARINGS

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

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

## MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file

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

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

Date Presented: April 27, 2006  
May 25, 2006

Name of Owner: TimberCreek Land Co., Inc.

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

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

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

Subdivision: Proposed TimberCreek, Phase Eleven

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

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

Meeting Dates:

Planning Commission: May 25, 2006

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

Reason(s) for requesting the Zoning Amendment:

To develop more residential lots, compatible  
with adjacent lots.

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

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address SEE ATTACHED SHEET
b) Name of Subdivision PROPOSED TIMBERCREEK, PHASE ELEVEN
c) Lot numbers involved in change
d) Total acreage of change 21.50 ACRES
e) Recorded in Map Book Page
f) Owned in whole by the undersigned?
g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property B-2
b) Reclassification desired R-4
c) Character of neighborhood HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL

3) Certifications:

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

Handwritten signature of property owner
Signature of Property Owner

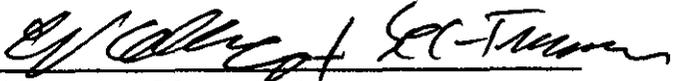
Signature of Property Owner

**AGREEMENT**

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

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

03-27-2006  
Date

  
Signature of Property Owner

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

LEGAL DESCRIPTION: EXHIBIT "A"

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. 2006 -**

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

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

Legal Description:

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

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

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

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

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2 General Business District to R-4 High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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Timber Creek Land Company Inc.**

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

Date & Time

Signed: \_\_\_\_\_

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

Date & Time

Signed: \_\_\_\_\_

ATTEST:

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

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

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from B-2, General Business District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

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**ORDINANCE NO. 2006 -**

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

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

**/END SYNOPSIS**

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

## MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file

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

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

Date Presented: April 27, 2006  
May 25, 2006

Name of Owner: TimberCreek Land Co., Inc.

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

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

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

Subdivision: Proposed TimberCreek, Phase Eleven

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

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

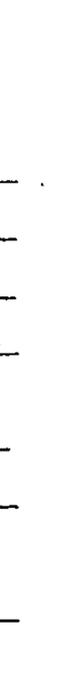
Meeting Dates:

Planning Commission: May 25, 2006

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

Reason(s) for requesting the Zoning Amendment:

To develop more residential lots, compatible  
with adjacent lots.

  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

**APPLICATION FOR ZONING AMENDMENT**

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

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

1) Description of property for which amendment is requested:

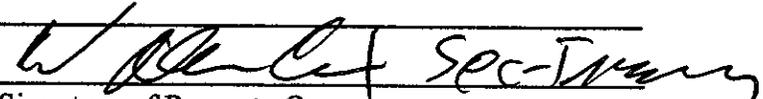
- a) Address SEE ATTACHED SHEET
- b) Name of Subdivision PROPOSED TIMBERCREEK, PHASE ELEVEN
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change 10.23 ACRES
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? \_\_\_\_\_
- g) If owned in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

2) Zoning change requested:

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

3) Certifications:

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

  
Signature of Property Owner

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

AGREEMENT

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

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

03-27-2006  
Date

  
Signature of Property Owner

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

LEGAL DESCRIPTION:

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

TIMBERCREEK LAND CO  
ZONING AMENDMENT TO R-3  
EXHIBIT "B"

NO.	DATE	DESCRIPTION	BY	APPROVED
00-1	12-15-00	ADOPTED		
00-2	01-10-01	AMENDED		
00-3	02-20-01	AMENDED		
00-4	03-20-01	AMENDED		
00-5	04-20-01	AMENDED		
00-6	05-20-01	AMENDED		
00-7	06-20-01	AMENDED		
00-8	07-20-01	AMENDED		
00-9	08-20-01	AMENDED		
00-10	09-20-01	AMENDED		
00-11	10-20-01	AMENDED		
00-12	11-20-01	AMENDED		
00-13	12-20-01	AMENDED		
00-14	01-20-02	AMENDED		
00-15	02-20-02	AMENDED		
00-16	03-20-02	AMENDED		
00-17	04-20-02	AMENDED		
00-18	05-20-02	AMENDED		
00-19	06-20-02	AMENDED		
00-20	07-20-02	AMENDED		
00-21	08-20-02	AMENDED		
00-22	09-20-02	AMENDED		
00-23	10-20-02	AMENDED		
00-24	11-20-02	AMENDED		
00-25	12-20-02	AMENDED		
00-26	01-20-03	AMENDED		
00-27	02-20-03	AMENDED		
00-28	03-20-03	AMENDED		
00-29	04-20-03	AMENDED		
00-30	05-20-03	AMENDED		
00-31	06-20-03	AMENDED		
00-32	07-20-03	AMENDED		
00-33	08-20-03	AMENDED		
00-34	09-20-03	AMENDED		
00-35	10-20-03	AMENDED		
00-36	11-20-03	AMENDED		
00-37	12-20-03	AMENDED		
00-38	01-20-04	AMENDED		
00-39	02-20-04	AMENDED		
00-40	03-20-04	AMENDED		
00-41	04-20-04	AMENDED		
00-42	05-20-04	AMENDED		
00-43	06-20-04	AMENDED		
00-44	07-20-04	AMENDED		
00-45	08-20-04	AMENDED		
00-46	09-20-04	AMENDED		
00-47	10-20-04	AMENDED		
00-48	11-20-04	AMENDED		
00-49	12-20-04	AMENDED		
00-50	01-20-05	AMENDED		
00-51	02-20-05	AMENDED		
00-52	03-20-05	AMENDED		
00-53	04-20-05	AMENDED		
00-54	05-20-05	AMENDED		
00-55	06-20-05	AMENDED		
00-56	07-20-05	AMENDED		
00-57	08-20-05	AMENDED		
00-58	09-20-05	AMENDED		
00-59	10-20-05	AMENDED		
00-60	11-20-05	AMENDED		
00-61	12-20-05	AMENDED		
00-62	01-20-06	AMENDED		
00-63	02-20-06	AMENDED		
00-64	03-20-06	AMENDED		
00-65	04-20-06	AMENDED		
00-66	05-20-06	AMENDED		
00-67	06-20-06	AMENDED		
00-68	07-20-06	AMENDED		
00-69	08-20-06	AMENDED		
00-70	09-20-06	AMENDED		
00-71	10-20-06	AMENDED		
00-72	11-20-06	AMENDED		
00-73	12-20-06	AMENDED		
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00-81	08-20-07	AMENDED		
00-82	09-20-07	AMENDED		
00-83	10-20-07	AMENDED		
00-84	11-20-07	AMENDED		
00-85	12-20-07	AMENDED		
00-86	01-20-08	AMENDED		
00-87	02-20-08	AMENDED		
00-88	03-20-08	AMENDED		
00-89	04-20-08	AMENDED		
00-90	05-20-08	AMENDED		
00-91	06-20-08	AMENDED		
00-92	07-20-08	AMENDED		
00-93	08-20-08	AMENDED		
00-94	09-20-08	AMENDED		
00-95	10-20-08	AMENDED		
00-96	11-20-08	AMENDED		
00-97	12-20-08	AMENDED		
00-98	01-20-09	AMENDED		
00-99	02-20-09	AMENDED		
00-100	03-20-09	AMENDED		

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO

ON BEHALF OF THE BOARD OF SUPERVISORS

DATE

BY

OFFICE

ADDRESS

PHONE

FAX

E-MAIL

WEBSITE

CONTACT PERSON

CONTACT NUMBER

CONTACT E-MAIL

CONTACT ADDRESS

CONTACT CITY

CONTACT STATE

CONTACT ZIP

CONTACT TITLE

CONTACT ORGANIZATION

CONTACT DEPARTMENT

CONTACT DIVISION

CONTACT SECTION

CONTACT UNIT

CONTACT POSITION

CONTACT EMPLOYEE ID

CONTACT PHONE EXTENSION

CONTACT FAX EXTENSION

CONTACT E-MAIL ADDRESS

CONTACT WEBSITE ADDRESS

CONTACT SOCIAL MEDIA

CONTACT OTHER

CONTACT REMARKS

CONTACT COMMENTS

CONTACT NOTES

CONTACT HISTORY

CONTACT TRACKING

CONTACT MONITORING

CONTACT REPORTING

CONTACT EVALUATION

CONTACT IMPROVEMENT

CONTACT COMMUNICATION

CONTACT COLLABORATION

CONTACT PARTNERSHIP

CONTACT NETWORKING

CONTACT MENTORING

CONTACT COACHING

CONTACT SUPPORT

CONTACT ASSISTANCE

CONTACT GUIDANCE

CONTACT COUNSELING

CONTACT THERAPY

CONTACT INTERVENTION

CONTACT PREVENTION

CONTACT PROMOTION

CONTACT PROTECTION

CONTACT PRESERVATION

CONTACT RESTORATION

CONTACT REPAIR

CONTACT RECONSTRUCTION

CONTACT REDEMPTION

CONTACT REFORMATION

CONTACT REGENERATION

CONTACT REVIVAL

CONTACT RESURRECTION

CONTACT REDEMPTION

CONTACT REFORMATION

CONTACT REGENERATION

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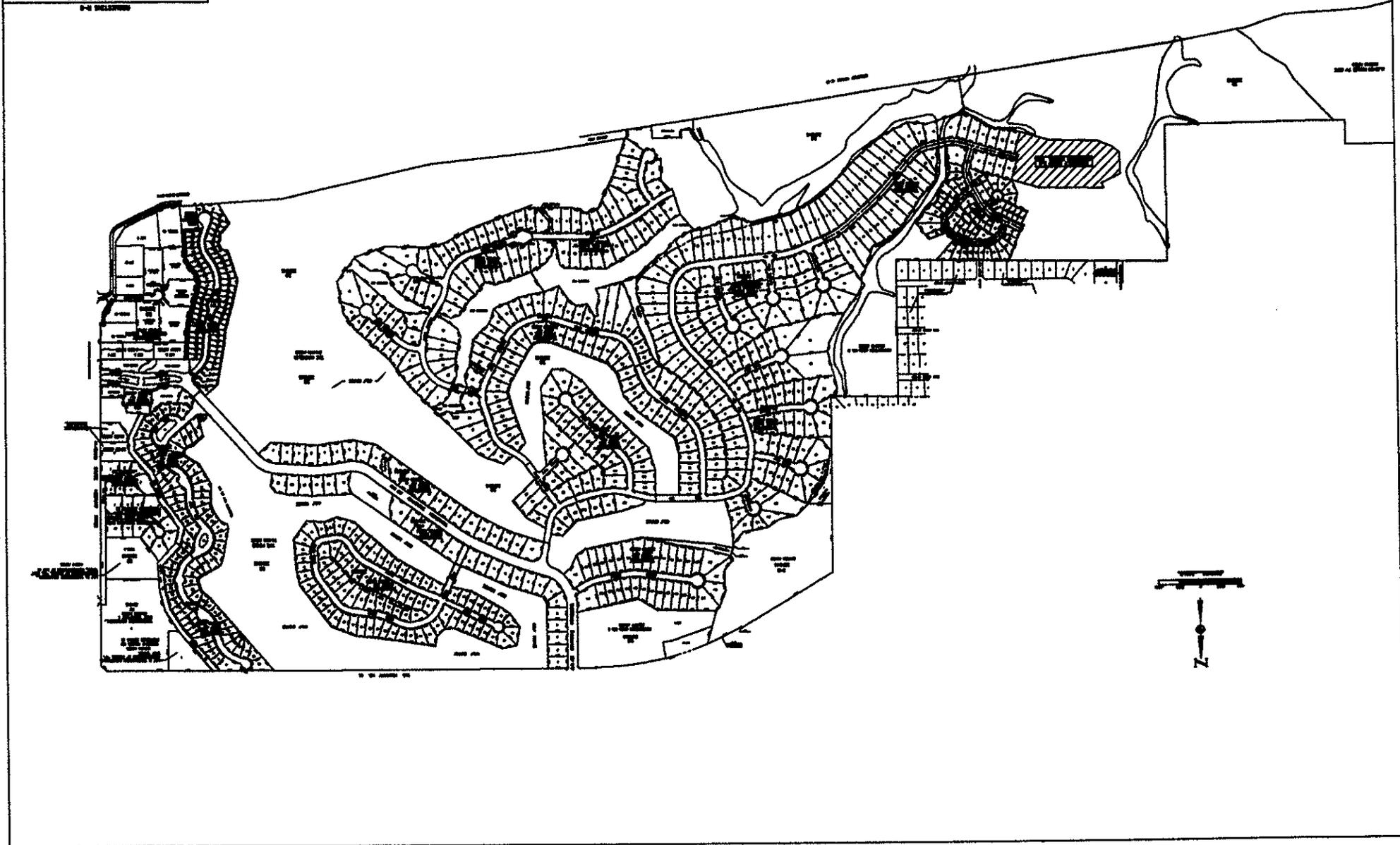
CONTACT REDEMPTION

CONTACT REFORMATION

CONTACT REGENERATION

CONTACT REVIVAL

CONTACT RESURRECTION



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

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

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

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

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

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

**ORDINANCE NO. 2006 -**

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Timber Creek Land Company Inc.**

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

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

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

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

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

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2 General Business District to R-3 High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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

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

Legal Description:

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

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

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

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

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

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

**ATTEST:**

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

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

**SECOND NOTICE OF PUBLIC HEARING**

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David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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

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

Legal Description:

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

FEET TO A POINT; THENCE RUN N 89° 09' 40" W 469.59 FEET TO A POINT; THENCE RUN N 67° 48' 44" W 153.56 FEET TO A POINT; THENCE RUN N 51° 45' 34" W 96.12 FEET TO A POINT; THENCE RUN N 00° 43' 02" W 195.86 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 8.63 FEET TO A POINT; THENCE RUN N 64° 02' 23" E 210.00 FEET TO A POINT; THENCE RUN N 25° 57' 37" W 53.26 FEET TO A POINT; THENCE RUN S 89° 09' 40" E 626.44 FEET TO A POINT; THENCE RUN S 74° 14' 07" E 280.14 FEET TO THE POINT OF BEGINNING. CONTAINING 445,931 SQUARE FEET OR 10.2372 ACRES.

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

/End Synopsis

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

## MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file



**APPLICATION FOR ZONING AMENDMENT**

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

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

1) Description of property for which amendment is requested:

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

2) Zoning change requested:

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

3) Certifications:

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

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

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

**AGREEMENT**

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

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

May 1, 2006  
Date

  
Signature of Property Owner

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

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

**BELLATON, PHASE TWO**

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

DATE 5/1/2006

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

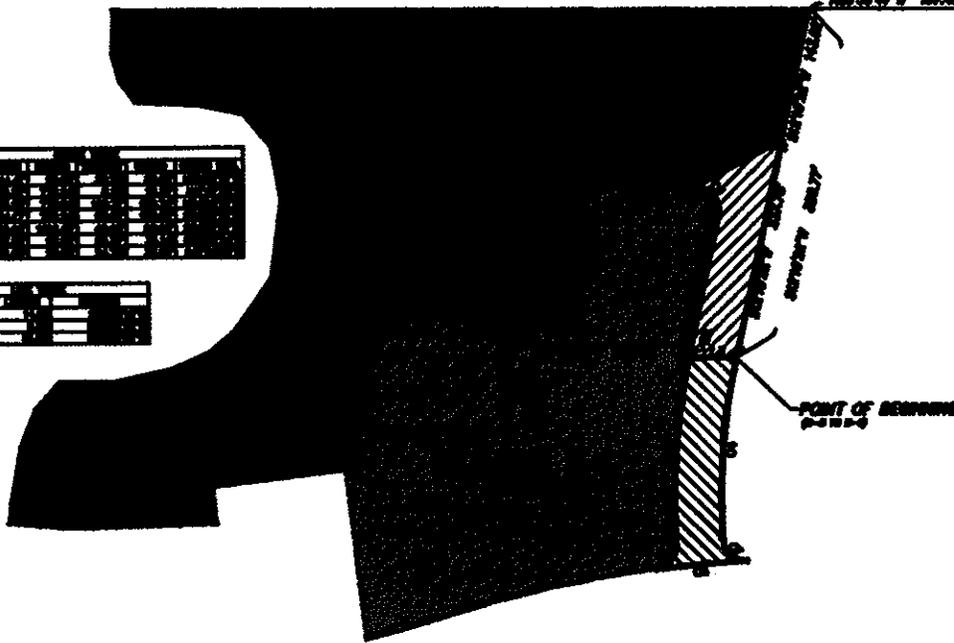
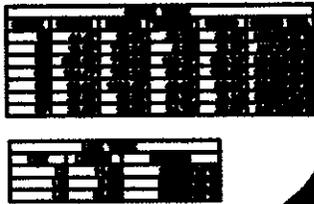
## BELLATON A PLANNED UNIT DEVELOPMENT



22 23  
27 26

POINT OF COMMENCEMENT

SERVITUDE



ZONED R-3



AUSTIN RD



ALABAMA HWY 181

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



COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

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

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

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

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

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

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

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

**ORDINANCE NO. 2006 -**

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

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

Legal Description:

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

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

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

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

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

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

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

ATTEST:

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

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David L. Cohen, City Clerk, MMC

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Austin Road (1.06 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

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

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

ATTEST:

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

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**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from B-1, Professional Business District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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

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

Legal Description:

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 143.02 FEET; THENCE RUN SOUTH 61 DEGREES 55 MINUTES 58 SECONDS WEST, A DISTANCE OF 104.94 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 138.50 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 13 SECONDS WEST, A DISTANCE OF 140.00 FEET; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 217.93 FEET; THENCE RUN SOUTH 05 DEGREES 39 MINUTES 45 SECONDS WEST, A DISTANCE OF 120.46 FEET; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 164.01 FEET; THENCE RUN NORTH 00 DEGREES 23 MINUTES 13

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

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

**/END SYNOPSIS**

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

## MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file

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

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

Date Presented: May 25, 2006

Name of Owner: Country Club Development, LLC

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

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

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

Subdivision: Bellaton, Phase Three

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

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

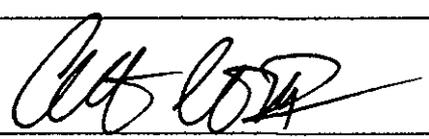
Meeting Dates:

Planning Commission: May 25, 2006

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

Reason(s) for requesting the Zoning Amendment:

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



**SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE**

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

**APPLICATION FOR ZONING AMENDMENT**

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

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

1) Description of property for which amendment is requested:

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

2) Zoning change requested:

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

3) Certifications:

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

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

**AGREEMENT**

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

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

May 1, 2006

Date

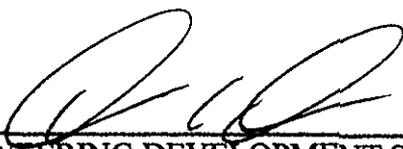


Signature of Property Owner

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

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

**BELLATON, PHASE THREE**

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

DATE 5/1/2006



COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

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

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

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

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

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

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

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

COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT EXHIBIT "B"

UNZONED  
40 AC

UNZONED  
2 AC

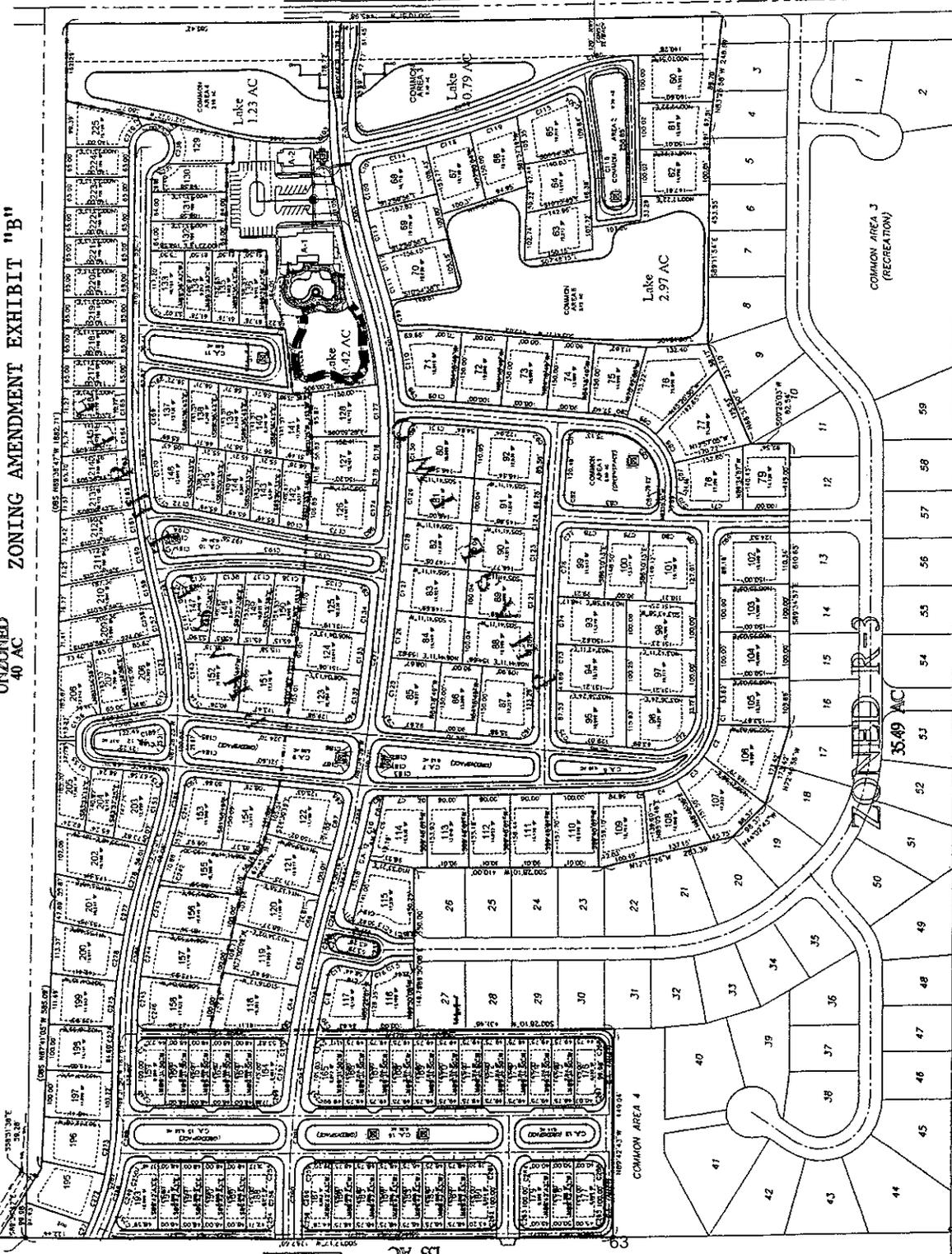
UNZONED  
270 AC +

UNZONED  
153 AC

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

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

**BELLATON**  
A PLANNED UNIT DEVELOPMENT  
**MASTER PLAN**



Engineering Development Services, LLC  
11111 West 44th Avenue, Suite 200  
Denver, CO 80234  
10/12/2006 10:30:17 AM HP designec 100.pcf

**ORDINANCE NO. 2006 -**

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

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

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

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

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

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

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to R-4 High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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(Bellaton, Phase Three)**

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

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

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

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

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

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

ATTEST:

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

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

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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

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

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

**/END SYNOPSIS**

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

## MEMORANDUM

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

The owner requested that the City of Daphne rezone the subject property from R-3, High Density Single Family Residential, to B-1, Local Business.

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

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

Thank you,

WHE/jd

cc: file



**APPLICATION FOR ZONING AMENDMENT**

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

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

1) Description of property for which amendment is requested:

- a) Address \_\_\_\_\_  
\_\_\_\_\_
- b) Name of Subdivision Bellaton, Phase Two
- c) Lot numbers involved in change \_\_\_\_\_
- d) Total acreage of change .26 AC
- e) Recorded in Map Book \_\_\_\_\_ Page \_\_\_\_\_
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :  
\_\_\_\_\_  
\_\_\_\_\_

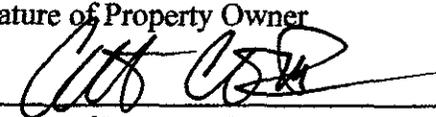
2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B1
- c) Character of neighborhood R-3, R-4 & B-1

3) Certifications:

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

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

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

AGREEMENT

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

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

May 1, 2006

Date



Signature of Property Owner

**COUNTRY CLUB DEVELOPMENT, L.L.C.**  
**REZONING TO B-1**  
**(0.26 AC TRACT)**  
**EXHIBIT "A"**

COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 380.77 FEET FOR A POINT OF BEGINNING; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 725.24 FEET, AN ARC DISTANCE OF 194.17 FEET (CHORD BEARS SOUTH 04 DEGREES 30 MINUTES 10 SECONDS WEST, 193.60 FEET); THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.05 FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**BELLATON, PHASE TWO**



DATE

5/1/2006

ENGINEERING DEVELOPMENT SERVICES, L.L.C.

AGREEMENT

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

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

May 1, 2006  
Date

  
Signature of Property Owner





**Engineering Development Services, LLC**  
 11000 N. Central Expressway, Suite 100  
 Dallas, Texas 75243  
 Phone: (972) 412-1100  
 Fax: (972) 412-1101  
 Website: www.eds-llc.com

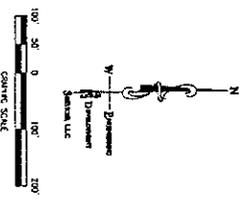
DATE: 08/11/11  
 PROJECT: BELLATON

DATE: 08/11/11  
 PROJECT: BELLATON

**COUNTRY CLUB DEVELOPMENT  
 ZONING AMENDMENT EXHIBIT "R"**

DATE: 08/11/11  
 PROJECT: BELLATON

DATE: 08/11/11  
 PROJECT: BELLATON



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

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

**BELLATON**  
 A PLANNED UNIT DEVELOPMENT  
**MASTER PLAN**

COUNTRY CLUB DEVELOPMENT  
ZONING AMENDMENT

**ADJACENT PROPERTY OWNERS LIST**

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

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

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

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

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

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

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

**ORDINANCE NO. 2006 -**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.26 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

**COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 380.77 FEET FOR A POINT OF BEGINNING: THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 725.24 FEET, AN ARC DISTANCE OF 194.17 FEET (CHORD BEARS SOUTH 04 DEGREES 30 MINUTES 10 SECONDS WEST, 193.60 FEET); THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.05 FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to B-1, Professional Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2006 -**

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

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

ATTEST:

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

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

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to B-1, Professional Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

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

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Village Overlay District Map  
Date: May 31, 2006

## MEMORANDUM

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

The Community Development Department requested that the City of Daphne amend the above captioned map to include the Utilities Board of the City of Daphne and Cypress Point, L.L.C. property located immediately to the North.

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

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

Thank you,

WHE/jd

cc: file

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

**Amend City of Daphne Village Overlay District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, favorably recommended to amend the City Daphne Village Overlay District Map; and

**WHEREAS**, said amendment to map is necessary due to need to include the Daphne Utilities Board property and Cypress Point, L.L.C. property by updating the City of Daphne Village Overlay District Map to include these properties in addition; and

**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believe the amendment to said City Daphne Village Overlay District Map as requested by the Planning Commission is proper and in the best interest of the City.

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

**SECTION I. REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION II. EFFECTIVE DATE**

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

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, June 21, 2006

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David L. Cohen, City Clerk, MMC

**PROPOSED ORDINANCE:**

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

**Amend City of Daphne Village Overlay District Map**

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ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

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

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

**ATTEST:**

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

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David L. Cohen, City Clerk, MMC

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**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**/END SYNOPSIS**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

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

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

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

**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
July 10, 2006  
4:00 P.M.**

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

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

Councilwoman Regina Landry was absent.

Also in attendance were Mayor Fred Small, Human Resources Director Sharon Cureton, and Public Works Director Ken Eslava.

**II. PUBLIC PARTICIPATION**

Mr. Jeff Allen, with Allen & Allen Accounting, PC reported that the FY 2005 audit has been completed. Mr. Allen is currently working on the report and will have a draft ready in a few days. He will present the completed reports and be available for questions at the first August City Council meeting. Mr. Allen highly commended the accounting software program the City of Daphne now has and the excellent job Ms. Briley does. He reported that the City will again receive an "unqualified opinion", which Mr. Allen explained is the best opinion that can be given.

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

**A. Prepaid Travel:**

Rebecca Hayes, Assistant City Clerk, Certification Training Institute for Municipal Clerks and Administrators Academy, August 7 – 11, 2006, Tuscaloosa AL - \$140.00

***Motion by Mr. Yelding to recommend to Council to adopt a resolution approving prepaid travel for Rebecca Hayes in the amount of \$140.00 to attend the Certification Training Institute for Municipal Clerks and Administrators Academy in Tuscaloosa, Alabama, August 7 - 11, 2006. Seconded by Mr. Scott.***

**B. Bids**

**1. 2006-Y-Daphne Sidewalks Phase I**

Three bids were received for the Daphne Sidewalks, Phase I Project. Mr. Ken Eslava, Public Works Director, recommended that the low bid from Double D Construction in the amount of \$749,617.40 be accepted. A letter from Project Engineer Scott Hutchinson, with Hutchinson, Moore & Rauch was also submitted recommending the Double D Construction bid be accepted.

***Motion by Mr. Scott to recommend to Council to adopt a resolution awarding bid number 2006-Y-Daphne Sidewalks Phase I, ALDOT Project No., STPTE-TE05 (933) in the amount of \$749,617.40 to Double D Construction. Seconded by Mr. Yelding.***

**2. 2006-AA-Horticulture Chemicals**

Mr. Ken Eslava asked that the sole bid received from LESCO, Inc. be rejected. Mr. Eslava discussed that he believed going back out for bid would allow the City to obtain a more competitive bid. Mr. Eslava also stated

that LESCO had the previous contract with the City and that their delivery service has not been timely and has caused project delays.

***Motion by Mr. Yelding to recommend to Council to reject the sole bid received for Bid Number 2006-AA-Horticulture Chemicals and to re-bid the project. Seconded by Mr. Scott.***

### **C. Appropriation Requests:**

#### **1. Alabama Storm Baseball Team - \$1,000.00**

Mr. John Peterson and Mr. Michael Druhan asked the Committee for a \$1,000.00 contribution to help send the Alabama Storm baseball team to the Elite 24 World Series to be held in Orlando, Florida, July 30 through August 5, 2006. Alabama Storm players are 12 years and younger boys from Baldwin County, with five of them from Daphne. They have traveled to Birmingham, Huntsville, Decatur and Atlanta to play and are the first team from Alabama to ever receive an invitation to play in the Elite 24 World Series. Discussion that a public purpose must be served in order for the City to make a contribution. It was noted that this team would be representing Daphne and would serve as good will ambassadors.

***Motion by Mr. Yelding to recommend to Council to adopt an ordinance appropriating \$1,000.00 to the Alabama Storm Baseball team to attend the Elite 24 World Series in Orlando, Florida, July 30 through August 5, 2006. Seconded by Mr. Scott.***

#### **2. Personnel: Planner**

Classification Specifications for a Planner position were presented to the Committee at the request of the City Council.

***Motion by Mr. Scott to recommend to Council to adopt an ordinance appropriating funds and approving the Planner position at Pay Grade 18 (\$42,484 annual cost including benefits). Seconded by Mr. Yelding.***

### **D. Annual Review of Jobs:**

Ms. Sharon Cureton, Human Resources Director, presented the results of the annual Review of Jobs. The review included pay grades 2 -10 as well as the additional positions reviewed for the Building Inspections department. The results were evaluated by the Archer Company using the same factors utilized in the establishment of the City's Pay and Classification Plan. Findings and recommendations were for the reclassification of five positions within the existing Pay Plan; increasing the pay range for nine classification ranges and no change for twenty two classifications. The implementation would cost \$122,007 annually for salaries, taxes, and benefits. The reports and findings are to be presented to the full Council at the next work session.

***Motion by Mr. Yelding to recommend to Council to adopt an ordinance to make the job classification and pay adjustments as recommended by the Archer Company for an annual cost of \$122,007. Seconded by Mr. Yelding.***

### **E. Assignment of Paying Agent – 1999 & 2002 Warrants, Bank of New York:**

Ms. Kim Briley discussed that currently the paying agent for the 1999 and 2002 warrants is Wachovia Bank, but that they have recently sold their corporate trust business to U.S. Bank. Ms. Briley presented quotes from the

Bank of New York offering to provide this service. Discussion followed that the Bank of New York is the paying agent for the 2006 Warrants and that they are offering this service for \$250.00 less than the previous cost from Wachovia.

***Motion by Mr. Yelding to recommend to Council to adopt a resolution changing the Paying Agent for the 1999 and 2002 Warrants to the Bank of New York. Seconded by Mr. Scott.***

#### **F. Volunteer Firefighters Assn: Annual Contract**

The annual contract with the Daphne Volunteer Firefighters Assn, Inc and the City of Daphne was presented. Ms. Briley stated that the request for \$24,000.00 includes \$12,000.00 from Fiscal Year 2005, which has previously been approved, but was not used, and \$12,000.00 for Fiscal Year 2006, which has been budgeted.

***Motion by Mr. Scott to recommend to Council to adopt a resolution to approve the annual agreement between the Daphne Volunteer Firefighters Assn, Inc. and the City of Daphne. Seconded by Mr. Yelding.***

### **IV. CURRENT BUSINESS**

#### **Zydeco Music Festival:**

Revenues and expenses from this year's Zydeco Music Festival were presented. The comparison with last year's festival showed an increase in revenues and a decrease in expenses, with a net loss this year of \$11,342.34 compared to last year's loss of \$32,726.60. Ms. Briley explained that this report is through June 30, 2006, and we could still receive more invoices. Discussion followed that sponsorships increased a good bit this year and that the festival should continue next year with even more emphasis on sponsorships.

### **V. FINANCIAL REPORTS**

#### **A. Treasurers Report: June 30, 2006**

The Treasurers Report of \$24,173,388.36 was presented. Ms. Briley noted that the total was down \$1,862,999.63 in large part because of the purchase of recreation property (the "Tallent" property). She also discussed that \$500,000.00 was transferred from the operating account to the capital reserve account.

***Motion by Mr. Scott to recommend to Council to accept the Treasurer's Report as of June 30, 2006, in the amount of \$24,173,388.36. Seconded by Mr. Yelding.***

#### **B. Sales Tax Collection Graphs, May 31, 2006**

The sales tax collection spreadsheet and graphs as of May 31, 2006 were presented. Sales tax collections for May 2006 were \$1,000,424.48. This is \$ 129,572.92 over budget for the month and brings the total over budget for the year to \$ 853,252.18. Ms. Briley noted that this is the first month sales taxes exceeded one million dollars in a month when quarterly taxes were not paid.

#### **C. Lodging Tax Collections, May 31, 2006**

The Lodging Tax Collections report shows \$50,871.74 collected for May.

#### **D. Jubilee Square Debt Payments Payable – June 30, 2006**

A report on the Jubilee Square debt payments payable was presented. Ms. Briley discussed that \$2,337,410.37 has been paid to date and that the payments are nine months behind the original amortization schedule. Ms. Briley explained that this extends the maturity at the present time to 20 years and 9 months. It was noted that the original amortization was for a twenty year period with an extension up to 25 years. After the 25 years, regardless of whether all payments have been made, the debt will be retired.

#### **E. Review General Fund Financial Statements, April 30, 2006**

Ms. Briley presented a General Fund Summary Statement of Revenues, Expenditures and Changes in Fund Balance for the month ended April 30, 2006, with comparative reports for the last five fiscal years. Revenues total \$12,051,454.00 or 65% of budget and departmental expenditures total \$7,406,899 or 49% of budget.

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

The New Businesses report for June 2006 was presented.

#### **E. Bills Paid Report, June 30, 2006**

The Bills Paid Report was contained in Packet #2.

### **VI. ADJOURN**

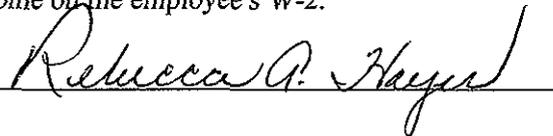
The meeting was adjourned at 5:05 pm.

## PREPAID TRAVEL REQUEST FORM

<b>EMPLOYEE NAME/TITLE</b>	REBECCA A. HAYES
<b>DEPARTMENT</b>	LEGISLATIVE
<b>DATES OF TRAVEL</b>	AUGUST 7-11, 2006
<b>SCHOOL/ORGANIZATION</b>	CERTIFICATION TRAINING INSTITUTE FOR MUNICIPAL CLERKS AND ADMINISTRATORS ACADEMY
<b>LOCATION FOR TRAINING: CITY/STATE</b>	TUSCALOOSA, AL
<b>REGISTRATION FEE</b>	\$205.00
<b>LODGING</b>	\$267.00
<b>TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)</b>	\$140.00

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

Employee Signature



  
Department Head Approval

8069  
Vendor #

120200 / 52211 /  
Dept Org # Object # Proj #

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

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

Revised 3/06

**CITY OF DAPHNE**

**BID OPENING MINUTES  
BID DOCUMENT NO: 2006-Y-DAPHNE SIDEWALKS PHASE I  
ALDOT PROJECT NO.: STPTE-TE05(933)  
JUNE 27, 2006  
11:30 A.M.  
CITY HALL**

Those present were as follows:

Mr. Fred Small	Mayor
Mr. Ken Eslava	Public Works Director
Ms. Suzanne Henson	Sr. Accountant
Mr. Steve Delahunty	Hutchinson, Moore & Rauch, LLC
Mr. Scott Hutchinson	Hutchinson, Moore & Rauch, LLC

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

Ken Eslava opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>BID BOND</u>	<u>ADDENDUM</u>	<u>AMOUNT OF BID</u>
Double D Construction	X	X	\$749,617.40
Blount Campbell Construction	\$10,000 CERT CK	X	\$874,602.00
John G. Walton Construction	X	X	\$955,448.89



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

**MEMORANDUM**

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

**To: Mayor Fred Small  
Kim Briley, Finance Director  
Finance Committee**

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



**Date: July 7, 2006**

**Re: Bid Award..2006-Y-DAPHNE SIDEWALKS 2006  
ALDOT Project No. STPTE-TE05(933)**

**Please consider this my formal recommendation to award the  
aforementioned sidewalk projects to Double D Construction, the low  
bidder, in the amount of \$749,617.40.**

**This recommendation supports and concurs with the recommendation  
of Mr. Scott A. Hutchinson, P.E., of Hutchinson, Moore & Rauch  
Engineers, which is attached for documentation purposes. As well, the  
bid tabulation sheet completed by Ms. Suzanne Henson is also attached  
for documentation purposes.**

**Please do not hesitate to contact me should you have any questions  
regarding this recommendation.**

  
Approved for Agenda  
\_\_\_\_\_  
Signature  
7-7-06  
\_\_\_\_\_  
Date



# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

Telephone: (251) 626-2626  
Fax: (251) 626-6934

July 7, 2006

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

RE: Bid Document No.: 2006-Y-Daphne Sidewalks 2006  
ALDOT Project No.: STPTE-TE05(933)

Dear Mayor Small:

Enclosed is the Tabulation of Bids received June 27, 2006 for the subject project.

We recommend that you award the Contract to Double D Construction at their submitted lowest bid of \$749,617.40.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in cursive script, appearing to read 'Scott A. Hutchinson', written over a horizontal line.

Scott A. Hutchinson, P.E.  
Project Manager

SAH/blg.  
D25001212006.435

**CITY OF DAPHNE**

**BID OPENING MINUTES**

**BID DOCUMENT NO: 2006-AA-HORTICULTURE CHEMICALS**

**JULY 6, 2006**

**11:30 A.M.**

**CITY HALL**

Those present were as follows:

Ms. Suzanne Henson  
Mr. Marshall Parsons

Sr. Accountant  
Grounds Supervisor

6 bid invitations were mailed/picked up 1 sealed bids were received.

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

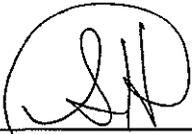
**VENDOR**

**AMOUNT**

LESCO, Inc.

Per Unit Cost As Bid

**Minimum of 80% of listed items required to be bid on.**



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

**MEMORANDUM**

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

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**To: Kim Briley, Finance Director  
Finance Committee**

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

**Date: July 10, 2006**

**Re: Rejection of Bid**

**Please consider this my formal recommendation that the City of Daphne reject the sole bid received...as submitted by LESCO, Inc. related to BID DOCUMENT 2006-AA-HORTICULTURAL CHEMICALS.**

**I am confident, that by re-bidding this contract, we will show a savings to the City by achieving more competitive pricing on products that we use the most.**

**As well, LESCO has shown that their service and delivery has been sub-standard...forcing us to alter critical project plans at the last minute. This type of bad service, specifically bad delivery service, has historically contributed directly to project delays and inefficiency of our time.**

**Again, my recommendation is to reject LESCO's bid for the aforementioned reasons.**

L. Small  
Signature  
7/05/06  
Date

July 3, 2006

Dear Mayor Fred Small,

My name is Michael Druhan, residing at 120 Rolling Hill Drive, Daphne AL. I have been a resident of Daphne since 1992. I first registered my son in baseball at Lott Park in the year 1999 at the age of five. I have coached him and have been involved with hundreds of boys and girls at the park since then in the game of baseball, and enjoyed every minute of it. I have been the Baseball Commissioner at the Lott Park in the different leagues as my son, Michael Jr. moved up with age, and had even taken a team of ten year olds to the Dixie Youth State Championship held in Decatur, Alabama to represent Daphne. In the year 2004-2005, I was the President of Daphne Dixie Youth, and during that time I have learned a very important thing while involved in this youth program, and that is none of this could have been possible without the help of the City of Daphne.

In the fall of 2005, Michael and three other boys from Daphne have been selected on a 12 year old and under (12U-Major) travel select baseball team named the Alabama Storm comprised of boys from all around Baldwin County. This team is the first and possibly only team from Alabama to qualify for the Elite 24 World Series held in Walt Disney World. They are one of 24 teams around the nation that will compete for six days in Orlando, Florida from July 30 through August 5, 2006. This is one of the largest and most prestigious and competitive tournaments in the country.



The Alabama Storm Baseball Team is asking for support from all the municipalities in the surrounding area to help support this 12U baseball team in its endeavor to compete nationally. Listed below is where each boy resides.

Four (4) boys are from Daphne, AL

Michael Druhan  
Russ Mosley  
Brandon Peterson  
Zach Fowler

Four (4) boys are from Fairhope, AL

Brock Gilheart  
Miles Gunnison  
Chase Domino  
Justin Hathcock

One (1) boy is from Spanish Fort, AL

Andrew Ferrell

One (1) boy is from Foley, AL

Jordan Ebert

One (1) boy is from Robertsdale, AL

Tres Givens

One (1) boy is from Orange Beach, AL

Brandon Silvers



In order to take twelve boys and four coaches to Orlando, Florida to participate in this tournament, we figured it will probably take a total of \$12,240 for Room and Board (\$170.00 per day, per family for 6 days). That being said, we are asking from the City of Daphne \$1000.00, the City of Fairhope \$1000.00, the City of Spanish Fort \$250.00, the City of Foley 250.00, the City of Robertsdale \$250.00, the City of Orange Beach \$250.00 totaling \$3000.00. We will also be asking for the Baldwin County Commission to match the surrounding municipality's contributions. We will also be traveling around Baldwin County trying to get corporate and individual sponsors to support the team.

We hope that the town of Daphne can support this team with any contribution. Your contribution will be recognized in all press releases issued to local and national media.

Thank you,

Michael Druhan

PLEASE MAKE ANY CONTRIBUTIONS TO:  
ALABAMA STORM BASEBALL  
16591 DANNE ROAD  
FAIRHOPE, ALABAMA 36532

Please notify me if there will be any contribution. I would like to personally thank you or the committee.  
Michael Druhan (Ph: 251-621-9062, 251-583-7056)

Salary \$ 30,566 - \$47,377  
Pay Grade 18

w/ benefits 42,484  
3,540/mo  
Code: 5550

## CITY OF DAPHNE, ALABAMA CLASSIFICATION SPECIFICATION

**CLASSIFICATION TITLE: PLANNER**

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### PURPOSE OF CLASSIFICATION

The purpose of this classification is to perform technical planning and community development tasks collaborating with other staff in developing long and short term planning goals and objectives. Assists with the review of zoning, site plan, and subdivision applications. Acts as a point of contact for customer inquiries related to the application and enforcement of various City codes, including zoning, subdivision, and related issues of concern.

### ESSENTIAL FUNCTIONS

**The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.**

Communicates with various groups and individuals to gather and provide information regarding planning, zoning, and development issues; provides information and answers to the public concerning zoning regulations; assists applicants in completing application forms; attends various board meetings to provide information and answers regarding applications and relates issues; advises board members of zoning ordinances and code requirements.

Performs administrative tasks to support the daily activities of the department and division; pulls files to research action on property; re-files documents; organizes files room; provides testimony in court as needed.

Conducts technical review and analysis of information; reviews files to present information; reviews board applications and plans for code compliance; reviews administrative variances and exception plats and forwards for approval; reviews final plats and division plats for completeness and approval; ensures plans are drawn to architectural or engineering scale.

Performs tasks involving various applications; reviews applications for compliance with zoning ordinances; assists in determining if any additional review of an application is necessary; meets with applicants to discuss project; prepares correspondence notifying applicants of information missing from applications; reviews rejected applications to determine missing information; revises and formulates recommendations and conditions for approval of applications; researches approved applications to determine compliance with Board requests; visits application sites, visually examines and photographs site; reviews photographs of sites; forwards applications materials and related information to Board members; reviews sign permit applications for compliance and issues approval or rejection.

Receives, reviews, and processes rezoning applications; reviews and approves the surveys, variance requests, and tree surveys within the rezoning applications; inspects the site during the rezoning process; photographs the area involved in the rezoning; coordinates and attends neighborhood meetings affected by the rezoning; gathers historical information involving the rezoning area; presents the rezoning application to the commission; notifies applicant of incomplete application and deficiencies within the plan; discusses issues involved in the rezoning with outside agencies; reviews and approves related media ads and signs; writes action letters regarding rezoning outcome.

Performs technical tasks in completing daily duties; assesses proposed commercial development to determine if further approval by a board is necessary; researches complex issues; conducts special research projects as assigned.

Attends and participates in a variety of meetings and sessions; coordinates and conducts interagency meetings; attends legal meetings to review zoning applications; attends weekly staff meetings to provide updates and present issues or concerns; attends

Operates a personal computer, printer, fax machine, copier, phone system, measuring wheel, architect and engineering scale, light table, tape measure, and other equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, and other system software utilized by the department.

### **ADDITIONAL FUNCTIONS**

Performs other related duties as required.

### **MINIMUM QUALIFICATIONS**

Bachelor's degree in Urban and Regional Planning or closely related field; two to three years of experience in planning or property development activities with knowledge of GIS operations, City Codes and Ordinances, and familiarity with City geography, streets, and businesses; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. Must possess and maintain a valid driver's license.

### **PERFORMANCE APTITUDES**

**Data Utilization:** Requires the ability to evaluate, audit, deduce, and/or assess data using established criteria. Includes exercising discretion in determining actual or probable consequences and in referencing such evaluation to identify and select alternatives.

**Human Interaction:** Requires the ability to apply principles of persuasion and/or influence over others in coordinating activities of a project, program, or designated area of responsibility.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication, and division; the ability to calculate decimals and percentages; the ability to utilize principles of fractions; and the ability to interpret graphs.

**Functional Reasoning:** Requires the ability to apply principles of rational systems; to interpret instructions furnished in written, oral, diagrammatic, or schedule form; and to exercise independent judgment to adopt or modify methods and standards to meet variations in assigned objectives.

**Situational Reasoning:** Requires the ability to exercise judgment, decisiveness and creativity in situations involving evaluation of information against measurable or verifiable criteria.

### **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert very moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate colors or shades of colors, sounds, depth, texture, and visual cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed without exposure to adverse environmental conditions.

*The City of Daphne is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

July 6, 2006

OK  
Sharon  
7-6-06

**INTERNAL MEMORANDUM**

**TO: Mayor Small**

**FROM: Sharon Cureton** *Sharon Cureton*

**RE: Finance Committee Agenda**

I am requesting that the following item be placed on the Finance Committee Agenda for next week. If you need additional information, please let me know.

**Request that the Review of Jobs results be implemented and pay rates be adjusted accordingly.**

## Annual Review of Jobs June 2006

When the Pay and Classification Study was adopted in January 2005 the Council agreed that it was important to maintain our pay plan to avoid such a large adjustment in the future. This pay plan maintenance included Human Resources coordinating the annual review of a percentage of our jobs to determine if the job duties had changed, if the jobs were appropriately classified, or if pay needed to be adjusted

The first annual review began in April, 2006. The Human Resources Director met with employees in pay grades 2-10, explained the purpose of the project and assisted them in completing their Comprehensive Position Questionnaire.

The Questionnaires were then sent to Chip King with Archer Company and evaluated using the same factors utilized in the establishment of our Pay and Classification Plan. The results were submitted to the City in early June.

The complete results are attached and can be summarized as follows:

- Reclassification of 5 positions
- Increasing the pay range for 9 classifications
- No change for 17 classifications

The implementation of these recommendations translates into an annual cost of \$122,007 including benefits/taxes.



Corporate Headquarters:  
Charlotte, NC / Rock Hill, SC  
454 South Anderson Road, BTC 556  
Rock Hill, South Carolina 29730  
(803) 366-2400 • Fax (803) 366-1082

Atlanta, Georgia:  
115 Lanella Parkway  
Conyers, Georgia 30013  
(770) 860-8614

Columbus, Ohio:  
8879 Shrockton Street  
Powell, Ohio 43065  
(614) 889-6597

Chicago, Illinois:  
609 Revere Street, Suite 200  
Northbrook, Illinois 60062  
(847) 513-5516

Affiliates in:  
Austin, Texas  
Sacramento, California

June 22, 2006

Sharon Cureton, Director  
Daphne Human Resources  
1705 Main Street  
Daphne, AL 36526

Re: Maintenance Review (Grades 1-10)

Dear Sharon:

The Archer Company is pleased to present our findings and recommendations for the review of all classifications in grades 1-10 of the City's pay plan, as well as the additional positions reviewed in the Building Inspections Department. The enclosed report details the findings and recommendations by position (sorted by job code).

We are also returning the most of the questionnaires completed by your employees as part of this review. We recommend that you keep these files for the requisite amount of time specified in your records retention policy. The remaining questionnaires will be returned upon completion of the class specifications.

We will forward the revised class specifications to you electronically upon their completion.

Thank you for giving us the opportunity to work with you and your staff on this very important project. The invoice for this work will be mailed under separate cover. Please do not hesitate to call me if you need additional assistance.

Sincerely,

Chip King,  
Regional Director

Enclosures  
/ck

**City of Daphne, Alabama**  
**Maintenance Review of Selected Positions (Grades 1-10)**



If our findings indicate that “no change in classification or pay grade is necessary”, the information provided in the questionnaire is consistent with the duties and responsibilities of the classification.

Classification	Position	Findings & Recommendations	Grade	New Grade
0005 Office Assistant	W. Goins (Finance)	No change in classification or pay grade is necessary.	6	NC
0005 Office Assistant	C. Bishop (Public Works)	The duties and responsibilities of this position, as described in the questionnaire, appear to have evolved to a higher level of clerical work – reclassify Ms. Bishop’s position as 0010 Administrative Technician.	6	9
0010 Administrative Technician	S. Gregorich (Build. Inspect.)	No change in classification or pay grade is necessary. An increase in work-load without changing the scope of work does not materially impact the pay grade; responsibility for higher level permitting functions is attributable to the Permit Technician class which supervises this position.	9	NC
0010 Administrative Technician	P. Houston (P&Z)	No change in classification or pay grade is necessary. The employee’s responsibility for processing and upkeep of addressing fits within the class and work performed in the absence of others (Planning Coordinator and Administrative Assistant) do not impact the classification of the position.	9	NC
0010 Administrative Technician	D. Penry (Police – Records) T. Allen (Police – Records)	No change in classification or pay grade is necessary.	9	NC

Classification	Position	Findings & Recommendations	Grade	New Grade
0010 Administrative Technician	G. Gardner (Police – Patrol)	No change in classification or pay grade is necessary. Because of its assignment as the sole clerical position at the North Precinct, this position may potentially grow into a higher classification with time, however current duties and responsibilities fall well within the current classification.	9	NC
0010 Administrative Technician	M. Hanson (Police – Det.)	The scope of work appears to have grown since the last review was conducted, with nearly half of all duties falling within the higher level Administrative Secretary classification— <b>reclassify Ms. Hanson’s position in CID as 0015 Administrative Secretary.</b>	9	10
0015 Administrative Secretary	K. Faircloth (Fire)	The duties and responsibilities of this position have grown significantly since the last review, and reaches the level of Administrative Assistant – <b>reclassify Ms. Faircloth’s position as 0020 Administrative Assistant.</b>	10	13
0015 Administrative Secretary	O. Biggs (Civic Center)	No change in classification or pay grade is necessary. The employee sites an increase in workload to justify a reclassification, however the work remains largely the same (workload does not materially impact the evaluation).	10	NC
0015 Administrative Secretary	D. White (Recreation)	No change in classification or pay grade is necessary. The employee believes her position warrants equity with the Recreation Coordinator (17) and Athletic Coordinator (23), however there is little to substantiate this.	10	NC

Classification	Position	Findings & Recommendations	Grade	New Grade
0023 Assistant City Clerk	R. Hayes (Council)	The duties and responsibilities of this position have grown significantly since the last review, and reach a level of complexity similar to Administrative Assistant – <b>increase the pay grade for 0023 Assistant City Clerk from 10 to 13.</b>	10	13
0026 Events Services Supervisor	S. Norris (Civic Center)	No change in classification or pay grade is necessary.	5	NC
0028 Events Assistant	J. Agee (Civic Center)	No change in classification or pay grade is necessary.	5	NC
0030 Sales Assistant	R. Smith / K. Collins (Civic Center)	The evaluation was changed to reflect a somewhat higher level of customer service (human interaction) related to rental activities at the civic center, pushing the class into the next highest pay grade— <b>increase the pay grade for 0030 Sales Assistant from grade 8 to 9.</b>	8	9
0141 Parts Technician	K. Elliotte (Public Works, Mech Barn)	No change in classification or pay grade is necessary.	6	NC
0143 Public Service Worker	<i>Four questionnaires submitted:</i> T. Waller (Public Works, Parks) M. Dugger (Public Works, Grounds) W. Powell (Public Works, Mowing) J. Wright (Public Works, Streets)	Adjustments were made to the job evaluation to reflect information in the questionnaires and a comparative analysis to other classifications in Solid Waste and Public Works, increasing the pay grade for this classification— <b>increase the pay grade for 0143 Public Service Worker from 4 to 6.</b>	4	6

Classification	Position	Findings & Recommendations	Grade	New Grade
0144 Solid Waste Worker	<i>Three questionnaires submitted:</i> T. Davis (PW – Solid Waste, Garbage) R. Gore (PW – Solid Waste, Trash) T. Jenkins (PW – Solid Waste/Recycle)	No change in classification or pay grade is necessary.	6	
0151 Custodian	M. Owen (Public Works)	No change in classification or pay grade is necessary.	4	NC
0152 Custodial Supervisor	C. Champion (Public Works)	Minor adjustments to the job evaluation were insufficient to change the pay grade for this class.	7	NC
1043 Accounting Technician	<i>Four questionnaires submitted:</i> D. Watson (Finance) A. Corcoran (Finance) J. Manning (Finance) S. Cushway (Finance)	The evaluation was changed to reflect a slightly higher level of skill/complexity in the work and minimum training/experience, pushing the class into the next highest pay grade— <b>increase the pay grade for 1043 Accounting Technician from grade 10 to 11.</b>	10	11
1043 Accounting Technician	T. Quartes-Miller (Public Works)	Changes made to Accounting Technician positions in the Finance Department are not applicable to this position; due to changes in the Public Works Department, the duties and responsibilities of this position have broadened to include more administrative functions with less of a primary emphasis on finance/bookkeeping functions— <b>reclassify this position to 0015 Administrative Secretary.</b>	10	NC
2330 Building Maintenance Tech	L. Seals (Public Works)	The evaluation was changed to reflect a slightly higher level of skill/complexity in the work and minimum training/experience, pushing the class into the next highest pay grade— <b>increase the pay grade for 2330 Building Maintenance Technician from grade 10 to 11.</b>	10	11

Classification	Position	Findings & Recommendations	Grade	New Grade
2549 Animal Shelter Technician	A. Alawine (Police)	No change in classification or pay grade is necessary.	7	NC
4521 Greenhouse Assistant	P. Penry (Public Works)	The information provided in the questionnaire is consistent with the duties and responsibilities of the classification, however minor revisions were made to the job evaluation to reflect information provided—the revisions did not impact the pay grade for this class.	4	NC
6822 Building Official	R. Merchant (Build Inspect)	The Building Inspections Division has been removed from underneath the Planning Department and reorganized as an independent department—while this process began at the end of the last pay plan update, the full extent of the reorganization was not known. The job evaluation was revised to reflect a higher degree of managerial responsibility and technical complexity resulting from the continued growth in this functional area— <b>increase the pay grade to 36.</b>	29	36
6840 Building Inspector	D. Lambeth (Build Inspect) D. Dillard (Build Inspect)	The complexity of the inspection process has increased somewhat; the job evaluation has been revised to reflect the information in the questionnaires— <b>increase the pay grade to 17.</b>	16	17
6850 Permit Technician	R. Lambert (Build Inspect)	This position has taken on more responsibilities for administrative support in the department, must deal with more complex permitting issues, and now serves as a lead worker; the job evaluation was increased to reflect the changing scope of work and complexity of this position— <b>increase the pay grade to 13.</b>	11	13

Classification	Position	Findings & Recommendations	Grade	New Grade
6870 Site Containment Inspector	A. Campbell (Build Inspect)	The complexity of the inspection process has increased somewhat and the job evaluation has been revised to reflect the information in the questionnaires. The responsibilities were reviewed relative to those of Building Inspectors and found to be comparable but not greater; the questionnaire references a requirement for a Bachelor's degree, but the duties and responsibilities do not support this— <b>increase the pay grade to 17.</b>	16	17
7052 Small Engine Mechanic	J. Rohm (Public Works)	While this employee focuses primarily on small engine repair and maintenance during the summer growing season, the position requires the incumbent to function as an auto mechanic throughout the majority of the year— <b>reclassify Mr. Rohm's position as 7050 Mechanic (grade 13); eliminate 7052 Small Engine Mechanic from your pay plan and fold duties of 7052 into 7050.</b>	10	13
7532 Athletic Program Assistant	Vacant (Recreation)	No change in classification or pay grade is necessary.	6	NC
7533 Fitness Associate	S. Wright / F. Perry (Recreation)	No change in classification or pay grade is necessary.	5	NC
7540 Sail Site Manager	A. Williams (Recreation)	No change in classification or pay grade is necessary.	5	NC
7545 Sail Site Driver	W. Gibson (Recreation)	No change in classification or pay grade is necessary.	2	NC
7550 Sail Site Worker	J. Arnold (Recreation)	No change in classification or pay grade is necessary.	2	NC

Classification	Position	Findings & Recommendations	Grade	New Grade
8041 Library Services Technician	<i>Three questionnaires submitted:</i> M. Monckton (Library) J. Seals (Library) J. Adams (Library)	The information provided in the questionnaires is consistent with the duties and responsibilities of the classification, however minor revisions were made to the job evaluation to reflect information provided—the revisions did not impact the pay grade for this class.	8	NC
8070 Library Aide	L. Youngblood / E. Steffona (Library)	No change in classification or pay grade is necessary.	6	NC

July 3, 2006

VIA FIRST CLASS MAIL

ATTN: MS. KIM BRILEY  
CITY OF DAPHNE  
PO BOX 400  
DAPHNE AL 36526

Re: Appointments Identified on Schedule I Hereto ("Appointments")

Dear Sir or Madam:

As previously announced, on December 30, 2005 Wachovia Corporation sold its corporate trust business to U.S. Bank National Association ("U.S. Bank"). Your organization established and/or has an interest in the Appointments with Wachovia Bank, National Association ("Wachovia") as services provider, and has authority to consent to the assignment of the Appointments' functions and services to a successor. This letter is intended as notice pursuant to the Appointments' governing documents, of the transfer of the Appointments from Wachovia to U.S. Bank as successor Appointments' governing documents otherwise remain in full force and effect.

The undersigned request your consent to the transfer and assignment of Appointments' rights, functions, services and duties to U.S. Bank. To give such consent, you may sign this letter in the space provided below and return a copy to U.S. Bank in the enclosed return envelope. If you do not send your written consent by August 2, 2006, a second notice will be sent to you. If you do not provide written consent for the Appointments transfer, your consent will be deemed given, unless you object in writing to the assignment and transfer to U.S. Bank on or before the 30<sup>th</sup> day after the date of the second notice. If no objection is so received, your consent to such transfer then will be effective upon expiration of the objection period.

U.S. Bank is a national bank authorized to accept and execute agency arrangements under the authority granted to it by the United States Department of the Treasury, Office of the Comptroller of the Currency. U.S. Bank does hereby: (i) confirm it is qualified to establish and perform the Appointments and act as agent under the governing documents; (ii) confirm the assignment and its acceptance of the powers, rights, functions, duties and interests as successor to Wachovia under the Appointments' governing documents; (iii) represent that it is eligible, and satisfies all applicable requirements and qualifications to become successor, and (iv) agree to perform each of such duties and obligations of the successor, all as provided in the Appointments' governing documents and subject to the provisions currently set forth therein.

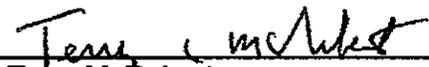
If you have questions regarding this notice or the transfer of the Appointments, please contact Greg Waldrip at 205-667-6111. U.S. Bank looks forward to serving you as the new services provider for the Appointments.

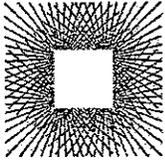
Sincerely,

WACHOVIA BANK NATIONAL ASSOCIATION

U.S. BANK NATIONAL ASSOCIATION

By   
Darryl J. Fuhme  
its Executive Vice President

By   
Terry McRoberts  
its Executive Vice President



*The* **BANK**  
*of* **NEW YORK.**

June 19, 2006

Ms. Kimberly Briley  
Finance Director  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 37526

***Re: City of Daphne, Alabama  
Warrant Issues, Series 1999 & 2002***

Dear Ms. Briley:

As requested, and subject to review of final documents, The Bank of New York Trust Company, N.A. ("BNY") is pleased to enclose our proposal to provide Paying Agent and Registrar services in connection with the above referenced transactions.

The Bank of New York is one of the largest providers of corporate trust services in the world. We currently administer more than 90,000 issues, representing over \$2.75 trillion in outstanding principal, for nearly 35,000 clients worldwide. The Bank of New York has acquired more than 41 corporate trust books of business since 1994 and has spent more than \$2.1 billion on securities enhancements over the past three years.

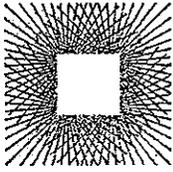
We appreciate this opportunity and look forward to working with you and the other members of the financing team. Should you have any questions or if I may be of further assistance, please do not hesitate to contact me at 205.214.0216.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cary Jones", written over the typed name.

Cary L. Jones  
Vice President  
Business Development

Enclosure



*The* **BANK**  
*of* **NEW YORK.**

## **THE BANK OF NEW YORK TRUST COMPANY, N.A.**

### **Schedule of Fees to Provide Paying Agent and Registrar Services**

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#### **City of Daphne, Alabama Warrant Issue Series 1999**

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**Acceptance Fee:** **Waived**  
A one-time charge covering the Bank Officer's review of governing documents, communication with members of the closing party, including representatives of the issuer, investment banker(s) and attorneys, establishment of procedures and controls, setup of trust accounts and tickler suspense items and the receipt and disbursement/investment of bond proceeds. This fee is payable on the closing date.

**Annual Paying Agent Fee:** **\$750.00**  
An annual charge covering the normal paying agent and registrar duties related to account administration and bondholder services - assuming the issuance of book entry bonds. This fee is payable annually, in advance, and will remain fixed for five years.

**Annual Out-of-Pocket Expenses:** **9% of Annual Administration Fee**  
Including, but not limited to the following, if applicable: telephone, facsimile, courier, copying, postage, and supplies.

**Extraordinary Services / Miscellaneous Fees:** **By Appraisal**  
The charges for performing extraordinary or other services not contemplated at the time of the execution of the transaction or not specifically covered elsewhere in this schedule will be determined by appraisal in amounts commensurate with the service to be provided. If it is contemplated that the Bank hold/and or value collateral or enter into any investment contract, forward purchase or similar or other agreement, additional acceptance, administration and counsel review fees will be applicable to the agreement governing such services. If Bank's Counsel is asked to provide a written opinion, Bank's Counsel may assess an additional fee for rendering such opinion. If the bonds are converted to certificated form, additional annual fees will be charged for any applicable tender agent and/or registrar/paying agent services. Additional information will be provided at such time. Should this transaction terminate prior to closing, all out-of-pocket expenses incurred, including legal fees, will be billed at cost. If all outstanding bonds of a series are defeased or redeemed, or The Bank of New York Trust Company, N.A. is removed as trustee/agent prior to the maturity of the bonds, a termination fee may be assessed at that time.

Miscellaneous fees may include, but are not necessarily limited to the following, if applicable: UCC filing fees, money market sweep fees, auditor confirmation fees, wire transfer fees, Letter of Credit drawdown

fees, transaction fees to settle third-party trades and reconciliation fees to balance trust account balances to third-party investment provider statements.

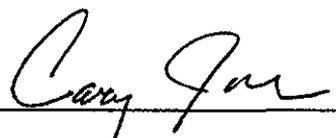
The Bank of New York Trust Company, N.A.'s final acceptance to provide these services is subject to its full review and acceptance of all documentation related to this transaction and standard conflict procedures check.

**Customer Notice Required by the USA Patriot Act**

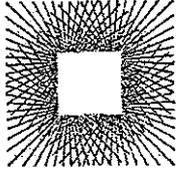
To help the US government fight the funding of terrorism and money laundering activities, US Federal law requires all financial institutions to obtain, verify, and record information that identifies each person (whether an individual or organization) for which a relationship is established.

What this means to you: When you establish a relationship with BNY, we will ask you to provide certain information (and documents) that will help us to identify you. We will ask for your organization's name, physical address, tax identification or other government registration number and other information that will help us to identify you. We may also ask for a Certificate of Incorporation or similar document or other pertinent identifying documentation for your type of organization.

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<b>Accepted By:</b>	<b>For BNY:</b>
Signature: _____	
Date: _____	June 9, 2006
Name: _____	Cary L. Jones
Title: _____	Vice President

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*The* **BANK**  
*of* **NEW YORK.**

## **THE BANK OF NEW YORK TRUST COMPANY, N.A.**

### **Schedule of Fees to Provide Paying Agent and Registrar Services**

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#### **City of Daphne, Alabama Warrant Issue Series 2002**

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**Acceptance Fee:** **Waived**

A one-time charge covering the Bank Officer's review of governing documents, communication with members of the closing party, including representatives of the issuer, investment banker(s) and attorneys, establishment of procedures and controls, setup of trust accounts and tickler suspense items and the receipt and disbursement/investment of bond proceeds. This fee is payable on the closing date.

**Annual Paying Agent Fee:** **\$750.00**

An annual charge covering the normal paying agent and registrar duties related to account administration and bondholder services - assuming the issuance of book entry bonds. This fee is payable annually, in advance, and will remain fixed for five years.

**Annual Out-of-Pocket Expenses:** **9% of Annual Administration Fee**

Including, but not limited to the following, if applicable: telephone, facsimile, courier, copying, postage, and supplies.

**Extraordinary Services / Miscellaneous Fees:** **By Appraisal**

The charges for performing extraordinary or other services not contemplated at the time of the execution of the transaction or not specifically covered elsewhere in this schedule will be determined by appraisal in amounts commensurate with the service to be provided. If it is contemplated that the Bank hold/and or value collateral or enter into any investment contract, forward purchase or similar or other agreement, additional acceptance, administration and counsel review fees will be applicable to the agreement governing such services. If Bank's Counsel is asked to provide a written opinion, Bank's Counsel may assess an additional fee for rendering such opinion. If the bonds are converted to certificated form, additional annual fees will be charged for any applicable tender agent and/or registrar/paying agent services. Additional information will be provided at such time. Should this transaction terminate prior to closing, all out-of-pocket expenses incurred, including legal fees, will be billed at cost. If all outstanding bonds of a series are defeased or redeemed, or The Bank of New York Trust Company, N.A. is removed as trustee/agent prior to the maturity of the bonds, a termination fee may be assessed at that time.

Miscellaneous fees may include, but are not necessarily limited to the following, if applicable: UCC filing fees, money market sweep fees, auditor confirmation fees, wire transfer fees, Letter of Credit drawdown

fees, transaction fees to settle third-party trades and reconciliation fees to balance trust account balances to third-party investment provider statements.

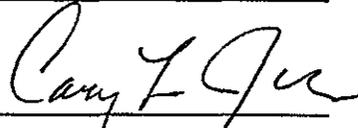
The Bank of New York Trust Company, N.A.'s final acceptance to provide these services is subject to its full review and acceptance of all documentation related to this transaction and standard conflict procedures check.

**Customer Notice Required by the USA Patriot Act**

To help the US government fight the funding of terrorism and money laundering activities, US Federal law requires all financial institutions to obtain, verify, and record information that identifies each person (whether an individual or organization) for which a relationship is established.

What this means to you: When you establish a relationship with BNY, we will ask you to provide certain information (and documents) that will help us to identify you. We will ask for your organization's name, physical address, tax identification or other government registration number and other information that will help us to identify you. We may also ask for a Certificate of Incorporation or similar document or other pertinent identifying documentation for your type of organization.

---

<b>Accepted By:</b>	<b>For BNY:</b>	
Signature: _____		_____
Date: _____		June 9, 2006
Name: _____		Cary L. Jones
Title _____		Vice President

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**AGREEMENT OF RESIGNATION, APPOINTMENT AND ACCEPTANCE**, dated as of \_\_\_\_\_, 2006 by and among **THE CITY OF DAPHNE, ALABAMA** (the "Issuer"), Wachovia Bank, National Association, as successor to SouthTrust Bank, (the "Prior Paying Agent") and **THE BANK OF NEW YORK TRUST COMPANY, N.A.** a national banking association duly organized and existing under the laws of the United States of America, (the "Successor Paying Agent "). Capitalized terms used but not defined herein shall have the terms ascribed to them in the Ordinance described below.

#### **RECITALS:**

**WHEREAS**, the Issuer appointed the Prior Paying Agent under that certain Ordinance dated as of August 21, 2002("Ordinance") which authorized the issuance of the Issuer's **\$2,660,000 Series 2002** ("Warrants") and that certain Ordinance dated as of September 22, 1999 ("Ordinance") which authorized the issuance of the Issuer's **\$6,305,000 Series 1999** (the "Warrants");

**WHEREAS**, the Issuer wishes to have the Prior Paying Agent resign and to appoint the Successor Paying Agent under the Ordinance such resignation and appointment to **become effective as of the close of business on August 8, 2006, (the "Effective Date");** and

**WHEREAS**, the Prior Paying Agent is willing to resign and the Successor Paying Agent is willing to accept such appointment as Successor Paying Agent under the Ordinance effective as of the Effective Date;

**NOW, THEREFORE**, the Issuer, Prior Paying Agent, and Successor Paying Agent, for and in consideration of these premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby consent and agree as follows:

#### **ARTICLE I**

##### **THE ISSUER**

**SECTION 1.01** The Issuer hereby requests the resignation of the Prior Paying Agent as Paying Agent under the Ordinance, effective as of the Effective Date.

**SECTION 1.02** All conditions relating to the appointment of The Bank of New York Trust Company, N.A. as Successor Paying Agent under the Ordinance have been met by the Issuer, and the Issuer hereby appoints Successor Paying Agent as Paying Agent under the

Ordinance, effective as of the Effective Date, with like effect as if originally named under the Ordinance. Upon such Effective Date, the Successor Paying Agent, without any further act, deed, or conveyance, shall become vested with all the rights and powers of the Prior Paying Agent under the Ordinance.

**SECTION 1.03** The Issuer hereby represents and warrants to the Successor Paying Agent that (1) it is not in Default under the terms of the 2002 Ordinance; (2) that there remains outstanding \$2,40,000 in the principal amount of the 2002 Warrants and (3) that interest on the 2002 Warrants has been paid through August 1, 2006 and (4) it is not in Default under the terms of the 1999 Ordinance; (5) that there remains outstanding \$5,730,000 in the principal amount of the 1999 Warrants and (6) that interest on the 1999 Warrants has been paid through April 1, 2006.

## **ARTICLE II**

### **THE PRIOR PAYING AGENT**

**SECTION 2.01** The Prior Paying Agent hereby resigns as Paying Agent under the Ordinance, effective as of the Effective Date.

**SECTION 2.02** The Prior Paying Agent, as of the Effective Date, assigns, transfers, delivers and confirms to Successor Paying Agent all the rights, powers, and trusts of the Prior Paying Agent under the Ordinance. The Prior Paying Agent shall execute and deliver such further instruments and shall do such other things as the Issuer or the Successor Paying Agent may reasonably require so as to more fully and certainly vest and confirm in the Successor Paying Agent all the rights, powers and trusts hereby assigned, transferred, delivered and confirmed to Successor Paying Agent as Paying Agent.

**SECTION 2.03** The Prior Paying Agent hereby represents and warrants to the Successor Paying Agent that (1) there is no Default or event that, with the giving of notice, the passing of time, or both, will result in a Default under the terms of the 2002 Ordinance; (2) that there remains outstanding \$2,460,000 in the principal amount of the 2002 Warrants, (3) and that interest has been paid through August 1, 2006 and (4) there is no Default or event that, with the giving of notice, the passing of time, or both, will result in a Default under the terms of the 1999 Ordinance; (5) that there remains outstanding \$5,730,000 in the principal amount of the 1999 Warrants, (6) and that interest has been paid through April 1, 2006.

**SECTION 2.04** The Prior Paying Agent hereby agrees that, on or prior to the Effective Date, it will deliver to the Successor Paying Agent such documents, files, records, statements of accounts, official correspondence, and items required to be delivered under the Ordinance, including, but not limited to, those items listed on the attached Exhibits A and B, and such other items as the Successor Paying Agent may reasonably request.

## ARTICLE III

### THE SUCCESSOR PAYING AGENT

**SECTION 3.01** The Successor Paying Agent hereby represents and warrants to the Issuer that the Successor Paying Agent is qualified to act as Paying Agent under the Ordinance.

**SECTION 3.02** The Successor Paying Agent hereby accepts its appointment as Successor Paying Agent under the Ordinance and accepts the rights, powers, duties and obligations of Prior Paying Agent as Paying Agent under the Ordinance, upon the terms and conditions set forth therein, with like effect as if originally named as Paying Agent under the Ordinance.

**SECTION 3.03** The Successor Paying Agent covenants to the Issuer that, subsequent to the Effective Date, it will provide any notice required by the Ordinance relative to the removal of the Prior Paying Agent and appointment of the Successor Paying Agent under the Ordinance to the Holders of all outstanding Warrants.

## ARTICLE IV

### NOTICES

**SECTION 4.01** All notices, demands and requests to be given or made hereunder shall be deemed sufficient and properly given or made if in writing and sent by United States first class mail, postage prepaid, or sent by an electronic method capable of producing a written document, addressed as follows:

(a) If to the Issuer:

City of Daphne  
Post Office Box 400  
Daphne, Alabama 37526  
Attn: Ms. Kim Briley, Finance Director

(b) If to the Prior Paying Agent:

U. S. Bank, N.A.  
Post Office Box 2554  
MC: AL 0588  
Birmingham, AL 35290  
Fax: (205)667-6130  
Attn: Carmen Kilgore

(c) If to the Successor Paying Agent:

The Bank of New York Trust Company, N.A.  
505 North 20<sup>th</sup> Street  
Suite 950  
Birmingham, Alabama 35203  
Attn: Ms. Pat Wilkes

The Issuer, the Prior Paying Agent, and the Successor Paying Agent may, by like notice, designate further or different addresses to which subsequent notices shall be sent.

## ARTICLE V

### MISCELLANEOUS

**SECTION 5.01** This Agreement and the resignation, appointment and acceptance effected hereby shall be effective as of the close of business on the Effective Date, recited above.

**SECTION 5.02** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

**SECTION 5.03** This Agreement may be executed in any number of counterparts each of which shall be an original, but such counterparts shall together constitute but one and the same instrument.

**SECTION 4.04** The persons signing this Agreement on behalf of the Issuer, the Successor Paying Agent and the Prior Paying Agent are duly authorized to execute it on behalf of the each party, and each party warrants that it is authorized to execute this Agreement and to perform its duties hereunder.

**Execution Block Next Page**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement of Resignation, Appointment and Acceptance to be duly executed and acknowledged all as of the day and year first above written.

**CITY OF DAPHNE, ALABAMA**  
as Issuer

By: \_\_\_\_\_  
Name:  
Title:

**Wachovia Bank, National Association**  
as Prior Paying Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE BANK OF NEW YORK TRUST  
COMPANY, N.A.**  
as Successor Paying Agent

By: *Patricia W. Wilkes*  
Name: PATRICIA W. WILKES  
Title: ASSISTANT VICE PRESIDENT

**BOND INSURER APPROVAL ON NEXT PAGE**

**APPROVAL OF AMBAC ASSURANCE CORPORATION** relative to Municipal Bond Insurance Policy No. 19907BE, as required by Section 9.5(A) of the 2002 Ordinance, which provides, “Any provision of this Ordinance expressly recognizing or granting rights in or to Ambac Assurance may not be amended in any manner which affects the rights of Ambac Assurance hereunder without the prior written consent of Ambac Assurance,” and Section 9.5(B) of the Ordinance which provides, “Unless otherwise provided in this section, Ambac Assurance’s consent shall be required in addition to Holder consent, when required, for the following purposes, ....(ii) removal of the paying agent and selection and appointment of any successor paying agent; and...”

**APPROVAL OF AMBAC ASSURANCE CORPORATION** relative to Municipal Bond Insurance Policy No. \_\_\_\_\_, as required by Section 9.4(A) of the 1999 Ordinance, which provides, “Any provision of this Ordinance expressly recognizing or granting rights in or to Ambac Assurance may not be amended in any manner which affects the rights of Ambac Assurance hereunder without the prior written consent of Ambac Assurance,” and Section 9.4(B) of the Ordinance which provides, “Unless otherwise provided in this section, Ambac Assurance’s consent shall be required in addition to Holder consent, when required, for the following purposes,....(ii) removal of the paying agent and selection and appointment of any successor paying agent, and....”

**AMBAC ASSURANCE CORPORATION**

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

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

## EXHIBIT "A"

### Documents to be delivered to Successor Paying Agent:

1. Executed copy of Ordinance dated as of August 21, 2002 and September 22, 1999
2. Conformed copy of Ordinance
3. File of Closing Documents
4. Copies of any and all of the most recent compliance certificates or other documents as required under the Ordinance and other governing documents
5. Certified List of Holders as of close of business on August 8, 2006, including certificate detail and all "stop transfers" and the reason for such "stop transfers" (or, alternatively, if there are a substantial number of registered holders, the computer tape reflecting the identity of such holders)
6. Copies of any official notices sent by the Prior Paying Agent to all the holders of the certificates pursuant to the terms of the Ordinance during the past twelve months
7. Copies of account balances as of July 31, 2006 and August 8, 2006

## EXHIBIT "B"

### BNY CORPORATE TRUST OPERATIONS SUCCESSOR INFORMATION REQUIREMENTS

Issue Name: City of Daphne, Alabama, General Obligation Warrants, Series 2002 and City of Daphne, Alabama, General Obligation Improvement Warrants, Series 1999

**Effective Date of Succession: August 8, 2006**

First BNY Payment Date: February 1, 2007 for Series 2002 and October 1, 2006 for Series 1999

**Please contact Claire Fortunato, The Bank of New York-Corporate Trust Operations at (315) 414-3600 prior to the effective date of succession noted above.**

The following information will be required by our Operations Department:

- Number of holders
- Number of certificates
- Former agent processing system
- Certified cash balances
- Certified detailed unrepresented list
- Certified listing of cusip numbers, rates, maturities, and outstandings
- Certified registered holders list including name, address, TIN#, payment instructions, complete certificate detail and outstanding
- Certified record of outstanding bearer certificate detail including prefix, number, denomination and outstanding by cusip
- Certified bearer held alive manifest by cusip
- Bearer held alive inventory
- Certified cut & endorse coupon manifest by cusip
- Cut and Endorse coupon inventory (clipped thru effective date)
- Unissued registered vault inventory and over-silvering agreement
- Certified certificate stop record with qualification codes
- Financial call notices for the current and prior year

- All escheatment records and filings
- Post conversion contact for research and customer service
- Agreement for forwarding post conversion presentments

**Tax Reporting - BNY will report on transactions processed from our appointment date only**

**CIVIC CENTER EVENT: ZYDECO MUSIC FESTIVAL**

	FY2005	FY2006 (As of 6/30/06)
Revenue:		
Tickets Sales (1096 sold..2005/\$12 ea.; 976 sold..2006/\$15 adult & \$7.50 child)	11,935.00	14,520.00
Sponsors	10,895.00	23,500.00
Booth Rental	2,035.00	-
Equipment Rental	180.00	-
Concessions	2,896.86	667.00
Contribution & Other	-	21.00
Misc. Receipts - Shirts & Posters - \$10 ea.	1,506.00	2,248.95
<b>Total Revenue</b>	<u>29,447.86</u>	<u>40,956.95</u>
Expenses:		
City Labor (overtime, medicare, social security, retirement)	(4,260.28)	(4,732.21)
Contracted Services - Audio	(5,800.00)	(7,250.00)
Contracted Services - Bands	(26,509.45)	(20,425.00)
Contracted Services - Dance Instruction	(2,375.00)	(2,925.00)
Promotional Advertising	(17,784.23)	(6,709.81)
Food		(1,100.00)
Concession Supplies (Drinks, chips, candy, plates, & bowls)		(926.56)
Rental (Blue Rents-dance floor & PODS)		(1,611.93)
T-Shirts	(5,249.66)	(5,270.92)
Temp Services	(195.84)	(1,347.76)
<b>Total Expenses</b>	<u>(62,174.46)</u>	<u>(52,299.19)</u>
<b>Income Over/(Under) Expenses</b>	<u><u>(32,726.60)</u></u>	<u><u>(11,342.24)</u></u>

# TREASURER'S REPORT

As of June 2006

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$7,630,723.92
OPERATING ACCT	COMPASS	(\$982,956.22)
PAYROLL ACCT	COMPASS	(\$16,199.74)
MUNICIPAL COURT	COMPASS	\$252,081.80
		<u>\$6,883,649.76</u>
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$3,973.86
4 CENT GAS TAX	FIRST GULF	\$167,141.10
7 CENT GAS TAX	FIRST GULF	\$171,487.86
		<u>\$342,602.82</u>
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$679.94
CAPITAL GROWTH	WACHOVIA	\$4,110,364.65
97 WARRANT CONS	WACHOVIA	\$5,026.95
99 WARRANT CONS	REGIONS	\$547,983.17
2000 CONSTRUCTION	REGIONS	\$90,545.24
2006 CONSTRUCTION	WACHOVIA	\$10,449,674.32
		<u>\$15,204,274.27</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA	\$1,742,861.51
		<u>\$24,173,388.36</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	1999	2000	2001	2002	2003	2004	2005	2006
October	505,823.52	523,515.85	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66
November	477,755.53	535,573.14	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38
December	677,887.14	730,634.15	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68
January	486,672.84	504,442.67	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11
February	493,808.01	540,963.07	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66
March	604,374.14	595,340.89	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83
April	546,895.63	535,336.42	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72
May	552,248.34	618,037.66	684,188.67	868,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48
June	592,710.00	657,414.17	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	
July	555,101.54	627,156.12	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	
August	572,426.86	618,088.96	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	
September	567,326.23	623,657.72	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	
<b>Totals</b>	<b>6,634,029.78</b>	<b>7,110,160.82</b>	<b>7,751,180.20</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>7,819,142.52</b>

### FY 2006 BUDGET/ACTUAL COMPARISONS

	Actual- 2006	Budget	Monthly Variance	YTD Variance	% of Budget
October	932,634.66	825,474	107,160.68	107,160.68	12.98%
November	901,512.38	820,662	80,860.42	188,021.10	9.85%
December	1,168,443.68	1,100,088	68,345.56	256,366.66	6.21%
January	887,468.11	785,065	102,403.51	358,770.17	13.04%
February	878,123.66	787,808	90,316.12	449,086.29	11.46%
March	1,081,774.83	923,786	157,988.83	607,075.12	17.10%
April	968,760.72	852,157	116,604.14	723,679.26	13.68%
May	1,000,424.48	870,892	129,572.92	853,252.18	14.88%
June		952,994			0.00%
July		903,547			0.00%
August		875,817			0.00%
September		920,338			0.00%
<b>Totals</b>	<b>7,819,142.52</b>	<b>10,618,586</b>	<b>853,252.18</b>		

### FISCAL YEAR COMPARISONS

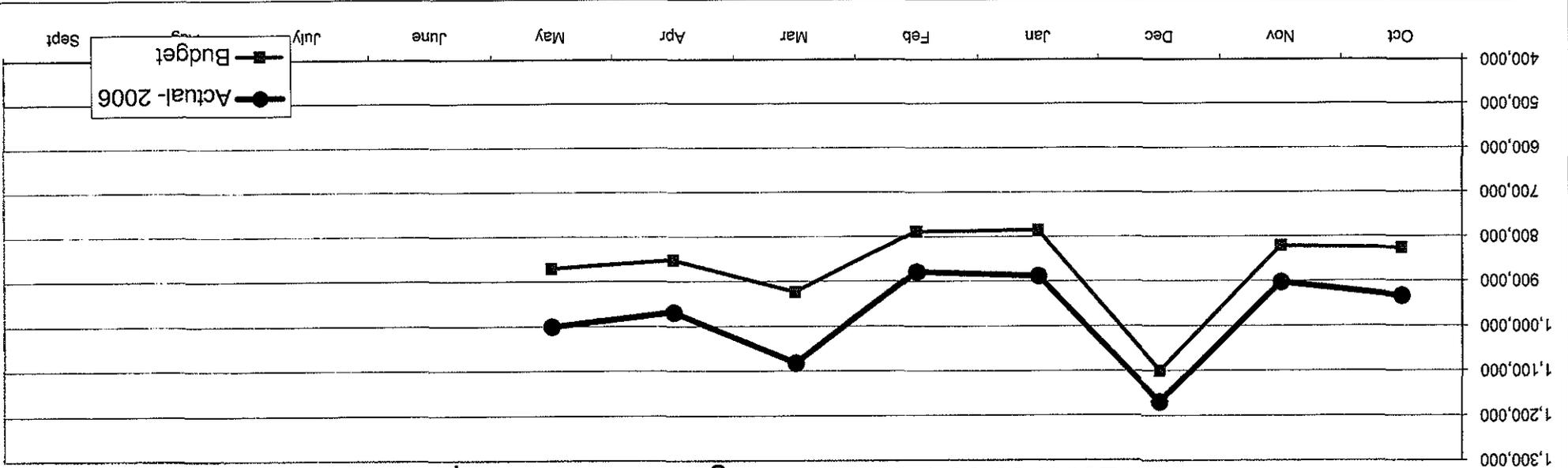
	<u>\$ Change</u>						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	17,692.33	41,559.92	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95
November	57,817.61	55,804.66	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35
December	52,747.01	72,854.66	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90
January	17,769.83	52,901.75	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28
February	47,155.06	47,027.83	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58
March	(9,033.25)	87,163.40	28,456.48	(5,570.57)	142,766.66	69,675.31	163,942.66
April	(11,559.21)	114,303.35	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91
May	65,769.32	66,151.01	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04
June	64,704.17	36,333.54	37,937.02	20,983.31	65,541.16	164,654.26	
July	71,054.58	(4,231.14)	56,677.60	42,188.32	81,260.24	105,524.99	
August	45,662.10	34,316.03	4,622.92	82,965.72	5,326.70	124,497.78	
September	56,331.49	36,834.37	(15,664.68)	70,813.95	114,619.44	168,215.28	
<b>Annual \$ Change</b>	<b>476,131.04</b>	<b>641,019.38</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	

	<u>Percent Change</u>						
	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
October	3.50%	7.94%	18.87%	-5.24%	9.64%	19.47%	11.87%
November	12.10%	10.42%	9.97%	-0.58%	9.94%	14.61%	10.66%
December	7.78%	9.97%	6.80%	3.98%	5.49%	15.93%	7.09%
January	3.65%	10.49%	14.77%	-7.65%	18.00%	10.72%	14.98%
February	9.55%	8.69%	2.42%	5.05%	8.81%	14.58%	11.32%
March	-1.49%	14.64%	4.17%	-0.78%	20.24%	8.21%	17.86%
April	-2.11%	21.35%	-3.05%	9.89%	8.65%	14.77%	12.24%
May	11.91%	10.70%	-2.24%	5.06%	7.82%	14.50%	15.33%
June	10.92%	5.53%	5.47%	2.87%	8.71%	20.12%	
July	12.78%	-0.67%	9.10%	6.21%	11.26%	13.14%	
August	7.98%	5.55%	0.71%	12.63%	0.72%	16.70%	
September	9.93%	5.91%	-2.37%	10.98%	16.02%	20.26%	
<b>Annual % Change</b>	<b>7.18%</b>	<b>9.02%</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	

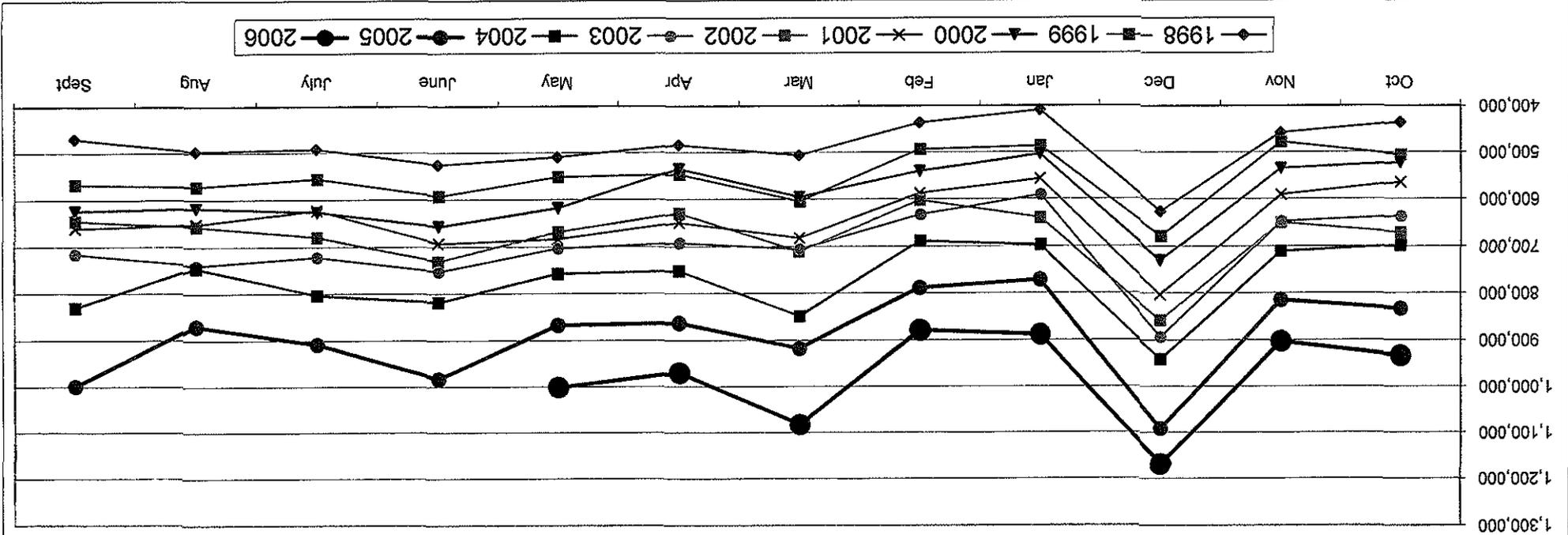
TOTAL collections: FY 05	10,708,261
TOTAL est. bdgt coll: FY 06	10,618,586
Budgeted Dollar Variance 05/06	(89,675)
Budgeted Percent Variance 05/06	-0.84%

TOTAL collections: 5-31-06	7,819,143
Budgeted: 10-1-05 to 5-31-06	6,965,890
Actual Coll > (<) Budget, 5-31-06	853,252
% Over/(Under) Budget, 5-31-06	12.25%

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



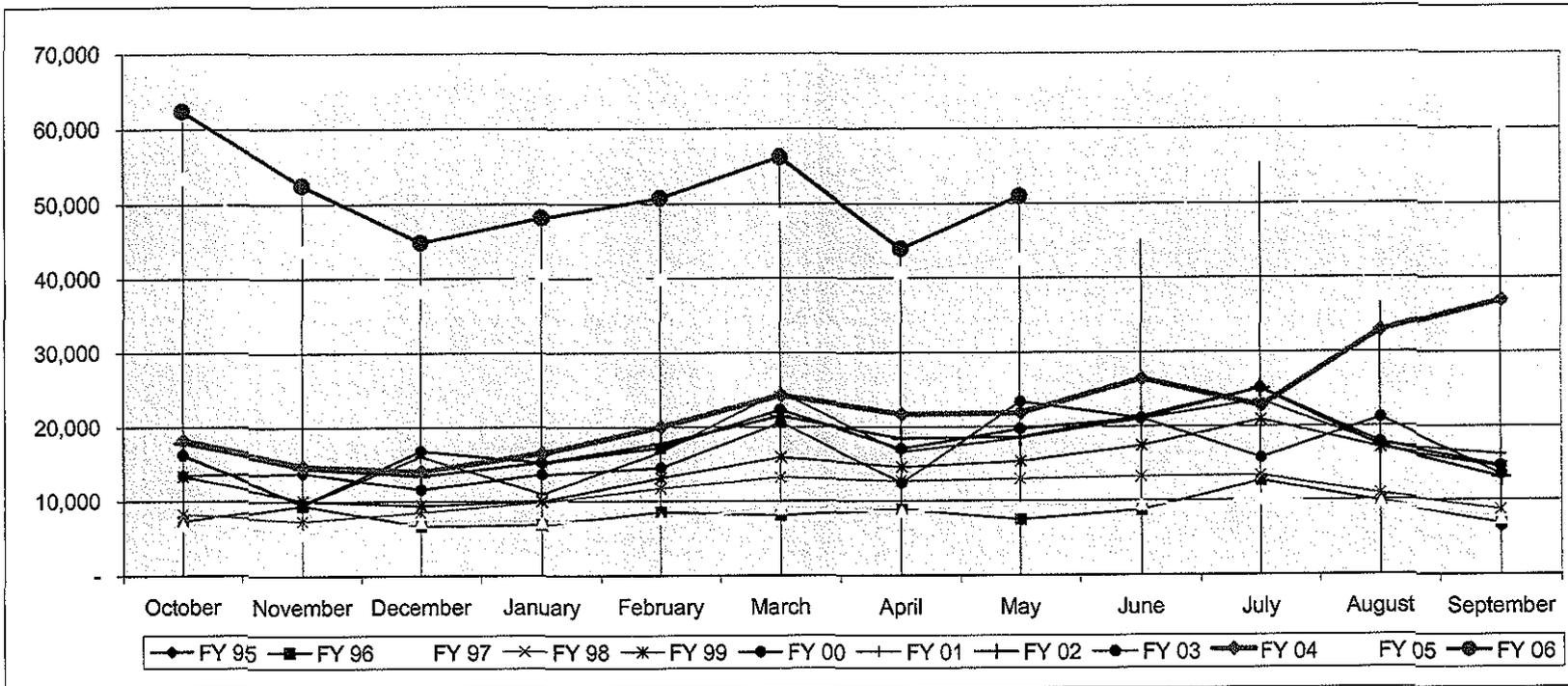
Sales & Use Tax Comparisons



### Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	
<b>Total</b>	<b>6,371.27</b>	<b>100,428.26</b>	<b>96,406.17</b>	<b>128,825.48</b>	<b>170,726.13</b>	<b>193,945.54</b>	<b>205,978.62</b>	<b>212,999.73</b>	<b>211,754.69</b>	<b>269,317.22</b>	<b>547,535.15</b>	<b>408,673.45</b>

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



<u>FY 2006 Budget</u>	617,000
<u>% Budget Collected, 5/31/2006</u>	66%

**Jubilee Square Debt Payments Payable  
As of 6-30-2006**

Total Interest Due, 11-1-05	27,584.91	Total Due	2,846,021.42
Total Interest Due, 12-1-05	42,466.06	Total Paid	<u>(2,337,410.37)</u>
Total Interest Due, 1-1-06	42,466.06		<u>508,611.05</u>
Total Principal Due, 1-1-06	148,538.94		
Total Interest Due, 2-1-06	41,259.18		
Total Interest Due, 3-1-06	41,259.18		
Total Interest Due, 4-1-06	41,259.18		
Total Interest Due, 5-1-06	41,259.18		
Total Interest Due, 6-1-06	41,259.18		
Total Interest Due, 7-1-06	41,259.18		
	<u>508,611.05</u>		

**GENERAL FUND**

Summary Statement of Revenues, Expenditures, and  
Changes in Fund Balance- Budgetary Basis

For the Month Ended April 30, 2006

with comparatives: 4-30-01; 4-30-02; 4-30-03; 4-30-04; and 4-30-05

	<u>4/30/2001</u>	<u>4/30/2002</u>	<u>4/30/2003</u>	<u>4/30/2004</u>	<u>4/30/2005</u>	<u>4/30/2006</u>	Amended Budget	Budgetary Variance Over/(Under)	% Budget
<b>Revenues</b>									
Sales, Use, & luxury Taxes	4,013,883	4,356,963	4,334,760	4,828,853	5,491,702	6,137,862	11,143,334	(5,005,472)	-45%
Payment in Lieu of Taxes	186,017	149,345	101,089	153,981	114,384	165,926	1,243,500	(1,077,574)	-87%
Ad Valorem Taxes	2,089,414	2,279,740	2,377,534	2,624,449	2,696,162	2,971,734	3,267,000	(295,266)	-9%
Licenses & Permits	568,015	530,955	1,386,105	1,512,049	1,511,657	1,714,258	1,740,220	(25,962)	-1%
Other Revenues	695,519	687,222	661,450	757,368	635,156	1,061,674	1,049,229	12,445	1%
<b>Total Revenues</b>	<b>7,552,849</b>	<b>8,004,224</b>	<b>8,860,937</b>	<b>9,876,700</b>	<b>10,449,062</b>	<b>12,051,454</b>	<b>18,443,283</b>	<b>(6,391,829)</b>	<b>-35%</b>
<b>Expenditures</b>									
<b>General Government</b>									
Personnel	610,271	677,649	696,564	748,463	804,204	832,049	1,639,748	(807,699)	-49%
Operating	421,444	439,875	479,343	495,224	497,585	499,254	994,306	(495,052)	-50%
Capital	23,907	26,077	47,924	32,332	6,920	78,750	58,050	20,700	36%
	1,055,621	1,143,601	1,223,831	1,276,019	1,308,709	1,410,054	2,692,104	(1,282,050)	-48%
<b>Public Safety</b>									
Personnel	1,880,688	2,053,749	2,046,801	2,149,883	2,206,291	2,460,354	4,953,127	(2,492,773)	-50%
Operating	439,955	420,638	432,824	465,051	478,128	632,720	1,195,946	(563,226)	-47%
Capital	125,374	72,190	250,613	162,143	-	13,405	252,504	(239,099)	-95%
	2,446,017	2,546,577	2,730,239	2,777,076	2,684,419	3,106,479	6,401,577	(3,295,098)	-51%
<b>Public Works</b>									
Personnel	968,214	986,220	956,555	993,587	1,027,636	1,061,625	2,119,377	(1,057,752)	-50%
Operating	575,931	678,889	515,465	559,063	652,510	677,468	1,376,581	(699,113)	-51%
Capital	30,516	7,579	78,189	27,552	24,770	347,848	804,121	(456,273)	-57%
	1,574,661	1,672,688	1,550,210	1,580,202	1,704,915	2,086,940	4,300,079	(2,213,139)	-51%
<b>Parks &amp; Recreation</b>									
Personnel	372,685	426,556	428,535	456,299	497,258	508,610	1,107,532	(598,922)	-54%
Operating	199,418	242,576	264,224	322,094	346,943	284,316	738,324	(454,008)	-61%
Capital	10,167	5,680	22,695	9,513	31,194	10,500	-	10,500	#DIV/0!
	582,270	674,812	715,455	787,906	875,395	803,426	1,845,856	(1,042,430)	-56%
<b>Total Departmental</b>									
Personnel	3,831,859	4,144,174	4,128,456	4,348,232	4,535,390	4,862,638	9,819,784	(4,957,146)	-50%
Operating	1,636,748	1,781,978	1,691,857	1,841,431	1,975,165	2,093,758	4,305,157	(2,211,399)	-51%
Capital	189,963	111,526	399,422	231,540	62,884	450,503	1,114,675	(664,172)	-60%
	5,658,570	6,037,678	6,219,734	6,421,203	6,573,439	7,406,899	15,239,616	(7,832,717)	-51%
<b>Other Financing Sources &amp; Uses</b>									
Debt Proceeds	95,296	23,369	273,480	-	-	-	-	-	-
Transfers to Debt Service	(1,490,412)	(1,629,230)	(1,589,518)	(1,050,151)	(1,289,144)	(1,218,551)	(2,483,006)	(1,264,455)	51%
Other Transfers & Uses	(216,026)	(350,114)	(274,910)	(401,644)	(253,410)	(133,537)	(1,129,292)	(995,755)	88%
<b>Total Other Financing Sources/Uses</b>	<b>(1,611,141)</b>	<b>(1,955,974)</b>	<b>(1,590,948)</b>	<b>(1,451,795)</b>	<b>(1,542,554)</b>	<b>(1,352,088)</b>	<b>(3,612,298)</b>	<b>(2,260,210)</b>	<b>63%</b>
<b>Total Revenues Over Expenditures</b>									
	<b>283,138</b>	<b>10,571</b>	<b>1,050,255</b>	<b>2,003,702</b>	<b>2,333,069</b>	<b>3,292,466</b>	<b>(408,631)</b>	<b>3,701,097</b>	
Unreserved Fund Balance, 10-01	2,431,236	2,381,054	2,386,488	3,825,172	4,106,801	5,968,130			
Unreserved Fund Balance, 4-30	2,714,374	2,391,625	3,436,743	5,828,874	6,439,869	9,260,596			

**NEW BUSINESSES  
JUNE 2006**

<b>CITY LIMITS</b>	
CHECKERS	1
AMERICAN WAY CONSTRUCTION MANAGEMENT LL	1
MEDICAL CLAIMS COLLECTIONS INC	1
RUCHTEX FABRICS INC	1
LEATHER HAND CAR WASH-N-DETAIL	1
COASTAL COFFEE OF NORTH FLORIDA	1
CORALFARM.COM	1
ROCA CESAR M JR MD	1
REVELS TIM S MD	1
SELDOMRIDGE JA III MD	1
WHITE STAN D PA	1
SETZLER ROGER M MD	1
KEY CHRISTOPHER D PA	1
CROTWELL WILLIAM A III MD	1
HALL CHARLES E JR MD	1
PATTON CHRISTOPHER W MD	1
BOYD JIMMY L JR PA	1
SHARP GREGORY A PC-C	1
THOMAS PLEASANT	1
HYUNDAI OF DAPHNE INC	1
RN IRRIGATION SYSTEMS	1
WOMENS BUSINESS CENTER OF SOUTHERN ALAB/	1
HOBBS TREE SERVICE	1
JULIES SALVAGE	1
MYERS RESTARUANTS LLC (SUBWAY)	1
K & D INVESTMENTS LLC	1
<b>TOTAL NEW BUSINESSES- CITY LIMITS</b>	<b>26</b>

<b>OUT OF CITY</b>	
AMERICA SOUTH REALTY LLC	1
GULF COAST BUILDINGS	1
SHUTTERS BLINDS AND MORE INC	1
MACKIE SAMUEL	1
ACE ELECTRIC AND CONTRACTING LLC	1
HILTON DISPLAYS INC	1
MANNING BROTHERS FOOD EQUIPMENT CO INC	1
OMNISOLV INC	1
FLORIDA HIGHWAY PRODUCTS INC	1
NATIONAL ENEVELOPE AECO LLC	1
AMBANK SERVICES INC	1
GULF COAST SUPPLY INC	1
AMBANK SERVICES INC	1
HELIOS LLC	1
MONARCH INDUSTRIES INC	1
CALIFORNIA TAN	1
OUR OWN IMAGE	1
DECATUR RSA LP	1
FUEL FREEDOM INTERNATIONAL LLC	1
3SI SECURITY SYSTEMS INC	1
HPSC INC	1

<b>OUT OF CITY CONT.</b>	
FIRST CHOICE HOME MEDICAL	1
J5 LEGACY BUILDERS INC	1
SARAHS CLEANING SERVICE	1
WILLIE LAWN CARE	1
VITELLO & CO REAL ESTATE	1
SCOTT SERVICES	1
STEADFAST BRIDGE COMPANY	1
CAPITAL TRAILER & EQUIPMENT	1
<b>TOTAL NEW BUSINESSES- NOT IN CITY</b>	<b>29</b>

<b>CONTRACTORS</b>	
LOWES	1
AAA AIR CONDITIONING	1
EWING BUILDERS INC	1
WITHERINGTON CONSTRUCTION CORP	1
MEEKER FLOORING INC	1
LEVETT MECHANICAL CONTRACTORS INC	1
CLARK CONSTRUCTION	1
FOXWORTH & MOORE IRRIGATION	1
SMITTY'S LAWN CARE	1
A&J ELECTRIC LLC	1
K & C LANDSCAPE AND IRRIGATION SERVICE	1
NOLFES DRYWALL CO	1
ARTIC AIR & CONTROLS LLC	1
OUTDOOR SOLUTIONS	1
CHRIS BREWER CONTRACTING INC	1
STEPHEN D AUDET ELECTRIC INC	1
EMERALD COAST SHUTTERS	1
STOVALL CONSTRUCTION INC	1
PREWETT CONSTRUCTION	1
SANDERS PAINTING	1
C A MEARS ELECTRIC	1
CAJUN CLEANIN	1
ALL IN ONE HOME IMPROVEMENTS	1
WALLEY PLUMBING COMPANY LLC	1
JOE ALVAREZ CERAMIC TILE	1
LUNSFORD ELECTRIC	1
J-C ELECTRIC	1
LIVING WATER POOLS AND SPAS LLC	1
GRAHAM MASONRY	1
TOM HEARN HOMES LLC	1
CERTAPRO PAINTERS	1
BILL GORAM & COMPANY	1
TRAYCO INC	1
HAFNER'S POWERWASHING	1
S&S COX ELECTRIC INC	1
BRUNSON CONSTRUCTION	1
TRAWICK CONSTRUCTION COMPANY INC	1
MADISON HOMES OF SOUTH ALABAMA LLC	1
LANTAFF RYAN	1

NEW BUSINESSES  
JUNE 2006

CONTRACTORS CONT.	
LOFTIN PROPERTIES LLC	1
REIDS REMODELING	1
<b>TOTAL NEW CONTRACTORS</b>	<b>41</b>

INSURANCE COMPANIES	
REASSURE AMERICAN LIFE INSURANCE COMPANY	1
<b>TOTAL INSURANCE COMPANIES</b>	<b>1</b>

<b>TOTAL NEW BUSINESSES</b>	<b>97</b>
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**Public Safety Committee**  
*Tuesday, July 5, 2006*

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

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

**Committee Members Attending:**

Councilman Greg Burnam, Councilwoman Regina Landry, Councilman Gus Palumbo, Capt. Scott Taylor and PW Sup. Melvin McCarley.

Also Present: Building Official Richard Merchant, Capt. Matt Creel, Capt. Joey Holasz

**I. CALL TO ORDER**

Mr. Burnam **convened** the meeting at 4:30 p.m.

**II. PUBLIC PARTICIPATION**

1) Traffic Accidents - Hwy 98 @ Academy Drive

Mr. Burnam asked that this be placed on next month's agenda.

2) Lisa Jones - 4<sup>th</sup> Avenue

Ms. Jones stated that the slow sign was put up but has not done much good. She stated she has a petition signed and would like to have a speed hump installed. Mr. Burnam stated the City has a petition form she can pick up and have the residents sign and then it will be put on the agenda next month for review.

**III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

**Minutes from June 5, 2006 Meeting**

*Motion by Mr. Palumbo* to adopt the minutes as presented. *Seconded by Mr. Burnam.* The minutes were adopted without revision. **Motion carried.**

**I. FIRE DEPARTMENT**

**A. New Business**

**1. Statistics for May 2006**

Capt. Creel reviewed the stats for May and stated there was nothing out of the ordinary. Mr. Palumbo asked if the SAFER grant was filed. Capt. Creel stated Chief Hanson was working on it but was unsure if it had been sent. He further stated that the new firefighters will begin certification school on July 10<sup>th</sup>.

**B. Old Business**

**II. POLICE DEPARTMENT**

**A. New Business**

**1. Statistics for May 2006**

Capt. Taylor reviewed the stats for May, he stated that citations were higher this month due to the traffic grant, "Click it or Ticket". He stated the number of traffic accidents was average and there were 2 traffic homicides.

**2. Jail Inspection Report**

Mr. Palumbo asked about the safety features and why it was marked as none. Capt. Taylor stated he would have to ask Capt. Bishop about that.

**3. North Precinct Dedication**

Capt. Taylor stated the dedication would be July 11<sup>th</sup> at 10:00 am.

**B. Old Business**

**III. OTHER BUSINESS**

**1) Proposed Wrecker Ordinance**

Mr. Wade with Tony's Towing submitted his comparison sheet that he composed from invoices from other cities in Baldwin County. Mr. Palumbo asked who does the clean-up on an accident and that he has seen the fire department do that. Capt. Creel stated that the fire department does assist in the clean up especially if there is a large area to clean, however it is the responsibility of the wrecker service. The committee discussed at length the increase in the fees and the hourly charges for each tow.

***Motion by Mr. Burnam*** to favorably recommend the Wrecker Ordinance to the Council. ***Seconded by Ms. Landry.***  
**Motion Carried.**

Capt. Taylor stated that there are some procedures he would like to have set for both the wrecker service companies and the police department to follow with regard to this ordinance. The current ordinance states that the police department will ensure that the wrecker companies are abiding by the agreements set forth in the ordinance, Capt. Taylor would like the responsibility to be placed on the wrecker services to provide the information for compliance. Mr. Palumbo stated he would like to those changes made before forwarding to the Council and requested that this be placed on the August agenda.

**\*\*Mr. Burnam withdrew the motion. Seconded by Ms. Landry.**

**2) Proposed Ordinance Prohibiting Vehicles from Avoiding Traffic Control Devices or Stop Signs in Daphne.**

The committee agreed to forward this ordinance on to the Ordinance committee with the changes that were made, to remove the jail time from section II, at the request of Mr. Palumbo at the July meeting. Mr. Palumbo requested that the last part of section II be removed; "...or any other lawful remedial action."

***Motion by Mr. Palumbo*** to favorably recommend this ordinance to the city council for approval. ***Seconded by Ms. Landry.***  
**Motion Carried.**

**VII. ADJOURN**

There being no further business to discuss, Mr. Burnam **adjourned** the meeting.  
The next meeting will be **Tuesday, August 8, 2006 at 4:30 p.m. at City Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE**  
**FIRE DEPARTMENT MONTHLY REPORT**  
**Report Period: May, 2006**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	-	1
11-Structure Fire/Commercial	-	1
11-Structure Fire/Residential	2	15
12-Fire in Mobile Property used as fixed structure	-	-
13-Mobile Property (vehicle) Fire	2	16
14-Natural Vegetation Fire	-	10
15-Outside Rubbish Fire	-	5
16-Special Outside Fire	-	1
17-Cultivated Vegetable Crop Fire	-	-
<b>2-Overpressure Rupture:</b>	-	1
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	130	897
<b>4-Hazardous Conditions (No fire):</b>	3	30
<b>5-Service Call:</b>	7	65
<b>6-Good Intent Call:</b>	12	92
<b>7-False Alarm &amp; False Call:</b>	15	69
<b>8-Severe Weather &amp; Natural Disaster:</b>	-	1
<b>9-Other Situation:</b>	2	4
<b>Total Emergency Calls:</b>	<b>153</b>	<b>1076</b>
<b>Monthly Total Calls:</b>	<b>173</b>	<b>1208</b>
<b>Response Time:</b>		
<b>Highest:</b>	11	15
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/09	4/29
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	163.75	1,727.25
<b>Property Loss - \$</b>	6,300	81,450
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	-/-	-/1
<b>Child Passenger Safety Seat Inspections/Installations</b>	7	79
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	1	82
<b>Persons Attending</b>	4	4,006
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	6	45
<b>Final/Certificate of Occupancy</b>	3	34
<b>General/Annual Inspections</b>	153	1287
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	32	118
<b>Business Licenses</b>	8	66
<b>Consultations</b>	1	7
<b>All Other/Misc. Activities</b>	-	23
<b>Total Activities:</b>	<b>203</b>	<b>1541</b>

Authorized by:

*A. Mund Hanson*

A. Mund Hanson

Daphne Police Department			Monthly Report				May 2006			
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Taylor)		(Lt. Bell / Capt. Taylor)		(Capt. Bishop)		(Capt. Wilson)				
						YTD				
# Complaints	1,313	# New Cases Received:	54	Total Arrestees Received & Processed:	171	<u>1,416</u>	# Misd. Marijuana Arrest	3	Arson	0
# Misd. Arrests	31	# Previous Unsolved Cases:	143	Arrestees by Agency:			# Felony Marijuana Arrest	0	Burglary – Residence	5
# Felony Arrests	11	# Cases Solved:	21	Daphne PD	108	825	# Controlled Substance Arrest:	0	Burglary – Commercial	5
# Citations	460	Resulting in Total Arrests:		BCSO	19	<u>123</u>	# Drug Paraphernalia Arrest	1	Burglary – Vehicles	2
# Close Patrols	124	Felonies:	6	Loxley PD	20	<u>228</u>			Criminal Mischief	8
# Warnings	195	Misdemeanors:	10	Silverhill PD	6	<u>72</u>	Vehicles Searched	17	Domestic Disturbance	23
# Motorist Assist	180	Houses Searched	0	Spanish Fort PD	14	<u>130</u>			Disorderly Conduct	1
# Alias Warrants	40			Troopers	3	<u>20</u>	Drugs Seized:	marijuana	Felony Theft	27
# Roadway Accidents	66			INS	0	<u>0</u>	Money Seized	\$0	Misdemeanor Theft	18
# Private Prop. Accidents	16	<b>Warrants:</b>		Other Agencies	1	<u>18</u>	Vehicles Seized	0	Felony Assault	1
# DUI's	17	Bettner Served	35						Misdemeanor Assault	2
Traffic Homicide	2	Officer Served	18	Highest	31		<b>Animal Control</b>		False Info to Police	1
		Recalls (Pd Fines)	28	Lowest	21		#Complaints	67	Harassment	16
		Total Warrants Served	81				#Follow-ups	98	Indecent Exposure	1
				Meals Served	1,844	14,587	#Citations	4	Kidnapping	0
		<b>Sex Offender:</b>		Medical Cost	\$1,805.23	\$15,866.17	#Warnings	4	Murder	0
		New Registration:	0	Worker Inmate Hours	1,328	5,991	#Felines Captured	17	Menacing	1
		Contact Verification	0				#Canines Captured	39	Public Intoxication	3
		Total # registered in Daphne	6				#Other Captured	3	Public Lewdness	0
		<b>DARE:</b>					#Returned to Owner	13	Receiving Stolen Property	1
		# Hours Report Writing:	8				#Adopted Out	17	Robbery	1
		# Students Instructed SRO	171				#Euthanized	7	Reckless Endangerment	2
		# Students Instructed DARE	450						Suicide	0
		# Police Reports by SRO	5						Attempted Suicide	0
		# Arrest by SRO	4						Other Death Investigations	1
									Theft of Services	0
		<b>CODE ENFORCEMENT:</b>							Unauthorized Use of Services	0
		Wanings:	5						White Collar Crimes	4
		Citations	5						Weapon Offenses	0
		Warning Compliance	16							
		Follow – Up	18							
<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>						







**Ordinance Committee**

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

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

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

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

Mrs. Landry called the meeting to order at 5:37 p.m.

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

Also Present: Rebecca Hayes, Tim Fleming, Sandra Morse, Richard Merchant, Sharon Cureton, Sherree Hilburn, Matt Creel

**II. PUBLIC PARTICIPATION**

No one spoke.

**III. APPROVAL OF MINUTES**

**MOTION BY Mr. Palumbo to approve the June 6, 2006 minutes. Seconded by Mr. Burnam.**

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

**IV. ORDINANCE REVIEW/DISCUSSION**

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

Mr. Merchant discussed the changes requested by the Committee at the last meeting. He pointed out the change in fees, and the change regarding re-inspection, which states that the re-inspection fees will be just for the things on the list.

**MOTION BY Mr. Palumbo to send this Ordinance amending 2004-10 to the Council for approval. Seconded by Mrs. Landry.**

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

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

This Ordinance was also discussed during the Public Safety Committee meeting where some of the verbiage was changed leaving out the sentence referring to a jail sentence as an option.

**MOTION BY Mr. Palumbo to send this Ordinance regarding Prohibiting Motor Vehicles Avoiding Traffic Control Devices or Stop Signs Within the City of Daphne to the Council with the amendment made at the Public Safety meeting. Seconded by Mr. Burnam.**

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

- c.) Ordinance Establishing Policy and Procedure for Improving Sewer Service for the Citizens of Daphne / Repealing 2001-12
- d.) Ordinance Establishing General Gas Codes and a Schedule of Gas Inspection Procedures

Melinda Immell, Volkert & Associates, discussed the changes made to Ordinance 2001-12, and also she discussed the Gas Ordinance.

The Committee reviewed both Ordinances and requested changes to the revised Sewer Ordinance.

Mrs. Landry requested that the changes be made and e-mailed to the Committee and Council with a cover letter explaining the changes, and also be handed out at the Council Work Session on July 13<sup>th</sup> as FYI and to be placed on the next Council agenda.

**V. OTHER BUSINESS**

**A.) Presentation by: Sharon Cureton / Human Resource Director:**

- 1.) Increasing Vacation Rollover Policy from 40 hours to 80 hours

Mrs. Cureton stated that she researched the policy for surrounding cities and the county and found that they all allow employees to rollover 80 hours.

- 2.) Changing Vacation Accrual Policy from Advancing Vacation to Accrual of Vacation

Mrs. Cureton stated that the advancing of vacation causes many problems within the city, not only in employees taking the vacation and then quitting and then HR trying to recoup the money advanced, but also cause problems for supervisors trying to schedule employees when employees who call in sick but do not have enough sick time, then they want to take a vacation day. Vacation leave is supposed to be planned and approved in advance. By accruing vacation there will be better accountability.

3.) Amending Personnel Policies & Procedure Manual / Resolution 2002-35 /  
USSERA / Disaster Medical Assistance Team (DMAT)

Mrs. Cureton stated that there is just one correction that needs to be made in Chapter 9 under (a) where it says that upon approval of the Fire Chief be granted leave, State Law says if they are trained then they do not need approval of the Fire Chief to participate.

**B.) Discuss Recreation Board**

Mr. Palumbo discussed changing the number of members to seven (7), one member from each district. Mr. Palumbo stated that with Council approval they may need to have more than one (1) member from a given district because some districts do not have anyone volunteering to be on the Board. He also discussed changing the terms for the members.

The Committee discussed this and suggested that at the next Recreation Board meeting asking each member how long they want to serve, and then bring that to the Council, and then the Council will appoint the members for the terms stated. The Committee felt it should remain a Board instead of changing to a Committee.

**VI. ADJOURN**

The meeting adjourned at 6:35 p.m.

# PUBLIC WORKS COMMITTEE MEETING

## June 30, 2006

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

### I. CALL TO ORDER

The June meeting of the Public Works Committee was called to order at 8:09 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Mayor Fred Small, Ken Eslava, Melvin McCarley, Aileen Trotter, Melinda Immell from Volkert & Associates, Inc., Mr. John Warner from Johnson Controls

### II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

### III. OLD BUSINESS

A. The committee reviewed the minutes from the Public Works Committee meeting held May 26, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Sidewalk Update

Mayor Fred Small stated that the sidewalk projects are going well. Ken Eslava stated that the installation of sidewalks on Lee Avenue would be completed today. The schedule for sidewalk installation is Belrose Avenue, Captain O'Neal Drive, followed by Caroline Avenue. The FY07 sidewalk projects will need to be decided upon.

C. Microsurfacing Project

Mayor Fred Small requested an update on the microsurfacing project. Ken Eslava stated that the project is set to begin July 6. All streets receiving microsurfacing will be done simultaneously, as it is a three phase process. The estimated time for completion is three weeks.

### IV. NEW BUSINESS

A. Future Paving on Main Street

Councilwoman Cathy Barnette inquired about any plans to pave Main Street. Ken Eslava indicated that Main Street could be added to the FY07 paving projects. The Streetscape plan was discussed. Councilwoman Cathy Barnette indicated that she could provide Councilman Bailey Yelding with a copy of the plan.

B. Gateway to Daphne

Councilwoman Cathy Barnette requested information on the improvements to the gateway to Daphne on the south end of the City. Ken Eslava indicated that the Beautification Committee, Public Works, and Daphne Utilities are working on the plans for this area, but that no target date has been set. He indicated that funding will be needed. Ken Eslava indicated that an update of this project will be provided at the Public Works Committee meeting in July.

C. Deer Park  
Councilwoman Cathy Barnette requested an update on the status of Deer Park. Ken Eslava indicated that the work in this area is complete except for possibly a concrete apron. Councilwoman Barnette suggested pavers be used for the project.

D. Tree Committee  
Councilwoman Cathy Barnette stated that she would like to participate on the Tree Committee. Ken Eslava stated that Marshall Parsons has a copy of the Tree Ordinance from the City of Orange Beach, which looks like a good foundation for revisions to the City of Daphne's Tree Ordinance.

There was a discussion on the formation of a Committee without first going through City Council. Councilwoman Barnette and Ken Eslava agreed that the Tree Ordinance should be taken to the Planning Commission for review and approval since it involves land use issues.

E. Beall Lane  
Councilwoman Cathy Barnette has received inquiries into the possibility of opening Old County Road from Beall Lane to Durnford Hill Court. Ken Eslava indicated that he would have to develop a cost estimate and evaluate the issue from a public safety stand point. Councilman Bailey Yelding inquired whether the proposed cut-through would be used enough to justify the costs of the project. Everyone agreed that it would be used since this would provide an additional exit to this dead end street. Planning Commission would have to approve the opening of the road.

F. College Avenue and Old County Road Street Lights  
Councilwoman Cathy Barnette asked Ken Eslava to follow up with the resident requesting additional lighting at College Avenue and Old County Road area. Councilwoman Cathy Barnette suggested that the area from College Avenue to Dryer Avenue may benefit from an additional street light. Mayor Fred Small suggested looking at raising the canopy on the trees in that area.

## V. DIRECTOR'S REPORT

A. Public Works Master Plan Update  
Melinda Immell from Volkert & Associates, Inc. made a presentation of the Public Works facility master plan. She provided a copy of the proposed layout of the Public Works property. She stated that the recycling drop off location was being moved to the front side of the property near the street so that residents would not have to travel through the Public Works facility parking lot in order to drop off their recycled materials. This area will be open to the public at all times. The household hazardous waste facility will also be moved to the street side of the property for the ease of drop off by residents. This facility will be open to the public for limited hours. When it is not manned, it will be gated and locked.

The storage areas for soil, rip rap, etc. will remain on the southern edge of the property. The plan calls for the installation of a garbage transfer station on the western edge of the property, near the large vehicle wash facility.

The mechanical maintenance facility will be moved to the Public Works facility property once the Johnson Road property has been sold. The fuel storage and fuel island will be

moved in conjunction with the plan. Ken Eslava indicated that he has received one quote for \$100,000 to move the fuel storage and island to the Public Works facility. The introduction of alternative fuel sources, including ethanol and bio-diesel were also discussed.

A covered storage area and small equipment wash area will be provided for the storage and cleaning of lawn mowers and other small equipment. The greenhouse is already under construction on the property.

The proposed implementation of the plan is set up in phases. Phase 1A includes moving the recycling drop off point to the street, which should not be a large financial undertaking. Phase 1B includes the construction of the household hazardous waste facility, which is already in the budget.

Melinda stated that Volkert has evaluated the capacity of the current stormwater detention pond, and determined that it should be adequate provided the drainage ditch continues to flow.

Mayor Fred Small suggested that a landscape plan be developed for the area adjacent to Public Works Road. Councilwoman Cathy Barnette stated that the landscape and drainage plans would need to be sent to the Planning Commission for approval.

In addition, Mayor Small indicated that approximately 3 acres to the west of the property line is being appraised for potential consideration. He also mentioned the flexibility that this proposed layout will provide in allowing for a semi-second shift at the mechanical maintenance facility.

Ken Eslava indicated that currently they have spent approximately two-thirds of the \$15,000 budget for the development of the Public Works facility master plan.

- B. Drainage Work North of Daphne United Methodist Church  
Ken Eslava informed the Committee that the City will be completing some drainage improvements on Main Street, just north of the Daphne United Methodist Church.

**VI. SOLID WASTE AUTHORITY**

- A. No comments were provided about the Solid Waste Authority

**VII. MUSEUM COMMITTEE**

- A. No comments were provided about the Museum Committee

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the June Beautification Committee meetings were reviewed.

**IX. ENGINEER REPORT**

- A. NRCS Update  
Ken Eslava stated that the NRCS projects are still in the engineering phase, but should go out for bid the end of July. The sidewalk bids were received, but a concern was brought forth about the ALDOT approvals.

**X. FUTURE BUSINESS**

- A.** The next Public Works Committee meeting will be held July 28, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

**Councilwoman Cathy Barnette motioned to adjourn. Councilman Bailey Yelding seconded the motion.** The meeting adjourned at 8:50 a.m.

**CITY OF DAPHNE**  
**PUBLIC WORKS COMMITTEE AGENDA**  
**Time: 8:00 AM on June 30, 2006**  
**Location: City Hall Council Chambers**

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

- I. CALL TO ORDER**
- II. PUBLIC PARTICIPATION & CORRESPONDENCE**
  - A. Correspondence
  - B. Work Request Report
- III. OLD BUSINESS**
  - A. Minutes – May 26, 2006
- IV. NEW BUSINESS**
  - A. Any other business deemed necessary
- V. DIRECTOR'S REPORT**
  - A. Public Works Master Plan Update
  - B. Drainage Work North of Daphne United Methodist Church
- VI. SOLID WASTE AUTHORITY**
- VII. MUSEUM COMMITTEE**
- VIII. BEAUTIFICATION COMMITTEE**
  - A. Minutes – June 2, 2006
- IX. ENGINEER REPORT**
  - A. NRCS Update
- V. FUTURE BUSINESS**
  - A. Next Meeting – July 28, 2006, 8:00 a.m.
- XI. ADJOURNMENT**

**Print Message**[Close this window](#)

**From:** "Shannon Spivey" <mayorassist@bellsouth.net> [Add to Address Book](#)  
**Date:** 2006/05/23 Tue AM 11:19:46 EDT  
**To:** <daphnepw@bellsouth.net>, <mickboy@bellsouth.net>, "Court" <DaphneMunicipalCourt@hotmail.com>, "David Carpenter" <dcarpenter305@hotmail.com>, "David Cohen" <daphnecc@bellsouth.net>, "David McKelroy" <recdir@bellsouth.net>, "Faye" <daphnemunicipalcourt3@hotmail.com>, "Ken Eslava" <directorpw@bellsouth.net>, "Kim Briley" <kmbriley@bellsouth.net>, "Mund Hanson" <daphfire@bellsouth.net>, "Nancy" <nancydpl@bellsouth.net>, "Richard Merchant" <bldgofficial@bellsouth.net>, "Sandra Morse" <scmorse@bellsouth.net>, "Sharon Cureton" <daphnehrdir@bellsouth.net>, "William Eady" <billeady@bellsouth.net>  
**CC:** "Kristie" <kann3140@yahoo.com> [Add to Address Book](#), <TRACYBISH@aol.com> [Add to Address Book](#), "Michele Hanson" <mthanson2005@yahoo.com> [Add to Address Book](#)  
**Subject:** Thank you

The Jubilee Breeze is now out. Thank you all for your help on this project. I could not do it without the help from all of your departments. I have attached my thank-you letter that I was going to run in the Breeze but had to cut to allow for other articles. Also, I wanted to let you all know that we will not be selling ads in the next addition. This will allow us more room for articles about the City and it will dramatically decrease postage and printing costs. I am going to try this in the next issue and see how it goes, if we need to go back to selling ads, we can always try that again too.

Start thinking about your next article – the theme will be “Daphne, A Community that Cares”. I want to highlight all the special things that we do as a city that go above and beyond our job descriptions.

*Shannon Spivey*

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Download Attachment: [Editor's letter 3.29.06.doc](#)

Dear Reader,

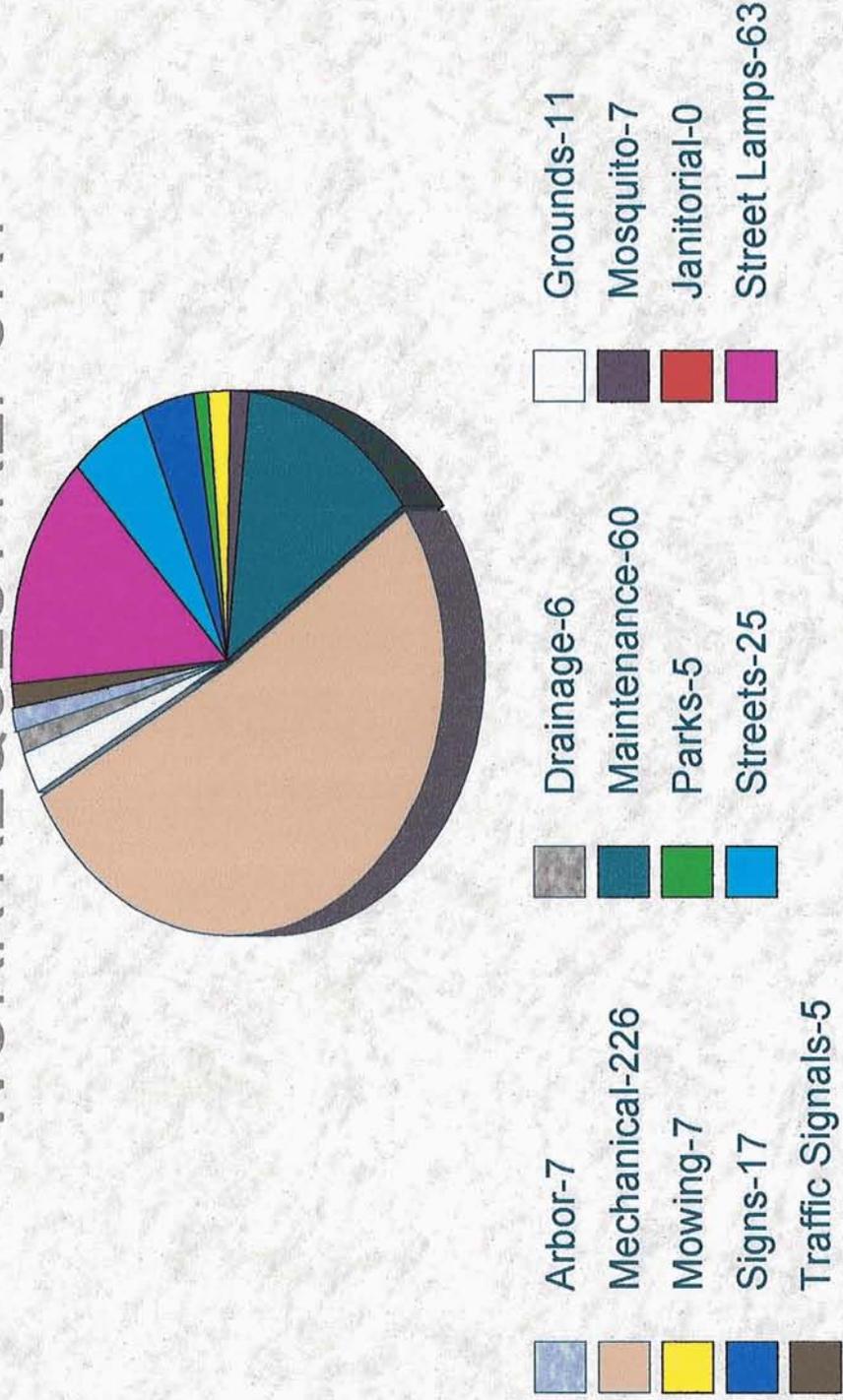
With the tremendous growth that is occurring in this area right now, I thought it would be a good time to let some of our newcomers know about our rich and storied history and remind some of the multigenerational Daphne residents about what makes our city so great. The theme of this issue is “Daphne, Then and Now” and while I am sure that we have left out many wonderful stories and facts, I have tried to present a broad overview of the history of the city and of our city government. I hope you enjoy reading about the changes that Daphne has experienced as much as I did when I was putting this together. As always, this publication would not be possible without the contributions of many wonderful City of Daphne employees and residents but, I want to give a special thanks to Ms. Mickey Boykin, Mr. Al Guarisco, Ms. Bobbie Baggett, everyone associated with the Old Methodist Church Museum, Ronny Champion and James Gore.

Shannon Spivey  
Executive Editor

# Division of Public Works

## May 2006

### WORK REQUEST REPORT



**PUBLIC WORKS COMMITTEE MEETING**  
**May 26, 2006**

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

**I. CALL TO ORDER**

The May meeting of the Public Works Committee was called to order at 8:05 a.m.

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

**II. PUBLIC PARTICIPATION & CORRESPONDENCE**

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

In reference to the work order requests, Ken Eslava indicated that mosquito control spraying began at the beginning of April. He also pointed out that the requests for mowing have dropped because of an aggressive hydra-mowing program over the winter months. Mayor Small said that the Mowing Department is doing a good job, and the City is looking good.

**III. OLD BUSINESS**

A. The committee reviewed the minutes from the Public Works Committee meeting held April 28, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Dauphine Acres Park

Mr. Edgeworth has been contacting the City concerning the property off of Camellia Court, and the potential for an infestation of rats in the area. Ken Eslava indicated that he will investigate corrective measures and the possibility of using NRCS funding to remediate the area. This could include the installation of sidewalks. Mayor Small requested that the weeds be trimmed and the grass cut periodically.

**IV. NEW BUSINESS**

A. Gateway to Daphne

Mayor Small indicated that Daphne Utilities has agreed to install irrigation for a gateway to Daphne at the south end of the City on Scenic Highway 98 when the City decides to install plants to improve the area.

**V. DIRECTOR'S REPORT**

A. Public Works Master Plan Progress Update

The engineers have completed the site surveys of the properties at the Public Works facility and the Mechanical Maintenance facility. Ken and the Mayor will evaluate the proposals for improvements. The recycling and household hazardous waste drop offs will be located at the front of the property.

Mayor Small will meet with the property owner of the 3.5 acres situated next to the Public Works facility next week.

**B. ALDOT Grant Sidewalk Status Update**

Scott Hutchinson will send the bid packages out next week for the installation of these sidewalks. Once the bid is let, the contractor will have 90 days to complete construction.

There were discussions on the installation of the sidewalks along County Road 64. The right-of-way was used up when the road was widened. Ken Eslava indicated that he will have Scott Hutchinson send out requests for easements from the property owners on the south side of the road for installation of sidewalks.

**C. District Two Sidewalk Status Report**

Ken Eslava indicated that the sidewalk project continues to move toward Deer Avenue, followed by Belrose and Lee Avenue. Ken Eslava indicated that they will have a public meeting before they begin construction since they have received a couple of letters from residents in that area who do not want the sidewalks installed.

As previously discussed, the sidewalks along 6<sup>th</sup> Street from College to Dryer will not be installed as there is a paved parking lot that extends the length of the road. Also, the sidewalk on Captain O'Neal from Dryer Avenue to College Avenue will not be installed because of the logistics of the area.

**D. City Road Construction Status Report**

Ken Eslava indicated that all of the road construction projects have been completed in Park City, as has the resurfacing of Lawson Road. John Lake inquired about the plans for road improvements on Park Drive, the main street in Park City. Ken indicated that he is looking into this area and soil testing will be needed.

He has sent a recommendation to the Finance Committee to award the balance of the work for the micro-surfacing bid at today's Finance Committee meeting. The contractor has agreed to begin work next month once he receives the bid.

**E. Piers/Boardwalk Construction Status Report**

Ken Eslava indicated that the pier at May Day Park is nearly complete. It is still lacking a roof for the gazebo, stairs, handrails, and the landing. In addition, the pier at Village Point Park is complete. Mr. Eslava indicated that all pier construction projects should be completed within two to three weeks.

Ken Eslava indicated that the playground at Bayfront Park has been removed due to alligator sightings.

**F. Ken's Attendance at APWA Annual Convention in Orange Beach, AL**

Ken Eslava will attend the Alabama Public Works Association meeting in Orange Beach on May 30 through June 1, 2006.

**G. Dryer Avenue Access Update**

Mayor Small is expecting an update later today on the status of the Dryer Avenue Access.

Mayor Small indicated that the Tallent property boundary survey is almost complete. Councilman Bailey Yelding has requested a sketch of the property.

**VI. SOLID WASTE AUTHORITY**

**VII. MUSEUM COMMITTEE**

- A. The minutes from the April Museum Committee meetings were reviewed.
- B. Councilwoman Cathy Barnette inquired into the status of the Dunbar and Walding properties near the Museum. Mayor Small indicated that he has looked into the possibility of the property being donated to the City, which would then be designated as part of the Museum.

**VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the May Beautification Committee meetings were reviewed.
- B. Councilman Bailey Yelding indicated that he knows a resident who is interested in participating in the Beautification Committee, and he will provide that person's name to the Committee.

**IX. ENGINEER REPORT**

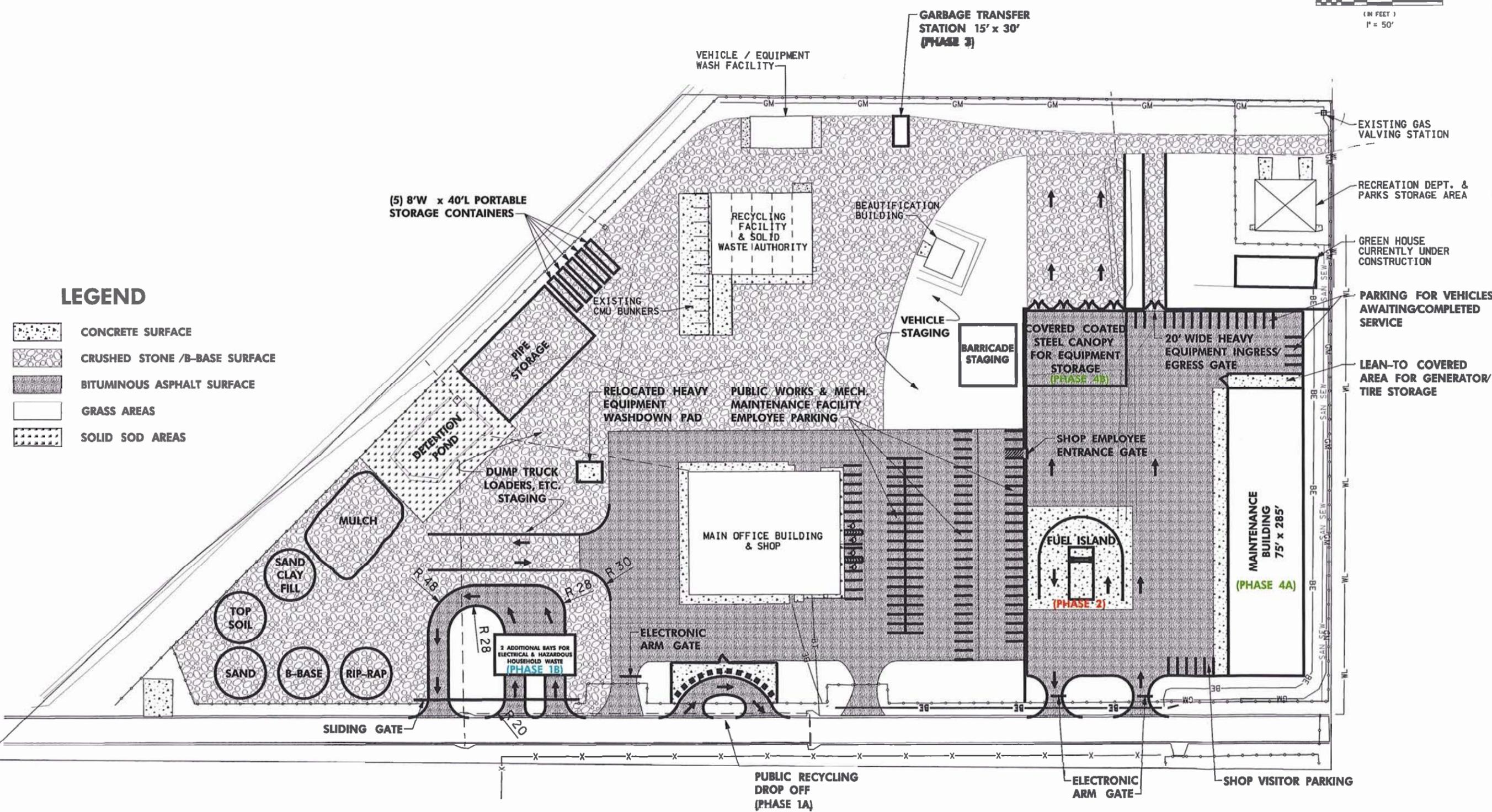
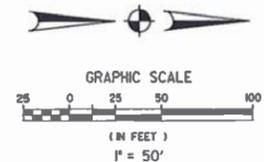
- A. NRCS Update  
No comments were made about the NRCS projects.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held June 23, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

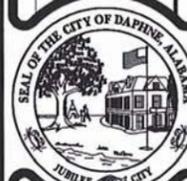
The meeting adjourned at 10:15 a.m.



LEGEND

- CONCRETE SURFACE
CRUSHED STONE /B-BASE SURFACE
BITUMINOUS ASPHALT SURFACE
GRASS AREAS
SOLID SOD AREAS

Table with columns: NO., DATE, DESCRIPTION, REVISIONS



PUBLIC WORKS FACILITY MASTER PLAN
MASTER PLAN

VOLKERT & ASSOCIATES, INC.

CERTIFICATION:
DATE:

DESIGNED: M.D.I. CHECKED: M.D.I.
DRAWN: M.H.L. CHECKED: M.D.I.
DATE: 06/28/06

PROJECT NO.: 518505.10
PLAN SHEET DRAWING NO.:

Sheet 1 of 1

# 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.

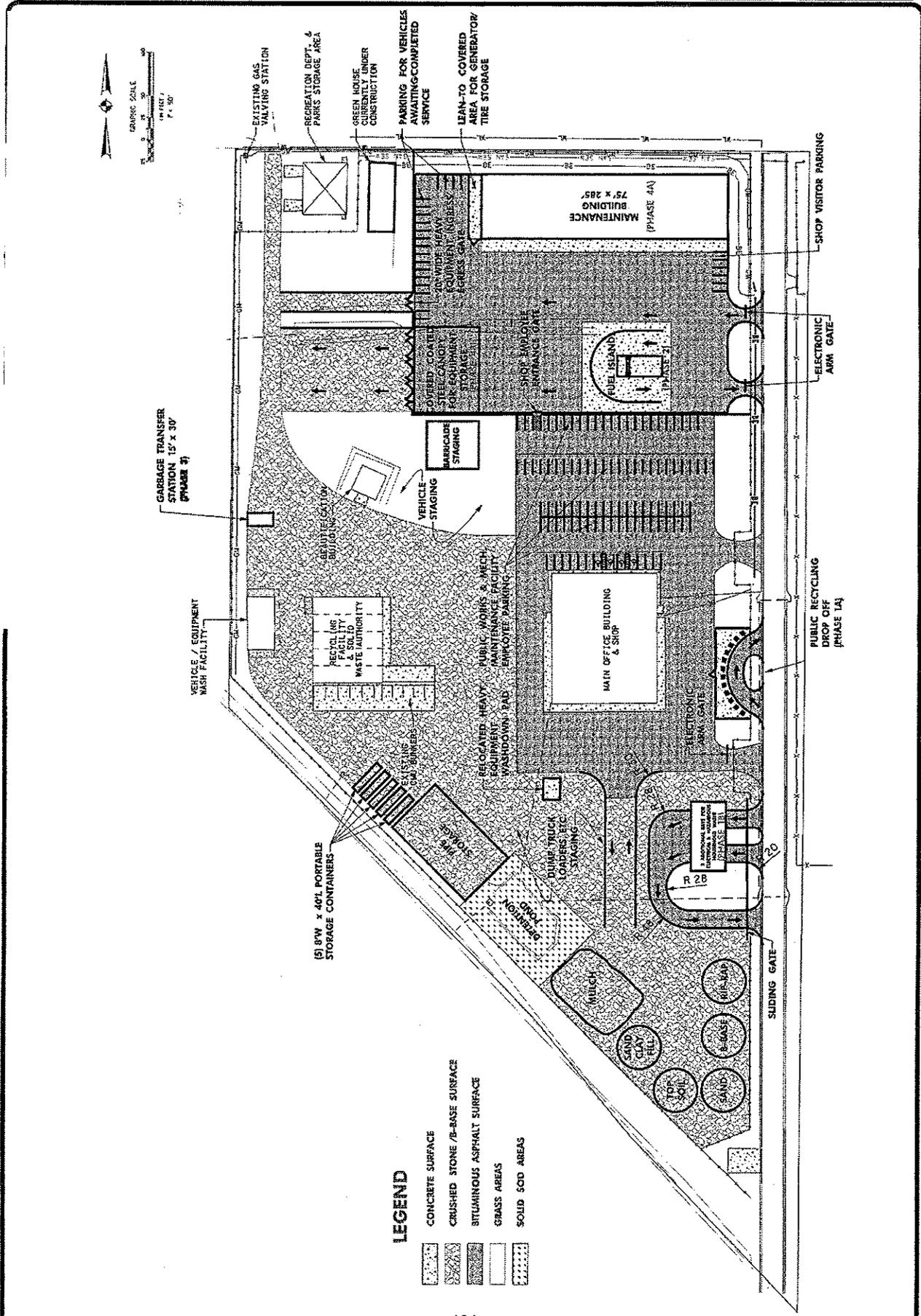
Marshall told us that the greenhouse is now 95% complete.

**VIII. Adjournment – 11:20a.m.**

Respectfully Submitted,

Tomasina Warner

Acting Secretary



**LEGEND**

- CONCRETE SURFACE
- CRUSHED STONE /B-BASE SURFACE
- BITUMINOUS ASPHALT SURFACE
- GRASS AREAS
- SOLID SOID AREAS

# 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

# PUBLIC WORKS COMMITTEE MEETING

June 30, 2006

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

## I. CALL TO ORDER

The June meeting of the Public Works Committee was called to order at 8:09 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Mayor Fred Small, Ken Eslava, Melvin McCarley, Aileen Trotter, Melinda Immell from Volkert & Associates, Inc., Mr. John Warner from Johnson Controls

## II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

## III. OLD BUSINESS

A. The committee reviewed the minutes from the Public Works Committee meeting held May 26, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

### B. Sidewalk Update

Mayor Fred Small stated that the sidewalk projects are going well. Ken Eslava stated that the installation of sidewalks on Lee Avenue would be completed today. The schedule for sidewalk installation is Belrose Avenue, Captain O'Neal Drive, followed by Caroline Avenue. The FY07 sidewalk projects will need to be decided upon.

### C. Microsurfacing Project

Mayor Fred Small requested an update on the microsurfacing project. Ken Eslava stated that the project is set to begin July 6. All streets receiving microsurfacing will be done simultaneously, as it is a three phase process. The estimated time for completion is three weeks.

## IV. NEW BUSINESS

### A. Future Paving on Main Street

Councilwoman Cathy Barnette inquired about any plans to pave Main Street. Ken Eslava indicated that Main Street could be added to the FY07 paving projects. The Streetscape plan was discussed. Councilwoman Cathy Barnette indicated that she could provide Councilman Bailey Yelding with a copy of the plan.

### B. Gateway to Daphne

Councilwoman Cathy Barnette requested information on the improvements to the gateway to Daphne on the south end of the City. Ken Eslava indicated that the Beautification Committee, Public Works, and Daphne Utilities are working on the plans for this area, but that no target date has been set. He indicated that funding will be needed. Ken Eslava indicated that an update of this project will be provided at the Public Works Committee meeting in July.

- C. Deer Park  
Councilwoman Cathy Barnette requested an update on the status of Deer Park. Ken Eslava indicated that the work in this area is complete except for possibly a concrete apron. Councilwoman Barnette suggested pavers be used for the project.
- D. Tree Committee  
Councilwoman Cathy Barnette stated that she would like to participate on the Tree Committee. Ken Eslava stated that Marshall Parsons has a copy of the Tree Ordinance from the City of Orange Beach, which looks like a good foundation for revisions to the City of Daphne's Tree Ordinance.
- There was a discussion on the formation of a Committee without first going through City Council. Councilwoman Barnette and Ken Eslava agreed that the Tree Ordinance should be taken to the Planning Commission for review and approval since it involves land use issues.
- E. Beall Lane  
Councilwoman Cathy Barnette has received inquiries into the possibility of opening Old County Road from Beall Lane to Durnford Hill Court. Ken Eslava indicated that he would have to develop a cost estimate and evaluate the issue from a public safety stand point. Councilman Bailey Yelding inquired whether the proposed cut-through would be used enough to justify the costs of the project. Everyone agreed that it would be used since this would provide an additional exit to this dead end street. Planning Commission would have to approve the opening of the road.
- F. College Avenue and Old County Road Street Lights  
Councilwoman Cathy Barnette asked Ken Eslava to follow up with the resident requesting additional lighting at College Avenue and Old County Road area. Councilwoman Cathy Barnette suggested that the area from College Avenue to Dryer Avenue may benefit from an additional street light. Mayor Fred Small suggested looking at raising the canopy on the trees in that area.

V. **DIRECTOR'S REPORT**

- A. Public Works Master Plan Update  
Melinda Immell from Volkert & Associates, Inc. made a presentation of the Public Works facility master plan. She provided a copy of the proposed layout of the Public Works property. She stated that the recycling drop off location was being moved to the front side of the property near the street so that residents would not have to travel through the Public Works facility parking lot in order to drop off their recycled materials. This area will be open to the public at all times. The household hazardous waste facility will also be moved to the street side of the property for the ease of drop off by residents. This facility will be open to the public for limited hours. When it is not manned, it will be gated and locked.

The storage areas for soil, rip rap, etc. will remain on the southern edge of the property. The plan calls for the installation of a garbage transfer station on the western edge of the property, near the large vehicle wash facility.

The mechanical maintenance facility will be moved to the Public Works facility property once the Johnson Road property has been sold. The fuel storage and fuel island will be

moved in conjunction with the plan. Ken Eslava indicated that he has received one quote for \$100,000 to move the fuel storage and island to the Public Works facility. The introduction of alternative fuel sources, including ethanol and bio-diesel were also discussed.

A covered storage area and small equipment wash area will be provided for the storage and cleaning of lawn mowers and other small equipment. The greenhouse is already under construction on the property.

The proposed implementation of the plan is set up in phases. Phase 1A includes moving the recycling drop off point to the street, which should not be a large financial undertaking. Phase 1B includes the construction of the household hazardous waste facility, which is already in the budget.

Melinda stated that Volkert has evaluated the capacity of the current stormwater detention pond, and determined that it should be adequate provided the drainage ditch continues to flow.

Mayor Fred Small suggested that a landscape plan be developed for the area adjacent to Public Works Road. Councilwoman Cathy Barnette stated that the landscape and drainage plans would need to be sent to the Planning Commission for approval.

In addition, Mayor Small indicated that approximately 3 acres to the west of the property line is being appraised for potential consideration. He also mentioned the flexibility that this proposed layout will provide in allowing for a semi-second shift at the mechanical maintenance facility.

Ken Eslava indicated that currently they have spent approximately two-thirds of the \$15,000 budget for the development of the Public Works facility master plan.

- B. Drainage Work North of Daphne United Methodist Church  
Ken Eslava informed the Committee that the City will be completing some drainage improvements on Main Street, just north of the Daphne United Methodist Church.

## **VI. SOLID WASTE AUTHORITY**

- A. No comments were provided about the Solid Waste Authority

## **VII. MUSEUM COMMITTEE**

- A. No comments were provided about the Museum Committee

## **VIII. BEAUTIFICATION COMMITTEE**

- A. The minutes from the June Beautification Committee meetings were reviewed.

## **IX. ENGINEER REPORT**

- A. NRCS Update  
Ken Eslava stated that the NRCS projects are still in the engineering phase, but should go out for bid the end of July. The sidewalk bids were received, but a concern was brought forth about the ALDOT approvals.

**X. FUTURE BUSINESS**

- A. The next Public Works Committee meeting will be held July 28, 2006 at 8:00 a.m. at City Hall.

**XI. ADJOURNMENT**

**Councilwoman Cathy Barnette motioned to adjourn. Councilman Bailey Yelding seconded the motion.** The meeting adjourned at 8:50 a.m.

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

Call of Roll:

Members Present:

Willie Robison  
Billie Mayhand  
Glen Swaney, Chairman  
Walt Crimmins  
Jeri Hargiss  
Barry Taylor

Staff Present:

William H. Eady, Sr., Director of Community Development  
Pat Houston, Recording Secretary  
Jerry Speegle, Attorney

Members Absent:

Frank Lamb

The Chairman stated okay, we have six members present tonight. Five will be voting tonight, with the exception of Mr. Taylor, I guess, who will not be voting, but will be participating in the discussion. It takes four votes out of the five to approve the appeal. Is that correct?

Ms. Houston stated that is correct.

The Chairman stated has everyone had a chance to read the minutes from the last meeting. I'll give you just a couple of minutes, and then the Chair will entertain a motion to approve them as written.

**Approval of Minutes:**

The minutes of the April 6, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Crimmins** to **approve the minutes as written with no additions or deletions.**

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

**Mr. Robison           Aye**  
**Mr. Mayhand          Aye**  
**Mr. Swaney           Aye**  
**Mr. Crimmins         Aye**  
**Ms. Hargiss          Aye**  
**Mr. Taylor            Aye**

**New Business:**

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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**Appeal #2006-01, Ms. Pat's Child Development & Learning Center**

The Chairman stated we are here tonight to talk about Appeal #2006-01. Mr. Eady, do you want to start us off?

Mr. Eady displayed color transparencies of 1703 Pollard Road. He stated Ms. Patricia Bolden Scott, also known as Ms. Pat's Child Development & Learning Center is requesting a Special Exception to be allowed to operate a daycare center at this address. She has a nursery at 1703 Pollard Road now. She wants to increase the size to a daycare center to keep kids ranging from age six weeks to twelve years old. She has been working on this project for a long time. She has been in and out of our place for a good while. We have been sending her back and changing this, that and the other. In a moment I will show you some pictures, but she has spent a lot of money improving her site. It has been appropriately advertised, and you have a list of the adjacent property owners that were notified. With that I would like to show you a couple of pictures. This is the front of her home on Pollard Road. All of this driveway that you see here is brand new. She has just had that done. Originally, she had a fence out front and a couple of Pine trees. She cleaned all of it out, and had the driveway rebuilt. This is another view of the house to the south of her. The driveway comes out just behind where that car is parked, and then it comes back out onto Pollard Road. Looking at the drainage out front and the driveway this is another view. As you can see, she can come in from the front and then go back out, right here.

The Chairman stated I have a question, Mr. Eady. I noticed it in the packet it talks in terms of deeds and a garage at 1701 Pollard Road, and also the 1701 address, but yet I see 1703 as the daycares address. Which is correct? I do not understand the reference in here to 1701 Pollard Road. Is that part of the property?

Mr. Eady stated this is off of Highway 64 south. That is the address.

The Chairman stated let me clarify what I am asking here. Is your address 1703 Pollard Road?

Ms. Scott stated right.

The Chairman stated okay.

Mr. Crimmins stated I do not understand.

Ms. Scott stated 1701 Pollard Road is next door. It belongs to my Mother.

Mr. Eady stated did I say 1701 instead of 1703?

The Chairman stated well, I just saw some papers in here that said 1701, so I was just trying to get clarification.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

---

Mr. Taylor stated it looks like she is leasing space from her mother.

The Chairman asked is that right?

Ms. Scott stated exactly. Parking. Exactly.

The Chairman stated okay. I am sorry, Mr. Eady, go ahead.

Mr. Eady stated that driveway comes back out to her Mother's property. Now, this is the back yard. It may look a little cluttered right now because she has got a lot of playground equipment that she had to move from the front yard while they were doing the driveway, until she can get it all in place again. She has a fairly large backyard. There are no obstacles back there that would be a danger to a child. As you can see right there she has a little porch and she has two little storage building. Of course, she has a fence all the way around it, and she just moved all of that equipment from the front yard. That is a shot of her Mothers' yard. She has a letter and signatures that allows her to let any needed overflow parking park in here and down the grade on this grassed area where those couple of cars shown there are parked. That is it.

The Chairman stated I see. Would you like to say anything in addition to what Mr. Eady has said, Ms. Scott?

Ms. Scott stated no, I do not think I need to say anything else. Everything I have been saying to them, it was pretty much conveyed.

The Chairman asked are there any questions?

Mr. Crimmins asked what is the use of the building now?

Mr. Eady answered it is being used as a daycare center, but she is going to enlarge it to keep more children.

Mr. Crimmins stated so that special use is already in effect.

Mr. Eady stated yes, sir.

The Chairman stated any additional questions.

Mr. Robison stated yes, sir. Ms. Scott, I usually ask this question. I do not see any of your neighbors or anyone here that would be speaking for or against your increasing proposal. So I gather that there are no neighbors on either side or across the street that are opposed to your enlarging the present daycare that you have.

Ms. Scott stated no, they are not. I know they received letters, and I mentioned this meeting to them. They already gave me their approval.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

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Mr. Robison stated I see there names here on the adjacent property owners list, and they have signed this agreement so I guess they are in favor of it.

Mr. Eady stated we did not have anything negative on it

Mr. Robison stated wonderful.

The Chairman stated do any of the Board members have any additional questions or comments? If there are no objections, the Chair will entertain a motion.

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Ms. Hargiss** to **approve Appeal #2006-01, Ms. Pat's Child Development & Learning Center, for special exception to operate a Daycare Center at 1703 Pollard Road.**

The Chairman stated let us have a roll call vote on this.

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

<b>Mr. Robison</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>
<b>Mr. Swaney</b>	<b>Aye</b>
<b>Mr. Crimmins</b>	<b>Aye</b>
<b>Ms. Hargiss</b>	<b>Aye</b>

The Chairman stated the request for the appeal is approved, and can be picked up when, Pat.

Ms. Houston stated first thing in the morning.

The Chairman stated first thing in the morning.

Ms. Scott stated thank you very much. Thank you all.

The Chairman stated congratulations. Thank you. Is there any other old or new business?

**Old Business:**

Mr. Crimmins stated Mr. Eady, I would like to know are there any updates on the Board of Zoning Adjustment handbook? I have one from long ago, which was last revised in March, 1982. I would like to know if there is a more current copy for the Board.

Ms. Houston stated I believe the only difference between what you have and they have is the cover.

Mr. Crimmins stated okay. Does everybody else have one?

Ms. Houston stated yes.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

---

Mr. Crimmins stated you have one of these books.

Mr. Mayhand stated I do not anything like that.

The Chairman stated I do not have anything that looks quite like that.

Mr. Crimmins stated the Board of Zoning Adjustment Handbook.

Mr. Robison stated I do not have the Board of Zoning Adjustment Handbook in that color or any other color.

Ms. Houston stated you have got it. Some I gave different colors and some I put in your Land Use Book. It should be in there. I made the book. The covers are just different, but I will make sure everybody has one if they do not. I know the members that have come on since I have been doing this I gave them that book.

The Chairman stated if you would check and verify it. I would greatly appreciate it.

Ms. Houston stated okay.

Mr. Robison stated of course, it is like having trousers you buy them too long, and then you cut them off. So I do not guess it hurts to have two of them.

**Adjournment:**

The Chairman stated if there is no other business, and if there are no objections, the Chair would entertain the motion to adjourn.

**A Motion was made by Mr. Robison and Seconded by Ms. Hargiss to adjourn. The Motion carried unanimously.**

There being no further business the meeting was adjourned at 6:13 p.m.

Respectfully submitted by:

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JUNE 1, 2006 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

---

Pat Houston, Recording Secretary

APPROVED: July 6, 2006

---

Glen Swaney, Chairman

/ph

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JULY 6, 2006 - 6:00 P.M. DRAFT  
COUNCIL CHAMBERS, CITY HALL

---

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

Call of Roll:

Members Present:

Willie Robison  
Billie Mayhand  
Barry Taylor  
Glen Swaney, Chairman  
Frank Lamb  
Jeri Hargiss

Staff Present:

William H. Eady, Sr., Director of Community Development  
Pat Houston, Recording Secretary  
Jerry Speegle, Attorney

Members Absent:

Walt Crimmins

The Chairman stated there are six members present tonight, five, of which, will be voting. You will need four yes votes for approval. If you would, take this opportunity to review the minutes from our last meeting. If there are no changes the Chair will entertain a motion that the minutes be accepted as written.

**Approval of Minutes:**

The minutes of the June 1, 2006 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Mayhand** to **approve the minutes as written unless there are additions or deletions.**

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

Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Taylor	Aye
Mr. Swaney	Aye
Mr. Lamb	Abstained due to his absence at the last meeting.
Ms. Hargiss	Aye

**New Business:**

**Appeal #2006-03, Malinda S. Gibson**

The Chairman stated our first order of business is to hear Appeal #2006-03. Mr. Eady, would you like to lead us off?

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF JULY 6, 2006 - 6:00 P.M. DRAFT  
COUNCIL CHAMBERS, CITY HALL**

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Mr. Eady displayed color transparencies of 800 Main Street. He stated, Mr. Chairman, Ms. Malinda S. Gibson, who lives at 800 Main Street is requesting a Special Exception of the Land Use Development Ordinance for a home daycare. The property is zoned R-1, Low Density Single Family Residential, so it requires approval from the Board of Zoning Adjustment for that use. She has a very large lot, one point eighteen acres. The house is situated on probably about the first third of the lot. It is all very well manicured. It is neat and clean. This is the house looking from Main Street, and this is looking down the driveway toward the back. Beyond that is a place, as you can see, where the gate is that is well kept. The grass is well cut and manicured. There were no obstacles, that I could see, that would be detrimental to children. No junk cars, or any thing like that. No building materials piled up. Everything was very neat, and I recommend it be approved.

The Chairman stated thank you, Mr. Eady. I see the neighbors have been notified. Has anybody voiced any complaints to you?

Ms. Gibson stated no, they have not.

The Chairman stated is there anything that you would like to add to Mr. Eady's presentation.

Ms. Gibson answered no, sir.

The Chairman stated does any of the Board have any additional questions or comments?

Mr. Lamb stated on the gate that goes toward the extended back yard. Is there just one gate or are there two?

Ms. Gibson stated there are two that close. We need to get that fixed and we just have not done it yet, but there are two that close.

Mr. Lamb stated okay. Once a child gets way back into that area back there it is not fenced.

Ms. Gibson stated no, it is not.

Mr. Lamb stated but it will be fenced in on the first part.

Ms. Gibson stated yes, sir. The first part will be fenced and locked.

Mr. Lamb stated the first part will be locked?

Ms. Gibson stated yes, sir.

The Chairman stated any additional questions, Mr. Mayhand? Comments, Mr. Lamb?

Mr. Robison stated just a comment. I believe that is, as I call it, the old Carroll home place. Mr. Carroll was the Principal of the old

Baldwin County Training School, which was the Daphne Middle School, and now is the site for the Daphne High School. I went by there the other day. Is anyone living in there now? Or is it strictly going to be a daycare?

Ms. Gibson stated no, we are living there now.

Mr. Robison stated you live there now.

Ms. Gibson stated yes, sir.

The Chairman stated it really does not pertain to our deliberation, but how many children do you anticipate having.

Ms. Gibson stated I have two of my own, and one of them goes to school. So, I will have five, with the one I have, which will be a total of six.

The Chairman stated any additional questions or comments? If not, the Chair will entertain a motion.

**A Motion was made by Mr. Mayhand and Seconded by Ms. Hargiss to approve Appeal #2006-03, Malinda S. Gibson, for a special exception to allow the operation of a home daycare at 800 Main Street.**

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

<b>Mr. Robison</b>	<b>Aye</b>
<b>Mr. Mayhand</b>	<b>Aye</b>
<b>Mr. Swaney</b>	<b>Aye</b>
<b>Mr. Lamb</b>	<b>Aye</b>
<b>Ms. Hargiss</b>	<b>Aye</b>

The Chairman stated the motion has been approved. I guess she can pick this up tomorrow morning.

Ms. Houston stated in the morning.

Mr. Lamb stated I just have one comment. I noticed on the plat that you submitted that your fence goes across the property line. Did you notice that?

Ms. Gibson stated it goes across the property line.

Mr. Lamb stated yes. It is not a part of this hearing, but if you look at the plat that we were given, the dotted line, showing where the fence is, encroaches the right-of-way of Adams Lane.

Ms. Gibson stated yes. When we bought the property, they told us that Adams Lane actually owns part of the property. We just had to take it as is.

Mr. Lamb stated if you in the future, ever decide to sell, it could be a problem. The new owners need to know, and you would need to get a variance before you do.

Ms. Gibson stated yes, sir.

Ms. Hargiss stated I noticed it too, but it is not a part of this.

Ms. Gibson stated thank you.

The Chairman stated I do have a question for Mr. Speegle, following the adjournment, if he has the time.

Mr. Speegle stated certainly.

**Adjournment:**

The Chairman stated if there are no objections, the Chair will entertain a motion to adjourn.

**A Motion was made by Mr. Lamb and Seconded by Mr. Robison to adjourn. The Motion carried unanimously.**

There being no further business the meeting was adjourned at 6:10 p.m.

**Respectfully submitted by:**

\_\_\_\_\_  
Pat Houston, Recording Secretary

**APPROVED:** August 3, 2006

\_\_\_\_\_  
Glen Swaney, Chairman

/ph

**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 - 60  
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA  
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

***Rebecca Hayes, Assistant City Clerk, Certification Training Institute for Municipal Clerks and Administrators Academy, August 7-11, 2006, Tuscaloosa, AL. - \$140***

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

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

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

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

**ATTEST:**

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

# RESOLUTION NO. 2006- 61

**Alabama Dept of Transportation Grant  
Project No. STPTE-TE05(933)  
DAPHNE SIDEWALKS PHASE I**

**Bid Doc # 2003-GG-DAPHNE SIDEWALKS PHASE I**

**WHEREAS**, The City of Daphne is the recipient of a Transportation Enhancement Project Grant, Project No. STPTE-TE05(933), through the Alabama Department of Transportation in cooperation with the US Department of Transportation; and

**WHEREAS**, such grant will be used for the DAPHNE SIDEWALKS PHASE I ; and

**WHEREAS**, the City of Daphne did advertise for bids in the following publications and on the following dates: Gulf Coast Newspapers on June 10<sup>th</sup> & 14<sup>th</sup>, 2006, Mobile Press Register, Birmingham News, and Montgomery Advertiser on June 7<sup>th</sup> , 2006 and bids were opened June 27, 2006, at the Daphne City Hall in Daphne, Alabama; and

**WHEREAS**, three bids were received and reviewed by staff and Double D Construction did submit the lowest most responsive bid in the amount of \$749,617.40.

**WHEREAS**, Staff recommends the bid for the DAPHNE SIDEWALKS PHASE I be awarded to Double D Construction Co., Inc.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accepts the bid of Double D Construction Co., Inc. in the amount of \$749,617.40 as specified in BID SPECIFICATION NO. 2006-Y-DAPHNE SIDEWALKS PHASE I and that Fred Small in his capacity as Mayor, is hereby authorized to execute such contract.

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

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

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

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

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

**ATTEST:**

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

**RESOLUTION 2006- 62**

A Resolution Appointing The Bank of New York  
Paying Agent & Registrar  
General Obligation Warrants Series 1999

**WHEREAS**, the City of Daphne, Alabama (the "City") appointed Wachovia Bank, National Association, legal successor by merger to SouthTrust Bank, as Paying Agent under that certain ordinance dated as of September 22, 1999 (the "Ordinance"), pursuant to which it issued its \$ 6,305,000 General Obligation Warrants, Series 1999; and

**WHEREAS**, the City has determined to request the resignation of Wachovia Bank and to appoint The Bank of New York Trust Company, N.A. ("BNY"), Birmingham, Alabama as successor Paying Agent under the Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1.** The City Council, being the duly elected governing body of the City, hereby requests the resignation of Wachovia Bank, N.A. and authorizes the appointment of The Bank of New York Trust Company, N.A., Birmingham, Alabama, as the Successor to Wachovia Bank under the Ordinance.

**SECTION 2.** The Council approves the date of August 22, 2006, or such other date as the City, Wachovia Bank, and BNY may agree, as the effective date of the transfer of this agency from Wachovia Bank to BNY and hereby authorizes Kimberly Briley, Finance Director, to execute any such agreement(s) or document(s) required to effectuate such succession.

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

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

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

**ATTEST:**

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

**RESOLUTION 2006- 63**

A Resolution Appointing The Bank of New York  
Paying Agent & Registrar  
General Obligation Warrants Series 2002

**WHEREAS**, the City of Daphne, Alabama (the "City") appointed Wachovia Bank, National Association, legal successor by merger to SouthTrust Bank, as Paying Agent under that certain ordinance dated as of August 21, 2002 (the "Ordinance"), pursuant to which it issued its \$ 2,660,000 General Obligation Warrants, Series 2002; and

**WHEREAS**, the City has determined to request the resignation of Wachovia Bank and to appoint The Bank of New York Trust Company, N.A. ("BNY"), Birmingham, Alabama as successor Paying Agent under the Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DAPHNE, ALABAMA**, as follows:

**SECTION 1.** The City Council, being the duly elected governing body of the City, hereby requests the resignation of Wachovia Bank, N.A. and authorizes the appointment of The Bank of New York Trust Company, N.A., Birmingham, Alabama, as the Successor to Wachovia Bank under the Ordinance.

**SECTION 2.** The Council approves the date of August 22, 2006, or such other date as the City, Wachovia Bank, and BNY may agree, as the effective date of the transfer of this agency from Wachovia Bank to BNY and hereby authorizes Kimberly Briley, Finance Director, to execute any such agreement(s) or document(s) required to effectuate such succession.

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

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

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

**ATTEST:**

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

**RESOLUTION NO. 2006- 64**

**AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSOCIATION, INC.**

**WHEREAS**, the Mayor and the City Council of the City of Daphne recognize the importance of the Daphne Volunteer Firefighters Association, Inc. in rendering fire fighting services in the City of Daphne; and

**WHEREAS**, the Association has requested that it receive certain annual payments in support of its activities; and

**WHEREAS**, the City of Daphne has heretofore included appropriations for such purpose in the Fiscal Year 2005 and 2006 budgets.

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Daphne** that the Agreement between the City of Daphne and the Daphne Volunteer Firefighters Association, Inc. attached as Exhibit "A" hereto, is hereby approved and the Mayor and City Clerk are hereby authorized to execute such Agreement on behalf of the City.

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

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

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

**ATTEST:**

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

**AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.  
AND CITY OF DAPHNE**

**STATE OF ALABAMA)  
COUNTY OF BALDWIN)**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Daphne, Alabama, a municipal corporation organized under the laws of the State of Alabama (hereinafter "City") and the Daphne Volunteer Firefighters Association, Inc., a non-profit organization organized under the laws of the State of Alabama (hereinafter "Firefighters").

**WHEREAS**, the City Council of the City of Daphne recognizes the importance of Volunteer Firefighters to the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the Firefighters have requested that the City make an appropriation to them for their support; and

**WHEREAS**, the Firefighters have agreed to render firefighter services to the City of Daphne in exchange for such support.

**NOW, THEREFORE, the premises considered, the parties hereto agree as follows:**

1. That the Firefighters agree to render to the City of Daphne routine fire fighting services at the request of the City Fire Chief.
2. That the City hereby makes payment to the Firefighters the sum of Twenty-Four Thousand (\$ 24,000) Dollars, [ \$ 12,000 Fiscal 2005 and \$ 12,000 Fiscal 2006] which shall be used as support for the Association.

**DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2006.**

**CITY OF DAPHNE, ALABAMA**

BY: \_\_\_\_\_  
Fred Small, Mayor

**ATTEST:**

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

**DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.**

BY: \_\_\_\_\_  
Chief, Volunteer Firefighters Assn.

\_\_\_\_\_  
Asst Chief, Volunteer Firefighters Assn.

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

---

**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<sup>101</sup> 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**



# CITY OF DAPHNE

## ORDINANCE NO. 2006-~~47~~

### AN ORDINANCE REPEALING ORDINANCE NO. 2001-12 AND RE-ESTABLISHING POLICY AND PROCEDURE FOR IMPROVING SEWER SERVICE FOR THE CITIZENS OF DAPHNE, ALABAMA

WHEREAS, the Mayor and the City Council of the City of Daphne recognize the importance of promoting the health, safety and welfare of its citizens and the environment to provide adequate utilities including sanitary sewage for its residences; and

WHEREAS, the Mayor and City Council desire to amend the previous procedures stated in Ordinance No. 2001-12 therein establishing a policy and procedure for implementing a plan to provide for various utilities, including sewer projects within the City of Daphne;

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

#### SECTION 1:

- (A) That the Utilities Board of the City of Daphne and its engineers shall prioritize the various non-sewered areas of the City of Daphne to determine the environmental impact of the sanitary sewer system(s) that are currently in use within areas which are not served by the public sanitary sewer system. In those areas where it is determined that there is a substantial environmental impact on account of the sanitary sewer system or systems in use at the time of the assessment, the Utilities Board of the City of Daphne, shall immediately commence the process for undertaking a sewer project for these areas.
- (B) The cost of installing sanitary sewer infrastructure shall be assessed in accordance with Alabama Code § 11-48-5, et al, said assessment to be established by resolution and shall be deemed a utility assessment against each affected property. A separate account shall be set up within the City such that all assessments that are collected, whether by individual property or city wide, shall be used for long term debt reduction or capital improvements.
- (C) The City of Daphne three (3%) percent PILOT tax or similar franchise fee, effective October 1, 1999, shall remain in effect and shall continue to apply to all utility companies providing utilities within the City of Daphne. The entire PILOT or franchise fee shall be expended for capital improvements including debt reduction of capital improvements.

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(D) The prior City policy requiring sanitary sewer to be installed on a full assessment basis shall continue to apply for all properties outside the city limits of the City of Daphne as of January, 1990.

(E) All legally non-assessable costs shall be defined to include resurfacing, interceptor lines without service connectors, force mains and lift stations. However, in no event shall the amount assessed against any property exceed the maximum amount allowed by the laws of the State of Alabama or the United States.

(F) **EXEMPTIONS:** The City Council of the City of Daphne is hereby authorized to grant limited exemptions to the requirements of this ordinance to residential homeowners upon determination that said homeowner must install a pump in order to connect his/her parcel to the gravity type collection system. In determining whether an exemption is due to be granted, the City Council may consider all relevant facts and circumstances, including but not limited to: (1) the opinion of the project engineer that such a pump is necessary for connection with the system (as opposed to being optional); (2) the size, dimensions and topographic configuration of the property upon which the premises is located; (3) the distance from any improvements on said private or public premises from the City sewer system. An exemption shall not apply to property owners that utilize pumps serviced by a low pressure sewer system or a force main pressure sewer system. Neither the City of Daphne nor the Utility Board of the City of Daphne shall be responsible for any upkeep or maintenance of such pump(s). Any exemptions for sewer assessments shall be detailed in the roll book.

(G) **APEAL:** In the event any applicant is not satisfied with the decision of the City Council concerning the request for exemption, such applicant can appeal to the Board of Zoning Adjustments for the City of Daphne within 30 days of the City Council's decision.

**SECTION II: SEVERABILITY CLAUSE:** The provisions of the Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the part that remains.

**SECTION III: REPEALER:** That Ordinance 2001-12 enacted by the City Council of the City of Daphne on April 16, 2001 be and is hereby repealed in its entirety.

**SECTION IV: EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

~~Deleted: For purposes of this Policy and Ordinance, the cost of gravity lines to be paid by the City referred to herein shall be calculated by taking the engineers estimate of the number of linear feet required for a particular project and multiplying that amount by \$40.00. Once the City's portion is determined in this manner, all~~

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**Comment [M2]:** Can this be taken as a lift station and don't we want to be able to assess low pressure lines as well?

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

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

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

**ATTEST**

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

Page 1: [1] Deleted Tim W. Fleming 6/15/2006 9:36:00 AM

~~In areas where it is determined that there are no substantial environmental problems cause by the sewer system or systems in use, a poll will be conducted of that area to determine if a majority of the property owners of the area to connect to the public sanitary sewer system. The Utilities Board of the City of Daphne, in cooperation with the City of Daphne, shall establish a poll procedure under which one ballot will be allowed per parcel, and the ballot will be provided to the owner of such parcel according to the ad valorem tax records, together with an engineer's estimate of the costs for providing sewer to the area. The ballot must be signed and include a Notice that if the neighborhood does not vote in favor of connecting to the public sanitary sewer at the time that the poll is taken, then any future sewer installations will be undertaken on a full assessment basis. In all other areas, hook up to a sanitary sewer system is required, the cost of which shall be born by the homeowner.~~

Page 1: [2] Deleted Tim W. Fleming 6/15/2006 9:36:00 AM

~~determined by the engineer assigned to the project and,~~

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~~Said costs of installation shall be borne by the property owner. Where it is determined by engineer's estimate the cost of gravity lines for a particular area shall exceed \$40.00 per linear foot, the Utilities Board of the City of Daphne, in connection with the City of Daphne, shall poll or otherwise provide a system under which the property owners within the affected area shall be able to vote on the type of system to be installed in the subject area. Any costs in excess of \$40.00 per linear foot shall be assessed to the property owners of the subject area on a per parcel basis~~

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Page 1: [6] Comment [twf1] Tim W. Fleming 6/8/2006 10:24:00 AM

Do we want this language in the ordinance. I understand that no such fund was ever established in the past.

Page 1: [7] Deleted Tim W. Fleming 6/15/2006 9:37:00 AM

~~Beginning with the fiscal year 2000, one third of such PILOT or franchise fee(s) will be placed in the capital improvement fund; beginning with the fiscal year 2001, two thirds of such PILOT or franchise fee will be placed in the capital improvement fund; and for fiscal years 2002 and thereafter, the~~

Page 1: [8] Deleted Tim W. Fleming 6/15/2006 10:49:00 AM

~~placed in the capital improvement fund~~

Page 2: [9] Deleted Tim W. Fleming 6/15/2006 9:38:00 AM



**CITY OF DAPHNE  
ORDINANCE NO. 2006-48**

=====

**AN ORDINANCE ESTABLISHING GENERAL GAS CODES AND A  
SCHEDULE OF GAS INSPECTION PROCEDURES.**

=====

**WHEREAS**, the City of Daphne, Alabama wishes to establish a general gas code in concurrence with the Southern Building Code Congress Standard Gas Code, amendments detailed herein, and the standards set forth by the Utilities Board of the City of Daphne, Alabama as detailed in their Standards Specifications and wishes to establish procedures through gas installations and inspections will be made:

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

**SECTION I. GENERAL GAS CODE REQUIREMENTS**

1. All gas system work shall be in accordance with this Ordinance and the Standard Specifications of the Utilities Board of the City of Daphne, Alabama herein referred to as Daphne Utilities.
2. Bushings shall not be permitted on any gas piping.
3. Valves shall be required on every appliance, including fireplaces with a built in valve. A log lighter valve should be added a minimum of two (2) feet from the unit for external accessibility. If this is not feasible because of the location of the fireplace the valve can be placed in the attic.
4. A pressure test of new and old fuel lines shall be inspected by a Daphne Utilities Gas Department representative which has inspection authority for gas installations. Twenty (20) pounds of pressure shall be maintained for a minimum of one (1) hour limit. Daphne Utilities Gas Department shall be given proper notice, as detailed herein, of a request for inspection.
5. A regulator shall be installed at each appliance which is located on a pound fuel line system.
6. Shrubs or trees shall not be within two (2) feet of a gas meter.
7. No gas meter shall be installed inside a fenced area with locked gate at any time.

8. Per Part 192 Minimum Federal Pipeline Safety Standards, if the meter service valve is in the off position, it shall be locked off until it is to be turned on and used following proper inspections.
9. If any appliance or fuel line component is found to be unsafe, the appliance shall be red tagged and the customer shall be given a time frame to have it repaired. If the appliance or fuel line component cannot be isolated the meter shall be locked off until repaired.
10. If a system has a natural gas leak or a carbon monoxide reading of 35 PPM or greater, the system shall be locked off until repaired.
11. If the City Building Inspection Department or other inspection authority determines that any part of the venting system is not within code, the system shall be locked off until repaired/corrected.
12. If a leak is found on the customer's fuel line system and if the component cannot be isolated, the meter shall be locked off until repaired and a pressure test is passed. Refer to item numbers four and ten for further explanation.
13. If at any time a customer's system is locked off due to a leak or changes to the customer's fuel line system, it must be repaired to meet the current gas code adopted by the City of Daphne and the standards as set forth herein and as established by the Daphne Utilities Gas Department.
14. A minimum of one (1) inch diameter galvanized or black iron fuel piping shall be installed from the connection with the meter through the wall of the structure up to the attic. After the fuel piping enters the attic and is no longer within the wall of the structure, the diameter of the fuel piping may be reduced. At this reduction point, the piping shall be at an accessible location.
15. For island stove installations, a four (4) inch casing shall be required to be installed in the slab from the wall to the stove island. There shall be no joints in the fuel piping from the attic to the stove island. Also, a valve shall be installed above the floor under the stove island unit.
16. For commercial buildings, exposed external fuel piping on external walls shall be painted yellow and secured.
17. A flex hose, copper, or corrugated stainless steel flex tubing with yellow coated polymer jacket may be used from the log lighter valve to the fireplace.
18. Daphne Utilities shall only be responsible for setting the meter. The Customer's representative (i.e., plumber) shall be responsible for connecting the meter to the establishment.

19. Prior to the meter being installed, the customer or customer's representative shall provide the total BTU input to the system, type of fuel system desired, and proposed gas appliances. Daphne Utilities has an "Inspection Load" Form to assist with providing the needed information.
20. The customer's representative shall clearly indicate with taping on the fuel system piping located on the outside of the structure near the proposed meter installation as to the type of fuel system desired. Blue tape shall denote an ounce fueling system and red tape shall denote a pound fueling system.
21. All piping installed for future supply pipe shall be connected to the supply line and pressure tested at the time of installation. Also, the future connection location shall be valved and capped.

## **SECTION II. GAS INSPECTION PROCEDURES**

1. All gas inspections shall be scheduled with Daphne Utilities Gas Department a minimum of twenty-four (24) hours prior to the requested inspection date. It shall be the customer's or the customer's appointed representative (i.e. plumber) responsibility to schedule such inspections at the appropriate time during construction.
2. Rough piping inspections shall be scheduled and performed after all piping has been installed and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. This inspection shall also include a pressure test as detailed in item three of Section I, above.
3. Final inspections shall be scheduled and performed at time of requested turn on for service.
4. If pressure test, piping, and installation are not inspected and approved by Daphne Utilities Gas Department, service shall not be turned on.

## **SECTION III. LIABILITY & REMEDIES**

### **A. LIABILITY**

Any person who shall undertake work pursuant under the provisions of this Chapter shall be liable for any damage occasioned to persons, animals, or property by reason of carelessness and negligence connected with such work and shall hold both the Utilities Board of the City of Daphne and City of Daphne harmless therefore.

### **B. CIVIL REMEDY**

Violations of this Chapter shall be cause for the Utilities Board of the City of Daphne or the City of Daphne to proceed against any surety, condemn and bond, or to

commence an action in a court of competent jurisdiction for the appropriate legal and equitable relief, and any other action permitted by law.

**C. CRIMINAL PENALTIES**

In addition to any civil penalties imposed herein, any person, firm or corporation found guilty of violating the terms and conditions of this ordinance shall be subject to a fine of up to \$500.00 and/or imprisonment in the municipal jail up to 6 months, or both, as ordered by the Municipal Court Judge.

**SECTION IV. SEVERABILITY**

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

**SECTION V. EFFECTIVE DATE**

This Ordinance shall become effective and shall be in full force from and after the date of its adoption and approval by the City Council of the City of Daphne and publication as required by law.

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

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

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

**ATTEST**

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

**ORDINANCE NO. 2006 - 49**

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

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

Legal Description:

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

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

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

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

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

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

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

**ATTEST:**

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

**ORDINANCE NO. 2006 -50**

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

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

Legal Description:

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

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

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

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

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

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

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

ATTEST:

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

**ORDINANCE NO. 2006 - 51**

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

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

Legal Description:

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

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

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

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

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

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

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

**ATTEST:**

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

**ORDINANCE NO. 2006 - 52**

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

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to R-4, High Density Single Family Residential District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

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

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

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

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

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

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

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

**ATTEST:**

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

**ORDINANCE NO. 2006 - 53**

**Ordinance to Rezone Property Located on Alabama 181 Across from  
Austin Road (.26 Acres)  
Country Club Development, LLC  
(Bellaton, Phase Two)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District, to said property is located on Alabama 181 across from Austin Road in Daphne, Alabama, being more particularly described as follows:

Legal Description:

**COMMENCE AT AN IRON PIN MARKER AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, ST. STEPHENS MERIDIAN, AND RUN THENCE SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST, A DISTANCE OF 714.95 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 197.48 FEET; THENCE RUN SOUTH 12 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 380.77 FEET FOR A POINT OF BEGINNING; THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 725.24 FEET, AN ARC DISTANCE OF 194.17 FEET (CHORD BEARS SOUTH 04 DEGREES 30 MINUTES 10 SECONDS WEST, 193.60 FEET); THENCE RUN SOUTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 39.05 FEET (CHORD BEARS SOUTH 47 DEGREES 54 MINUTES 46 SECONDS EAST, 35.20 FEET); THENCE RUN SOUTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1198.45 FEET, AN ARC DISTANCE 98.06 FEET (CHORD BEARS SOUTH 84 DEGREES 59 MINUTES 51 SECONDS WEST, 98.03 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 37.59 FEET (CHORD BEARS NORTH 39 DEGREES 40 MINUTES 24 SECONDS EAST, 34.14 FEET); THENCE RUN NORTHEASTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 775.24 FEET, AN ARC DISTANCE OF 200.29 FEET (CHORD BEARS NORTH 04 DEGREES 00 MINUTES 18 SECONDS EAST, 199.74 FEET); THENCE RUN SOUTH 89 DEGREES 33 MINUTES 28 SECONDS EAST, A DISTANCE OF 51.00 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.26 ACRES, MORE OR LESS, AND LIES IN SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.**

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-3, High Density Single Family Residential District, to B-1, Professional Business District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

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

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

**ATTEST:**

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

**CITY OF DAPHNE  
ORDINANCE NO. 2006 - 54**

**Amend City of Daphne Village Overlay District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, favorably recommended to amend the City Daphne Village Overlay District Map; and

**WHEREAS**, said amendment to map is necessary due to need to include the Daphne Utilities Board property and Cypress Point, L.L.C. property by updating the City of Daphne Village Overlay District Map to include these properties in addition; and

**WHEREAS**, due notice of said City of Daphne Village Overlay District Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

**WHEREAS**, the Mayor and City Council of the City of Daphne after due consideration believe the amendment to said City Daphne Village Overlay District Map as requested by the Planning Commission is proper and in the best interest of the City.

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

**SECTION I. REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION II. EFFECTIVE DATE**

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

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

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

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

**ATTEST:**

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

**CITY OF DAPHNE  
ORDINANCE 2006-55**

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**AMENDING ORDINANCE 2004-10 RELATING TO  
BUILDING PERMIT & RE-INSPECTION FEES**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA THAT ORDINANCE 2004-10 SHALL BE AMENDED AS FOLLOWS:**

**SECTION 1. BUILDING PERMIT FEES**

**A. BASIC CONSTRUCTION AND IMPROVEMENTS**

1. Residential Building Permit

- D. Miscellaneous building permits such as, additions, remodels, carports, sunrooms, fences, re-roof, vinyl siding, pools, repairs, etc., will be \$20.00 plus \$5.00 for each one thousand dollars, or fraction thereof, over \$1,000.00 of the contract amount.
- E. All new residential building permits will be assessed a site containment fee of \$50.00.
- F. There will be a plan review fee of \$25.00 on all residential building permits.

2. Fees for Plumbing, Electrical and Mechanical

- A. Electrical permits will be a flat fee of \$110.00.
- B. Plumbing permits will be a flat fee of \$110.00.
- C. Mechanical permits will be a flat fee of \$110.00.
- D. Any plumbing, electrical and mechanical permits for miscellaneous permit (see above for list of miscellaneous permits) will be \$20.00 plus \$5.00 for each one thousand dollars, or fraction thereof, over \$1,000 of the contract amount.

3. Fees for Commercial Building Permits

- B. All mechanical, electrical and plumbing permits will be 1.5 % of subcontractors total contract amount, a minimum permit fee of \$110.00.
- C. There will be a plan review fee of \$100.00 on all commercial building permits.

**SECTION IV. OTHER PERMITS AND FEES**

A. RE-INSPECTION FEES

Any re-inspection of any item covered under the provisions of this Ordinance, as necessitated by lack of approval of the item upon initial inspection, shall require a separate permit fee. The first re-inspection is no charge, second re-inspection will be \$50.00 , third re-inspection will be \$100.00 and the fourth re-inspection will be \$200.00. Re-inspection fees will only be applied to items on original list. Any new items will not be considered a re-inspect at time of next inspection. All re-inspection fees must be paid prior to the re-inspection.

B. STOP WORK

Any stop work order issued will be charged \$100.00 for a re-inspection.

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

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

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

**ATTEST:**

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

**CITY OF DAPHNE  
ORDINANCE NO: 2006-56**

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**AN ORDINANCE PROHIBITING MOTOR VEHICLES AVOIDING  
TRAFFIC CONTROL DEVICES OR STOP SIGNS WITHIN  
THE CITY OF DAPHNE, ALABAMA**

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**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City; and,

**WHEREAS**, the City Council of the City of Daphne, Alabama has determined that in order to maintain a peaceful community and the order of justice within the City of Daphne, it shall be necessary for the all motor vehicle operators within the city limits to obey the laws established by the City of Daphne; and,

**WHEREAS**, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by prohibiting any motor vehicle approaching an intersection where vehicular traffic at such intersection is regulated by a traffic control device or stop signs shall not, prior to reaching such intersection, make any turn over or through private property in order to avoid such signal at such intersection;

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

**SECTION I: TURNING TO AVOID TRAFFIC CONTROL DEVICES OR  
STOP SIGNS**

The operator of any motor vehicle approaching an intersection where vehicular traffic at such intersection is regulated by a traffic control device or stop signs shall not, prior to reaching such intersection, make any turn over or through private property in order to avoid such signal at such intersection;

**SECTION II: PUNISHMENT**

A violation of this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or in the alternative, may be sentenced to community service as the Municipal Judge may deem appropriate.

**SECTION III: SEVERABILITY**

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

**SECTION IV: EFFECTIVE DATE**

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

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

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

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

**ATTEST**

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

**ORDINANCE 2006 - 57**

**ALABAMA STORM BASEBALL TEAM APPROPRIATION**

**WHEREAS**, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

**WHEREAS**, the Alabama Storm Baseball team will be representing Daphne at the Elite 24 World Series baseball tournament to be held in Orlando, Florida; and

**WHEREAS**, the City Council of the City of Daphne recognizes the discipline and skills such programs foster and the opportunity this organization has to represent the City of Daphne; and

**WHEREAS**, the Eastern Shore Hurricanes Baseball Team is a program that promotes pride and a sense of community involvement in the future leaders of our community.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) is hereby appropriated to the Alabama Storm Baseball Team.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

**ATTEST:**

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

**ORDINANCE 2006- 58**

**An Ordinance to establish a new position in the Planning Dept**

**WHEREAS**, the City Council has considered the personnel needs in the Planning Department; and

**WHEREAS**, there is a need for the creation of a Planner position; and

**WHEREAS**, the Archer Company did prepare a job description for such position and recommended the position be classified as a Grade 18.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that the position of Planner is hereby created in the Planning Department for an annual cost, including benefits, of \$ 42,484 and such position shall be placed at a Grade 18 in the Job Classification Schedule.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

**ATTEST:**

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

**Ordinance 2006 - 59**

**An Ordinance Amending Job Classification Schedule**

**WHEREAS**, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

**WHEREAS**, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating an annual review of a percentage of all jobs in order to determine whether revisions to the Job Classification Schedule are warranted; and

**WHEREAS**, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

**WHEREAS**, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that: 1) the reclassifications and amendments as recommended by the Archer Company are hereby approved and funded at an annual cost of \$ 122,007 and 2) the following amendments are hereby incorporated into the City of Daphne Job Classification Schedule effective with the pay period beginning August 17, 2006:

	<u>From Grade</u>	<u>To Grade</u>
Assistant City Clerk	10	13
Sales Assistant	8	9
Public Service Worker	4	6
Accounting Technician	10	11
Building Maint Technician	10	11
Building Official	29	36
Building Inspector	16	17
Permit Technician	11	13
Site Containment Inspector	16	17

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

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

**ATTEST:**

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



June 28, 2006

Mayor Small  
City Hall  
Daphne, Alabama 36526

Dear Mayor Small,

This is a follow up to my April 3, 2006 letter regarding the request for partial reimbursement of Court funds awarded to OTDA in the now dismissed lawsuit related to the McMillan bluff project. As you may recall, the Court ordered sanctions against Mr. Breland and Mr. Council and stipulated that they pay \$2,500 to the City of Daphne and OTDA.

We have not received the requested funds, nor an acknowledgement of our request. I have attached a copy of my previous letter and highlighted, on the second page, our arrangement with the City Attorney.

We look forward to resolving this!

Sincerely,   
Karen Lode Nady  
President OTDA  
P.O. Box 1022  
Daphne, Al 36526  
(251 )680-5034 (cell)

Cc: Greg Burnam, Council President  
Bailey Yelding  
Ms. Cathy Barnette  
Mr. John Lake  
Mr. Ron Scott  
Ms. Regina Landry  
Mr. Gus Palumbo  
Mr. Jay Ross, City Attorney  
Mr. Shawn Alves, Esq.



April 3, 2006

Mayor Small  
City Hall  
Daphne, Al 36526

Dear Mayor Small,

The McMillan Bluff project was completed Friday, March 31<sup>st</sup>! I have attached the budget and summary we provided to the Mobile Bay National Estuary Program (MBNEP) for City records.

OTDWA became an advocate for the McMillan Public Beach access in 1999 when residents asked for the stairs, lost in hurricane Frederick, to be rebuilt. Over the years, OTDA has organized annual cleanups for the access, paid for a landscape architect to develop a planting scheme, received a grant in 2002 from the MBNEP for \$3,000, arranged for plants to be donated, purchased plants, assisted in digging the irrigation system and planted the bluff. We began installing the plants in June 2005, but were delayed by hurricanes, damaged steps, continued litigation and a pending settlement which would have reconfigured the deck and altered the planting scheme.

We were advised that the plaintiffs had 30 days, from January 30<sup>th</sup>, to contest the dismissal of the case by the Court. In early March, Mr. Ross advised us that we could complete the project as planned. We anticipated completing the project on March 24<sup>th</sup>, but were delayed one week. It took 13 volunteers 90 hours to help dig for the irrigation system and to plant the bluff. It was worth every minute! The area is blooming and planted with old style and native plants that compliment Olde Towne. The final touch will be the installation of plant identification tags when they arrive.

During the 3 years of pending litigation, the MBNEP graciously allowed our grant to be extended well past its deadline. But, we were unable to use the last \$500 available in grant funds as the grant needed to be closed on March 31<sup>st</sup>. We have asked the MBNEP to consider using additional funds for purchasing a small plaque to place on the deck to commemorate the work between the MBNEP, City of Daphne and OTDA to preserve this public asset. I will let you know if they can help in this regard.

In August 2005, our attorney Shawn Alves suggested to us, after speaking to Mr. Ross, that the City Council would appreciate a gesture by OTDA of agreeing to waive our portion of the \$2,500 awarded to OTDA and the City of Daphne by the Court. We agreed to this proposal. Mr. Alves conveyed to Mr. Ross that we would waive our portion of the Court awarded funds if the proposed counter-settlement on the table was accepted by Mr. Breland and Mr. Council and the case settled at that time, as there would not be any additional legal fees for OTDA.

Unfortunately, our proposal was not accurately conveyed to the Council. A \$2,500 check was made payable to Mr. Ross, then a check drawn on his firm was made payable to the City of Daphne only. The proposed settlement, crafted by the City of Daphne and OTDA, lingered for months with no action. As a result, the legal fees for OTDA continued to accrue to \$816.00. OTDA is a small non-profit organization and our offer to waive funds we were given by the Court had a contingency attached that was not met. I am not requesting our full portion of the Court awarded funds; but, I do request that \$816.00, representing our additional legal fees, be paid to Shawn Alves.

OTDA is pleased to have worked with the City to help defend this public beach access and insure that it remain open for residents. Also, part of our responsibility as grant recipients was to provide a teaching tool and we have been developing a section on our website [www.OldeTowneDaphne.org](http://www.OldeTowneDaphne.org) to highlight the project. We enjoyed working on the project and hope to work on other projects with the City in the future. Let's just hope that future projects do not include litigation!

Sincerely,

Kären Lode Nady  
President OTDA  
P.O. Box 1022  
Daphne, Al 36526  
251-680-5034 (cell)

Cc: Greg Burnam, Council President

Shawn Alves  
Stone, Granade & Crosby, P.C.  
Attorneys at Law  
P.O. Box 1509  
Bay Minette, Al 36507  
251-937-2417