

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
AUGUST 3, 2009
BUSINESS MEETING
6:30 P.M.

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

APPROVE MINUTES: Council meeting minutes / July 20, 2009

PROCLAMATION: Support for Joint Town Meeting Resolution

PUBLIC HEARING: Annexation: Swift Supply, Inc. / Property located on the north sides of Milton Jones Road / Requested zoning B-2, General Business / [Ordinance 2009-42](#)

MOTION: Change September 7, 2009 Council meeting due to that day being Labor Day

MOTION: Transfer \$2,500 out of Councilman Burnam's training account and transfer it to community contributions to go to Honor Flight

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
Review minutes / July 10th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

MOTION: Authorize the Mayor to execute the addendum to the contract with Volkert & Associates for "Task Agreement No. 4, Captain O'Neal Drive Ditch Stabilization.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
Review minutes / July 2nd
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
- D. Library Board - Lake**
- E. Planning Commission – Barnette**
Set Public Hearing for **September 21, 2009** to consider:
 1. Rezone: Trione Heir Property / Property located southwest of the intersection of Main St & Belrose Ave
Requested zoning B-2, General Business
 2. Revision to Zoning Map
 3. Revision to Olde Towne District Map
- F. Recreation Board - Burnam**
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

A. *Mayors Report*

- a.) ABC License / CEFCO 406 / 050 – Retail Beer (Off Premises Only) / 070 – Retail Table Wine (Off Premises Only) (On State Highway 181 & Highway 90 on the corner of Lowe’s)
- b.) ABC License / Club 44 / 010 Lounge Retail Liquor – Class I (In the complex with Papa’s Pizza & Bay House Pub)

B. *City Attorney’s Report*

C. *Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Revisions to the Daphne Street Map/Resolution 2009-72
- b.) Designate Hutchinson, Moore & Rauch as Engineers for the City of Daphne Projects. /Resolution 2009-73

ORDINANCES:

2ND READ

- a.) Increase Budget for Adult League Umpires/Ordinance 2009-38
- b.) General Fund Appropriation: Trion Soccer and Football Complex Engineering/Ordinance 2009-39
- c.) Appropriation: Daphne Statue..... /Ordinance 2009-40
- d.) Lodging Tax Appropriation: May Day Boat Launch Sand Management Study. /Ordinance 2009-41

1ST READ

- e.) Annexation: Swift Supply, Inc. Property Located on the North Side of Milton Jones Road. /Ordinance 2009-42

9. COUNCIL COMMENTS

10. ADJOURN

AUGUST 10TH WORK SESSION ITEMS

- 1. COACH VICKERY / SUMMER CAMP UPDATE**
- 2. RECREATION BOARD PRESENTATION**

TENTATIVE WORK SESSION ITEMS

- 1. VISIONING PLAN**
- 2. PROTOCOL FOR CHANGING SIGN ORDINANCE**
- 3. TRAVEL BUDGET**
- 4. GARBAGE ORDINANCE**
- 5. DOWNTOWN REDEVELOPMENT AUTHORITY**

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

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

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6:30 P.M.

1

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Bill Eady.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Greg Burnam; Ron Scott; Derek Boulware; August Palumbo.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Kim Briley, Finance Director; David Carpenter, Police Chief; James White, Fire Chief; Tonja Young, Library Director; Ashley Campbell, Environmental Program Manager; Vickie Hinman, Interim Human Resource Director; Jane Robbins, Mayors Assistant; John Williams, Civic Center; Helen Burdette, Civic Center; Scott Hutchinson, City Engineer; Dorothy Morrison, Beautification Committee; Ed Nelson, Recreation Board; Willie Robison, BZA; Mickey Boykin, Daphne Museum Board; Ed Kirby, Planning Commission; Bob Segalla, Utility Board; Lon Johnston, Utility Board; Mike McMillan, Spanish Fort Councilman.

Absent: Richard Merchant, Building Official; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Deni Biggs, Interim Civic Center Director.

3. APPROVE MINUTES:

MOTION BY Councilwoman Barnette to adopt the Council meeting minutes meeting held July 6, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session Minutes meeting minutes meetings held July 13, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Jeffrey Boudreau / Eagle Scout Project

Mr. Boudreau presented a slide presentation of his project building ten wood duck houses.

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A. FINANCE COMMITTEE – Boulware
The minutes for the July 13th meeting are in the packet.

Treasurers Report / June 30, 2009

MOTION BY Councilman Yelding to accept the Treasurers Report as of June 30, 2009 with a balance of \$20,460,094.56. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Summary of Revenues over Expenditures

The statement shows that expenditures are currently over revenues by (\$237,245). Ms. Briley noted that this is the first time this year monies have been used from fund balance.

Sales & Use Tax Collections / May 31, 2009

Sales Tax Collections were \$829,100, and \$957,167 was budgeted.

Collections were under budget \$128,067

Year-to-date collections are down \$804,327

Lodging Tax Collections/ May 31, 2009

Lodging tax collected was \$43,293.74

The next meeting will be August 10th at 4:00 p.m. in the Executive Conference Room.

Councilman Burnam asked the City Clerk to send pages 43 and 44 of the packet to David McKelroy for FYI purposes.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake
No report.

C. PUBLIC SAFETY COMMITTEE – Burnam
No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo
No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding
No report. The next meeting will be Friday at 8:00 a.m. in the Executive Conference room.

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5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

No report.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

The minutes for the June 25th meeting are in the packet. The Planning Commission meeting is Thursday at 6:00 p.m.

F. Recreation Board – Burnam

Mr. Ed Nelson, Chairman of the Recreation Board, stated that the board has some recommendations to make to improve the department, and asked Council President Lake to be placed on the work session agenda.

Council President Lake asked the City Clerk to place the board on the next work session agenda.

G. Utility Board – Scott

The minutes for the April 29th meeting are in the packet. The next meeting will be two weeks from Wednesday at 5:00 p.m. in the council chambers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) ABC License / Uncorked Fine Wines / 010 – Lounge Retail Liquor Class I

MOTION BY Councilman Scott to approve the ABC License for Uncorked Fine Wines / 010 – Lounge Retail Liquor Class I. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Special Events Permit / S.E.E.D.S. / Mama Mia Cook Off / November 14, 2009

MOTION BY Councilman Scott to approve the Special Events Permit for S.E.E.D.S. Mama Mia Cook Off to be held November 14, 2009. Seconded by Councilman Boulware.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small stated that the RFP is out for road resurfacing and is due July 31st. When they select an engineering firm then they can get an approximate cost, and then go out for bid on the project.

Mayor Small stated that they needed to look at other means of revenues for the city, and asked the council to again consider impact fees instead of raising taxes to be used on recreation, police and fire.

He stated that he has asked Mr. David Whetstone to speak tonight, because there probably isn't anyone around who knows the issues that they are dealing with at this time. He asked Council President Lake if he could speak under his report instead of Public Participation.

Council President Lake stated that it was fine with him if Mr. Whetstone spoke at this time.

Mr. Whetstone spoke on the issue of legislative and executive power. He spoke about the power relegated to each by state law, and he stated that council does not want to create a system that is confusing especially during hurricane season.

Councilman Palumbo asked about collection for delinquent garbage bills.

Mayor Small stated that he is considering several employees to enforce the ordinance and to write MOT's. He is considering Mr. Eady, Melvin McCarley and one more employee.

B. City Attorney Report

Mr. Ross stated that council needs to set a special council meeting date for a personnel hearing to consider an employee grievance. He stated that August 5th would be a good date for the attorney for the employee, because he will be out of town before that.

MOTION BY Councilwoman Barnette to set a date of August 5, 2009 at 6:30 p.m. for a Special Called Council meeting for a Personnel Hearing to hear an employee grievance. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilwoman Barnette asked the City Attorney to look into forming a Personnel Board.

Mr. Ross stated that mediation with Ms. Nicholson was not successful, and would like to update council in Executive Session.

Council President Lake stated that they will do that at the end of the meeting.

- c.) Bid Award: Police Vehicle Equipment / Firehouse Sales & Service. . . . /Resolution 2009-66
- d.) Bid Award: Park Chemicals / (Lesco, Inc.) d/b/a
John Deere Landscapes, Inc. /Resolution 2009-67
- e.) Declaring Certain Property Surplus and Authorizing
the Mayor to Dispose of Such Property. /Resolution 2009-68
- f.) Declaring Certain Personal Property Surplus and
Authorizing Disposition. /Resolution 2009-69
- g.) AL Dpt. Of Environment Management Jubilee Square
Storm Water Retrofit. /Resolution 2009-70
- h.) Rename a Portion of North Main to Jubilee Parkway. /Resolution 2009-71

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2009-64, 2009-65, 2009-66 AND 2009-67. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-64, 2009-65, 2009-66, 2009-67. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-68 and 2009-69. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-68 and 2009-69. *Seconded by Councilman Yelding.*

AYE Yelding, Barnette, Burnam, Scott, Boulware, Palumbo NAY Lake

MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2009-70 and 2009-71. *Seconded by Councilman Yelding.*

MOTION BY Councilman Palumbo to amend the motion to include contingent upon approval of owner of shopping center.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-70. *Seconded by Councilman Scott.*

MOTION BY Councilman Palumbo to include in the resolution approval contingent upon approval by the owner of the shopping center. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-71. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Adopt the 2006 International Fire Code with Amendments /
Repeal 2005-07...../Ordinance 2009-37

1ST READ

- b.) Increase Budget for Adult League Umpires...../Ordinance 2009-38
- c.) General Fund Appropriation: Trion Soccer and
Football Complex Engineering/Ordinance 2009-39

- d.) Appropriation: Daphne Statue/Ordinance 2009-40
- e.) Lodging Tax Appropriation: May Day Boat Launch
Sand Management Study/Ordinance 2009-41

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-37. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-37. *Seconded by Councilman Yelding.*

AYE AL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2009-38, 2009-39, 2009-40 AND 2009-41 WERE MADE A 1ST READ.

8. COUNCIL COMMENTS

MOTION BY Councilwoman Barnette to appoint Council President John Lake, Councilman Ron Scott and Councilman Boulware to an Employee Health Insurance committee. *Seconded by Councilman Burnam.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Scott stated that the Mayor has a lot of power and the council has a lot of power, but that does not necessarily mean that they have to exercise that power. He stated that they may not have the same cooperation with the Mayor as they have seen in the past.

Councilman Boulware reminded everyone about the Town Hall meeting scheduled for August 20th at the Daphne Civic Center. He said that it is an historic occasion where there is a spirit of cooperation between Spanish Fort, Fairhope and Daphne, and they are setting aside the issues of the past to work for the good of the Eastern Shore. He stated that Congressman Bonner and a representative from Senator Sessions office will be at the meeting. Councilman Boulware stated that

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it is time to set aside any differences that they have with the Mayor and sister cities and work together for the collective good. The group came together on two issues Transportation Enhancement and the Environment. He said that there is no confusion that Fred Small is the Mayor, and he is proud to have him as Mayor.

Councilman Palumbo thanked Councilman Boulware for his work on the Town Hall meeting. He said that these are two major projects, and that the Federal government usually puts money into these types of projects.

Mayor Small recognized Mr. Jenkins who is a former councilman. He stated that the Mayor is elected by the entire city to administer the day to day operations of the city. He said that it takes cooperation between Mayor and council. He still believes that some council members have hard feelings, because of this Daphne does not have its house in order, and he feels you have to have your house in order to begin asking for things.

Council President Lake commented on the Sausage Festival held by Family Promise. He said that they raised between \$4,000 - \$6,000. He said that he would like the council to form a team for the Mama Mia Cook Off.

MOTION BY Councilman Scott to enter into Executive Session to discuss with the City Attorney pending legal matters. Seconded by Councilman Boulware.

The City Attorney, Jay Ross, certified that the reason stated is acceptable according to the Open Meetings Act, and that the session will last for 20 minutes wherein the meeting will adjourn after the Executive Session concludes.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**JULY 20, 2009
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1705 MAIN STREET
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6:30 P.M.**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:25 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake,
Council President

Date & Time Signed: _____

PUBLIC HEARING LIST
FOR COUNCIL MEETING

AUGUST 3, 2009

TO CONSIDER:

- 1.) Annexation / Swift Supply, Inc /
Property located on the North Side of
Milton Jones Road / Requested zoning
B-2, General Business**

Lot 2 was removed from the proposed annexation by David Swift on June 8, 2009 by letter.

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Swift Supply, Inc.,
Mr. David Swift, President
Annexation Review
Date: April 29, 2009

MEMORANDUM

PRESENT ZONING: B-1, Professional Business, in Baldwin County District 15

PROPOSED ZONING: B-2, General Business, City of Daphne

LOCATION: North side of Milton Jones Road

RECOMMENDATION: At the April 23, 2009, regular meeting of the City of Daphne Planning Commission, six members were present and the vote was four ayes and two abstentions for the above-mentioned petition for annexation.

REFERENCE: Subdivision: Milton Jones Commercial Park, Lots 1, 2, and 3

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

The ordinance for the annexation is being reviewed and shall be prepared by the City Attorney's office and forwarded to you by Wednesday, April 27, 2009.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Petition
3. Legal description
4. Map of property
5. Ordinance

BAY MINETTE 251-937-6600
BREWTON 251-809-0092
MONROEVILLE 251-575-3496
EVERGREEN 251-578-3176
ORANGE BEACH 251-974-5675
DAPHNE 251-621-5066
PENSACOLA, FL 850-477-1488



P. O. DRAWER 1298
ATMORE, ALABAMA 36504
251-368-8800

1450 Swift Mill Road
www.swiftsupply.com

June 8, 2009

Ms. Adrienne Jones, Director
City of Daphne Community Development Department
P.O. Box 400
Daphne, AL 36526

Re: lot 1, 2, and 3, Milton Jones Road Commercial Park as recorded in the Baldwin County Probate Court records, slide 2111-B

Dear Ms. Jones:

In reference to the above described property which has a pending annexation request to the City of Daphne, I ask that Lot 2 be removed from the request. We have sold that parcel and it is my understanding that the new owners do not wish to be annexed into the City.

Please contact me should there be any questions or additional actions required.

Yours truly,

David D. Swift
DDS/dg

Cc: Larry Chason

C.D.
Received
6/9/09

FRED SMALL
MAYOR
DAVID L. COHEN
CITY CLERK, MMC
KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT DIRECTOR



The Jubilee City

CITY COUNCIL
BAILEY YELDING, JR.
DISTRICT 1
CATHY BARNETTE
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
GREG BURNAM
DISTRICT 4
RON SCOTT
DISTRICT 5
DEREK BOULWARE
DISTRICT 6
AUGUST A. PALUMBO
DISTRICT 7

June 9, 2009

David Cohen, City Clerk
Daphne City Clerk's Office

Re: Swift Supply, Inc. Annexation Request

Dear David,

This letter is to inform you that the petitioner for the Swift Supply, Inc. annexation request proposes to amend his request from three lots (1, 2, 3 of Milton Jones Road Commercial Park) to two lots (Lots 1 and 3). Lot 2 has been sold and the new owner prefers to remain under Baldwin County's jurisdiction.

The original petition was presented on the May 4, 2009 City Council Business Meeting Agenda. It is my understanding that the Council is awaiting an opinion from the Attorney General's office prior to taking action on the annexation request.

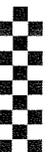
Please find correspondence from the petitioner attached. If you have questions, feel free to contact me or David Swift (251-368-8800).

Sincerely,

A handwritten signature in black ink, appearing to read "Adrienne D. Jones".

Adrienne D. Jones,
Director of Community Development

cc: David Swift
Larry Chason (via e-mail)
File





The Jubilee City

Annexation Review: Swift Supply 10.76 acres 3 lots Milton Jones Road

Owner: Swift Supply Inc., David Swift

Contiguous to Daphne Corporate Limits: Yes (Milton Jones Road)

Existing Conditions: Lot 1-Swift Supply Business; and 3-Undeveloped

Existing Zoning: B-1 Professional Business District—Baldwin County District 15

Proposed Zoning: B-2 General Business

According to the Table of Permitted Uses, "lumber yards and building materials; need not be enclosed within a structure" is allowed in B-2 and C/I zoning districts by right.

Surrounding Zonings/Uses: District 15 Baldwin County

North- (R-2B) Single Family/Chamberlain Trace Unit 1

South-(E-R) Estate Residential/ Undeveloped

East- (B-1) Professional Business/Undeveloped

West-(R-4) Single Family/Chelcey Place Subdivision

Existing Service Providers:

Utilities—Belforest Water

Sewer—Individual Septic Tank (Baldwin County Health Department)

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

Sewer and Gas—Daphne Utilities

Baldwin County Schools—N/A

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(SWIFT SUPPLY INC.)

The undersigned, DAVID D. SWIFT, PRESIDENT, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as LOTS 1 . . . AND 3, MILTON JONES COMM PARK to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The Petitioner, DAVID D. SWIFT, SWIFT SUPPLY, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

B-2, GENERAL BUSINESS

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

DATED this 6TH day of MARCH,
2009.

Respectfully submitted,

Name of Corporation

By:

David D. Swift

Its:

PRESIDENT

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 6th day of March, 2009.

Shirley B. Boudette (NOTARY SEAL)
NOTARY PUBLIC

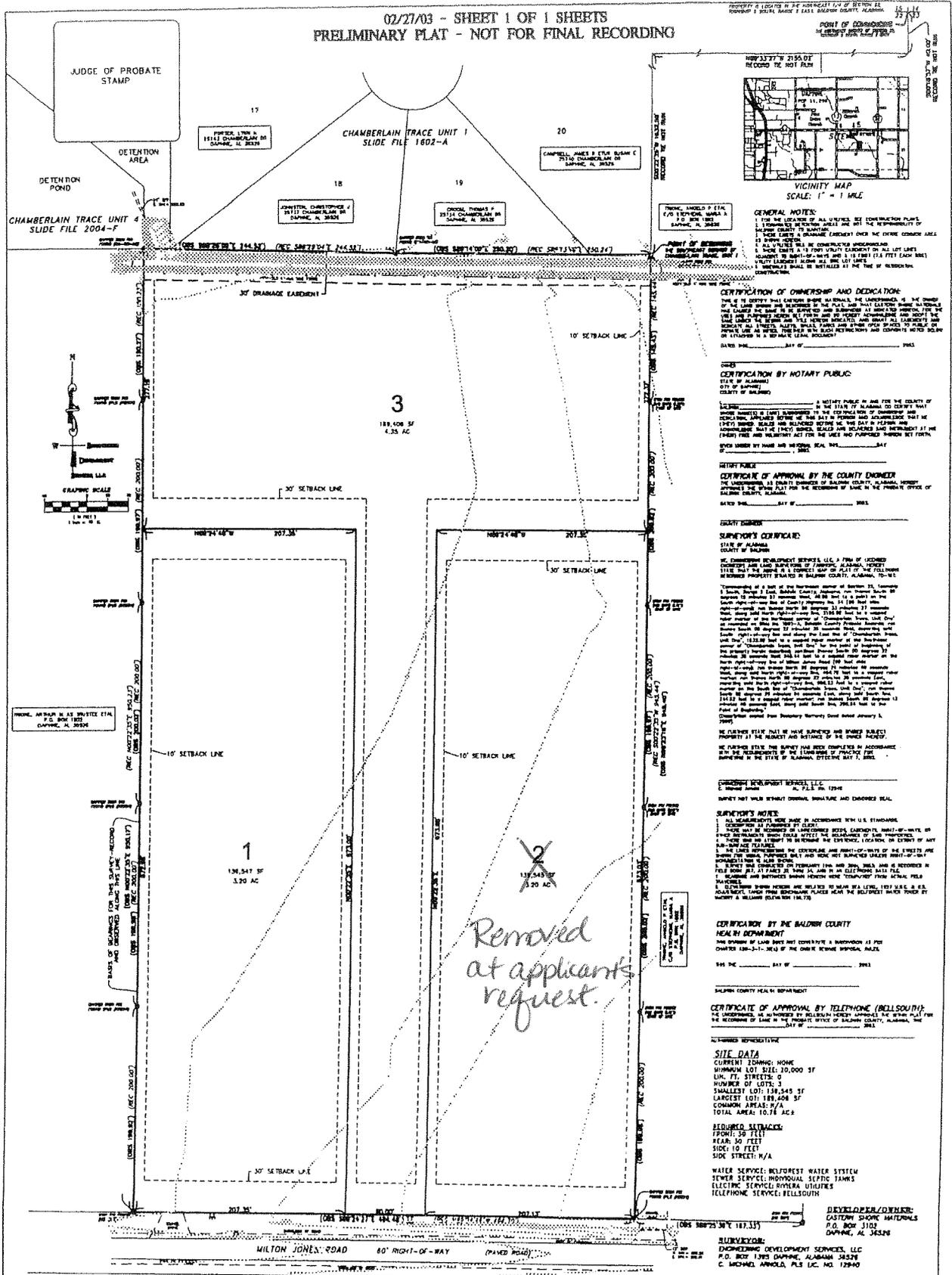
My commission expires: 6/4/2012

SWIFT SUPPLY INC.

MILTON JONES ROAD COMMERCIAL PARK,
LOTS 1, & 3
ANNEXTION
EXHIBIT "A"
LEGAL DESCRIPTION
(PROPERTY 10.75 ACRES)

LOT 1, AND 3, MILTON JONES ROAD COMMERCIAL PARK AS RECORDED
IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2111-B.

\\030126\p\in\0126prelim.dwg Thu Mar 20 10:35:11 2003 DED



GENERAL NOTES:
 1. THE LOCATION OF ALL UTILITIES IS INDICATED ON THIS PLAT. THE LOCATION OF ALL UTILITIES IS TO BE DETERMINED BY THE ENGINEER PRIOR TO CONSTRUCTION.
 2. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.
 3. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.
 4. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.
 5. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE PROPOSED CONSTRUCTION.

CERTIFICATION OF OWNERSHIP AND DEDICATION:
 I, the undersigned, as owner of the above described property, do hereby certify that I am the owner of the same and that I have no other claims or interests therein. I do hereby dedicate to the public the easements and rights shown on this plat for the use of the public as shown thereon.

CERTIFICATION BY NOTARY PUBLIC:
 I, the undersigned, a Notary Public in and for the County of Baldwin, State of Alabama, do hereby certify that I am the owner of the above described property and that I have no other claims or interests therein. I do hereby dedicate to the public the easements and rights shown on this plat for the use of the public as shown thereon.

CERTIFICATION OF APPROVAL BY THE COUNTY ENGINEER:
 I, the undersigned, as Engineer of Baldwin County, Alabama, do hereby certify that I have examined the plat and find that it complies with the requirements of the Alabama Code. I do hereby approve the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.

CERTIFICATION BY THE BALDWIN COUNTY HEALTH DEPARTMENT:
 I, the undersigned, as Health Officer of Baldwin County, Alabama, do hereby certify that I have examined the plat and find that it complies with the requirements of the Alabama Code. I do hereby approve the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.

CERTIFICATE OF APPROVAL BY TELEPHONE (BELL SOUTH):
 I, the undersigned, as a representative of Bell South, do hereby certify that I have approved the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.

CERTIFICATE OF APPROVAL BY BELLFLOWER WATER SYSTEM:
 I, the undersigned, as a representative of Bellflower Water System, do hereby certify that I have approved the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.

CERTIFICATE OF APPROVAL BY WYDIA UTILITIES (ELECTRIC):
 I, the undersigned, as a representative of Wydia Utilities, do hereby certify that I have approved the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.

<p>BOUNDARY SURVEY AND PLAT OF SUBDIVISION MILTON JONES COMMERCIAL PARK ENGINEERING DEVELOPMENT SERVICES, L.L.C. Engineering • Planning • Surveying • Construction Management</p>	<p>CERTIFICATION OF APPROVAL FOR RECORDING: I, the undersigned, as a representative of the Planning Commission of Baldwin County, Alabama, do hereby certify that I have approved the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.</p>	<p>CERTIFICATE OF APPROVAL BY BELLFLOWER WATER SYSTEM: I, the undersigned, as a representative of Bellflower Water System, do hereby certify that I have approved the plat for the recording of the same in the Probate Office of Baldwin County, Alabama.</p>
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ANNEXATION SWIFT SUPPLY EXHIBIT "B"

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2009-**

**AN ORDINANCE TO ANNEX PROPERTY
PROPERTY LOCATED ON THE NORTH SIDE OF MILTON JONES ROAD
SWIFT SUPPLY, INC.**

WHEREAS, on the 6th day of March, 2009, Swift Supply, Inc., being the owner of the real property herein described, did file with the City a petition asking that said real property be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of April 23, 2009, considered said petition and forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for said petition of annexation; and

WHEREAS, after proper publication a public hearing was held on August 3, 2009 by the City Council of the City of Daphne concerning said petition for annexation; and

WHEREAS, said petition did contain the signatures of all owners of the described real property and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne after lawful notice and public hearing did determine it is in the public interest that said property be annexed into the City of Daphne, Alabama and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

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

SECTION ONE: ANNEXATION

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME:	SWIFT SUPPLY, INC.
DESCRIPTION:	LOT 1 AND 3, MILTON JONES ROAD COMMERCIAL PARK AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2111-B.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama and to be zoned B-2, General Business District.

SECTION TWO: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS ____ DAY OF _____, 2009.

**JOHN LAKE
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Public Safety Committee

Wednesday, July 10, 2009

Councilman Greg Burnam, Chairman Councilman Gus Palumbo Councilman Derek Boulware Fire Chief James White PW Sup. Bill Eady	Police Chief David Carpenter Captain Scott Taylor Captain Daniel Bell Tracy Bishop - Secretary
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Committee Members Attending:

Councilman Gus Palumbo, Councilman Derek Boulware, Councilman Greg Burnam, Chief James White, Lt. Beedy, Chief Carpenter.

CALL TO ORDER

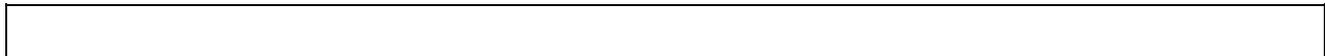
Councilman Burnam **convened** the meeting at 4:40 p.m.

PUBLIC PARTICIPATION – Mr. Chris Baker was in attendance requesting that the city look at the possibility of placing stop lights at Randall Avenue and Hwy 98. Due to the amount of traffic on both streets, he is concerned about a fatality occurring there. The committee asked Public Works to set out their counters on Hwy 98 as well as Randall Avenue and report back at the August meeting with the findings.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 2009 Meeting

Mr. Boulware made a motion to approve the minutes. The motion was seconded by Mr. Burnam . The motion passed.



FIRE DEPARTMENT

A. New Business

Statistics for May 2009 were reviewed. Had 1 firefighter overcome by smoke and taken to the hospital. They are wrapping up the grant proposal for the new fire station. There will only be 80 grants awarded nationally so they want to put together a good presentation. No fireworks related fires were reported.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for May 2009 were reviewed. Mr. Palumbo asked about the Timbercreek Neighborhood Meeting concerning the drive-by shooting that happened earlier in the

month. Lt. Beedy said it went very well, neighbors just wanted to know how they could get rid of the victim. They were advised there was nothing they could do. He was the victim.

Had a complaint from Rebecca Trosclair who lives at 198 Bayview Drive concerning speeders coming from the Country Club to Rollinghill Dr. This was passed along to Lt. Hempfleng to set up D-Runs in this area.

Old Business

OTHER BUSINESS

Mr. Palumbo asked to discuss the sign walkers. It was explained that they are on State right of way. ALDOT has been called and it is illegal according to state code 450-3-1.08(unlawful encroachment). Advised to call a State Trooper or BCSO.

The crosswalk at Belrose Avenue was brought up again. Mr. Palumbo stated he'd ask Mr. Eady to get us a cost on this project. The mayor said the electronics were there, just needed the posts, poles, and buttons.

ADJOURN

There being no further business to discuss, Mr. Boulware adjourned the meeting at 5:45 p.m. The next meeting will be Wednesday, August 12, 2009 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 2009

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	10
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	2	9
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	1
14-Natural Vegetation Fire	0	3
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	121	574
4-Hazardous Conditions (No fire):	5	24
5-Service Call:	17	102
6-Good Intent Call:	16	56
7-False Alarm & False Call:	22	64
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	2
Total Emergency Calls:	184	818
Monthly Total Calls:	187	1482
Response Time:		
Highest:	17	17
Lowest:	<1	<1
Average (Minutes/Seconds) :	4:42	<1/17
Miscellaneous Reports:		
Training Hours	97.00	337.50
Property Loss - \$	\$180,000	\$939,500
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	2	2
Advance Life Support Rescues	86	(301)
Number of Patients Treated	125	(452)
Child Passenger Safety Seat Inspections/Installations	7	29
Classes		
Classes	0	9
Persons Attending	0	343
Plan Reviews		
Plan Reviews	4	23
Final/Certificate of Occupancy	1	5
General/Annual Inspections	169	586
General/Re-Inspections (Violation Follow-up - Annual)	23	71
Business Licenses	12	34
Consultations-	0	0
All Other/Misc. Activities	0	1
Total Activities:	209	728

Authorized by:

James White

Chief James White

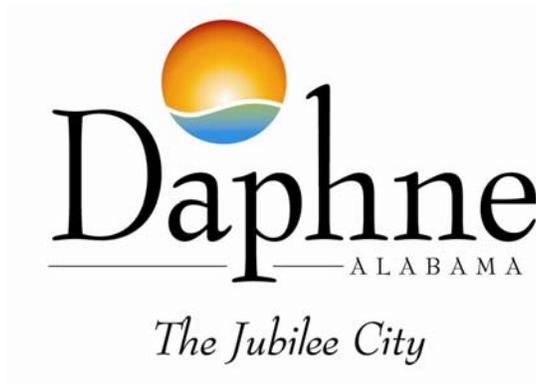
Daphne Police Department		Monthly Report					May 2009			
Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:	
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor/ Lt. Yelding)			
						YTD				
# Complaints	1,132	# New Cases Received:	43	Total Arrestees Received & Processed:	173	1,368			Arson	0
# Misd. Arrests	71	# Previous Unsolved Cases:	115	Arrestees by Agency:			#Complaints	48	Burglary – Commercial	2
# Felony Arrests	1	# Cases Solved:	28	Daphne PD	120	1,028	#Follow-ups	79	Burglary – Residence	4
DUI Arrests	19	Resulting in Total Arrests:	7	BCSO	13	40	#Citations	1	Burglary - Vehicle	1
Alias Warrant Arrests	25	Felonies:	2	Spanish Fort PD	23	220	#Warnings	9	Criminal Mischief	9
Citations	521	Misdemeanors:	5	Silverhill PD	16	70	#Felines Captured	41	Disorderly Conduct	0
Close Patrols	600	Houses Searched	0	Troopers	1	7	#Canines Captured	48	Domestic Disturbance	13
Warnings	132			Other Agencies	0	3	#Other Captured	5	False Info to Police	2
Motorist Assists	241						#Returned to Owner	15	Felony Assault	0
Roadway Accidents	70	Warrants:					#Adopted Out	15	Felony Theft	18
Private Property Accidents	13	Bettner Served	37				#Euthanized	40	Harassment	10
Traffic Homicide	0	Agency Assists	17	Highest	45				Identity Theft	8
		Recalls (Pd Fines)	27	Lowest	31				Indecent Exposure	1
DRUG REPORT		Total Warrants Served	81						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	3,267	22,107			Menacing	0
		Sex Offender:		Medical Cost	\$2,150.83	\$13,126.58			Misdemeanor Assault	2
# Misd. Marijuana Arrest	0	New Registration:	0	Worker Inmate Hours	832	5,022			Misdemeanor Theft	19
# Felony Marijuana Arrest	0	Contact Verification	0						Murder	0
# Controlled Substance Arrest:	0	Total # registered in Daphne	2						Other Death Investigations	0
# Drug Paraphernalia Arrest	0	DARE:							Public Intoxication	0
Vehicles Searched	64	# Hours Report Writing:	6.5						Public Lewdness	0
		# Students Instructed SRO	1710						Receiving Stolen Property	1
Drugs Seized:	0	# Students Instructed DARE	100						Reckless Endangerment	2
Type:	0	# Police Reports by SRO	3						Resisting Arrest	0
Money Seized	0	# Arrest by SRO	3						Robbery	1
Vehicles Seized	0								Sex Crime Investigations	0
		CODE ENFORCEMENT:							Suicide	0
Commercial Vehicle Inspections	6	Warnings:	10						Suicide, attempted	1
		Citations	5						Theft of Services	0
		Warning Compliance	7						Unauthorized Use of Services	0
		Follow – Up	8						Weapon Offenses	0
									White Collar Crimes	5
<i>Approved by:</i>		David Carpenter, Chief of Police								

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Beck Hayes
Assistant City Clerk

From: Public Works Committee

Date: July 30, 2009

Re: Recommendation for Approval of Addendum to “Task Agreement No. 4, Captain O’Neal Drive Ditch Stabilization”

The Public Works Committee would like to recommend that the Council review and approve the attached addendum to our previous contract with Volkert & Associates titled “Task Agreement No. 4, Captain O’Neal Drive Ditch Stabilization”. The addendum is needed to adjust for the change in scope of work. We have added an additional 600’ of ditch to the project and have tasked them to handle the environmental permitting for this project. In addition, it has been discovered that the geotechnical fee will not be needed. The addendum is attached for your review; the breakdown is as follows:

	Original	Addendum	Total
Survey	\$ 2,500	\$ 3,500	\$ 6,000
Engineering	\$ 9,200	\$ 3,000	\$ 12,200
Geotechnical	\$ 4,000	\$ (4,000)	\$ -
Construction Observation	\$ 5,000	\$ -	\$ 5,000
Environmental	\$ -	\$ 6,000	\$ 6,000
			\$ 29,200



www.volkert.com

316 South McKenzie Street
Foley, AL 36535
251.968.7551
Fax 251.968.2318
foley@volkert.com

July 15, 2009

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

Re: Captain O'Neal Drive-Task No. 4 -Addendum

Dear Mayor Small:

Attached please find two (2) copies of Task 4 to provide engineering services for Ditch Stabilization on Captain O'Neal Drive. This addendum is being submitted due to an additional 600 feet being added to the project requiring needed survey engineering and permitting.

Please review, and if you concur, please sign both copies and return 1 back to our office for further processing.

If you have any questions please advise.

Sincerely,

VOLKERT & ASSOCIATES, INC.

Steve R. Commander, P.E.
Vice President

SRC/cw

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia • Collinsville, Illinois
Baton Rouge, Louisiana • D'Iberville, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina • Chattanooga, Tennessee
Alexandria, Virginia • Washington, D.C.

**ADDENDUM TO
TASK AGREEMENT NO. 4
THE CITY OF DAPHNE, ALABAMA**

**CAPTAIN O'NEAL DRIVE
DITCH STABILIZATION**

This Task is to be performed in accordance with the provisions of the agreement between **The City of Daphne, Alabama** (OWNER) and **Volkert and Associates, Inc.** (ENGINEER) dated _____, 2009

SCOPE OF WORK

Generally, the work in this Task Agreement includes additional survey and environmental services necessary due to a change in the scope of the project. The new scope will generally include the installation of piping along the existing drainage easement as well as the restoration and improvement of the existing creek bed that runs from Captain O'Neal Drive west to Mobile Bay near the address of 1505 Captain O'Neal Drive. Work will also include the installation of curbing and new drainage inlets along Captain O'Neal Dr. and ditch stabilization. More specifically work includes:

Note: This addendum removes the geotechnical services and fee of \$4,000.00 approved for the original task 4.

Engineering:

- Develop construction plans and specifications including, coordination with the City, local utilities as needed
- Develop final engineering cost estimate prior to bidding the job.

Lump Sum Fee: \$3,000.00

Survey:

- Perform a cross section topographic survey of the site within the affected area from the previous point of termination to Mobile bay—approximately 600 feet. Locate environmental wetland flagging should any wetlands be delineated.
- Update the existing map of the survey.

Lump Sum Fee Survey: \$3,500.00

Environmental:

- Perform environmental services required for the permitting of drainage improvements and stream bank stabilization along the affected area.
- Perform a site visits as necessary

- Coordinate meetings with the U.S. Army Corps of Engineers or ADEM and the City of Daphne as necessary.
- Apply for permits as needed.
- Assist the Engineer in the selection of native vegetation for the purpose of long term soil stabilization.

Hourly not to exceed: \$6,000.00

SCHEDULE - Work will be scheduled upon receipt of authorization and will continue until complete.

FEE - Fees will be billed monthly on an hourly basis, in accordance with rates shown on the attached Fee Schedule.

It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert & Associates, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.



Submitted by: Steve R. Commander
Volkert & Associates, Inc.

7/17/09
 Date

Approved by: _____
The City of Daphne, Alabama

 Date

<u>CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>	<u>OVERTIME BILLING RATE</u>
Principal	\$195.00	\$195.00
Manager Professional	\$190.00	\$190.00
Project Manager Professional	\$145.00	\$145.00
Staff - Level 2 Professional	\$125.00	\$125.00
Staff - Level 1 Professional	\$ 90.00	\$90.00
Senior Designer	\$125.00	\$160.00
Designer	\$ 80.00	\$100.00
Technician	\$ 80.00	\$100.00
Drafter - Level 2	\$ 65.00	\$85.00
Drafter - Level 1	\$ 55.00	\$70.00
Surveyor Manager	\$115.00	\$115.00
Surveyor Senior	\$ 90.00	\$115.00
Surveyor - Party Chief	\$ 80.00	\$105.00
Survey Staff	\$ 55.00	\$70.00
Construction Manager	\$145.00	\$145.00
Construction - Project Manager	\$105.00	\$105.00
Construction Inspector - Level 2	\$ 75.00	\$95.00
Construction Inspector - Level 1	\$ 65.00	\$85.00
Project Administrator	\$105.00	\$125.00
Administrative Assistant	\$110.00	\$125.00
Clerical - Level 1	\$ 50.00	\$60.00
Survey Crew (2 Man)	\$135.00	\$175.00
Survey Crew (3 Man)	\$230.00	\$230.00
Survey Crew (4 Man)	\$325.00	\$325.00
Personal Computer	\$15.00	
GPS Survey System (24)	\$35.00	
BPS Map System (23)	\$5.00	

OTHER

Mileage.....	Included in Hourly Billing Rate
Blueline Prints	Included in Hourly Billing Rate
Sepias	Included in Hourly Billing Rate
Xerox Copies (8 1/2 x 11)	Included in Hourly Billing Rate
Extraordinary Out of Pocket Expenses (Specific to Assignment).....	Cost Plus 5%

This rate schedule will be effective through March 1, 2010 at which time a revised Hourly Billing Rate schedule will be mutually agreed to by Owner and Consultant.

ENVIRONMENTAL

Principal	\$190.00
Manager.....	\$185.00
Supervisor.....	\$185.00
Project Manager	\$140.00
Senior Designer	\$105.00
Technician	\$80.00
Staff Scientist Level 2.....	\$85.00
Staff Scientist Level 1.....	\$65.00
Drafter Level 2 (Cad Technician).....	\$65.00
Drafter Level 1 (Cad Technician).....	\$55.00
Clerical	\$45.00
Personal Computer	\$15.00
GPS Survey System (24)	\$35.00
GPS Map System (23)	\$5.00

This rate schedule will be effective through February 28, 2009 at which time a revised Hourly Billing Rate schedule will be mutually agreed to by Owner and Consultant.

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE AGENDA
Time: 8:00 AM on July 24, 2009
Location: City Hall

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

I. CALL TO ORDER

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report – June 2009
- B. Vehicle/Equipment Maintenance Reports – June 2009
- C. Public Participation – Mr. Eddie Murphy (water blockage on easement)
- D. Correspondence – None

III. OLD BUSINESS

- A. Minutes – June 26, 2009
- B. Mosquito Reports – June 2009
- C. Captain O’Neal – Update & Addendum to Contract for Engineering Costs for “Task Agreement No. 4, Captain O’Neal Drive Ditch Stabilization”.

IV. NEW BUSINESS

- A. Code Enforcement for Public Works
- B.

V. DIRECTOR’S REPORT

- A. Bagby & Russell – Main Street/Belrose Pedestrian Light
- B. Bridge Inspection Review
- C.

VI. SOLID WASTE AUTHORITY

- A. Garbage Truck Specification Review for Bid (How many – 16)

VII. MUSEUM COMMITTEE

- A. Minutes – June 8, 2009

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – July 10, 2009
- B. Daphne Beautification – Update

IX. ENGINEER REPORT

- A. NRCS – Update

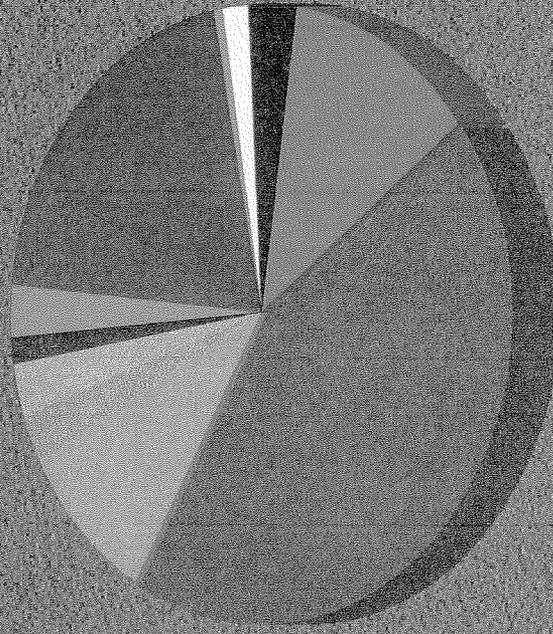
V. FUTURE BUSINESS

- A. Next Meeting – August 28, 2009

XI. ADJOURNMENT

Division of Public Works June 2009

WORK REQUEST REPORT



- Arbor-17
- Mechanical-244
- Mowing-9
- Streets-31
- Drainage-14
- Maintenance-71
- Janitorial-3
- Street Lamps-16
- Grounds-49
- Mosquito-17
- Signs-82
- Traffic Signals-7

VEHICLE / EQUIPMENT MAINTENANCE - **JUNE** 2009

DEPARTMENT			YTD		TOTAL YTD
	ROUTINE	NON ROUTINE	YTD ROUTINE	NON ROUTINE	
EXECUTIVE	-	-	-	-	-
REVENUE	-	-	-	-	-
BUILDING INSPECT.	-	-	-	-	-
CODE ENFORCEMENT	-	11.91	-	11.91	11.91
POLICE	4,685.16	8,176.79	4,685.16	8,176.79	12,861.95
ANIMAL SHELTER	-	128.62	-	128.62	128.62
MUN. COURT	-	-	-	-	-
FIRE	532.24	1,221.19	532.24	1,221.19	1,753.43
RESCUE	-	223.94	-	223.94	223.94
PUBLIC WORKS ADMN.	74.84	-	74.84	-	74.84
JANITORIAL	-	-	-	-	-
BUILDING MAINT.	228.05	-	228.05	-	228.05
MOWING	2,244.56	3,511.73	2,244.56	3,511.73	5,756.29
GROUNDS	986.50	2,089.76	986.50	2,089.76	3,076.26
SOLID WASTE	947.91	4,406.12	947.91	4,406.12	5,354.03
STREET	109.52	9,423.02	109.52	9,423.02	9,532.54
MECH. MAINT.	69.42	-	69.42	-	69.42
PARKS/REC.	3,488.97	1,683.77	3,488.97	1,683.77	5,172.74
GARBAGE	1,327.61	45,733.76	1,327.61	45,733.76	47,061.37
RECYCLE	36.39	1,726.65	36.39	1,726.65	1,763.04
CIVIC CENTER	-	113.99	-	113.99	113.99
TOTAL	14,731.17	78,451.25	14,731.17	78,451.25	93,182.42
					186,364.84

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on June 26, 2009
Location: City Hall Council Chambers

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 8:00 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Bill Eady–Public Works Director, Melvin McCarley–PW Superintendent, Sandi Cushway–PW Administrative Assistant, Scott Hutchinson–HMR, Tim Lawley–HMR, Dorothy Morrison–DBC, Carl Schneider–Harbor Place, Steve Alexander–Harbor Place, Matt Roberts–Captain O’Neal

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – May 2009 reviewed.
- B. **Vehicle/Equipment Maintenance Report** – May 2009.
- C. **Correspondence** – Letters from the Daphne Museum to Grounds crew members (William McMann, William Huggins, Markes Mosley & Joseph Mixon) thanking them for assistance with moving books and book cases. Also, note from Tomasina Werner regarding Solid Waste Worker (Luke Sledge) going above and beyond. Mr. Eady commented that he is getting quite a few positive letters and is proud of his crew.
- D. **Public Participation:** Steve Alexander – Harbor Place Subdivision. Statement read by Mr. Alexander (attached). Permanent easement was issued several years ago and the City came in and did some work at Yancy Branch, digging around the pilings. Their insurance claim is still pending. Councilman Yelding asked
- E. **Public Participation:** Matt Roberts – 1507 Captain O’Neal Residence Erosion. Both Mr. Eady and Mayor Small have been out to Mr. Robert’s residence. He has lived there for five years. Photos shown (attached). Mr. Roberts built a seawall 2 months ago and water is coming over the road and onto his property eroding his yard and threatening to compromise his home. Mr. Eady commented that this is the result of the last two big rain events. Have explained problem to Mr. Roberts and FEMA. Volkert is putting together a design for curbing and gutters. Working with FEMA to put a gutter on the west side of Captain O’Neal. Then the only water that will flow there will be that of his own property. Going to have to pick up the water on Dyer Avenue. Going to replace that. These should alleviate his problem. Putting in curbing would be a quick fix. Would need over 200 ft of curbing. Mr. Eady requested approval to move forward with that. The grade changes on the bay side of his driveway. Councilman Yelding asked what was the Mayor’s assessment of the situation. Mr. Roberts responded that the Mayor indicated to him that he agreed with what Mr. Eady was proposing. Scott Hutchinson commented that it would require 15 ft to do work. Mr. Eady stated that we could probably use our own crew members. The south side of Dryer is 90 degree turn to get to pipes. Mr. Roberts commented that he would like to get something in place in the meantime, while we are deciding what course of action to take. Melvin McCarley said that we could place sand bags for now. Mr. Eady requested that Sandi have a work order issued for sand bags to be placed at Mr. Robert’s residence. We have a 50’ ROW. The only thing we can do until we get FEMA funding is to put in curb. **Councilman Yelding made a motion that Mr. Eady look into what needs to be done. Motion seconded by Councilwoman Barnette.** Mr. Eady to bring findings to next meeting and then will submit to the Finance Committee. Mr. Eady requested that Scott Hutchinson at HMR develop a plan and get with him. Will need a drain analysis. Will probably require more substantial measures.

at this point.

- C. Mr. Eddie Murphy has turned his issue over to his attorney. Scott Hutchinson stated that he and Mr. Eady went to look at it and do not see this as being a City problem. The water is not coming from the road. Is coming from the other houses. There are things that he could do on his own to alleviate the problem. Doesn't look like he wants to pursue this with the PW Committee if he has gotten a lawyer involved.

VI. SOLID WASTE AUTHORITY

- A. Councilwoman Barnette had a question for Councilman Palumbo regarding the collection of outstanding garbage fees. The Mayor has designated Tracey Miller to be the person responsible for collection of delinquent accounts.

VII. MUSEUM COMMITTEE

- A. Minutes – May 11, 2009

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – May 1, 2009
- B. Concerns about PW crew members working in this extreme heat. Dorothy was assured that employees have received training on Heat Stress and are provided with water and Gatorade and other hydrating beverages.
- C. Dorothy commented on the mulching of the Crepe Myrtles. It looks so much better.
- D. Minutes passed out for June 5, 2009 meeting. Apologies for not submitting in time to make the packet.
- E. Councilwoman Barnette asked about the Committee's current top 10 list.
- F. Mr. Eady asked Dorothy if they located the missing signs. Dorothy stated that she believes that Marshall Parsons located them.
- G. The next DBC meeting will be held on July 10th due to July 4th being a holiday.

IX. ENGINEER REPORT

- A. NRCS – 2 NRCS projects completed. Dunbar and the site behind Bayview Ford.
- B. 2 projects to start soon. Steven Gulley and Buena Vista.

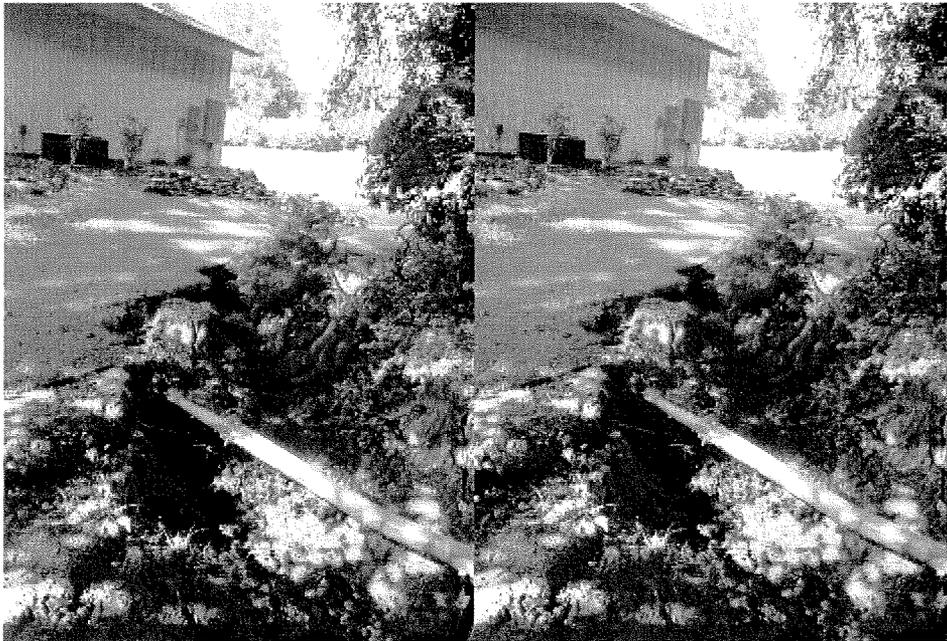
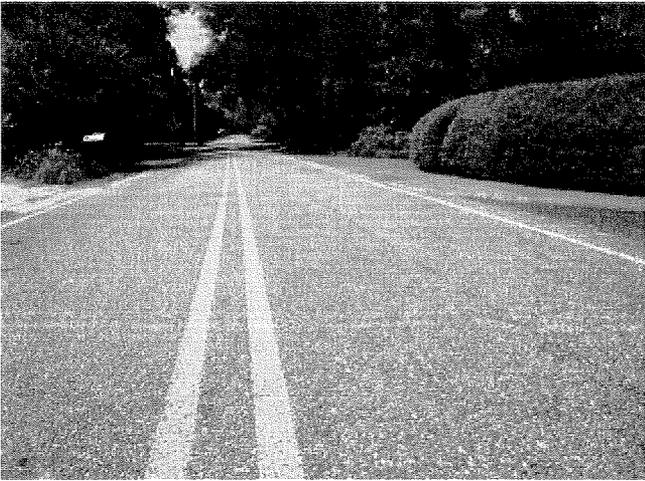
V. FUTURE BUSINESS

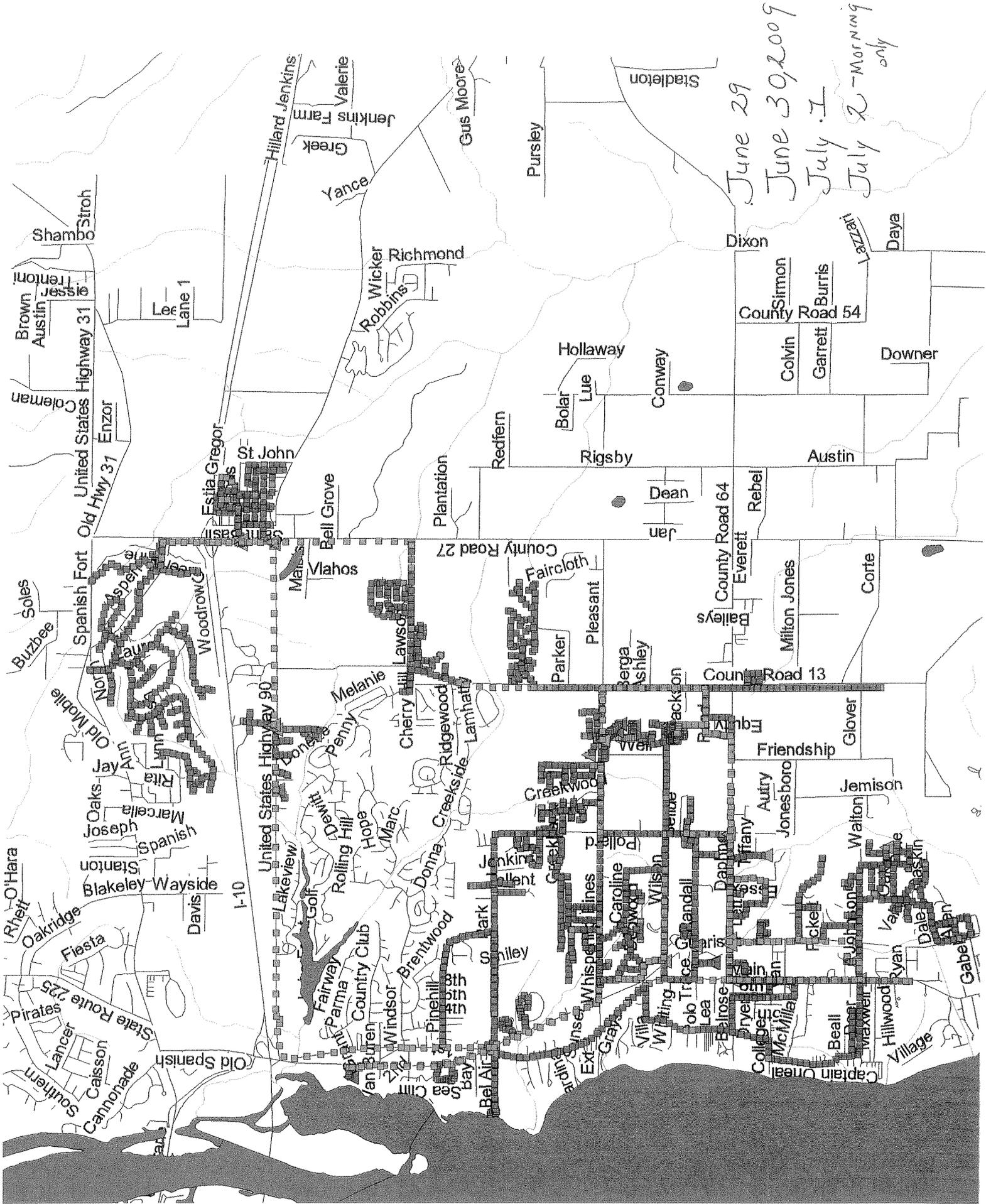
- A. Next Meeting – July 24, 2009 @ 8:00 a.m.

XI. ADJOURNMENT

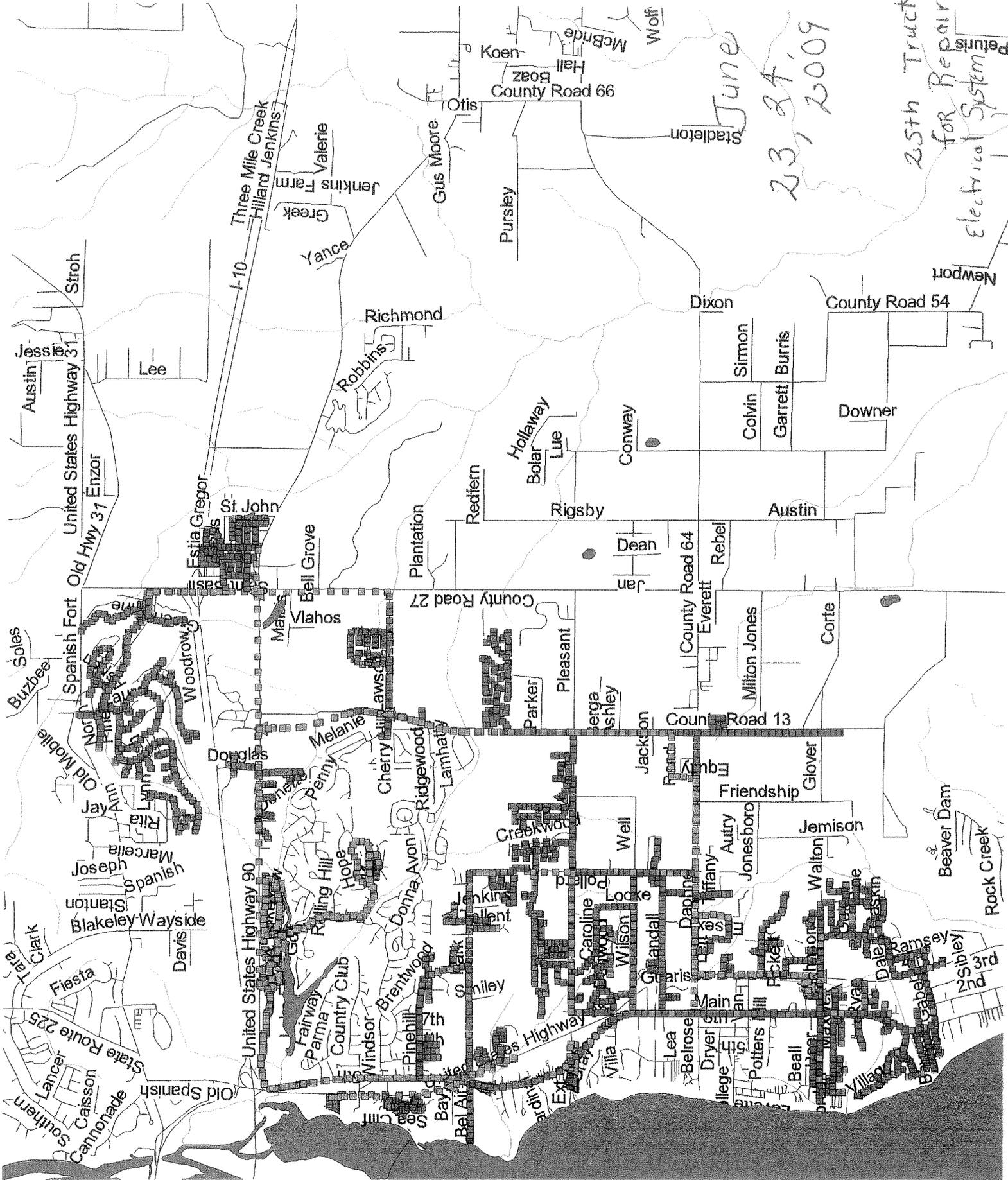
The meeting adjourned at 9:06 AM.

1507 Captain O'Neal





June 29
 June 30, 2009
 July 1
 July 2 - Morning only



June

23, 24, 2009

25th Truck in
for Repairs to
Electrical System

State Route 225
Cannonade
Caisson
Lancer
Southern
Tara
Clark
Fiesta
Blakeley
Wayside
Stanton
Spanish
Marcella
Rita
Lynn
Ann
Old Mobile
Buzbee
Soles
Spanish Fort
Old Hwy 31
Enzor
United States Highway 31
Austin
Jessie
Siroh

United States Highway 90
Fairway
Parma
Country Club
Windsor
Pinehill
5th
Bay
Bel Air
Ex
Creek
Villa
Lea
Belrose
Dryer
Village
Potter's Mill
Beall
Villan
Dale
Ramsey
23rd
3rd
2nd

United States Highway 31
Estia Gregor
St John
Bell Grove
Vlahos
Manis
Melanie
Penny
Hope
Rolling Hill
Donna
Avon
Brentwood
Pinehill
5th
Bay
Bel Air
Ex
Creek
Villa
Lea
Belrose
Dryer
Village
Potter's Mill
Beall
Villan
Dale
Ramsey
23rd
3rd
2nd

Three Mile Creek
Hillard
Jenkins
Yance
Valerie
Jenkins Farm
Gus Moore
Otis
Pursley
County Road 66
Hall
Boaz
McBride
Wolf
Stadleton
Richmond
Robbins
Plantation
Redfern
Holloway
Bolar
Lue
Conway
Rigsby
Dean
Jan
County Road 64
Rebel
Austin
Downer
Colvin
Garrett
Burriss
Sirmon

County Road 54
Dixon
County Road 27
County Road 13
County Road 64
Everett
Rebel
Austin
Downer
Colvin
Garrett
Burriss
Sirmon
Corte
Milton Jones
Friendship
Glover
Jemison
Walton
Beaver Dam
Rock Creek

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

To: Public Works Committee

From: William H. Eady, Sr.

Date: July 23, 2009

Re: Recommendation for Approval of Addendum to "Task Agreement No. 4, Captain O'Neal Drive Ditch Stabilization"

I would like to recommend that the Public Works Committee approve and recommend to the City Council, the attached addendum to our previous contract with Volkert & Associates titled "Task Agreement No. 4, Captain O'Neal Drive Ditch Stabilization". The addendum is needed to adjust for the change in scope of work. We have added an additional 600' of ditch to the project and have tasked them to handle the environmental permitting for this project. In addition, it has been discovered that the geotechnical fee will not be needed. The addendum is attached for your review, the breakdown is as follows:

	Original	Addendum	Total
Survey	\$ 2,500	\$ 3,500	\$ 6,000
Engineering	\$ 9,200	\$ 3,000	\$ 12,200
Geotechnical	\$ 4,000	\$ (4,000)	\$ -
Construction Observation	\$ 5,000	\$ -	\$ 5,000
Environmental	\$ -	\$ 6,000	\$ 6,000
			\$ 29,200

Denise Penry

From: Kim Briley [kmbriley@bellsouth.net]
Sent: Thursday, July 23, 2009 1:09 PM
To: 'Denise Penry'
Subject: Captain O'Neal Engineering

I got your memo on the addendum... This is the FEMA project- right? This will need to go to the Council for a motion to approve. Can this go through tomorrow's Public Works Comm meeting for a recommendation & Council action on Aug 3rd?

Kim Briley
Finance Director

City of Daphne
P. O. Box 400
Daphne, AL 36526
Ph: 251-621-9000 Fax: 251-625-2001

DAPHNE PUBLIC WORKS

TO: Mayor Fred Small
Kim Briley, Finance Director

FROM: William Eady, Sr, Public Works Director

SUBJECT: Captain O'Neal Engineering Costs

DATE: July 21, 2009

Volkert & Associates, Inc has submitted an addendum to our previous contract with them. The contract was titled "Task Agreement No. 4, Captain O'Neal Drive Ditch Stabilization". The addendum is needed to adjust for the change in scope of work. We have added an additional 600' of ditch to the project and have tasked them to handle the environmental permitting for this project. In addition, it has been discovered that the geotechnical fee will not be needed. The addendum is attached for your review, the total breakdown is as follows:

	Original	Addendum	TOTAL
Survey	\$ 2,500	\$ 3,500	\$ 6,000
Engineering	\$ 9,200	\$ 3,000	\$ 12,200
Geotechnical	\$ 4,000	\$ (4,000)	\$ -
Construction Observation	\$ 5,000	\$ -	\$ 5,000
Environmental	\$ -	\$ 6,000	\$ 6,000
			\$ 29,200



www.volkert.com

316 South McKenzie Street
Foley, AL 36535
251.968.7551
Fax 251.968.2318
foley@volkert.com

July 15, 2009

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

Re: Captain O'Neal Drive-Task No. 4 -*addendum*

Dear Mayor Small:

Attached please find two (2) copies of Task 4 to provide engineering services for Ditch Stabilization on Captain O'Neal Drive. This addendum is being submitted due to an additional 600 feet being added to the project requiring needed survey engineering and permitting.

Please review, and if you concur, please sign both copies and return 1 back to our office for further processing.

If you have any questions please advise.

Sincerely,

VOLKERT & ASSOCIATES, INC.

Steve R. Commander, P.E.
Vice President

SRC/cw

Office Locations:

Birmingham, Foley, Huntsville, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia • Collinsville, Illinois
Baton Rouge, Louisiana • D'Iberville, Mississippi • Jefferson City, Missouri • Raleigh, North Carolina • Chattanooga, Tennessee
Alexandria, Virginia • Washington, D.C.

ADDENDUM TO
TASK AGREEMENT NO. 4
THE CITY OF DAPHNE, ALABAMA

CAPTAIN O'NEAL DRIVE
DITCH STABILIZATION

This Task is to be performed in accordance with the provisions of the agreement between The City of Daphne, Alabama (OWNER) and Volkert and Associates, Inc. (ENGINEER) dated _____, 2009

SCOPE OF WORK

Generally, the work in this Task Agreement includes additional survey and environmental services necessary due to a change in the scope of the project. The new scope will generally include the installation of piping along the existing drainage easement as well as the restoration and improvement of the existing creek bed that runs from Captain O'Neal Drive west to Mobile Bay near the address of 1505 Captain O'Neal Drive. Work will also include the installation of curbing and new drainage inlets along Captain O'Neal Dr. and ditch stabilization. More specifically work includes:

Note: This addendum removes the geotechnical services and fee of \$4,000.00 approved for the original task 4.

Engineering:

- Develop construction plans and specifications including, coordination with the City, local utilities as needed
- Develop final engineering cost estimate prior to bidding the job.

Lump Sum Fee: \$3,000.00

Survey:

- Perform a cross section topographic survey of the site within the affected area from the previous point of termination to Mobile bay—approximately 600 feet. Locate environmental wetland flagging should any wetlands be delineated.
- Update the existing map of the survey.

Lump Sum Fee Survey: \$3,500.00

Environmental:

- Perform environmental services required for the permitting of drainage improvements and stream bank stabilization along the affected area.
- Perform a site visits as necessary

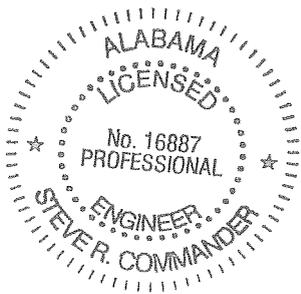
- Coordinate meetings with the U.S. Army Corps of Engineers or ADEM and the City of Daphne as necessary.
- Apply for permits as needed.
- Assist the Engineer in the selection of native vegetation for the purpose of long term soil stabilization.

Hourly not to exceed: \$6,000.00

SCHEDULE - Work will be scheduled upon receipt of authorization and will continue until complete.

FEE - Fees will be billed monthly on an hourly basis, in accordance with rates shown on the attached Fee Schedule.

It is expressly agreed and stipulated between the parties that this contract shall be deemed to have been made in the State of Alabama where the principal office of Volkert & Associates, Inc. is located. This contract shall be governed by the laws of the State of Alabama. The Circuit or District Court of Mobile, Alabama shall have jurisdiction over any dispute which arises under this contract, and each of the parties shall submit and hereby consents to the jurisdiction of either such court.



Submitted by: Steve R. Commander
Volkert & Associates, Inc.

7/17/09
Date

Approved by: _____
The City of Daphne, Alabama

Date

<u>CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>	<u>OVERTIME BILLING RATE</u>
Principal	\$195.00	\$195.00
Manager Professional	\$190.00	\$190.00
Project Manager Professional	\$145.00	\$145.00
Staff - Level 2 Professional	\$125.00	\$125.00
Staff - Level 1 Professional	\$ 90.00	\$90.00
Senior Designer	\$125.00	\$160.00
Designer	\$ 80.00	\$100.00
Technician	\$ 80.00	\$100.00
Drafter - Level 2	\$ 65.00	\$85.00
Drafter - Level 1	\$ 55.00	\$70.00
Surveyor Manager	\$115.00	\$115.00
Surveyor Senior	\$ 90.00	\$115.00
Surveyor - Party Chief	\$ 80.00	\$105.00
Survey Staff	\$ 55.00	\$70.00
Construction Manager	\$145.00	\$145.00
Construction - Project Manager	\$105.00	\$105.00
Construction Inspector - Level 2	\$ 75.00	\$95.00
Construction Inspector - Level 1	\$ 65.00	\$85.00
Project Administrator	\$105.00	\$125.00
Administrative Assistant	\$110.00	\$125.00
Clerical - Level 1	\$ 50.00	\$60.00
Survey Crew (2 Man)	\$135.00	\$175.00
Survey Crew (3 Man)	\$230.00	\$230.00
Survey Crew (4 Man)	\$325.00	\$325.00
Personal Computer	\$15.00	
GPS Survey System (24)	\$35.00	
BPS Map System (23)	\$5.00	

OTHER

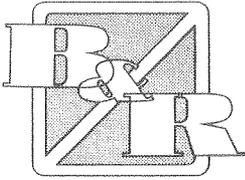
Mileage.....	Included in Hourly Billing Rate
Blueline Prints	Included in Hourly Billing Rate
Sepias	Included in Hourly Billing Rate
Xerox Copies (8 1/2 x 11).....	Included in Hourly Billing Rate
Extraordinary Out of Pocket Expenses (Specific to Assignment).....	Cost Plus 5%

This rate schedule will be effective through March 1, 2010 at which time a revised Hourly Billing Rate schedule will be mutually agreed to by Owner and Consultant.

ENVIRONMENTAL

Principal	\$190.00
Manager.....	\$185.00
Supervisor.....	\$185.00
Project Manager	\$140.00
Senior Designer	\$105.00
Technician	\$80.00
Staff Scientist Level 2.....	\$85.00
Staff Scientist Level 1.....	\$65.00
Drafter Level 2 (Cad Technician).....	\$65.00
Drafter Level 1 (Cad Technician).....	\$55.00
Clerical	\$45.00
Personal Computer	\$15.00
GPS Survey System (24).....	\$35.00
GPS Map System (23).....	\$5.00

This rate schedule will be effective through February 28, 2009 at which time a revised Hourly Billing Rate schedule will be mutually agreed to by Owner and Consultant.



Bagby & Russell Electric Company, Inc.

3400 HURRICANE BAY DRIVE • THEODORE, ALABAMA 36582 • (251) 443-5902 • FAX (251) 443-5882

www.bagrus.com

July 17, 2009

City of Daphne
Public Works Department
26435 Public Works Road
Daphne, AL 36526

Attn: Mr. Bill Eddy
RE: Quote for pedestrian signals at Bellrose & Main St.

Bagby & Russell is pleased to quote you on installing pedestrian signals at Bellrose and Main St.

Material, labor, and equipment to install (2) Pedestrian Signal Heads, push buttons, signs, and (1) one new wood pole with wiring installed overhead.

\$9,800.00

Material, labor, and equipment to install (2) Pedestrian signal heads, push buttons, signs, and a new 14" Aluminum Pedestrian signal pole with concrete foundation, boring under the roadway to the new pedestrian pole and the balance of wire installed overhead on existing messenger cable.

\$13,900.00

If I can be of further assistance please contact me @ 251-443-5902

Sincerely,

Louis O. (Mat) Mathews, III
Bagby & Russell Electric Co., Inc.
Project Manager

LM/kmj

DAPHNE MUSEUM
JUNE 8, 2009

MEETING MINUTES

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MICKEY BOYKIN.

ATTENDEES—CAMILLA BUTLER, TOT BRANTLEY, LUCY CUNNINGHAM, EMILY HAMMOND, HELEN CALLAWAY, JOHN BROADUS, CAROLYN HAFNER, LEE SWETMAN, CANDICE BISHOP, ARVA BROWN, SYLVIA ENSLEY, DORIS ALLEGRI, MICKEY BOYKIN, HELEN BAROCO, PAT WILDEN, BECKY HARRIS..
MICKEY INTRODUCED GUEST, BECKY HARRIS, AND ANNOUNCED THAT AL'S BROTHER, JULIAN, WAS GRAVELY ILL, AND THAT BOYD NELSON WAS SCHEDULED TO HAVE BACK SURGERY.
MINUTES—THE MINUTES OF MAY 11 WERE READ AND APPROVED.

TREASURERS REPORT—THE INCOME FOR THE PERIOD OF 04-30-09 THRU-05-31-09 WAS 51.00 DOLLARS AND THE EXPENSE WAS 174.56. THERE WAS PETTY CASH OF 22.96. BALANCE FOR THE PERIOD WAS \$9,501.79.
TREASURERS REPORT WAS ACCEPTED AS PRESENTED AND FILED FOR RECORD.

REPORTS OF STANDING COMMITTEES

TELEPHONE-CAMILLA/POLLY—NO REPORT

FUND RAISING-HELEN-TREASURERS REPORT

EXHIBITS-EMILY-EMILY REPORTED THAT THE MEMORIAL DAY PROGRAM WAS VERY GOOD. EMILY MADE A MOTION THAT THE MUSEUM SHOULD SPONSOR A HONOR VET IN THE AMOUNT OF 500.00 DOLLARS AND DORIS SECONDED THE MOTION. THE MOTION PASSED.
EMILY SUGGESTED THAT WE COULD HAVE A KITCHEN UTENSILS EXHIBIT AND ASKED THAT WE LOOK FOR ITEMS OF INTEREST THAT WE HAVE TO DISPLAY.

SPECIAL EVENTS-SYLVIA-A CEMETERY SPECIALIST WILL BE THE SPEAKER IN OCTOBER.

PUBLICITY-MICKEY-PLANS TO PUT MEMORIAL EVENT IN THE PAPER AND A PICTURE.

CEMETERY-DORIS-DORIS SAID THE CEMETERY LOOKS VERY GOOD.

NONE

ANNOUNCEMENTS-

LEE ANNOUNCED THAT SUNDAY JUNE 14 WAS FLAG DAY AND ASKED EVERYONE TO DISPLAY THEIR FLAGS. HE ALSO DISTRIBUTED COPIES OF THE HISTORY OF FLAG DAY.

NEXT REGULAR MEETING, MONDAY JULY 13, 2009 AT 10:00 A.M.

THE MEETING WAS ADJOURNED

RESPECTFULLY SUBMITTED
ARVA BROWN

Daphne Beautification Committee, Daphne, Alabama

City Hall, 9:00 a.m., July 10, 2009

1. Call to Order: 9:07
2. Guests – None present
3. Treasurers Report- Selena Vaughn presented the report for July. Motion was made and seconded to accept it as presented. Proposed budget items presented were revised by committee.

*Copy Attacked

4. Public Works –
 - a. The Welcome to Daphne sign off I-65 needs refurbishing. To be looked into.
 - b. The LED lights for Christmas need to be ordered by July 31. Goal is to change all bulbs to LED.
 - c. American flags have been ordered for HYW. 98 and Main St. Money for flags will come out of a different budget.
 - d. Mr. Eady suggested transplanting shrubs from the Civic Center to other parts of the city in the fall.
 - e. The cost of maintenance is a problem thus new plantings need to slow down.
5. Arbor Day – No report.
6. Beautification Awards – Award was given to Bank Trust in District 2.
7. Gator Alley – The Kiwanis Club is now in partnership with this park.
8. Median Crossovers-Meeting to be set with Marshall Parsons.
9. Seasonal Decorations – Meeting set to discuss LED lights, etc. on July 10th
10. Comments –

Maxine said it looked great on Hwy. 98.

Public works said they are trying to acquire a mulching machine.

Bea said the stump in Centennial Park looks really bad.

Selena and David decided what signs – for names and rules of each park.

Pat Wilder stated that there will be a Christmas Open House on the day of the Christmas Parade. Need to discuss seasonal things.

Dorothy thanked Public Works for all they do. Reminded that next meeting will be on Aug. 7th Adjournment: 10:25.

**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:

This is a summarization of the minutes due to a malfunction of the recording equipment.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 2, 2009 - 6:00 P.M.
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. Let us have roll call.

Call of Roll:

Members Present:

Jeri Hargiss, Secretary
Frank Lamb
Glen Swaney
Willie Robison, Chairman
Billy Mayhand, Vice Chairman
Jim Moss

Members Absent:

Barry Taylor

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated the next item on the agenda is the approval of the July 2nd minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the July 2, 2009 meeting were considered for approval.

The Chairman will entertain a motion to approve the minutes as written.

A Motion was made by Mr. Swaney and Seconded by Mr. Lamb to approve the minutes as written.

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

New Business:

Appeal #2009-04 - Earl & Amy Kellam

This is a summarization of the minutes due to a malfunction of the recording equipment.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 2, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated next is new business on the agenda, Appeal #2009-04, Earl & Amy Kellam, a variance to allow the existing structure located at 103 Nicole Place, a residence, to add on a garage and encroach the side yard setback line by five-feet on the west side. The Chairman stated Ms. Jones, if would you please take us through Appeal #2009-04.

Ms. Jones displayed a Power Point Presentation of 103 Nicole Place, the site of the request for a variance that would allow a proposed garage to be constructed to encroach the side yard setback by five-feet on the west side of the existing home. There are residences on both sides and in the rear of this property and it is zoned R-3. Here is a slide of the property showing an existing encroachment on the front of the house and the proposed five-foot side yard setback line encroachment. The house is being renovated to repair flood damages. The applicant proposes to build a garage on the west side of the property to meet the Lake Forest covenant requirements. She stated it appears the area of the proposed garage is approximately 496 square feet; and it appears that approximately 280 square feet would encroach into the side setback and also into the front setback and that is approximately 56% of the structure. This encroachment would certainly have a direct impact on the neighboring property owner to the west.

The Chairman stated is there anyone here to speak on behalf of this appeal? If so, please step up to the microphone and state your name and address for the record.

Mr. Kellam stated my name is Earl Kellam and I live at 103 Nicole Place. Mr. Kellam explained his house was being repaired from flood damage from a hard rain several months ago that he needed to add a garage to comply with Lake Forest covenants and to divert rain water from flooding his home again into an existing pipe nearby. Mr. Kellam disputed the accuracy of the figures presented by Ms. Jones.

Ms. Jones stated I used the survey prepared by Moore Surveying which is a scaled drawing.

Mr. Mayhand asked if the garage would create an impact on the neighbor to the west.

Mr. Kellam stated no. He said this problem has existed for some time and that the City is aware of it, but have not taken any action as of yet. He stated about eight houses around him were getting flooded with storms like we had in March.

Mr. Moss asked if there had ever been a garage on the house. Was the part of the house on the west a garage that he was closing in?

This is a summarization of the minutes due to a malfunction of the recording equipment.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 2, 2009 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Mr. Kellam stated no. That was a hallway with a door on the front that we used as an entrance to the house where the water got in and a door on the side. They closed off the doors and raised the windows to prevent water from getting into the house.

The Board discussed the enclosed sun room and asked if a one car garage would work. They also discussed the possibility of the shed encroaching the setback line and they asked Mr. Kellam could he add the garage onto the back of the house.

Mr. Kellam stated no because he would not be able to drive around the back of the house.

The Chairman stated does the Board have any other questions or comments? If not, let the record show there is not any one present to speak in opposition of this appeal. The Chairman will entertain a motion.

The appeal was denied due to the lack of a motion.

There being no other business the meeting was adjourned.

Adjournment:

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Mayhand** to adjourn.

The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: August 6, 2009

Willie Robison, Chairman

/ph

SET A PUBLIC HEARING DATE FOR

SEPTEMBER 21, 2009

TO CONSIDER:

- 1.) **REZONE:** **Trione Heir Property**
Property located southwest of the
intersection of Main Street and
Belrose Avenue / Requested zoning
B-2, General Business

Unanimous unfavorable
Recommendation from the
Planning Commission

- 2.) **Revision to Zoning Map**

Unanimous favorable recommendation from Planning
Commission

- 3.) **Revision to Olde Towne District Map**

Unanimous favorable recommendation from Planning
Commission

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Trione Heir Property,
Zoning Amendment
Date: July 27, 2009

MEMORANDUM

PRESENT ZONING: R-2, Medium Density Single Family Residential

PROPOSED ZONING: B-2, General Business

LOCATION: Southwest of the intersection of Main Street and Belrose Avenue

RECOMMENDATION: At the July 23, 2009, regular meeting of the City of Daphne Planning Commission, six members were present and the vote carried unanimously for the unfavorable recommendation of the above-mentioned zoning amendment for the following zoning districts: B-2, General Business, and B-1, Local Business. The owner rejected the recommendation for the Commission to vote on a zoning change to B-3, Professional Business.

REFERENCE: Subdivision: Block 3, Yuille Subdivision, Belrose Wharf, Lots 31, 32, and a portion of Lot 33

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

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners
6. Preliminary Draft of Site Plan





**COMMUNITY DEVELOPMENT STAFF REPORT:
Proposed Zoning Amendment for 706 Belrose Avenue
Trione Heir Property (0.4 acres +/-)**

Present Zoning: R-2, Medium Density Single Family Residential

Proposed Zoning: B-2, General Business

Agent: Karl Gustafson

The petitioner proposes to rezone the subject 0.4 acre parcel from R-2 to B-2 in order to, as the petition states, “establish a commercial office in the existing residential building.” The neighborhood character is a mix of eateries, offices, and institutional facilities along with a few remaining residences.

The property is situated between Mancini’s restaurant and a residence to the west and City Hall to the south. Rezoning this site to a low intensity commercial zone may be considered compatible with the existing development.

Is B-2 An Appropriate Zoning District?

All uses allowed in a B-1 district are allowed in a B-2 district. However, the more intense commercial uses, some of which are allowed in a C/I zone, are not allowed in B-1. Examples include repair shops (automotive, motorcycle, boat), fabricating shops, contractors yards, building supplies, auto sales, supply stores (barber and beauty, building, dental), and laundry mats.

Although the other properties in the immediate area are zoned B-2, B-1 zoning would be consistent with the uses in the area. Many of the existing businesses in the area were established long before the Olde Town Daphne District was established and perhaps, before zoning was established. *Once property is zoned, the property can be used for any use allowed by the Table of Permitted Uses without restriction [to the use specified at the time of the zoning application].*

Is the Property of Sufficient Size to be Used for the Intended Purpose?

In Article 13, District Requirements, Section 13-8, Performance Standards for Nonresidential Districts, specifies the following:

- (a) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.

-Continued-

- (e) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities, paved and landscaped parking areas, and other requirements of this Ordinance, as well as, State and Federal regulations.

It is questionable that this application meets the requirement provided in Item (a) above. Half of each proposed parking space is located in the right of way, not on the subject property.

If the applicant's petition to amend the Olde Towne Daphne District is approved, then the property would be subject to Article 13-4 Special Provisions which specifies the following:

- (b) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Again, it is questionable that this application meets the requirement provided in Item (b) above. Half of each proposed parking space is located in the right of way, not on the subject property.

This issue will arise in the site plan application process if the zoning is approved. Since these provisions have been articulated in the Ordinance, it would be appropriate to determine whether the size of the property is a major factor on the future use of the property and in considering rezoning the property.

Annexation petitions, like zoning amendments and preliminary plat requests are approved by an affirmative vote of six (6) members

SUMMARY OF DEPARTMENTAL REVIEWS/RECOMMENDATIONS



Community Development – If the Planning Commission were inclined to approve a commercial zoning at this location, B-1 Local Business would be more appropriate than B-2 General Business.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z09-03 Date Plat Submitted: June 23, 2009

Date Presented: July 23, 2009

Name of Owner: Trione Heir Property, LLC c/o Frank Trione

Address: 10210 Plantation Drive, Daphne, AL 36526 Telephone # 251.232.5511
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Karl Gustafson

Address: Post Office Box 3191, Daphne, AL 36526 Telephone # 251-895-1579
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Blk. 3, Yuilles Subdivision, Belrose Wharf

Lot(s): Lots 31, 32, and 33 Unit _____

X Two (2) copies of legal description of the subject property.

X Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").

X List of the names and mailing addresses for the adjacent property owners (Date Submitted: July 23, 2009).

Meeting Dates:

Planning Commission: July 23, 2009

City Council: ~~July 6th and 20th~~ September 7, 2009

Reason(s) for requesting the Zoning Amendment:

Would like to establish a commercial office in the

existing residential building.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

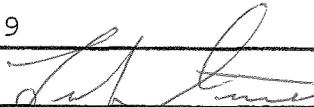
- a) Address 706 Belrose Avenue
Daphne, Alabama 36526
- b) Name of Subdivision Blk. 3, Yuilles Subdivision, Belrose Wharf
- c) Lot numbers involved in change Lots 31-33
- d) Total acreage of change _____
- e) Recorded in Map Book Misc Bk One Page 169
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-2, Residential Medium Density
- b) Reclassification desired B-2
- c) Character of neighborhood Retail, Commercial and Residential

3) Certifications:

- a) Owner's Name Trione Heir Property, LLC
- b) Address 10210 Plantation Drive, Daphne, AL 36526
- c) Telephone Number 251.232.5511
- d) Date July 23, 2009



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.

6/22/09

Date



Signature of Property Owner

TRIONE HEIR PROPERTY, LLC

ZONING AMENDMENT

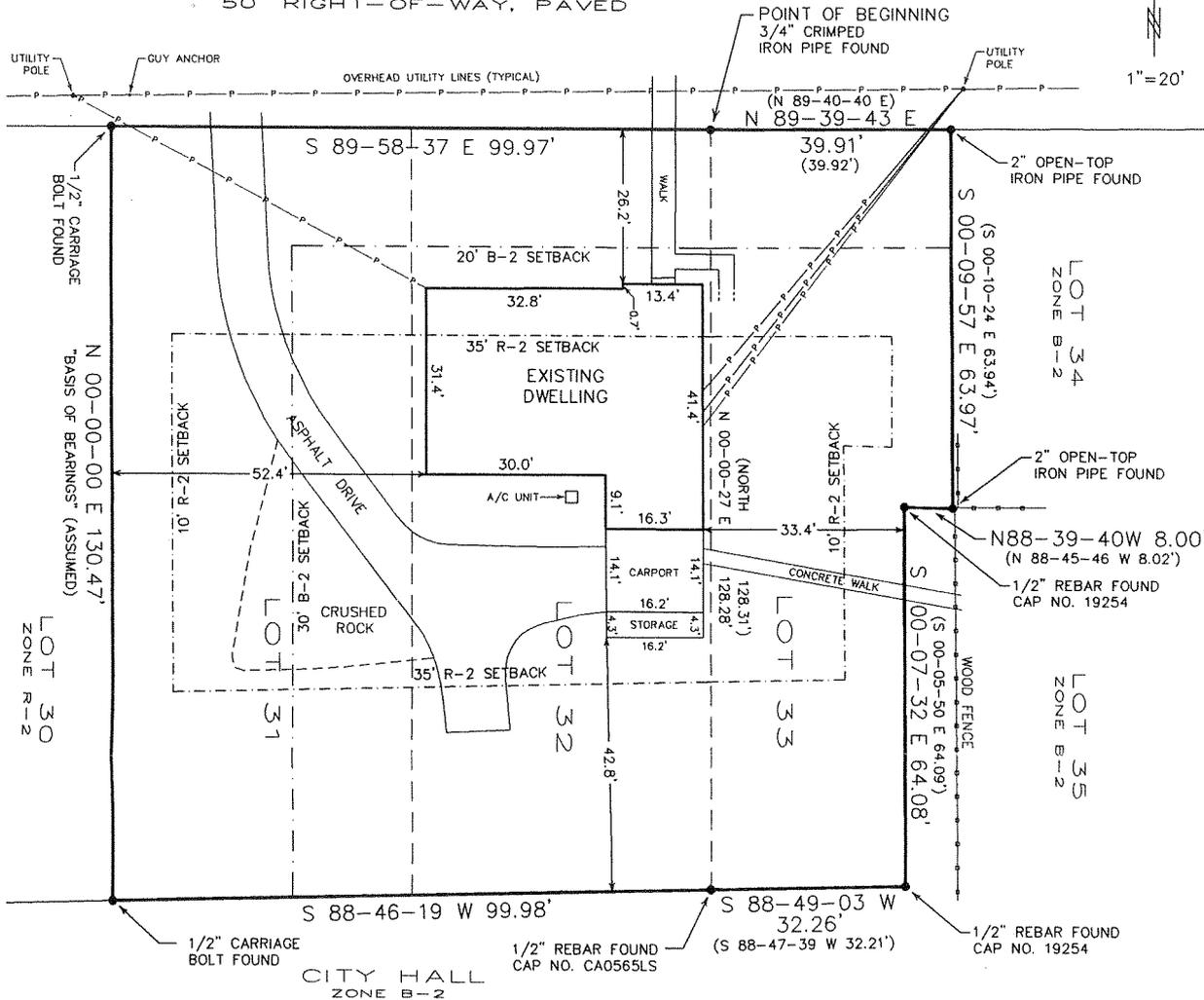
EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17,553.55 S.F. OR 0.403 ACRES MORE OR LESS.

BELROSE AVENUE

50' RIGHT-OF-WAY, PAVED



SURVEYOR'S NOTES:

BOUNDARY DATA SHOWN HEREON IS CALCULATED FROM TRAVERSE DATA.

DATA SHOWN IN PARENTHESES IS RECORD DATA DIFFERING FROM THE ACTUAL FINDINGS OF THIS SURVEY.

BOUNDARY MARKERS SHOWN HEREON HAVE BEEN GUARDED WITH STAKES PAINTED WHITE. ALL OTHER MARKS STAKED OR FLAGGED ARE ACCESSORY OR CONTROL POINTS.

F.E.M.A. FLOOD ZONE INFORMATION IS AVAILABLE UPON REQUEST.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN THOSE CALLED BY RECORD DOCUMENTS CITED HEREON OR VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

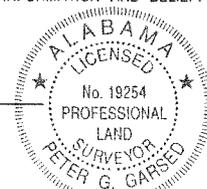
SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, PETER G. GARSED, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT PLAT OF MY SURVEY OF LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING.

I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Peter G. Garsed 6/4/09
PETER G. GARSED, P.L.S.
LICENSE NO. 19254



TRIONE HEIR PROPERTY ZONING AMENDMENT EXHIBIT "B"

GARSED LAND SURVEY 20741-B HIGHWAY NO. 181 P.O. BOX 1263 FAIRHOPE, AL 36533 (251) 928-6667	PLAT OF BOUNDARY & AS-BUILT SURVEY AT THE REQUEST OF KARL GUSTAFSON LOTS 31, 32 & PT. OF LOT 33, YUILLE SUBD. BELROSE WHARF BALDWIN COUNTY, ALABAMA	SURVEY DATE: JUNE 1, 2009	PLAT DATE: JUNE 3, 2009
		SCALE: 1"=20'	DRAWN BY: B.A.C.
		REVISIONS: NONE	DRAWING NO.: G09 - 146

Trione Heir Property, LLC

Adjacent Property Owners

Parcel ID No. 05-43-04-41-0-005-001.002

Parcel ID No. 05-43-04-41-0-005-029.002

Lot 34

Manci Enterprises, LLC

711 Captain O'Neal Drive

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-029.004

Parcel ID No. 05-43-04-41-0-005-030.001

Parcel ID No. 05-43-04-41-0-005-030.002

Lot 35

Kristopher T. and Melissa Conlon

1709 Main Street

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-028.000

Parcel ID No. 05-43-04-41-0-005-029.000

Lots 29 and 30

Leonard D. and Angele G. Trione

c/o Carolyn Burmeister

P.O. Box 878

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-001.000

Lot 1

MZM, Inc.

2610-B Dauphin Street, Suite 103

Mobile, AL 36606

Parcel ID No. 05-43-04-41-0-005-001.004

Lot 2

Belrose Partners, LLP.

P.O. Box 2790

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-001.003

Lot 3

Belrose Partners, LLP.

P.O. Box 2790

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-029.005

Lot 34

William A. Manci

1715 Main Street

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-002.000

Juanita H. McMillian

P.O. Box 34

Daphne, AL 36526

Parcel ID No. 05-43-04-41-0-005-030.000

City of Daphne

P.O. Box 2550

Daphne, AL 36526

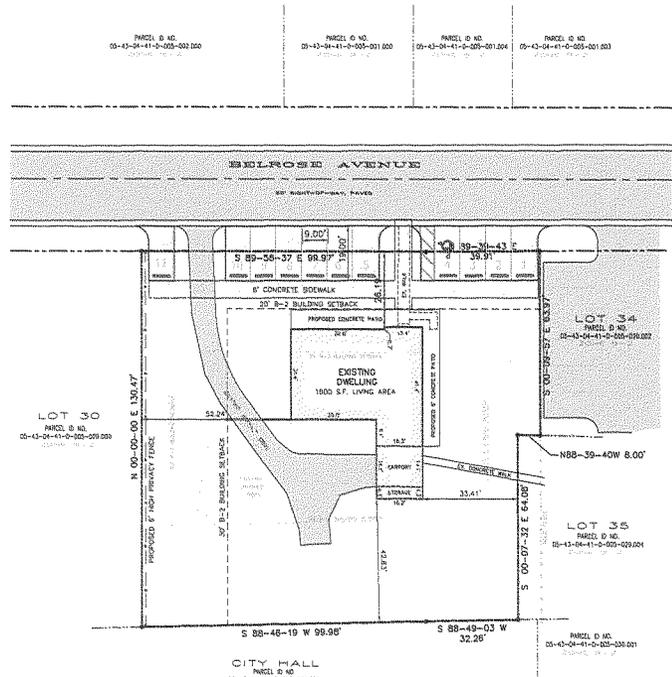
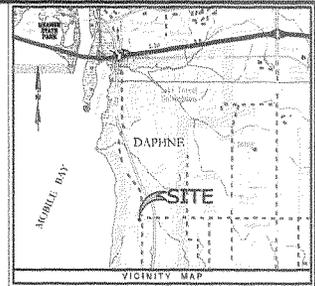
Parcel ID No. 05-43-04-41-0-005-001.003

Lot 3

Dr. Grant K. Smith, D.C. Chiropractic Center

715 Belrose Avenue

Daphne, AL 36526



PRESENT ZONING
R-2, RESIDENTIAL MEDIUM DENSITY

REQUESTED ZONING
B-2, GENERAL BUSINESS

SITE DATA

TOTAL LOT SIZE	= 17,553 S.F. OR 0.402 ACRES
EXISTING BUILDING (LIVING AREA)	= 1,600 S.F.
PARKING SPACES REQUIRED	= 7 SPACES
PARKING PROVIDED	= 11 SPACES

PROPERTY DESCRIPTION

PARCEL ID NOS. 05-43-04-41-0-005-029.003 AND 05-43-41-0-005-029.001

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 168, BALDWIN COUNTY PROBATE RECORDS, TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 83.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 08-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 84.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-48-03 WEST, 32.28 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17,553.56 S.F. OR 0.403 ACRES MORE OR LESS.

REQUEST FOR ZONING AMENDMENT
FOR
706 BELROSE AVENUE, DAPHNE, ALABAMA

LOTS 31, 32 AND A PORTION LOT 33,
BLOCK 3, YUILLE SUBDIVISION, BELROSE WHARF
BALDWIN COUNTY, ALABAMA

ORDINANCE NO. 2009 –

**Ordinance to Rezone Property Located Southwest of the Intersection of Main Street
and Belrose Avenue
Trione Heir Property**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-2, General Business District to said property is located southwest of the intersection of Main Street and Belrose Avenue, being more particularly described as follows:

LEGAL DESCRIPTION

LOTS 31 AND 32, BLOCK 3, OF "YUILLE SUBDIVISION, BELROSE WHARF", ACCORDING TO THE PLAT THEREOF RECORDED IN MISCELLANEOUS BOOK 1, PAGE 169, BALDWIN COUNTY PROBATE RECORDS; TOGETHER WITH THAT PORTION OF LOT 33 OF SAID "YUILLE SUBDIVISION, BELROSE WHARF" DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE MARKER PURPORTED TO MARK THE NORTHWEST CORNER OF SAID LOT 33; RUN THENCE NORTH 89-39-43 EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BELROSE AVENUE (50 FOOT WIDE RIGHT-OF-WAY), 39.91 FEET TO A 2-INCH PIPE MARKER; RUN THENCE SOUTH 00-09-57 EAST, 63.97 FEET TO A 2-INCH PIPE MARKER; RUN THENCE NORTH 88-39-40 WEST, 8.00 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 00-07-32 EAST, 64.08 FEET TO A CAPPED REBAR MARKER; RUN THENCE SOUTH 88-49-03 WEST, 32.26 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-00-27 EAST, 128.28 FEET TO THE POINT OF BEGINNING, CONTAINING 17,553.55 S.F. OR 0.403 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 23, 2009 has considered said request and set forth a unanimous unfavorable 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, September 21, 2009 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-2, Medium Density Single Family Residential District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Revised City of Daphne Zoning Map
Date: July 27, 2009

MEMORANDUM

At the July 23, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

The ordinance was prepared and provided by the City Attorney's office (See Attached). Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

Enclosure

1. Community Development Staff Report
2. Ordinance



COMMUNITY DEVELOPMENT STAFF REPORT: Revision to the City of Daphne Zoning and Street Maps

Nancy Anderson will present the updated Zoning and Street maps to codify changes that have been approved between January 2009 and June 2009. Any changes made to these maps have been approved either through the zoning amendment, subdivision, or annexation process each of which are substantiated by ordinance or resolution adopted by the City Council in accordance with applicable State statutes.



COMMUNITY DEVELOPMENT RECOMMENDATION
Approval of both maps.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-**

**Zoning District Map
Revision to Appendix H of the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 23, 2009, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, Ordinance 2008-56 and Ordinance 2009-19; and

WHEREAS, due notice of said proposed zoning map amendments 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, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on September 21; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances No. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56 and 2009-19 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Proposed Revision to the City of
Daphne Olde Towne Daphne District
Map

MEMORANDUM

Date: July 27, 2009

At the July 23, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for an unfavorable recommendation of the above captioned district map.

The ordinance was prepared and provided by the City Attorney's office (See Attached). Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

Enclosure

1. Community Development Staff Report
2. Ordinance

**COMMUNITY DEVELOPMENT STAFF REPORT:
Proposed Amendment to the Olde Towne Daphne District Map**

The Olde Towne Daphne District was established by Ordinance 2002-27 and amended by Ordinance 2003-05, 2005-12, 2008-04. The petitioner proposes to amend the Olde Towne Daphne District Map to include 3 lots of Block 3, Yuilles Subdivision, Belrose Wharf (Lots 31, 32, 33), into the district. There is a residence on site currently zoned R-2. The subject property is located immediately west of Mancì's restaurant, south of Belrose Avenue, and abuts the northern property line of Daphne City Hall. The property to the north, across Belrose Avenue, was included in the original District boundaries and is zoned B-2. There is a house on the property to the west; that site is zoned R-2.

The applicant proposes to rezone the subject property to B-2. If the site were zoned B-2, inclusion in the Olde Towne District would be advantageous to the applicant because inclusion would allow reduced parking, landscaping, setback requirements, etc.

Minutes from previous Planning Commission hearings on the Olde Towne Daphne Map will be provided for the work session.

Like zoning amendments, annexation petitions and preliminary plat approvals, an amendment to the Olde Towne Daphne map must be approved by an affirmative vote of six (6) members

SUMMARY OF DEPARTMENTAL REVIEWS/RECOMMENDATIONS

 Community Development – If the Planning Commission were inclined to approve an amendment to the Olde Towne Daphne District map for the above-mentioned property, then consideration should be given to include the other parcel immediately to the west into the district as well. Thereafter, no additions in the Olde Towne Daphne District should be approved on Belrose Avenue.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2009-**

**Zoning District Map
Revision to Appendix H of the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 23, 2009, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48 and Ordinance 2008-56, Ordinance 2009-19; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance 2007-48, Ordinance 2008-56 and Ordinance 2009-19; and

WHEREAS, due notice of said proposed zoning map amendments 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, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on September 21; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances No. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56 and 2009-19 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ___ DAY OF _____, 2009.

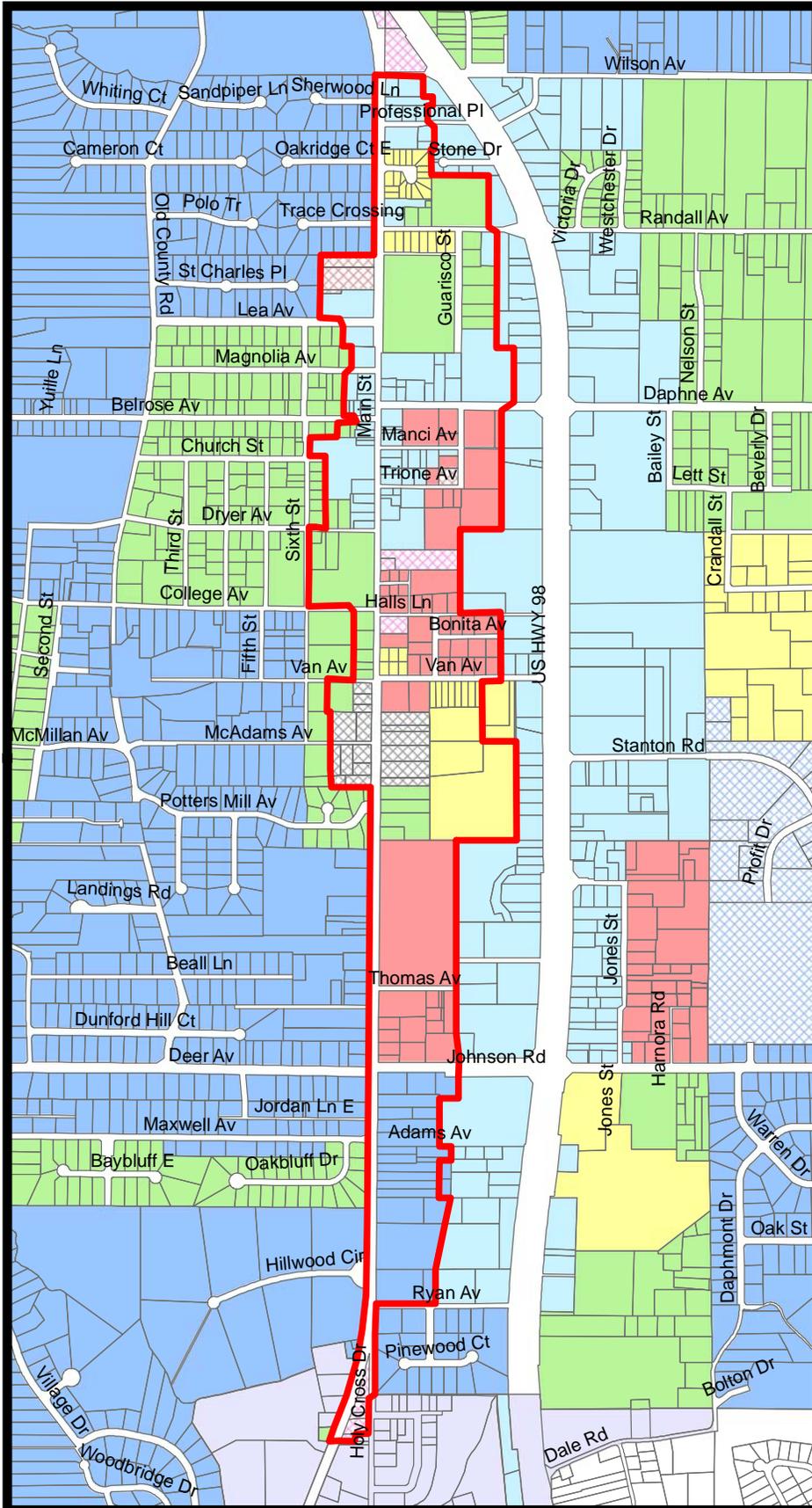
JOHN LAKE,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

The Olde Towne Daphne District *Draft*



Legend

- OldeTowneOverlayREV
- R-1
- R-2
- R-3
- R-4
- R-5
- B-1
- B-2
- B-3
- C/I
- M/U
- ET JURISDICTION

Draft

ADOPTED BY THE CITY OF DAPHNE PLANNING COMMISSION
DATE:

PLANNING COMMISSION CHAIRMAN
ED KIRBY

ADOPTED BY THE DAPHNE CITY COUNCIL
DATE:

MAYOR
FRED SMALL

CITY CLERK
DAVID COHEN



The Jubilee City

REV. 1 ORDINANCE NUMBER 2005-12
REV. 2 ORDINANCE NUMBER 2008-04

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CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 23, 2009 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

1. **CALL TO ORDER** DATE: JULY 28, 2009

2. **CALL OF ROLL** ADJ/JD

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of June 25, 2009. (APPROVED WITH REVISIONS).

4. **NEW BUSINESS:**

A. **ADMINISTRATIVE PRESENTATION:**

1. Presentation to be given by Nancy Anderson, GIS Manager, of a revision to the City of Daphne Zoning and Street Maps. (UNANIMOUS FAVORABLE RECOMMENDATION).
2. Presentation to be given by Ms. Sharon Jones, representing the Bay Branch Property Owners Association, regarding lot 60 of Bay Branch Subdivision, Phase Three located southeast of Alabama Highway 181 and U. S. Highway 90 requesting an exemption to the regulations in accordance with Section 11-5 of the Land Use and Development Regulations which states, "The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur." Subject property is located in the City of Daphne's extraterritorial jurisdiction. (APPROVED)
3. Presentation to be given by Ms. Adrienne Jones, Director of Community Development, requesting annexation of a portion of the right-of-way(s) of U.S. Highway 90 and Alabama Highway 181. (UNANIMOUS FAVORABLE RECOMMENDATION).
4. Presentation to be given by Mr. Karl Gustafson, representative for Trione Heir Property, of a revision to the City of Daphne Olde Towne Daphne District Map. (UNANIMOUS UNFAVORABLE RECOMMENDATION).

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 23, 2009 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

B. PETITIONS:

ZONING AMENDMENT:

(UNFAVORABLE RECOMMENDATION FOR B-2, GENERAL BUSINESS, AND B-1, LOCAL BUSINESS. THE OWNER REJECTED THE RECOMMENDATION FOR THE COMMISSION TO VOTE ON A ZONING CHANGE TO B-3, PROFESSIONAL BUSINESS).

1. File Z09-03: Trione Heir Property

Present Zoning: *R-2, Medium Density Single Family Residential*

Proposed Zoning: *B-2, General Business*

Location: Southwest of the intersection of Main Street and Belrose Avenue
Area: 0.40 Acres ±
Owner: Trione Heir Property - Frank Trione
Agent: Karl Gustafson

- 5. PUBLIC PARTICIPATION**
- 6. ATTORNEY'S REPORT**
- 7. COMMISSIONER'S COMMENTS**
- 8. DIRECTOR'S COMMENTS**
- 9. ADJOURNMENT**

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 23, 2009 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CEFCO

CASE NO. 2009-5

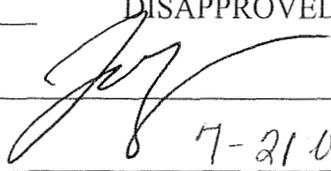
ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3-16-09 (initial) KS

DATE FORWARDED TO POLICE DEPT. 4-27-09 KS

DATE RECEIVED BY POLICE DEPT. 4/28/09 MMH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE 

DATE RETURNED TO REVENUE DIV. 7-21-09 KS

DATE FORWARDED TO CITY CLERK 7-21-09 KS

DATE RECEIVED BY CITY CLERK 7-21-09 RAH

SCHEDULED DATE ON AGENDA 8-03-09 RAH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



new owners

**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090316114908625**



Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:
 Type License: 070 - RETAIL TABLE WINE (OFF PRMISES ONLY) State: County:
 Trade Name: **CEFCO 406** Filing Fee:
 Applicant: **CEFCO A PARTNERSHIP** Transfer Fee: \$100.00
 Location Address: 29626 STATE HWY 181 DAPHNE, AL 36526
 Mailing Address: P O BOX 1287 TEMPLE, TX 76503
 County: **BALDWIN** Tobacco sales: **YES** Tobacco Vending Machines: **0**
 Sale of Products Containing Ephedrine: **YES** Type Ownership: **PARTNERSHIP**
 Book, Page, or Document info: Do you sell Draft Beer: **N**
 Date Incorporated: State incorporated: County Incorporated:
 Date of Authority:

Name: Title: Date and Place of Birth: Residence Address:

CATHY KIM COUFAL FIKES 06944990 - TX	PARTNER	11/20/1952 BRAZOS CO TX	11210 WHITEROCK DR TEMPLE, TX 76505
FIKES WHOLESALE INC 0000000 - TX TX, TEMPLE	PARTNER Incorporated:01/20/1976	01/20/1976 TEXAS	2002 SCOTT BLVD TEMPLE, TX 76504 Authority:02/28/2008
JAMES RAY FIKES 01466720 - TX	PARTNER	01/20/1946 MILAM CO TX	11210 WHITEROCK DR TEMPLE, TX 76502

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? **YES**
 Does ABC have any actions pending against the current licensee? **NO**
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? **NO**
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? **NO**
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? **YES**
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? **NO**
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? **NO**
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? **NO**

Contact Person: **DENNIS KELLEY**
 Business Phone: **254-791-0009**
 Fax:

Home Phone: **254-780-2750**
 Cell Phone:
 E-mail:

PREVIOUS LICENSE INFORMATION:
 Trade Name: **CEFCO 406**
 Applicant: **DEWEESE ENTERPRISES INC**

Previous License Number(s)
 License 1: **050-001259302-410**
 License 2: **070-001259302-000**



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION

Confirmation Number: 20090316114908625

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **DEWEESE ENTERPRISES INC 254-791-0009**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **YES**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3500** Display Square Footage:
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Number of licenses in the vicinity: **5** Nearest: **.25**
 Nearest school: **3 miles** Nearest church: **2 miles** Nearest residence: **2 blocks**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090316114908625



Initial each

RL
RL

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

RL

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

RL

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

RL

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

RL

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

RL

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

RL

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

RL

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Beth Lynd

Signature of Applicant: [Signature]

Notary Name (print): Charlotte Jernigan

Notary Signature: [Signature]

Commission expires: 06/04/2012

Application Taken: 3/16/09 App. Inv. Completed:
Submitted to Local Government: 3/16/09
Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
Received from Local Government:
Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20090316114908625

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?
Number of paid up members:
Are meetings regularly held?
How often?
Is business conducted through officers regularly elected?
Are members admitted by written application, investigation, and ballot?
Has Agent verified membership applications for each member listed?
Has at least 10% of members listed been confirmed and highlighted? Agent's Initials:
For what purpose is the club organized?
Does the property used, as well as the advantages, belong to all the members?
Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?
More than 30 days?

Franchisee or Concessionaire of above?
Other valid responsible organization:
Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:
Special terms and conditions for special event/special retail:

Other Explanations

Is the lessor involved in any way with the alcohol beverage business?: LESSOR
OFFICERS ARE SAME AS LESSEE OFFICERS



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20090316114908625



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
DEWEESE ENTERPRISES INC
Address: PO BOX 5338
MERIDIAN, MS 39302
Telephone: 254-907-2849

NEW APPLICANT:
CEFCO A PARTNERSHIP
Address: P O BOX 1287
TEMPLE, TX 76503
Telephone: 254-791-0009

Current License No: 050-001259302-410
070-001259302-000

LICENSED PREMISES ADDRESS: 29626 STATE HWY 181 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 16th day of March, 2009.

CURRENT LICENSEE (NAMED ON LICENSE)

Ruth Lynch

Print Name:
Title:

NEW LICENSEE (APPLICANT)

Ruth Lynch

Print Name:
Title:

WITNESS: (By ABC Enforcement)
Revised 9/08

Charlottesville

C/ab 44

CASE NO. 2009-10

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 6-15-09 (initial) RS

DATE FORWARDED TO POLICE DEPT. 6/18/09 RAH

DATE RECEIVED BY POLICE DEPT. 6/18/09 RAH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 7-30-2009 [Signature]

DATE FORWARDED TO CITY CLERK 7/30/09 RAH

DATE RECEIVED BY CITY CLERK 7/30/09 RAH

SCHEDULED DATE ON AGENDA 8/03/09 RAH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090615135030727**

Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I **State:** \$300.00 **County:** \$400.00
Type License: **State:** **County:**
Trade Name: CLUB 44 **Filing Fee:** \$50.00
Applicant: J D ENTERPRISES LLC **Transfer Fee:**
Location Address: 28850 HIGHWAY 98; SUITE 100 101 102 DAPHNE, AL 36526
Mailing Address: 28850 HIGHWAY 98; SUITE 100 101 102 DAPHNE, AL 36526
County: BALDWIN **Tobacco sales:** YES **Tobacco Vending Machines:** 1
Sale of Products Containing Ephedrine: NO **Type Ownership:** LLC
Book, Page, or Document info: 1180702 **Do you sell Draft Beer:** Y
Date Incorporated: 05/24/2009 **State incorporated:** AL **County Incorporated:** BALDWIN
Date of Authority: 05/24/2009 **Business Type:**

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

JOSHUA ADAM DONALDSON 7665556 - AL	OWNER	12/08/1985 ESCAMBIA, FLORIDA	178 LAKEVIEW LOOP DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: LISA MAMUSCIA **Home Phone:** 251-753-2000
Business Phone: 251-753-2000 **Cell Phone:**
Fax: **E-mail:** lisamamuscia@att.net

PREVIOUS LICENSE INFORMATION: **Previous License Number(s)**
Trade Name: CAPONES **License 1:** 010-001222802-470
Applicant: JASON WILLIAM COOPER GREEN **License 2:**



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090615135030727



Initial each

Signature page

LPM
LPM

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

LPM

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

LPM

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

LPM

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

LPM

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

LPM

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

LPM

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

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

LPM

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Lisa Pyritz MAMUSCIA

Signature of Applicant: *Lisa Pyritz*

Notary Name (print): J. Tim Spears

Notary Signature: *J. Tim Spears*

Commission expires:

Application Taken: 6/15/09 App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20090615135030727



If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: BILLY WILLIAMS 251-343-9500
 What is lessors primary business? REAL ESTATE
 Is lessor involved in any way with the alcoholic beverage business? NO
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO
 Is the business used to habitually and principally provide food to the public? NO
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 2900 Display Square Footage:
 Building seating capacity: 100 Does Licensed premises include a patio area? NO
 License Structure: SHOPPING CENTER License covers: PORTION OF
 Number of licenses in the vicinity: 10 Nearest: .1
 Nearest school: 1 miles Nearest church: 1 miles Nearest residence: 1 miles
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**CITY OF DAPHNE
RESOLUTION NO. 2009 - 72**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 23, 2009, favorably recommended to the City Council of the City of Daphne, Alabama a revision to the City of Daphne Street Map as presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, due notice of said revisions to the City of Daphne Street 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 City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believe it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on July 23, 2009, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, Resolution 2007-69, Resolution 2008-02, and Resolution 2008-41 entitled "City of Daphne Street Map" are hereby repealed in their entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2009.**

**JOHN LAKE,
COUNCIL PRESIDENT**
Date and Time Signed:

**FRED SMALL,
MAYOR**
Date and Time Signed:

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

To: Office of the City Clerk
From: Adrienne Jones,
Director of Community Development
Subject: Revised City of Daphne Street Map
Date: July 27, 2009

MEMORANDUM

At the July 23, 2009 regular meeting of the City of Daphne Planning Commission six members were present and the vote carried unanimously for the favorable recommendation of the acceptance of the above captioned map.

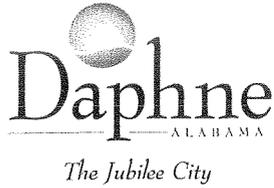
The resolution was prepared and provided by the City Attorney's office (See Attached). Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council.

Thank you,
ADJ/jd

cc: file

Enclosure

1. Community Development Staff Report
2. Ordinance



COMMUNITY DEVELOPMENT STAFF REPORT: Revision to the City of Daphne Zoning and Street Maps

Nancy Anderson will present the updated Zoning and Street maps to codify changes that have been approved between January 2009 and June 2009. Any changes made to these maps have been approved either through the zoning amendment, subdivision, or annexation process each of which are substantiated by ordinance or resolution adopted by the City Council in accordance with applicable State statutes.



COMMUNITY DEVELOPMENT RECOMMENDATION
Approval of both maps.

CITY OF DAPHNE

RESOLUTION 2009-73

**Designating Hutchinson, Moore and Rauch as Engineers for
City of Daphne Projects**

WHEREAS, the **CITY OF DAPHNE** has heretofore designated **HUTCHINSON, MOORE AND RAUCH, L.L.C.**, as the Engineers for the **CITY OF DAPHNE** for all city projects; and

WHEREAS, **HUTCHINSON, MOORE AND RAUCH, L.L.C.** currently has a contract for professional services with the **CITY OF DAPHNE** to provide engineering services; and

WHEREAS, the City Council of the **CITY OF DAPHNE** desires to reaffirm that **HUTCHINSON, MOORE AND RAUCH, L.L.C.** remain the City's sole engineer for all projects within the City of Daphne; and

WHEREAS, should city officials determine that **HUTCHINSON, MOORE AND RAUCH, L.L.C.** not be the designated engineers for any City projects or services, that the employment of any other engineering firm shall be approved in advance by the Daphne City Council;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY OF DAPHNE does hereby reaffirm that **HUTCHINSON, MOORE AND RAUCH, L.L.C.** shall be the City's engineering professional and that all projects and services that require engineering services shall be assigned to **HUTCHINSON, MOORE AND RAUCH, L.L.C.** and that should a different engineering professional be determined to be necessary, the same shall be first approved by the City Council in advance of any contract for the same.

JOHN LAKE
COUNCIL PRESIDENT
Date & Time Signed:_____

MAYOR
FRED SMALL
Date & Time Signed:_____

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

Gen'l Consultant

HUTCHINSON, MOORE & RAUCH, LLC

Contract for Professional Services

PART 1. GENERAL

THIS AGREEMENT, including attachments as hereinafter noted, made and entered into 9/19, 2000, and between HUTCHINSON, MOORE & RAUCH, LLC, whose address is 1290 Main Street, Suite D, Daphne, Alabama 36526 and the Client identified herein, provides for the Professional Services described under Part 3 of this Agreement.

Client: City of Daphne, Alabama

Address: Post Office Box 400

City/State/Zip Code: Daphne, Alabama 36526

Contact Person: Mike Hovey, Public Works Director

Phone No.: (334) 621-3182

Fax No.: (334) 621-3185

Short Title: General Consultant Services or the "Project"

PART 2. GENERAL DESCRIPTION OF PROJECT SITE:

City of Daphne, Alabama.

PART 3. DESCRIPTION OF PROFESSIONAL SERVICES to be provided by HUTCHINSON, MOORE & RAUCH, LLC are identified below:

SEE ATTACHMENT A.

PART 4. THE COMPENSATION TO BE PAID HUTCHINSON, MOORE & RAUCH, LLC for providing the requested Services shall be as follows:

SEE ATTACHMENT B

PART 5. TERMS AND CONDITIONS

- 5.1 **DATE OF COMMENCEMENT AND DURATION:** The Date of Commencement of this Agreement shall be the date last appearing on the signature page. This Agreement shall remain in effect until terminated as provided herein, or extended by mutual agreement in writing.
- 5.2 **IF HUTCHINSON, MOORE & RAUCH, LLC'S SERVICES UNDER THIS AGREEMENT ARE DELAYED** for reasons beyond HUTCHINSON, MOORE & RAUCH, LLC's control, the completion date specified in Part 5.1 of this Agreement shall be modified accordingly and the fees shall be renegotiated for any unfinished services as of the effective date of such change.
- 5.3 **COMPENSATION DEFINITIONS:** Reimbursable costs include: fees of Professional Subcontractors (whose expertise is required to complete the project) and out-of-pocket expenses, the cost of which shall be charged at actual costs plus an administrative charge of ten percent (10%) and shall be itemized and included in the invoice.

5.4 **INVOICE PROCEDURES AND PAYMENT:** HUTCHINSON, MOORE & RAUCH, LLC shall submit invoices to the Client for Services accomplished during each calendar month. For Services provided on a Lump Sum or Percent of Construction Cost basis, the amount of each monthly invoice shall be determined on the "percentage of completion method" whereby HUTCHINSON, MOORE & RAUCH, LLC, will estimate the percentage of the total Services accomplished during the invoicing period. Monthly invoices shall include, separately listed, any charges for Services for which time charges and/or unit costs shall apply. Such invoices shall also include, separately listed, any charges for Professional Subcontractors and reimbursable costs. Such invoices shall be submitted by HUTCHINSON, MOORE & RAUCH, LLC as soon as possible after the end of the month in which the Services were accomplished and shall be due and payable by the Client upon receipt.

The Client, as owner or authorized agent for the owner, hereby agrees that payment will be made for said Services within fifteen (15) days from the date of the invoice; and, in default of such payment, hereby agrees to pay all costs of collection, including reasonable attorney's fees, regardless of whether legal action is initiated. The Client hereby acknowledges that unpaid invoices shall accrue interest at twelve percent (12%) per annum after they have been outstanding for over fifteen (15) days. If an invoice remains unpaid sixty (60) days after the date of the invoice, HUTCHINSON, MOORE & RAUCH, LLC may, upon giving seven (7) days written notice of its intent to do so, suspend all Services on the Client's project. This suspension shall remain in effect until all unpaid invoices are paid in full. If an invoice remains unpaid ninety (90) days after the date of the invoice, HUTCHINSON, MOORE & RAUCH, LLC may, upon giving seven (7) days written notice of its intent to do so, terminate this Agreement and pursue its remedies for collection.

5.5 **EXPERT WITNESS SERVICES:** It is understood and agreed that HUTCHINSON, MOORE & RAUCH, LLC's services under this Agreement do not include participation, whatsoever, in any litigation. Should such services be required, a Professional Services Agreement Addendum may be negotiated between the Client and HUTCHINSON, MOORE & RAUCH, LLC describing the services desired and providing a basis for compensation to HUTCHINSON, MOORE & RAUCH, LLC

5.6 **COST ESTIMATES:** Client hereby acknowledges that HUTCHINSON, MOORE & RAUCH, LLC cannot warrant that estimates of probable construction or operating costs provided by HUTCHINSON, MOORE & RAUCH, LLC will not vary from actual costs incurred by the Client.

5.7 **LIMIT OF LIABILITY:** The limit of liability of HUTCHINSON, MOORE & RAUCH, LLC to the Client for any cause or combination of causes resulting from the Services hereunder rendered, shall be, in total amount, limited to the fees paid under this Agreement.

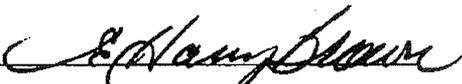
5.8 **CONSTRUCTION SERVICES:** If, under this Agreement, professional services are provided during the construction phase of the project, HUTCHINSON, MOORE & RAUCH, LLC shall not be responsible for or have control over means, methods, techniques, sequences, or procedures; or for safety precautions and programs in connection with the Work. Nor shall HUTCHINSON, MOORE & RAUCH, LLC be responsible for the Contractor's failure to carry out the Work in accordance with the Contract Documents or for Contractor's failure to comply with applicable laws, ordinances, rules or regulations. Under no circumstances will HUTCHINSON, MOORE & RAUCH, LLC have any direct contractual relationship with the contractor, any subcontractors or material suppliers.

5.9 **INSURANCE:** HUTCHINSON, MOORE & RAUCH, LLC shall at all times carry, on all operations hereunder, worker's compensation insurance, public liability and property insurance, and automotive public liability and property damage insurance.

- 5.10 **ASSIGNMENT:** Neither the Client nor HUTCHINSON, MOORE & RAUCH, LLC will assign or transfer its interest in this Agreement without the written consent of the other. HUTCHINSON, MOORE & RAUCH, LLC, however, does reserve the right to subcontract any portion of the Services.
- 5.11 **SUSPENSION, TERMINATION, CANCELLATION OR ABANDONMENT:** In the event the Project described in ATTACHMENT A, or the Services of HUTCHINSON, MOORE & RAUCH, LLC called for under this Agreement, is/are suspended, canceled, terminated, or abandoned by the Client, HUTCHINSON, MOORE & RAUCH, LLC shall be given seven (7) days prior written notice of such action and shall be compensated for the Services provided up to the date of suspension, termination, cancellation, or abandonment including reimbursable expenses in accordance with the provisions of this Agreement.
- 5.12 **ENTIRETY OF AGREEMENT:** This Agreement embodies the entire Agreement and understanding between the parties, their successors and assigns hereto, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. No alteration, change or modification of the terms of this Agreement shall be valid unless made in writing and signed by both parties hereto. This Agreement shall be governed by the laws of the State of Alabama unless specifically stated otherwise in ATTACHMENT B. This Agreement includes this document and:

ADDENDA (if required)
ATTACHMENT A - Scope of Services
ATTACHMENT B - Compensation

IN WITNESS WHEREOF, this Agreement which is subject to the terms and conditions of Parts 1 through 5; pages 1 through 3, and Attachments is accepted on the later date written below.

	CLIENT:		HUTCHINSON, MOORE & RAUCH, LLC:
SIGNED:		SIGNED:	
TYPED NAME:	E. HARRY BROWN	TYPED NAME:	SCOTT A. HUTCHINSON
TITLE:	MAYOR	TITLE:	VICE-PRESIDENT
DATE:	SEPTEMBER 19, 2000	DATE:	SEPTEMBER 19, 2000

ATTACHMENT A

SCOPE OF SERVICES

The City hereby employs HUTCHINSON, MOORE & RAUCH, LLC (HMR) to perform for the City, all professional engineering services, and represent the City as their Engineer.

A. TYPE OF SERVICES TO BE RENDERED

The types of services to be provided shall include, but not be limited to the following types of work:

1. Preliminary investigations, studies and reports; and related surveying services.
2. Preliminary General Plans and Cost Estimates.
3. Preliminary General Plans and Cost Estimates in support of Grant Applications.
4. Provide consultation to the City as requested.
5. Perform property surveys, write legal descriptions and prepare maps for property acquisition, condemnation proceedings, annexation, etc.
6. Prepare general and detailed plans, specifications, contract documents, cost estimates, reports and maps.
7. Provide construction observation services, resident or nonresident, as requested by the City.
8. Permit applications.
9. Other services as requested.

B. TYPES OF PROJECTS

HMR will be required to perform various engineering functions on numerous types of projects. The types shall include, but are not limited to, the following types of work:

1. Stormwater Management
2. Street and Highway Improvements
3. Utility Projects
4. Recreational Facilities
5. Master Planning
6. Environmental Permitting

ATTACHMENT B

COMPENSATION

HOURLY RATE SCHEDULE FOR PROFESSIONAL SERVICES

Attachment to contract by and between the City of Daphne, acting by and through its governing body, the Mayor and City Council and HUTCHINSON, MOORE & RAUCH, LLC, an Alabama Corporation with an office at 1290 Main Street, Suite D, Daphne, Alabama.

Compensation for professional services provided under Attachment B of the contract noted above shall include direct personnel expenses plus a surcharge equal to one hundred fifty percent (150%) of direct personnel expenses to cover overhead expenses and profit. The costs of professional services shall be invoiced by the hour for each employee for time spent actually working on the project.

All other expenses actually and necessarily incurred and referred to as reimbursable expenses shall be paid for at actual cost plus a ten (10%) percent administrative charge and shall be itemized and included in the invoice. Project reimbursable expenses include, but are not limited to: fees of professional associates approved by the City whose expertise is required to complete the project; extraordinary supplies, materials or reproduction cost directly required by the work; travel expenses; extra postage or delivery charges; or other fees paid on behalf of the City relating to the project.

If a specific scope of services for an assignment can be determined, a Lump Sum fee may be established for the assignment.

RATE SCHEDULE FOR PERCENT OF CONSTRUCTION

Attachment to contract by and between the City of Daphne, acting by and through its governing body, the Mayor and City Council and HUTCHINSON, MOORE & RAUCH, LLC, an Alabama Corporation with an office at 1290 Main Street, Suite D, Daphne, Alabama.

If the percent of construction method of reimbursement is to be utilized, it shall be agreed upon by the City and HUTCHINSON, MOORE & RAUCH, LLC prior to the beginning of the design phase. The rate schedule for percent of construction listed below applies to the preparation of construction documents, plans and specifications for construction projects. Invoices shall be based on the percentage of the plans complete at the time of the billing. Survey services shall be billed at the Hourly Rate Schedule for Professional Services as shown in this attachment. Planning, permitting, construction observation and other ancillary services will be in addition to the Design Fee and compensation will be paid under the Hourly Rate Schedule for Professional Services as shown in this attachment.

<u>CONSTRUCTION COST</u>	<u>DESIGN FEE</u>
\$100,000 to \$250,000	8.0%
\$250,000 to \$500,000	7.5%
\$500,000 to \$750,000	7.0%
\$750,000 to \$1,000,000	6.5%
\$1,000,000 and over	6.0%

The design shall not be less than for construction cost in the lower range of one construction step than is available by utilizing the maximum construction cost and preceding lower construction step.

ORDINANCE 2009-38

Increase Budget for Adult League Umpires

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Adult League participation has grown and monies are needed for additional umpires for Adult League games; and

WHEREAS, the City Council has determined it to be in the best interest of the City to appropriate additional funds for the Adult League umpires.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 16,200 for Adult League Umpire Fees.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-39

**General Fund Appropriation
Trione Soccer and Football Complex Engineering**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Resolution 2008-66 heretofore awarded the bid for the Trione Soccer and Football Complex Phase I to James Brothers Excavating Inc; and

WHEREAS, such bid award totaled \$ 837,218 and included additional Capital Reserve appropriations in the amount of \$ 147,731 and \$14,059; and

WHEREAS, subsequent to the execution of such contract, fees for engineering services were incurred; and

WHEREAS, such additional cost is not included in the project budget; and

WHEREAS, such engineering fees total \$ 49,313.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a Capital Reserve appropriation in the amount of \$ 49,313 for engineering services for the Trione Soccer and Football Complex.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

1ST READ

ORDINANCE 2009-40

Daphne Statue

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, the installation of the Daphne Statue in the Water Fountain in the front of the City Hall Building has been completed; and

WHEREAS, the cost of the Artist fees for the Daphne Statue total \$15,299.70 of which the Downtown Redevelopment Authority (DRA) paid \$2,197.22; and

WHEREAS, the Authority does not have funds available to pay the remaining balance due of \$ 13,102.48; and

WHEREAS, the City Council has determined it to be in the best interest of the City to fulfill the DRA's commitment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 6,551.24 for the Daphne Statue. The remaining balance will be paid in Fiscal 2010.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President

Date & Time Signed: _____

Fred Small, Mayor

Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-41

**Lodging Tax Appropriation
May Day Boat Launch Sand Management Study**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, Lodging Tax funds may be used for the purchase, development, and maintenance of beachfront property; and

WHEREAS, the City did heretofore receive a grant from the ADCNR (Alabama Dept of Conservation and Natural Resources) for improvements to the boat ramp at May Day Park; and

WHEREAS, such grant requires the City to monitor sand movement in order to evaluate the success of the project; and

WHEREAS, such study will total \$ 56,000 and 75% funding is available from the ADCNR; and

WHEREAS, the City's match required is \$ 14,000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Fiscal Year 2009 Budget is hereby amended to include a Lodging Tax appropriation in the amount of \$ 14,000 (City's match) for a three year sand management study for the May Day Boat Launch and the Mayor is hereby authorized to execute any and all documents related to such sand movement study.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____ , 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2009-42**

**AN ORDINANCE TO ANNEX PROPERTY
PROPERTY LOCATED ON THE NORTH SIDE OF MILTON JONES ROAD
SWIFT SUPPLY, INC.**

WHEREAS, on the 6th day of March, 2009, Swift Supply, Inc., being the owner of the real property herein described, did file with the City a petition asking that said real property be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of April 23, 2009, considered said petition and forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for said petition of annexation; and

WHEREAS, after proper publication a public hearing was held on August 3, 2009 by the City Council of the City of Daphne concerning said petition for annexation; and

WHEREAS, said petition did contain the signatures of all owners of the described real property and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne after lawful notice and public hearing did determine it is in the public interest that said property be annexed into the City of Daphne, Alabama and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

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

SECTION ONE: ANNEXATION

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME:	SWIFT SUPPLY, INC.
DESCRIPTION:	LOT 1 AND 3, MILTON JONES ROAD COMMERCIAL PARK AS RECORDED IN THE BALDWIN COUNTY PROBATE COURT RECORDS, SLIDE 2111-B.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama and to be zoned B-2, General Business District.

SECTION TWO: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS ____ DAY OF _____, 2009.

**JOHN LAKE
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**