

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
AUGUST 6, 2007
6:30 P.M.

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

INTERVIEWS: Fire Chief Position / James White / Kenny Hanak

3. APPROVE MINUTES: Council Meeting minutes meeting held July 16, 2007

PRESENTATION: 2007 Summer Reading Program Awards / and Introduction to the New Children's Librarian / Cathy Chandler and her new Assistant Rhonda Moss and Young Adult Librarian Louise Youngblood / Tonja Young, Library Director

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Scott

Review minutes meeting held July 23rd

a.) Prepaid Travel / Resolution 2007-63

- 1.) David L. Cohen / City Clerk / Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy / Tuscaloosa, AL / August 7-10, 2007 / \$140
- 2.) Rebecca A. Hayes / Assistant City Clerk / Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy / Tuscaloosa, AL / August 7-10, 2007 / \$140

b.) Resolutions:

- 1.) Declare Surplus Property (equipment) / Resolution 2007-64
- 2.) Daphne Volunteer Firefighters Association Agreement / Resolution 2007-65
- 3.) Signatories for Confiscated Funds Account / Resolution 2007-67
- 4.) ALDOT Agreement: Installation of Traffic Light at US 31 @Timber Creek Blvd. / Resolution 2007-68

c.) Ordinances:

- 1.) Appropriations from 7 Cent Gas Tax Fund:
 - a.) \$ 25,000 Installation of traffic signal at the intersection of Hwy 31 and Timber Creek Blvd. / Ordinance 2007-33
 - b.) \$10,000 Updated "head" for the traffic signals on downtown Main Street / Ordinance 2007-34
- 2.) Appropriation: \$2,742 / Fence at Welcome Center / Ordinance 2007-35
- 3.) Appropriation: \$30,055 / Complete E-Recycle building / Ordinance 2007-36

d.) Motions:

- 1.) Reject Bid 2007-S-Fuel
- 2.) Close CDBG repayment account and allocate balance of \$ 728.85 to Ecumenical Ministries

e.) Financial Reports:

- 1.) Treasurers Report / June 30, 2007
- 2.) Sales Tax Collections / May 31, 2007
- 3.) Lodging Tax Collections / May 31, 2007

B. BUILDINGS & PROPERTY - Lake

C. PUBLIC SAFETY - Burnam

Review minutes meeting held July 10th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes meeting held June 29th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady*
- B. Downtown Redevelopment Authority – Barnette*
- C. Industrial Development Board - Yelding*
- D. Library Board - Lake*

Review minutes meeting held June 12th

Review minutes meeting held July 10th

Appointments to Library Board:

MOTION: Appoint Mary Riser to finish term of Ernie Seckinger (Term expires September 30, 2007) & Dee Gambill to finish term of William Sculley (Term expires 9/30/2008)

E. Planning Commission – Barnette

Review minutes meeting held June 28th

Set a Public Hearing date for September 17, 2007 to consider:

- 1.) Revision to the Zoning Map
- 2.) Rezoning: Property located on Wilson Avenue / Lori Galia-Clough / Requested zoning: From R-1, Low Density Single Family Residential District to R-4, High Density Single and Multi-Family Residential District / Negative Recommendation

F. Recreation Board - Palumbo

Review minutes meeting held July 11th

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

- A. Mayors Report*
- B. City Attorney’s Report*
- C. Department Head Comments*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Prepaid Travel / Cohen / Hayes. /Resolution 2007-63
- b.) Declaring Certain Property Surplus. /Resolution 2007-64
- c.) Agreement with Daphne Volunteer Firefighters Assn /Resolution 2007-65
- d.) Establishing an Environmental Advisory Committee. /Resolution 2007-66
- e.) Confiscated Funds Signatories. /Resolution 2007-67
- f.) Agreement with ALDOT: Installation of Traffic Signal at the Intersection of US 31 and Timber Creek Blvd. /Resolution 2007-68
- g.) Revisions to the City of Daphne Street Map. /Resolution 2007-69
- h.) 2008 Recreational Trails Grant Application /Resolution 2007-70

ORDINANCES:

2ND READ

- a.) **Establishing Certain Penalties and Amending the Enforcement Procedures for Violation of Certain Municipal Ordinances. /Ordinance 2007-31**

1ST READ

- b.) **Consenting to the Exchange of Certain Property by the Utility Board of the City of Daphne. /Ordinance 2007-32**
- c.) **Appropriation of Funds: Installation of a Traffic Control Device at US Highway 31 and Timber Creek Blvd. /Ordinance 2007-33**
- d.) **Appropriation of Funds: Traffic Signals / Main Street /Ordinance 2007-34**
- e.) **Appropriation of Funds: Fence @Welcome Center. /Ordinance 2007-35**
- f.) **Appropriation of Funds: E-Recycle Building Completion. /Ordinance 2007-36**
- g.) **Establishing Rules & Regulations for Daphne City Parks. /Ordinance 2007-37**

9. COUNCIL COMMENTS

MOTION: Change the September 3, 2007 Council meeting date, because of the Labor Day holiday

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**JULY 16, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:37 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Lake gave the invocation.

COUNCIL MEMBERS PRESENT: John Lake; Greg Burnam; Ron Scott; August Palumbo.

ABSENT: Bailey Yelding; Cathy Barnette; Regina Landry;

Also present: Mayor Small; David Cohen, City Clerk; Bill Eady, Betsy Turner, Attorney; Bill Eady, Planning Department Director; Melvin McCarley, Public Works Supervisor; Sandra Morse, Civic Center Director; Kenneth Hanak, Fire Chief; David Carpenter, Police Chief; Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Suzanne Henson, Senior Accountant; Ray Moore, Hutchinson, Moore & Rauch; Rob McElroy, General Manager of Utilities; Ronald Allen, Library Board; Al Guarisco, Village Point; Willie Robison, BZA; Lon Johnston, Utility Board; John Coulter, IDB; County Commissioner David Ed Bishop.

Absent: Jay Ross, City Attorney.

INTERVIEWS: Fire Chief Position

The interviews were cancelled and will be rescheduled.

3. APPROVE MINUTES:

MOTION BY Mr. Scott to approve the Council meeting minutes meeting held July 2, 2007. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Burnam recognized County Commissioner David Ed Bishop.

PRESENTATION: Certificate of Appreciation to Robert Colville / Work on Butterfly Garden

Mayor Small read and presented the certificate to Robert Colville for his work on the Butterfly Garden.

PRESENTATION: Tameron Honda Go-Zone Loan / Mr. Preston Bolt

Mr. Bolt stated that there were two (2) resolutions before Council for approval for Tameron Honda.

Council asked questions regarding the increase in funds and the development agreement.

Mr. Ryan Myers, Tameron Honda, answered saying that the increase is due to the rise in construction cost for the building.

Mr. Bolt answered questions regarding the agreement saying that they are not presenting an agreement, that one is not required and they will not present one at this time.

Mr. Scott stated that Tameron is included with the Aronov inducement agreement, so Council did not see the need for an additional agreement.

Mr. Bolt stated that there is no liability on the part of the city for the bonds, that it will fall to Tameron.

PRESENTATION: Dixie Youth 13 Year Old Baseball Team / John Peterson / Assistant Coach

Mr. Peterson stated that the team won the District Tournament and now they will be representing Daphne in the State Tournament in Enterprise, AL. He said that this will require an overnight stay for eleven (11) boys and three (3) coaches, and he asked the city for help in funding the program in order for them to compete at the State level. He introduced some of the team and coaches, and presented the District trophy to Council.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

The sales tax numbers are available and for the last three (3) months they were below budget, and year-to-date the numbers were some \$80,000 below budget, and in May that trend reversed itself, and \$70,000 above what was budgeted was collected. Year-to-date the numbers are still above budget because of the exceeding of ad valorem taxes by about \$200,000, so that has the city in the black.

MOTION BY Mr. Scott to contribute \$1,000 to the Dixie Youth Baseball Team to represent the city at the South State Tournament in Enterprise, AL. *Seconded by Mr. Lake.*

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

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The Committee met on July 6th and Mr. Lake gave a synopsis of the minutes from the meeting.

C. PUBLIC SAFETY COMMITTEE – Burnam

The minutes for the last meeting will be in the next Council packet. The next meeting will be August 7th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

The minutes for the last meeting will be in the next Council packet. The next meeting will be August 7th.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The next meeting will be July 27th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The next meeting will be August 2nd with two (2) appeals.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

MOTION BY Mr. Lake to set a Public Hearing Date for August 20, 2007 to consider the following:

- a.) **Annexation: Gates VI / Property located off County Road 64 and adjacent to Pollard Road / 7.26 Acres / Requested zoning: R-4, Multi-Family Residential District**
- b.) **Annexation: Alabama 200 Investment Group / Property located off the corner of Pollard and Whispering Pines Road / Requested zoning: R-4 Multi-Family Residential District**
- c.) **Rezoning: Grande Point Apartments / Property located on Lake Front Drive / Requested zoning: From R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District**

Seconded by Mr. Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

F. Recreation Board – Palumbo

MOTION BY Mr. Palumbo to authorize the Mayor to enter into a contract with Hutchinson, Moore and Rauch for a topographical survey for \$30,000 and for a wetland survey for \$9,500 funds to come from the de-annexation proceeds. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The Recreation Board minutes are in the packet, and Mr. Palumbo reported that the Dog Park rules have gone to the Ordinance Committee, and from there, on to Council so that the rules will be in place when the park opens.

G. Utility Board – Scott

The next meeting will be July 25th in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

Mayor Small reported that it had been a tough two (2) weeks for the city. He stated that in the last couple of weeks a lot of unexpected things have happened to the city family. He said that Helen Burdette, with Planning Department, lost her daughter suddenly last Friday, Mrs. Cureton's father is in the hospital in Birmingham, Mrs. Barnette's husband had open heart surgery and Mr. Yelding's wife passed away last Monday.

a.) Economic Development Agreement / Renaissance Center, LLC

Mr. Bolt stated that they are asking Council to approve Mr. Charles Patterson as a board of director member for the Cooperative District. He explained the Development Agreement saying that it is a separate district, and the plans are for the district to issue bonds to help finance a portion of the project. There will be public improvements that will consist of roads sidewalks, drainage, etc. some of which can be conveyed to the city or held by the district, but they will be publicly owned one way or the other. That will be between, basically, the developer, the district and the city. There will also be commercial improvements constructed in connection with that, and will be similar to other projects the city has done. The financing of the public improvements will be through the district, and the terms of the agreement provide that if the conveyance is made to the city this will enable the city to receive title insurance and protection and so forth. The bonds that will be issued would be a limited obligation of the cooperative district payable out of the assessments for that district as opposed to some general obligation payable from some other sources. The intent is that those bonds be tax exempt, they will be what is called, governmental bonds, and by packaging them under that it will not require things like Go-Zone allocations and that sort of thing. This will be similar to the Aronov project and to others that Council has seen before in over-all structure. That is the overall purpose of the agreement.

Council asked questions regarding the amount of the bonds and about the second part of the agreement regarding sales tax sharing. They felt it was in the best interest of the city that the amount of the bond be as small as possible so that the city can start collecting 100% of the sales tax as opposed to 60%.

Mr. Terry Ogletree, a Renaissance investor, stated regarding appointing Mr. Patterson to the board that he is a resident of Daphne and an investor in the project, and that is why they recommended him in that role. He stated regarding the agreement that there are two (2) improvement districts that Council has approved 1.)

Improvement District, 99-A, which receives its funding off assessments, because they anticipate that a large number of offices will be built in that complex as opposed to a large percentage of retail. The development

agreement that is on the agenda is for the 2.) Cooperative Improvement District which is tied to the sales tax issue, and only the retail, hotel and sales use tax facilities that are built there will fall under this district. The primary reason the city wanted to address this development agreement is that the developer has agreed to pay for the construction of the large common detention pond, if Malbis Properties donates the land, and if the city takes care of getting the engineering and permitting. This development agreement is the one that obligates the developer to fund the construction, and that will be part of the bond issue, but the full repayment will come from their share of the collections. The large detention pond is supposed to handle everything on the north side of Highway 90 between Highway 181 and Highway 13, and is the most crucial aspect contained in the development agreement to the city. They are trying to hold the formation meeting for the Cooperative Improvement District next week to get some things under way, and the last thing they needed from the city is the appointment of Mr. Patterson to the board. They have been estimating the amount of the bonds in the neighborhood of 7½ to 8 million dollars, and that includes all cost including onsite costs and the common detention pond and anything going on Highway 90, a traffic signal, etc. The cost of onsite will be strictly related to the public improvements.

Council discussed appointing a board member that will report back to Council, because this is a major development for Daphne.

MOTIONBY Mr. Scott to appoint Mr. John Lake to the Cooperative Improvement District Board of Directors for Renaissance Center, LLC. *Seconded by Mr. Lake.*

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

b.) MOTION: To contribute \$1,000 to the Dixie Youth Baseball Team to attend the South State Tournament in Enterprise, AL / July 20-22 (depending on how well they do they could be there until July 24th)

The motion was made earlier in the meeting.

B. City Attorney's Report

No report.

C. Department Head Comments:

Sandra Morse – Civic Center Director – announced that Ball Room Dancing will be Friday, and the Taste of the Eastern Shore tickets are on sale and will be August 3rd.

Tonja Young – Library Director - thanked on behalf of the staff and the Library Board Councilman Palumbo, Council President Burnam and Mayor Small for attending the Library Board meeting on July 10th to hear the NCDS CEO, Howard Benson, report the results of the Feasibility Study for the Library addition. She stated that the Library staff and Board intends to go forward with the NCDS recommendation of a six (6) month public awareness campaign prior to kicking off a fundraising campaign. She also reported that the new

quarterly “Road Scholar” speakers from the Alabama Humanities Foundation, featuring Delores Hydock will be at 6:30 p.m. on Tuesday July 24th.

7. PUBLIC PARTICIPATION

Mr. Ed Nelson – 30563 Laurel Court – representing Timbercreek POA – spoke regarding the city relinquishing its Planning jurisdiction for a couple of lots across from Timbercreek on Highway 181. He requested that the city not give up control of this area.

Dr. Jeffrey Dole – 596 Ridgewood Drive – spoke regarding the city adopting an ordinance regarding swimming pools that requires protective barriers during construction and before the pool is filled and to make sure it is sturdy enough to prevent entering.

Council President Burnam requested that the City Clerk to place this on the next Ordinance Committee agenda.

Ms. Lean O’Brian – 30570 Pine Court – spoke regarding the relinquishing of the Planning jurisdiction on Highway 181 across from Timbercreek. She is not in favor of giving up control of this area.

Mr. Henry Lawson – Lake Forest POA – spoke regarding the rezoning of the Grande Pointe Apartments and not being informed by Council of this construction or any activity associated with it, they only received a letter from the Planning Department.

Mr. Dan Bennett – 30715 Pine Court – spoke regarding the relinquishing of the Planning jurisdiction on Highway 181 across from Timbercreek. He is not in favor of giving up control of this area.

Mr. John Peterson – Daphne – thanked Council for contributing funds to the Dixie Boys 13 year old Baseball Team.

Mr. Henry Lawson – Lake Forest POA – spoke in favor of the action requested by Dr. Dole regarding a pool ordinance.

Mrs. Frieda Romanchuk – 30615 Laurel Court – spoke regarding including on the website information regarding the different committees.

Mr. John Strangethredl – 653 Pine Court - spoke regarding the relinquishing of the Planning jurisdiction on Highway 181 across from Timbercreek. He is not in favor of giving up control of this area.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) Extraterritorial Jurisdiction Amendment/Resolution 2007-45
- b.) Appointing One Director to the Board of Directors
of the Renaissance Cooperative District. /Resolution 2007-60
- c.) Intent to Reimburse Costs for a New Daphne Honda
Store from Proceeds of the City's Special Obligation Warrants. /Resolution 2007-61
- d.) Authorizing the Mayor to Execute and Deliver an
Amended Application for Go-Zone Bond Authority for
Tameron Honda Project/Resolution 2007-62

Council discussed Resolution 2007-45 regarding the area that would still be included IN THE Planning jurisdiction. Mr. Palumbo stated that he suggested that this be negotiated to leave these parcels out, which would still get rid of the other five (5) miles along Highway 31, and here it is brought back the same way it was presented the first time.

MOTION BY Mr. Scott to table Resolution 2007-45 in order to give the Planning Department an opportunity to bring back a resolution that would exclude those parcels north on Highway between I-10 and Highway 31. *Seconded by Mr. Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council made a motion earlier amending the name in Resolution 2007-60 to Mr. John Lake.

MOTION BY Mr. Scott to adopt Resolution 2007-60 with the amending of the name to Mr. John Lake. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to waive the reading of Resolution 2007-61. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Resolution 2007-61. *Seconded by Mr. Lake.*

AYE Lake, Scott, Burnam NAY Palumbo **MOTION CARRIED**

MOTION BY Mr. Scott to waive the reading of Resolution 2007-62. *Seconded by Mr. Lake.*

AYE Lake, Scott, Burnam NAY Palumbo **MOTION CARRIED**

MOTION BY Mr. Scott to adopt Resolution 2007-62. *Seconded by Mr. Lake.*

AYE Lake, Scott, Burnam NAY Palumbo **MOTION CARRIED**

ORDINANCES:

2nd READ

- a.) **Rezone: Big Sandy, LLC / Property located on the SE Corner of the intersection of Johnson Rd. and US Hwy 98 / From R-2, Medium Density Single Family Residential District to B-2, General Business District / Small Parcel From R-4, High Density Single and Multi-Family Residential District to B-2, General Business District/Ordinance 2007-30**

MOTION BY Mr. Palumbo to waive the reading of Ordinance 2007-30. *Seconded by Mr. Lake.*

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

1ST READ

- b.) **Establishing Certain Penalties and Amending the Enforcement Procedures for Violation of Certain Municipal Ordinances. /Ordinance 2007-31**

COUNCIL MADE ORDINANCE 2007-31 A 1ST READ

9. COUNCIL COMMENTS

Mr. Scott stated that the city has had a tough couple of weeks and when the city hurts they hurt together, and he hopes for some better days, and appreciates people keeping the public officials in their prayers, and they hurt for

**JULY 16, 2007
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

those who have lost loved ones. He said that there is some good news that, Mrs. Barnette's husband is out of intensive care and in a private room.

10. ADJOURN

MOTION BY Mr. Lake to adjourn. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

Respectfully submitted by,

David L. Cohen
City Clerk

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
July 23, 2007
4:00 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:05 pm. It was noted that this meeting was originally scheduled for July 9, 2007, but was rescheduled. Present were Chairman Ron Scott, Councilwoman Regina Landry, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Councilman Bailey Yelding was absent.

Also in attendance were Mayor Fred Small, Councilman Gus Palumbo, Public Works Superintendent Melvin McCarley, Revenue Officer Cornell Smith, and Mechanical Maintenance Supervisor Billy Crutchfield.

II. PUBLIC PARTICIPATION

III. ISSUES REQUIRING ACTION BY CITY COUNCIL

A. Prepaid Travel

- 1. David Cohen, City Clerk**– Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140
- 2. Rebecca Hayes, Assistant City Clerk** – Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140

Motion by Ms. Landry to recommend to Council to adopt a resolution approving the following prepaid travel:

- 1. David Cohen, City Clerk***– ***Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140***
- 2. Rebecca Hayes, Assistant City Clerk*** – ***Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140***

Seconded by Mr. Scott.

B. Bid - 2007-S- Fuel

The 2007-S- Fuel bid that had previously been tabled was discussed. It was noted that Minto Energy was the low bidder by 3/1000 of a cent, but that the City had experienced problems with Minto during Hurricane Ivan causing the City to purchase fuel from Louisiana at a greater cost. Ms. Briley recommended that all bids be rejected and the contract be re-bid with additional criteria concerning emergency deliveries. Ms. Henson noted that although the current contract with Pepco has expired, they are still honoring the contract price.

Motion by Ms. Landry to recommend to Council to reject the 2007-S-Fuel Bid and re-bid the fuel contract with additional criteria. Seconded by Mr. Scott.

C. Appropriation Requests

1. Traffic Signal – US 31 @ TimberCreek Blvd - \$25,000; and Traffic Signal Updates – Downtown Main Street - \$10,000

The Public Safety Committee's recommendation to put a traffic signal at the intersection of US 31 and Timbercreek Blvd was discussed. Public Works and ALDOT each did a study and determined there is a need for a signal at this intersection. ALDOT has agreed to pay half of the \$50,000 cost if the City will contribute the remaining \$25,000.

Mr. McCarley discussed that the traffic signals downtown on Main Street needed updating by installing a new "head" and that he currently has a quote of \$10,000 to provide the update.

Ms. Briley noted that both of these expenditures can be paid from the Seven Cent Gas Tax fund, which currently has an un-obligated balance of \$80,000.

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

\$25,000 to pay for one-half the cost of installing a traffic signal at the intersection of Hwy 31 and Timbercreek Blvd.

\$10,000 to purchase an updated "head" for the traffic signals on downtown Main Street

The total cost of \$35,000 to be paid from the Seven Cent Gas Tax Fund. Seconded by Ms. Landry.

2. Fence for Welcome Station - \$2,742

The Buildings and Property Committee's and Public Works' recommendations that a new fence be constructed at the Welcome Station was discussed. The total cost for the fence is \$2,741.34.

Motion by Mr. Scott to recommend to Council to adopt an ordinance to appropriate funds in the amount of \$2,742 to construct a fence at the Welcome Center. Seconded by Ms. Landry.

3. Recycle Building Completion - \$30,055

Mr. McCarley presented a break-down on the expenditures to date on the E-Recycle building and the items needed to complete it. It was discussed that the original budgeted amount of \$52,124 for the Hazardous Waste Building was inadequate to build it to meet the building and safety requirements so the purpose has been shifted to another need for recycling operations. Mr. McCarley noted that Councilwoman Cathy Barnette is researching Grant opportunities for a Hazardous Waste Building. Mr. McCarley discussed the need for additional work space and storage for recycling materials that are currently stored outside because of storage constraints.

Motion by Mr. Scott to recommend to Council to adopt an ordinance to appropriate funds in the amount of \$30,055 to complete the E-Recycle building. Seconded by Ms. Landry.

D. Declare Property Surplus

Schedule A was presented to be considered for surplus.

Motion by Ms. Landry to recommend to Council to adopt a resolution declaring the items listed on Schedule A as surplus property and authorizing the Mayor to dispose of such property. Seconded by Mr. Scott.

E. Approve Mayor to enter into contract with the Volunteer Fire Fighters - \$12,000

The annual agreement between the City and the Daphne Volunteer Firefighters Assn, Inc. was presented. It was discussed that the \$12,000 appropriation to them is a budgeted line item.

Motion by Ms. Landry to recommend to Council to authorize the Mayor to enter into an agreement with the Daphne Volunteer Firefighters Assn., Inc. in the amount of \$12,000.00. Seconded by Mr. Scott.

F. Approve Signatories for Confiscated Funds Account

A request from Captain Daniel Bell was presented updating the personnel responsible for the Confiscated Funds Account. It was noted these changes are needed due to promotions and personnel moves within the Police Department.

Motion by Ms. Landry to recommend to Council to approve the signatories for the Confiscated Funds Account as presented. Seconded by Mr. Scott.

IV. Current Business

Blue Cross Blue Shield Premium

It was discussed that next year's premium for health care coverage will not increase. The finance committee recognized the dedicated work Ms. Sharon Cureton, Human Resources Director, and her staff have done to make this possible.

V. FINANCIAL REPORTS

A. Treasurer's Report: June 30, 2007

The Treasurer's Report totaling \$24,196,646.30 was presented. Ms. Briley reported that the CDBG Loan Repay account was no longer needed (all repayments have been made) and asked that the remaining balance of \$728.85 balance be part of the FY07 contribution to Ecumenical Ministries and that the CDBG account be closed.

Motion by Ms. Landry to accept the Treasurer's Report as of June 30, 2007, in the amount of \$24,196,646.30, and the CDBG Loan Repay account balance of \$728.85 be applied to the FY 07 Ecumenical Ministries contribution and that the CDBG account be closed. Seconded by Mr. Scott.

B. Sales and Use Taxes: May 31, 2007

Sales and Use Tax collected for May, 2007 - \$1,021,498
Sales and Use Tax Budgeted for May, 2007 - \$ 950,447
Over Budget (for May) - \$ 71,051

YTD Budget Collections Variance (Under Budget) - (\$14,369)

It was noted that collections were over \$1 million and this is not a quarterly reporting month.

C. Lodging Tax Collections, May 31, 2007

The Lodging Tax Collections report shows \$52,564.61 collected for May, 2007.

D. Report of New Business Licenses – June 2007

A list showing new businesses for the month of June was presented.

E. Bills Paid Reports – June 2007

The Bills Paid Report for June 2007 was contained in Packet #2.

VI. ADJOURN

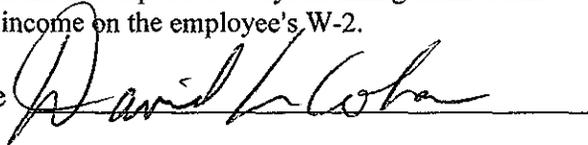
The meeting was adjourned at 4:55 p.m.

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	DAVID L. COHEN
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	AUGUST 7-10, 2007
SCHOOL/ORGANIZATION	CERTIFICATION TRAINING INSTITURE FOR MUNICIPAL CLERKS AND ADMINISTRATORS & MASTER MUNICIPAL CLERK ACADEMY
LOCATION FOR TRAINING: CITY/STATE	TUSCALOOSA, AL
REGISTRATION FEE	\$205.00
LODGING	\$267.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature




Department Head Approval

8069 120200 / 52211 / _____
 Vendor # Dept Org # Object # Proj #

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

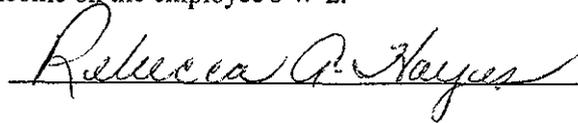
***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT.**

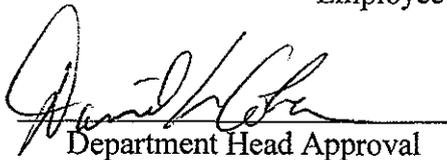
PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME/TITLE	REBECCA A. HAYES
DEPARTMENT	LEGISLATIVE
DATES OF TRAVEL	AUGUST 7-10, 2007
SCHOOL/ORGANIZATION	CERTIFICATION TRAINING INSTITUTE FOR MUNICIPAL CLERKS AND ADMINISTRATORS & MASTER MUNICIPAL CLERK ACADEMY
LOCATION FOR TRAINING: CITY/STATE	TUSCALOOSA, AL
REGISTRATION FEE	\$205.00
LODGING	\$267.00
TOTAL ADVANCE REQUESTED (\$35 x # OF DAYS)	\$140.00

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

Employee Signature

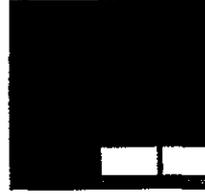



Department Head Approval

8064 120200 / 52211 / _____
 Vendor # Dept Org # Object # Proj #

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

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



- Online Career Courses
- Insurance Testing
- Accounting, Finance & Taxation
- Coalbed Methane
- Education
- Engineering Management
- Government
- Health & Human Services
- Human Resources
- Insurance Pre-licensing Courses
- Leadership
- Law Enforcement
- Lean Manufacturing
- Lifelong Learning
- Management
- Maintenance Management
- Materials, Purchasing, Warehouse & Traffic Management
- Advanced Placement Institute
- Quality
- Real Estate
- Six Sigma
- Summer Camps
- Technical
- Test Prep
- Forums

Course Information: Municipal Clerks Program

[<back>](#)

CEU Value: 2.00

only Breakfast Provided

Description:

Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy
Sponsored by The University of Alabama
Program Description

Although the job responsibilities of Municipal Clerks vary, there is a common thread that weaves this family of professionals together. The CMC & MMC Certification Programs are designed to inform Municipal Clerks of their expanding responsibilities, shared experiences and improved work procedures. This A€ program offers solutions to common problems and helps Municipal Clerks extend their critical professional capacities at all levels of government.

The CMC Program- The first Certified Municipal Clerk (CMC) Program was offered in 1969 to recognize those Municipal Clerks who had achieved basic levels of *professional competency*. The CMC award is granted after an applicant has met specific requirements in education, experience and professional participation. The CMC Program is available only to Municipal and Deputy Clerks who have been active members of the International Institute of Municipal Clerks for two years. Approximately one in two active IIMC members holds the CMC designation. Continued IIMC membership is required to retain CMC and recertified CMC status.

The MMCA Program- To assure continued excellence and personal growth, today's Municipal Clerks must embrace ongoing educational opportunities, and active involvement in their profession and society. The International Institute of Municipal Clerks (IIMC) Master Municipal Clerk

<http://pdcs.ccs.ua.edu/sessions.cfm?courseid=MCP&groupid=GOVPMDD>

7/5/2007

Academy (MMCA) program offers continuing advanced education programs for Clerks, and recognizes high-level achievements beyond attainment of the CMC designation.

Lodging

[Sheraton 4 Points | Hampton Inn](#)

[Other places to stay and things to do while in Tuscaloosa](#)

[Click for detailed description](#)

Sessions: [0430307_08/08/07 - Tuscaloosa , AL](#)

Kim

6-5-07 Hold pending
Recommendation

From: Jane Robbins [mayorassist@bellsouth.net]
Sent: Thursday, May 31, 2007 3:13 PM
To: 'Kim Briley'
Cc: mayorsmall@bellsouth.net
Subject: ALDOT agreement we looked at this morning

From Public
Safety Comm.

Finance
Comm.

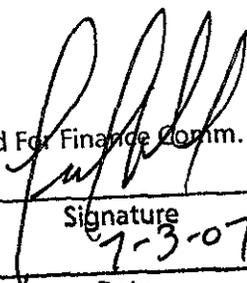
RE: TRAFFIC SIGNAL - US 31 @ TIMBER CREEK BLVD

The Mayor told me to see if it had gone before the Public Safety Committee. Michele Hanson told me it had and she has the minutes that state that Melvin sent it off to the state to see if they thought there should be a light there. So now ALDOT has sent this agreement back saying they will pay for half of it - so this needs to go before Finance. Do you need for Michele to send you the minutes? I will send this agreement to you via interoffice mail.

Thanks, Kim.

Jane Robbins
Assistant to Mayor Small
621-9000

Approved For Finance Comm. Agenda



Signature
7-3-07

Date



BOB RILEY
GOVERNOR

ALABAMA DEPARTMENT OF TRANSPORTATION

NINTH DIVISION
OFFICE OF DIVISION ENGINEER
1701 I-65 WEST SERVICE ROAD N
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



JOE MCINNES
TRANSPORTATION DIRECTOR

May 21, 2007

The Honorable Fred Small
Mayor of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: US 31 at Timber Creek Boulevard

Dear Mayor Small,

Please execute the attached memorandum of understanding, resolution and traffic signal maintenance agreement. Once the documents are executed please return them along with a \$25,000 check to cover the City's share of the installation cost. The check should be made payable to the Alabama Department of Transportation.

If any additional information is needed please advise.

Sincerely,

R. F. POIROUX, P. E.
Division engineer

C: Frankie Smith
Wayne Curry
File

Is this coming from the
Public Safety or Public
works committee?
yes
Kim
minutes
Michelle
5/30/07

Project Number: _____

Accounting Project Number: _____

MEMORANDUM OF UNDERSTANDING

FUNDING RATIO FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF U. S. 31 AND TIMBER CREEK BOULEVARD. IN DAPHNE, ALABAMA

The Alabama Department of Transportation (hereinafter referred to as the STATE) and the City of Daphne, Alabama (hereinafter referred to as the CITY) wishes to install a traffic signal at the intersection of US 31 and Timber Creek Blvd. in the City of Daphne.

This installation requires participation by the STATE and the CITY in funding the installation cost. The total estimated cost to install a traffic signal at this location is \$50,000 with 50 percent funded by the STATE and 50 percent funded by the CITY.

In the event the final installation cost is less than the total estimated cost, the STATE and the CITY will share in the cost underrun at the above-mentioned funding ratio and therefore the STATE will refund to the CITY 50 percent of the underrun. In the event the final installation cost exceeds the total estimated cost, the STATE and the CITY will share in the cost overrun at the above-mentioned funding ratio and therefore the CITY will submit a check to the STATE for 50 percent of the cost overrun.



Alabama Department of Transportation ^{NSA}
Division Engineer

City of Daphne
Authorized Signature

Permit Number _____ Project Number _____
 Division NINTH County BALDWIN

STATE OF ALABAMA *acting by and through the*
 ALABAMA DEPARTMENT OF TRANSPORTATION
 AGREEMENT FOR THE INSTALLATION AND/OR MAINTENANCE OF
 TRAFFIC CONTROL SIGNALS AND/OR STREET LIGHTING

This Agreement, in accordance with resolution number _____
 dated _____, attached hereto and made a part of this Agreement, is made
 and entered into by and between the Alabama Department of Transportation (hereinafter referred to as STATE),
CITY OF DAPHNE (hereinafter referred to as OWNER), and [() applicable
 (X) not applicable] _____ (hereinafter referred to as PERMITTEE,
 if applicable and so indicated) for the accomplishment of the following work as hereinafter indicated by the
 alphabetic letter of X marked in parenthesis, to wit:

- (X) A. Installation of new:
 - (X) Traffic Control Signals () Flashing Signal(s)
 - () Street Lighting () Other: _____
- () B. Upgrading of existing traffic control signal(s) and/or street lighting.
- () C. Removal of existing traffic control signal(s) and/or street lighting.
- (X) D. Operation and maintenance of installed or upgraded existing traffic control signal(s) and/or street
 lighting.

The accomplishment of the work above indicated by the alphabetic letter X marked in parenthesis and
 hereinafter signified by the use of the corresponding alphabetic letter A, B, C, and/or D as applicable, will be at the
 following location(s): *NOTE – If more space is needed, please use continuation sheets.*

US 31 @ TIMBER CREEK BLVD (A&D)

Now therefore, in consideration of the benefits occurring to each of the parties to this Agreement from the
 accomplishment of the work hereinbefore described, the parties hereto do hereby agree to the following provisions
 and terms for the accomplishment of the work hereinabove identified.

1. In the event the work to be accomplished is hereinabove identified by A and/or B, the
 (X) STATE () OWNER () PERMITTEE will furnish and the () STATE () OWNER () PERMITTEE
 will install the equipment and/or associated hardware utilized in the accomplishment of the work. In the event
 the STATE contributes funds to the work and the OWNER and/or PERMITTEE will be credited or debited for
 under-runs or overruns respectively, then "Exhibit O" is attached to and made a part of this agreement.
2. In the event the OWNER and/or PERMITTEE agrees to furnish and install the equipment and/or associated
 hardware at its own expense, the STATE will not participate in either the purchase, installation, maintenance, or
 provision of electrical energy for the equipment and/or associated hardware.
3. The equipment and/or associated hardware shall be installed in accordance with the applicable following:
 - A. Manual on Uniform Traffic Control Devices for Streets and Highways, current edition.
 - B. The State of Alabama Special and Standard Highway Drawings, current year version.
 - C. The National Electrical Code, current edition.
 - D. Alabama Department of Transportation Standard Specifications of Highway Construction, current edition.
 - E. Special Provision #3483, dated 15 September 1999, SECTION 750 – Furnishing & Installing Roadway
 Lighting System.

F. Code of Alabama, 1975 (as Amended) with specific reference to:

- 1) §23-1-113, Municipal Connecting Link Roads - Stipulations and conditions [specifically subparagraphs (6) and (7)].
- 2) §32-5A-32, Traffic-control signal legend.
- 3) §32-5A-33, Pedestrian-control signals.
- 4) §32-5A-34, Flashing signals.
- 5) §32-5A-35, Lane-direction-control signals.

4. The STATE shall determine the type, quality, and quantity of the equipment and/or associated hardware to be utilized in the accomplishment of the work hereinbefore provided for under this Agreement. In the event the OWNER and/or PERMITTEE furnishes and/or installs the equipment and/or associated hardware to be utilized in the accomplishment of the work hereinabove identified by A and/or B, the OWNER and/or PERMITTEE shall ascertain that the type and quality of the equipment and/or associated hardware is in accordance with the STATE's Materials, Sources, and Devices with Special Acceptance Requirements as maintained by the STATE's Bureau of Materials and Tests.
5. Title to any and all equipment and/or associated hardware furnished by the STATE shall remain in the STATE and the STATE is deemed to be the sole owner of such equipment and/or hardware.
6. The equipment and/or associated hardware shall be operated and maintained at the sole expense of the OWNER. The OWNER agrees to provide electrical energy on a continuing basis as required, beginning at the time of initial electrical service connection during the construction of the system. The OWNER agrees further to maintain said equipment and/or associated hardware in a good state of repair at all times, as required in accordance with the applicable documents: Manual on Uniform Traffic Control Devices for Streets and Highways; Alabama Department of Transportation Standard Specifications for Highway Construction; and Special Provision #3483, dated 15 September 1999, SECTION 750. Any traffic control signal equipment and/or associated hardware must also be in accordance with any traffic signal operating plan of the STATE which is in effect at the applicable time of such maintenance. If a malfunction of the equipment and/or associated hardware should ever occur, the OWNER shall effect repairs immediately. If said malfunction presents a potential hazard to the motoring public and the OWNER is unable to repair the equipment and/or associated hardware in a timely manner as determined by the STATE, the STATE reserves the right to repair the equipment and/or associated hardware and invoice the owner for all costs incurred. The OWNER agrees to pay to the STATE all such costs incurred by the STATE promptly upon receipt of the invoice from the STATE.
7. Removal of the equipment and/or associated hardware, hereinabove identified by C, will be at the sole expense of the (X) STATE () OWNER () PERMITTEE.
8. The STATE reserves the right to demand the removal of the equipment and/or associated hardware should the STATE deem its condition or operation hazardous. Further, the STATE shall have the right to remove the equipment and/or associated hardware should the OWNER fail to do so upon demand by the STATE. Any equipment and/or associated hardware which is deemed by the STATE to be non-uniform or obsolete will be removed and disposed of by the OWNER. None of the non-uniform or obsolete equipment and/or associated hardware which has been removed shall be reused on the STATE highway system.
9. In the event the STATE furnished equipment and/or associated hardware is removed by the OWNER at any future time, all such equipment shall be removed and returned to the STATE.
10. If future traffic conditions require changes and/or adjustments to said equipment and/or associated hardware (other than ordinary timing), the OWNER will obtain the approval of the STATE before such changes are implemented. All such changes shall be at the sole cost and expense of the OWNER.
11. In the event Federal funds are utilized in the accomplishment of the work hereinbefore described, "Exhibit M" is attached to and made a part of this Agreement.
12. FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be construed as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute of Constitutional provision or amendment, either now in effect or which may, during the course of this Agreement, be enacted, then the conflicting provision in the Agreement shall be deemed null and void.

For any and all disputes arising under the terms of this Agreement, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative Hearings or where appropriate, private mediators.

13. TERMINATION DUE TO INSUFFICIENT FUNDS

- a). If the Agreement term is to exceed more than one fiscal year, then said Agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
 - b). In the event of proration of the fund from which payment under this Agreement is to be made, this Agreement will be subject to termination.
14. Traffic volume counts, traffic signal warranting criteria, traffic signal diagrams, and final construction plans, as applicable, are attached hereto and made part of this Agreement.
15. Type and number of signal heads (Example: 1 each 1 way, 3 section, 12 in. red, 12 in. yellow, 12 in. green).

5 ea one way 3 section 12in red, 12 in yellow, 12 in green and 1 ea one way 5 section, 12 in red, 12 in yellow, 12 in yellow arrow, 12 in green, 12 in green arrow

TYPE OF SIGNAL	CONTROLLER
<input checked="" type="checkbox"/> Traffic Control <input type="checkbox"/> Pedestrian Control <input type="checkbox"/> Flashing Beacon <input type="checkbox"/> Lane Control <input type="checkbox"/> School Flasher <input type="checkbox"/> R. R. Crossing <input type="checkbox"/> Flasher With Sign Message <input type="checkbox"/> Other	Make: _____ Model #: _____ <input type="checkbox"/> Fixed Time <input type="checkbox"/> Two Phase <input type="checkbox"/> Semi Actuated <input type="checkbox"/> Four Phase <input type="checkbox"/> Full Actuated <input checked="" type="checkbox"/> Eight Phase <input type="checkbox"/> Other SYSTEM <input type="checkbox"/> YES <input type="checkbox"/> NO

16. Distance in feet to the nearest adjacent traffic control signal:
 North >1000 South >1000 East N/A West N/A
17. Vertical and horizontal clearances for all traffic control signal equipment and/or associated hardware shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways and the Alabama Department of Transportation Special and Standard Highway Drawings, current year edition.
18. The cycle length for actuated controller(s) shall be dictated by traffic actuation of the detectors, with minimum time ratios established from data contained in the traffic volume count. The cycle length and green time for fixed time controller(s) shall be dictated by the traffic volume count with adjustments when STATE approved.
19. In the event the warranting of the traffic signal(s) is based on projected traffic volumes developed and generated by a qualified Transportation Engineering consulting firm using computer programs, data and methodology noted in the Transportation Research Board's Highway Capacity Manual and the Institute of Transportation Engineers Trip Generation Handbook. If after the traffic signal is installed, the actual traffic volumes do not meet the Manual on Uniform Traffic Control Devices projected warranting criteria, the STATE reserves the right to demand the removal of the traffic signal and/or associated hardware from the STATE highway system.
20. In the event the work to be accomplished is hereinbefore identified by A and/or B and (1) in part or wholly constitutes an interconnected, coordinated, fixed time relationship, signal control operation between two or more intersections (herein referred to as a SYSTEM and hereinabove indicated by the alphabetic letter X marked in parenthesis in the controller box above), (2) is located within the limits of a SYSTEM, or (3) is within close proximity as to adjoin a SYSTEM. The PERMITTEE STATE OWNER shall substantiate the work identified by A and/or B to be SYSTEM compatible. Evidence of substantiation shall be submitted to the STATE prior to the execution of this Agreement and shall include a minimum of three (am peak, pm peak, and off peak) timing plans (cycle, split, and offset combinations) for all phasing sequences with associated time/space diagrams for each intersection location identified hereinbefore by A and/or B and any immediately adjoining intersection(s) not identified hereinbefore but part of a SYSTEM. Said submittals may be computer generated; submittals may include simulation file data. The STATE reserves the right to require the use of any existing timing plan(s) in effect prior to the execution of this Agreement if the work constitutes an addition to or a part of a SYSTEM; any use of the existing number of timing plans may supersede the hereinabove required minimum of three. Submittal data described herein, as applicable, are attached hereto and made a part of this Agreement.

In witness whereof, the parties hereto have caused this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Maintenance Engineer.

(Seal of OWNER)

Legal Name of PERMITTEE (if applicable)

By: _____
Authorized Signature

Legal Name of OWNER

Attest: _____

By: _____
Authorized Signature

Recommended for approval:

By: *R.F. [Signature]*
Division Engineer

Approved as to form:

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

STATE OF ALABAMA acting by and through the ALABAMA DEPARTMENT OF TRANSPORTATION

The within and foregoing Agreement is hereby approved on this _____
day of _____, 20_____.

APPROVED:

By: _____
State Traffic Engineer

By: _____
Maintenance Engineer

Memorandum

To: FINANCE COMMITTEE
From: MELVIN MCCARLEY
Date: 7/13/2007
Re: E-RECYCLE BUILDING

\$ 52,124.00 ORIGINAL BUDGETED AMOUNT FOR THE BUILDING

(\$35,062.00) DOWNPAYMENT AND BUILDING
(\$16,354.48) SLAB, CONCRETE AND BLOCK
(\$ 4,116.03) STEEL FOR THE FOUNDATION
(\$ 4,447.54) ELECTRICAL
(\$ 198.61) PLUMBING
(\$60,178.66)

(\$8,054.66) BALANCE IN ACCOUNT

ITEMS STILL NEEDED

\$ 8,054.66 TO BRING G/L TO POSITIVE BALANCE

\$ 7,000.00 DOORS FOR THE BUILDING

\$15,000.00 TO ERECT BUILDING

\$30,054.66 TOTAL NEEDED TO COMPLETE PROJECT

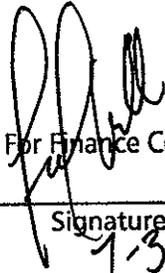
Daphne Police Department



Internal Letter

To: Kim Briley
From: Captain Daniel Bell 
Subject: Police Department Drug Asset Forfeiture Account
Date: June 06, 2007

Approved For Finance Comm. Agenda



Signature
6-13-07

Date

The police department has had some promotions and personnel moves that affect the drug asset forfeiture account. The needed changes are listed below. These changes will allow those responsible for the account to move the money when required. Every effort was made to maintain a low number of people responsible for moving money from this account. Please contact me should any additional information be required to make these changes to the drug asset forfeiture account.

Captain Scott Taylor
Will be REMOVED from this account.

Lt. Jud Beedy
Needs to be ADDED to this account.

Captain Daniel Bell
Will REMAIN on the account

Sgt. Brian Gulsby
Will REMAIN on the account

TREASURER'S REPORT

As of June 30, 2007

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$8,716,016.02
OPERATING ACCT	COMPASS	(\$136,754.89)
PAYROLL ACCT	COMPASS	(\$15,582.36)
MUNICIPAL COURT	COMPASS	\$269,691.56
		<u>\$8,833,370.33</u>
SPECIAL REVENUES FUND		
SAIL SITE	FIRST GULF	\$5,789.02
4 CENT GAS TAX	FIRST GULF	\$131,744.15
7 CENT GAS TAX	FIRST GULF	\$234,204.29
		<u>\$371,737.46</u>
CAPITAL PROJECTS FUND		
CDBG LOAN REPAY	COMPASS	\$728.85
CAPITAL RESERVE	WACHOVIA	\$3,647,588.82
97 WARRANT CONS	WACHOVIA	\$5,145.99
99 WARRANT CONS	REGIONS	\$18,335.11
2000 CONSTRUCTION	REGIONS	\$91,204.34
2006 CONSTRUCTION	WACHOVIA	\$9,380,004.50
		<u>\$13,143,007.61</u>
DEBT SERVICE FUND		
DEBT SERVICE	WACHOVIA/FIRST GULF	\$1,848,530.90
		<u>\$24,196,646.30</u>

SALES & USE TAXES

ACTUAL COLLECTIONS

	2001	2002	2003	2004	2005	2006	2007
October	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36
November	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95
December	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39
January	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33
February	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60
March	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38
April	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54
May	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14
June	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	
July	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	
August	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	
September	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	
Totals	7,751,180.20	8,144,772.44	8,428,932.10	9,289,924.78	10,708,260.63	11,702,796.44	7,892,053.69

FY 2007 BUDGET/ACTUAL COMPARISONS

	Actual- 2007	Budget	Monthly Variance	YTD Variance	% of Budget
October	944,542.36	951,287	(6,744.64)	(6,744.64)	-0.71%
November	918,837.95	919,543	(705.05)	(7,449.69)	-0.08%
December	1,182,584.39	1,191,813	(9,228.61)	(16,678.30)	-0.77%
January	914,876.33	905,217	9,659.33	(7,018.97)	1.07%
February	877,975.60	895,686	(17,710.40)	(24,729.37)	-1.98%
March	1,071,598.38	1,103,410	(31,811.62)	(56,540.99)	-2.88%
April	960,140.54	989,020	(28,879.46)	(85,420.45)	-2.92%
May	1,021,498.14	950,447	71,051.14	(14,369.31)	7.48%
June		1,040,098			0.00%
July		986,131			0.00%
August		955,866			0.00%
September		1,004,457			0.00%
Totals	7,892,053.69	11,892,975	(14,369.31)		

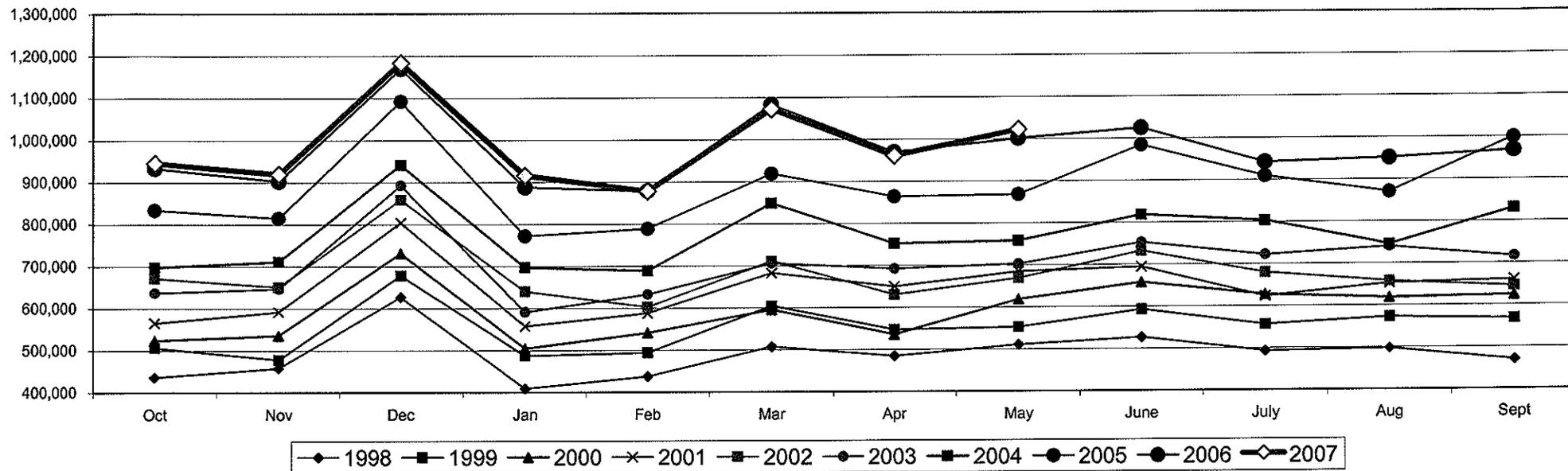
FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
October	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	18.87%	-5.24%	9.64%	19.47%	11.87%	1.28%
November	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	9.97%	-0.58%	9.94%	14.61%	10.66%	1.92%
December	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	6.80%	3.98%	5.49%	15.93%	7.09%	1.21%
January	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	14.77%	-7.65%	18.00%	10.72%	14.98%	3.05%
February	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	2.42%	5.05%	8.81%	14.58%	11.32%	-0.02%
March	28,456.48	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	4.17%	-0.78%	20.24%	8.21%	17.86%	-0.94%
April	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.18)	-3.05%	9.89%	8.65%	14.77%	12.24%	-0.89%
May	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	-2.24%	5.06%	7.82%	14.50%	15.33%	2.11%
June	37,937.02	20,983.31	65,541.16	164,654.26	41,227.61		5.47%	2.87%	8.71%	20.12%	4.19%	
July	56,677.60	42,188.32	81,260.24	105,524.99	32,831.55		9.10%	6.21%	11.26%	13.14%	3.61%	
August	4,622.92	82,965.72	5,326.70	124,497.78	80,720.90		0.71%	12.63%	0.72%	16.70%	9.28%	
September	(15,664.68)	70,813.95	114,619.44	168,215.28	(30,859.92)		-2.37%	10.98%	16.02%	20.26%	-3.09%	
Annual \$ Change	393,592.24	284,159.66	860,892.68	1,418,335.85	994,535.81	72,911.17	5.08%	3.49%	10.21%	15.27%	9.29%	

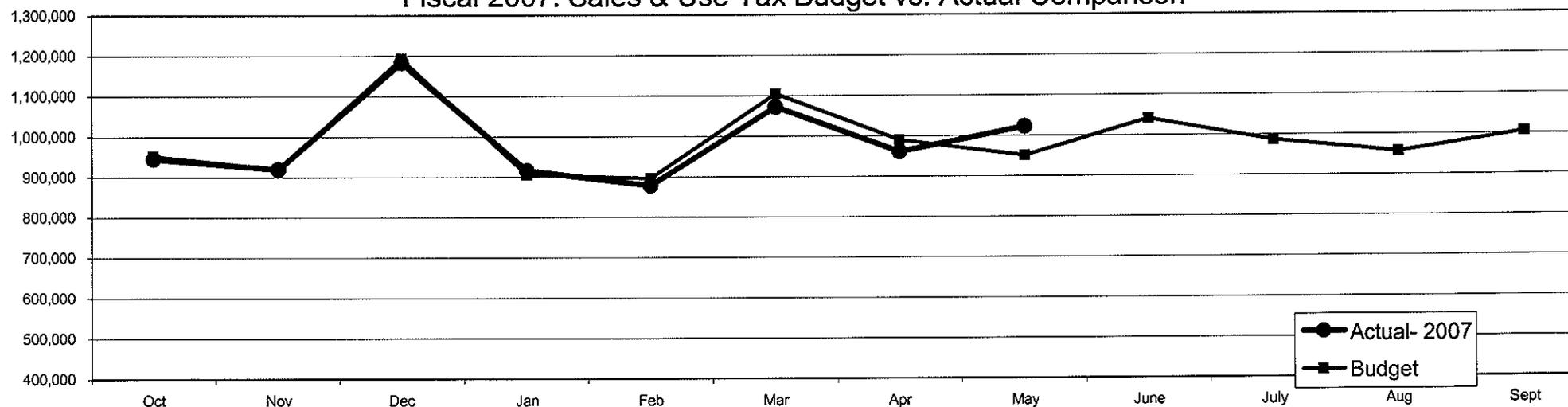
TOTAL collections: FY 06	11,702,796
TOTAL est. bdgt coll: FY 06	11,892,975
Budgeted Dollar Variance 06/07	190,179
Budgeted Percent Variance 06/07	1.63%

TOTAL collections: 5-31-07	7,892,054
Budgeted: 10-1-06 to 5-31-07	7,906,423
Actual Coll > (<) Budget, 5-31-07	(14,369)
% Over/(Under) Budget, 5-31-07	-0.18%

Sales & Use Tax Comparisons



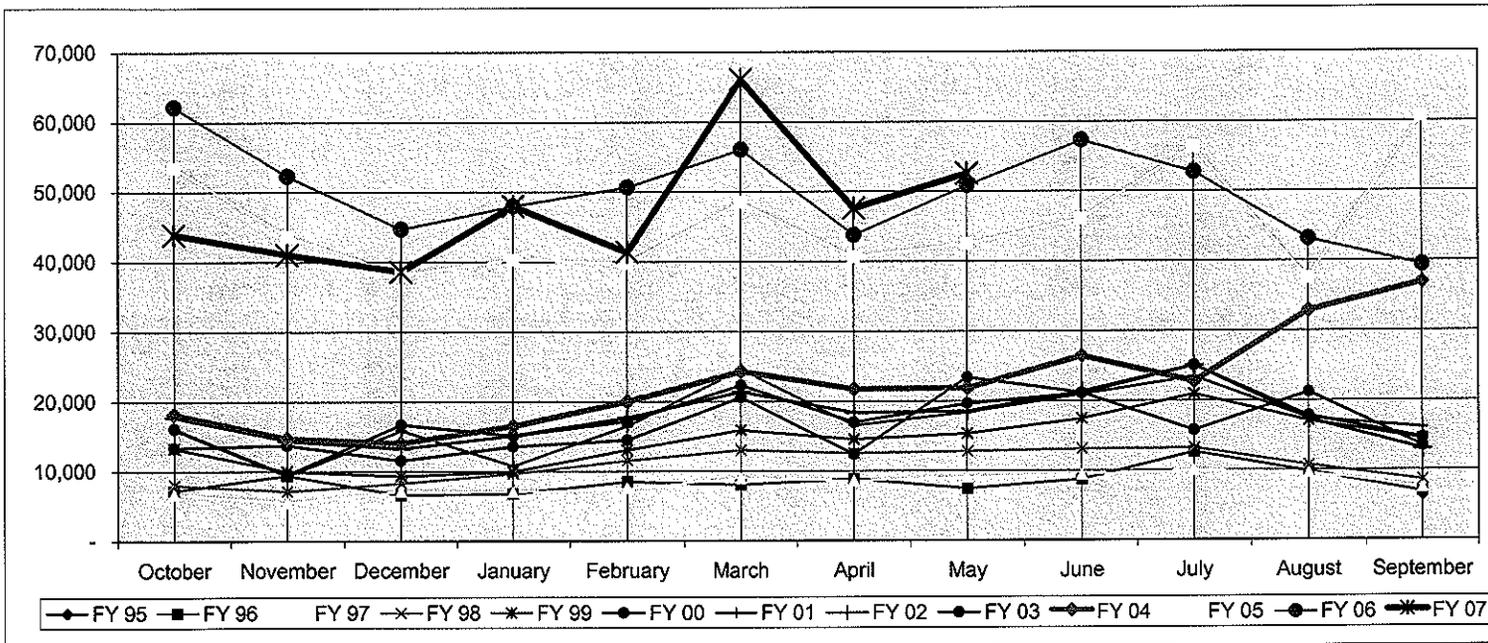
Fiscal 2007: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	
Total	6,371.27	100,428.26	96,406.17	128,825.48	170,726.13	193,945.54	205,978.62	212,999.73	211,754.69	269,317.22	547,535.15	601,302.68	379,121.54

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



FY 2007 Budget	620,000
% Budget Collected, 5/31/2007	61%

NEW BUSINESSES

Jun-07

CITY LIMITS	
BEHAVIORAL & ACADEMIC COUNSELING	1
BULLDIG.COM INC	1
HUNTINGTON LEARNING CENTER	1
CAPONE'S TRANSPORTATION	1
CERTIFIED TRANSMISSIONS	1
GLASS GARDENS	1
CYBERCOMM COMMUNICATIONS	1
DOWNEAST BOOKKEEPING & ACCT	1
MOZA TILE	1
SUZY O'BRIEN C. HT	1
TOTAL CITY LIMITS	10

OUTSIDE CITY LIMITS	
MILL'S HOME APPLIANCE	1
ALABAMA METAL INDUSTRIES	1
AMERICA'S FINEST SHEDS INC	1
AUSTIALIAN GOLD, LLC	1
BALDWIN BEST PEST CONTROL	1
BELL SIGNS. LLC	1
BLACK BOX NETWORK SERVICES	1
CONTACT SERVICES OF W.W.F.	1
CREATIVESPACE OF NW FL	1
DELTA PROMOTIONS LLC	1
FRESH PRODUCE DISTRIBUTION	1
GULF COAST CLEAN & GREEN	1
INFOPRINT SOLUTIONS CO, LLC	1
INTUIT, INC	1
KING BUILDINGS LLC	1
LIBERTY BUILDING PRODUCTS	1
LIGHTYEAR NETWORK SOLUTIONS	1
LORMAN BUSINESS CENTER	1
OFFICE PAVILION SOUTH FLORIDA	1
CURTAIN CALL COSTUMES	1
BEACHBODY	1
QA SUPPLIES LLC	1
RAYMOND ACCOUNTS MANAGEMENT	1
WORKFLOW ONE	1
GM APPLIANCE	1
AWESOME CLEANING SERVICE	1
UNITED PLYWOODS & LUMBER	1
ZURI DANCE CO	1
TOTAL OUTSIDE CITY LIMITS	28

CONTRACTORS	
EVANS CONSTRUCTION	1
HARTZOG PAINTING & CLEANING	1
ROBERTS CONSTRUCTION	1
EASTERN SHORE ROOFING	1
STYRON HOME BUILDERS	1
BYRD AIR LLC	1
QUALITY DRYWALL	1
TDA IRRIGATION, INC.	1
ANDREWS CABINETS, INC	1
A PLUS ELECTRIC LLC	1
GADCON INC	1
POLK PLUMBING LLC	1
GRANGER CONSTRUCTION CO	1
A-1 GUTTER SOLUTIONS	1
GULF COAST KITCHEN & BATH	1
R D MILLWORK INSTALLERS	1
GENERAL MAINTENANCE & ROOFING	1
PINCKARD GARAGE DOORS INC	1
BAILEY CONSTRUCTION	1
NORRIS MYATT CONSTRUCTION	1
UNITED PLUMBING LLC	1
BRELAND HOMES, INC	1
TFL CONSTRUCTION INC	1
GULF COAST COMFORT SERVICE	1
ZAPATA CONSTRUCTION	1
BOES STUMP GRINDING	1
BOB JOHN SIDING & WINDOW	1
KES CONTRACTING, INC.	1
TOTAL CONTRACTORS	28

INSURANCE	
	0
TOTAL INSURANCE	0

TOTAL NEW BUSINESSES	66
-----------------------------	-----------

Public Safety Committee

Tuesday, July 10, 2007

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilwoman Regina Landry
Interim Fire Chief Kenny Hanak
PW Sup. Melvin McCarley

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilwoman Regina Landry, Councilman Greg Burnam, Chief David Carpenter, Capt. Scott Taylor, Interim Fire Chief Kenny Hanak, and PW Sup. Melvin McCarley. Councilman Gus Palumbo arrived at 4:40 pm.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:35 p.m.

PUBLIC PARTICIPATION – John Locke was in attendance voicing his concerns about speed on Locke St. and the amount of cars that travel that street as a shortcut to Caroline Avenue. Councilman Burnam advised Mr. Locke that we would conduct an electronic traffic study for about a week and also do “D” runs to give more information to see if it is necessary to place a traffic calmer. Melvin advised Mr. Locke that he’d have the traffic counters down by Wednesday or Thursday. Mr. Locke was told he would be advised of the next Public Safety Meeting to hear the results of the study. Michelle Shelley from Historic Malbis was also in attendance. Her concerns are: speeding, vehicles taking shortcuts through the neighborhood trying to avoid the traffic light (especially during school), and not stopping at the four-way stop located by the childrens’ playground. She was told that Highway 90 was property of the State of Alabama Highway Division, but that the police department would try and concentrate on traffic in the neighborhood itself by doing “D” runs and saturation patrols. Melvin also told Mrs. Shelley that he would get her some signs to post and would also place a traffic counter this week in the subdivision. Ms. Advised to talk to State Engineer Nick Amberger in Bay Minette about the State Highway concerns on Highway 90 and Highway 181.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June, 2007 Meeting

*Motion by Ms. Landry to adopt the minutes. **Seconded by Mr. Palumbo.** The minutes were adopted. **Motion carried.***

FIRE DEPARTMENT

- A. New Business**
1. Statistics for May 2007

Interim Chief Hanak reviewed the stats for May 2007. He explained that the large amount for property loss was because of the Kentwood Circle house fire, and a fire on Valley Circle which burned the garage and a BMW. Councilman Burnam inquired about the 27 minute response time and was told that it takes into account non-emergency calls so if there are multiple calls going on and a smoke complaint comes in, they’ll hold the smoke complaint until they are

through with the emergency call. The fire department had 58 ALS rescues. Interim Chief Hanak advised that they had received their grant check from Sam's Club this past month for \$5,000. Firefighter Grant on the station generators is at the second round of the review process.

B. Old Business

POLICE DEPARTMENT

A. New Business

1. Statistics for May 2007

Chief Carpenter reviewed the stats for May 2007. Jail stats still showed Loxley and Silverhill inmates due to it being May's activity. Councilwoman Landry asked how many beds we have in our jail facility. She was advised that we had 42 beds in our facility but that if we have even one female inmate, we lose one whole cell block due to not being able to mix the male and female population. "D" runs were reviewed by all in attendance. Animal shelter received a good report from the State of Alabama Inspection. The police department also received a \$5,000 grant from Sam's to be used for crime prevention. We received our generator for the North Precinct at no cost to the city other than to hook it up. Captain Taylor explained the new employee contracts. Previously we had one contract for \$1,800 if they were to leave us within 2 years after we hired them, they would have to pay us back for training, uniforms, etc. Due to the rising cost, we have raised the price in the contract to \$3,500 for sworn officers, and for Corrections or non-sworn the cost would be \$750.00. Copies were made for each councilperson on Public Safety Committee for their review and comments.

B. Old Business

OTHER BUSINESS

ADJOURN

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:20 p.m., after a motion by Regina Landry. The next meeting will be **Tuesday, August 7, 2007 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 2007**

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:		
10-Fire, Other	1	2
11-Structure Fire/Commercial	0	6
11-Structure Fire/Residential	5	19
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	3	11
14-Natural Vegetation Fire	3	20
15-Outside Rubbish Fire	3	4
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	1
2-Overpressure Rupture:	0	2
3-Rescue Call and Emergency Medical Service Incidents:	113	950
4-Hazardous Conditions (No fire):	3	30
5-Service Call:	15	95
6-Good Intent Call:	11	103
7-False Alarm & False Call:	9	73
8-Severe Weather & Natural Disaster:	0	1
9-Other Situation:	0	5
Total Emergency Calls:	142	1,156
Monthly Total Calls:	166	1,329
Response Time:		
Highest:	27	27
Lowest:	1	1
Average (Minutes/Seconds) :	4/57	4/44
Miscellaneous Reports:		
Training Hours	419.25	2,113.25
Property Loss - \$	\$324,050	\$456,401
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0/0	0/0
Advance Life Support Rescues	58	367
Child Passenger Safety Seat Inspections/Installations	9	63
Fire Prevention Awareness/Education:		
Classes	6	33
Persons Attending	649	2,857
Bureau of Fire Prevention:		
Plan Reviews	10	62
Final/Certificate of Occupancy	2	11
General/Annual Inspections	269	1,268
General/Re-Inspections (Violation Follow-up - Annual)	34	328
Business Licenses	13	75
Consultations	0	0
All Other/Misc. Activities	5	13
Total Activities:	333	1,744

Authorized by:

Kenneth Hanak

Kenneth Hanak

Daphne Police Department			Monthly Report			MAY 2007				
Patrol Division		Detective Division:		JAIL:		Drug Report - Routine Patrol & Special Ops:		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor)				
						YTD				
# Complaints	1,439	# New Cases Received:	55	Total Arrestees Received & Processed:	198	<u>1,461</u>	# Misd. Marijuana Arrest	1	Arson	0
# Misd. Arrests	30	# Previous Unsolved Cases:	115	Arrestees by Agency:			# Felony Marijuana Arrest	1	Burglary – Commercial	4
# Felony Arrests	5	# Cases Solved:	32	Daphne PD	116	904	# Controlled Substance Arrest:	0	Burglary – Residence	8
# Citations	279	Resulting in Total Arrests:		BCSO	10	<u>85</u>	# Drug Paraphernalia Arrest	0	Burglary - Vehicle	8
# Close Patrols	206	Felonies:	2	Loxley PD	43	<u>261</u>			Criminal Mischief	7
# Warnings	117	Misdemeanors:	2	Silverhill PD	5	<u>60</u>	Vehicles Searched	8	Disorderly Conduct	2
# Motorist Assist	156	Houses Searched	0	Spanish Fort PD	11	<u>96</u>			Domestic Disturbance	10
# Alias Warrants	64			Troopers	10	<u>30</u>	Drugs Seized: marijuana		False Info to Police	2
# Roadway Accidents	67			INS	0	<u>0</u>	Money Seized	\$0	Felony Assault	0
# Private Prop. Accidents	27	Warrants:		Other Agencies	3	<u>25</u>	Vehicles Seized	0	Felony Theft	9
# DUI's	4	Bettner Served	67						Harassment	8
Traffic Homicide	0	Agency Assists	29	Highest	51		Animal Control		Identity Theft	1
		Recalls (Pd Fines)	32	Lowest	35		#Complaints	62	Indecent Exposure	0
		Total Warrants Served	128				#Follow-ups	103	Kidnapping	0
				Meals Served	3,379	22,662	#Citations	4	Menacing	0
		Sex Offender:		Medical Cost	\$3,690.81	\$26,430.85	#Warnings	7	Misdemeanor Assault	1
		New Registration:	0	Worker Inmate Hours	726	6827.25	#Felines Captured	29	Misdemeanor Theft	16
		Contact Verification	3				#Canines Captured	34	Murder	0
		Total # registered in Daphne	4				#Other Captured	11	Other Death Investigations	0
		DARE:					#Returned to Owner	11	Public Intoxication	1
		# Hours Report Writing:	2				#Adopted Out	28	Public Lewdness	0
		# Students Instructed SRO	100				#Euthanized	31	Receiving Stolen Property	0
		# Students Instructed DARE	250						Reckless Endangerment	1
		# Police Reports by SRO	1						Resisting Arrest	1
		# Arrest by SRO	0						Robbery	0
									Sex Crime Investigations	0
		CODE ENFORCEMENT:							Suicide	0
		Warnings:	6						Suicide, attempted	1
		Citations	0						Theft of Services	0
		Warning							Unauthorized Use of Services	
		Compliance	5							1
		Follow – Up	6						Weapon Offenses	0
									White Collar Crimes	2
Approved by:				David Carpenter, Chief of Police						

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on June 29, 2007
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 May meeting of the Public Works Committee was called to order at 8:10 a.m.

Present: Mayor Small, Councilman John Lake, Councilman Bailey Yelding, Melvin McCarley, Sandi Cushway

II. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report – June 2007

III. OLD BUSINESS

A. Minutes – June 29, 2007 meeting

IV. NEW BUSINESS

A. Mayor Small inquired as to who was responsible for picking up road kill. Melvin McCarley stated that Public Works crews are responsible. They are supposed to pick up dead animals if they come across it and we also respond to citizen's calls.

V. DIRECTOR'S REPORT

- A. Sidewalks – Will finish Locke and move onto Camellia next. Freddie lost two of his most experienced crew members this past month which has put him behind on the sidewalk project.
- B. Red Lights – The state is going to redo the light at the intersection of Hwy 98 & I-10. They have sent over the agreement with Daphne to maintain the lights on the Daphne side of the intersection. Mayor Small instructed Melvin to give the agreement to Kim Briley for review before anyone signs it. Bailey Yelding asked whether the light at Johnson Road could be set to enable cars to turn left with caution on a green light. It would just require a sign stating that you can turn left with caution as long as the light is green.
- C. Restrooms – Plans for the restrooms for Johnson Road and Daphmont were reviewed. Councilman Lake would like to see the door to the janitorial utility room moved to the front of the building (between the two water fountains). Mayor Small did not have a problem with that.

VI. SOLID WASTE AUTHORITY

A. Solid Waste's new truck will be delivered next week. It still needs a few things changed on it before it is ready for operation.

VII. MUSEUM COMMITTEE

A. None Submitted

VIII. BEAUTIFICATION COMMITTEE

A. Councilman John Lake commented on how nice Gator Alley looks now that they have planted the butterfly garden and landscaped.

IX. ENGINEER REPORT

A. NRCS Update – Not present

V. FUTURE BUSINESS

A. Next Meeting – August 24, 2007, 8:00 a.m.

XI. ADJOURNMENT

Councilman Bailey motioned to adjourn. The meeting adjourned at 8:55 AM.

**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:

**Daphne Public Library Board
June 12, 2007
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Member Cassandra Day; Board Chairman Ernie Seckinger, and Vice Board Chairman Ron Allen; City Council Liaison Gus Palumbo.

Call to Order:

After a quorum was established, Board Chairman Ernie Seckinger called the meeting to order at 5:35 pm.

Reading and Approval of the Minutes:

The minutes of the May 14, 2007 meeting were reviewed and approved.

Monthly Statistical Report:

The monthly statistical report for May, 2007 was reviewed. The report form was reformatted and updated for easier reading, more information, and better organization. YA statistics were broken out as separate numbers and several new categories were added to the report which was reformatted to a legal sheet to show more statistics.

Public Participation:

None.

Old Business of the Board:

The new bylaws based on the Alabama Guidelines for Trustees were read and discussed. Changes included more specific terms and term limits, addressing the problem of multiple absences, addition of a treasurer position, and the addition of a budget report to the board. Mr. Scully agreed to look at the State laws concerning libraries. There was a motion to accept the bylaws and a second. The bylaws were unanimously accepted with small changes concerning punctuation and the rule concerning absences.

The Library Director announced that NCDS had not yet provided a final report on the feasibility study. The need for a public awareness campaign was discussed. The Board would also like the Mayor and Council to hear the official results of the study.

The Library Director announced that Jeff Hudson said the Board cannot get a final set of construction plans drawn up until the city has a contract with his company for construction. He did agree to make updates and changes to existing plans for the purpose of the public awareness campaign. Jeff also graciously agreed to take part in the campaign and be present at functions.

New Business of the Board:

Chair Ernie Seckinger announced his plans to present a final report to the Council at their next session. He also announced that his resignation would be forthcoming shortly.

Capital Campaign Foundation Committee

No report.

Library Director:

The Library Director announced the hire of two new employees and requested approval. Donna Paige has been hired for the part time circulation position and Rhonda Moss has been hired to fill the full time children's librarian assistant position. Both are doing very well. The Board unanimously agreed that the Library Director have the authority to choose and hire employees. The Chair stated that it was the Board's role to oversee the Director and the Director's role to manage the library.

There were 26 applications for children's librarian and interviews are under way.

It was announced that Howard Benson plans to present the final NCDS report at the July 10 Board meeting. The Director will invite the Mayor to attend.

Closing Comments:

Everyone agreed that the Library sorely needs the added space to continue offering a high quality of service to the community, and to continue to add new services. The Library Director will continue searching for grant opportunities and other funding sources.

Adjourn:

The meeting adjourned at 6:53 pm.

Respectfully submitted by Tonja Young, Library Director, June 28, 2007.

Daphne Public Library Board
July 10, 2007
Meeting Minutes

In Attendance:

Library Director Tonja Young; Board Members Cassandra Day and Gayle Robinson; Board Chairman Ernie Seckinger, and Vice Board Chairman Ron Allen; City Council Liaison Gus Palumbo, City Council President Greg Burnam, Mayor Fred Small, NCDS CEO Howard Benson, Foundation Committee Member Jan Blankenhorn, Friends of the Daphne Library (FODL) President Karen Kyzar, and FODL Board Members Barbara Allen and Mickey Boykin.

Call to Order:

After a quorum was established, Board Chairman Ernie Seckinger called the meeting to order at 5:40 pm.

Reading and Approval of the Minutes:

The minutes of the June 12, 2007 meeting were reviewed and approved.

Monthly Statistical Report:

The monthly statistical report for June, 2007 was not reviewed due to the presentation of the feasibility study report. Statistics are included with these minutes.

Old Business of the Board:

Board Chair Ernie Seckinger said a few words about his tenure as chairman and his love of living in Daphne. He announced his retirement and resignation from the Board, thereby passing the chairmanship to Vice Chair Ron Allen according to the new Daphne Library Trustee Bylaws. Mr. Allen presented a plaque of appreciation from the Library Board to Mr. Seckinger.

New Board Chair Ron Allen greeted the attendants of the meeting and introduced National Community Development Service (NCDS) CEO Howard Benson.

Report on the Feasibility Study for the Library Addition

Howard Benson made a short presentation on the Daphne Library feasibility study report completed in the spring. Mr. Benson discussed the case statement and questionnaire that was presented to 53 interviewees. He stated that there were three main points for a successful campaign:

- Show a compelling need
- Have an effective plan
- Have a strong staff and board

Mr. Benson stated that people were not aware of the needs of the library, but that after they became aware of the needs, most were supportive. Most interviewees said the library was relevant and important to the community and they approved of the plans as conceived and drawn up. Most interviewees said that while the library board was appreciated, they were not able to provide lead donations for the campaign.

Most interviewees wanted the city to make a larger donation.

All interviewees applauded the staff and its service to the public.

It was determined that the financial resources of the citizens that were interviewed was not at sponsorship level, but that money was available in the community and the library needed to build stronger relationships in this area. It was determined that the city does not have a hierarchical base, but rather was more like a network or web. Of the 22 citizens named to lead the campaign, only 6 were on the list to be interviewed and only 2 were actually able to be interviewed.

Recommendations were:

- The Daphne Public Library is not ready for a fundraising campaign
- The Library needs to have a 6-month intense publicity and cultivation campaign
- The Library needs to find out if and when the city can give more funding to the project
- The Library may have to reduce the scope of the project
- The Library needs to form a campaign planning committee appointed by the Mayor and the Library Board with 50 - 100 supporters

In addition to an aggressive publicity campaign and aggressive prospect cultivation, NCDS suggested that the Library appeal to people in a way that differentiates this

project from that of the Fairhope Library, emphasizing that this project will be a success!

Discussion of the NCDS Report

Several of those present stated that they had heard criticism of the Fairhope campaign.

There was some discussion of naming opportunities.

Several attendees also praised the staff for all they did with the space and budget available. Discrepancies between the Daphne Public Library and the State of Alabama Blue Ribbon Standards for Libraries were discussed. Some standards were exceeded, including the fact that Daphne circulates 11.66 items per capita while the standards require circulation of 2.5 items per capita, and Daphne is open to the public more hours than required to meet the standards (57 versus 53). Some standards were not met, including the annual materials budget (\$3.65 per capita for Daphne, \$25.00 per capita for the standards); materials stocked by the library (3.65 items per capita for Daphne, 5.0 items per capita for the standards); and the number of fulltime staff members (0.59 FTEs per 1,000 citizens for Daphne, 1.00 FTEs per 1,000 citizens for the standards).

Library Director's Report:

The Library Director announced that the every member of the Library staff was an excellent asset to the city and that she was proud to work with every one of them.

Some statistics on Library services were shared including total increases from 2001 through 2006:

- Total Circulation Increased **49.77%**
- Interlibrary Loans Increased **98%**
- Library Users Increased **11.27%**
- Reference Questions Increased **11.17%**
- Meeting Room Attendance Increased **27.42%**
- Wireless Computer Use Increased **100%**
- Stationary Computer Use Increased **64.17%**

Other statistics presented were totals for 2005 through 2006:

- Served approximately **15,000/month (360,000 people)**
- Circulated approximately **20,000 items/month (480,000 items)**

- Provided **83** Exhibits & Displays
- Provided **1,527** Programs
- Program Enrollments of **28,997**
- Provided Meeting Space for **10,867**

Setting Date for August Meeting:

The next meeting was set for the second Tuesday, August 14, at 5:30 pm. At that time the Board will vote on whether to reset the normal meeting date or return to the previous schedule.

Other Business:

No other business was presented due to the importance of the report.

Closing Comments:

Board Chair Ron Allen pleaded with all present to read the entire report and stated that the Library will go forward with its plans for a successful campaign in time. We will work on beginning a public awareness campaign as soon as possible.

Mr. Allen also stated that he was working on contacting a new member for the Library Board and would keep Board Members informed.

The Library Director will continue searching for grant opportunities and other funding sources.

Adjourn:

The meeting adjourned at 6:45 pm.

Respectfully submitted by Tonja Young, Library Director, July 20, 2007.

CIRCULATION	June 2007 Circ.	June 2006 Circ.	% Of Change	Jun-06 Circ. YTD	Jun-07 Circ. YTD
Book					
Junior Books	9102	9120			
Adult Books	9317	7754			
YA-Books	502				
Sub-Total	18921	16874			
Non-Book					
Junior Audio/Visual	1734	1985			
Adult Audio/Visual	5221	4603			
Sub-Total	6955	6588			
Magazines	147	70			
OTF	6	9			
In House Use	159	189			
Sub-TotalL	312	268			
TOTAL CIRCULATION.	26188	23730	10.36%		
Total Circ. YTD (Since 10/1)				159892	173821
No. of People Using Lib. TOTAL	22033	19104	15.33%		
Inter-Library Loan	Loaned To	Borrowed From			
TOTAL	18	4			
Holdings Processed	TOTAL	1817	1460		
AL Virtual Lib. Card	No. of Users	No. of Users			
TOTAL	2071	1906			
New Patrons Added					
Junior	87				
Adult	162				
TOTAL	249				
Repairs	Audio	Book			
TOTAL	48	64			
Volunteer Statistics	Hours Donated				
TOTAL	144.15				
Exams Proctored	No. of Exams				
TOTAL	8				
Reference Questions	No. Received				
TOTAL	785				
Children's Programs	No. of Programs	Attendance			
Story Time in Library					
Story Time held at schools					
School Field Trips to Lib.					
Spring Into Reading Fest. Approx #					
Summer Reading Prog.	20	1277			
Seasonal Programs					
TOTAL	20	1277			
Young Adult Programs	No. of Programs	Attendance			
Teen Advisory Board					
Teen Summer Reading Prog.	5	94			
TOTAL	5	94			
Special Adult Programs	No. of Programs	Attendance	Speakers		
Jubilee Mornings					
Winter Read					
Jubilee Book Club	1	9			
Humanities Speakers					
TOTAL	1	9			
Meeting Room Use	No. of Groups	Attendance			
TOTAL	43	572			
Collection Development	Items Added	Items Added			
New Adult Books	123	New Junior Books	73		
New Adult Cass		New Junior Cass			
New Adult CD	22	New Junior CD	8		
New Adult Video	7	New Junior Video	14		
New Adult DVD	54	New Junior DVD	24		
New Adult CD-ROM		New Junior CDM			

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

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

Members Absent:

Ed Kirby

Staff Present:

William H. Eady, Sr., Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Technician
Adrienne Jones, Planner
Missty C. Gray, Associate Attorney

Staff Absent:

Jay Ross, Attorney

The first order of business is the call to order. Please let the record reflect that Mr. Kirby. The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of April 26, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or further corrections at this time, the Chair will entertain a motion.

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

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

The minutes of May 24, 2007 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or further corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to approve the minutes of the regular meeting. The Motion carried unanimously. The Chairman abstained due to his absence at the meeting.**

NEW BUSINESS:

The next order of business is approval of the election of vice president.

ELECT VICE CHAIRMAN:

A **Motion** was made by Ms. Phelps and **Seconded** by Ms. Barnette **to nominate Mr. Chason as Vice Chairman. The Motion carried unanimously.**

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry **to nominate Ms. Phelps as Secretary. The Motion carried unanimously.**

The next order of business is annexation review for Alabama 200 Investment Group.

PETITIONS:

ANNEXATION REVIEW:

An introductory presentation was given by Mr. Justin Clements, representing Trustmark South Construction Management, Inc., requesting annexation of a four-point eight seven-acre parcel located Southeast of the intersection of Pollard Road and Whispering Pines Road with R-4, High Density Multi-family zoning. The owner of the subject property is Alabama 200 Investment Group.

Chairman: Do any of the Commissioners have any questions or comments? At site preview one of the comments which the Commission had is that they would like to see a traffic study. Has this been completed?

Mr. Clements: The traffic study has been completed and Mr. Bill Metzger is here tonight to address any comments which you may have.

Chairman: I think it is appropriate to hear from Mr. Metzger at this time to address some of the concerns which we have concerning traffic and this intersection.

Mr. Metzger: He addressed the Commission and discussed the conclusion

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

and recommendation as outlined in the study. I have reviewed the impact of the Park at Whispering Pines Development, as well as, the addition of Orleans Commons.

Mr. Metzger: After my review, my findings are that a traffic signal is warranted for this intersection at Whispering Pines and Pollard Road at this time. I have concluded that neither of these developments would impact this intersection seriously enough to require the addition of signalization due to their construction. The level of service prior to and after the developments are the same; therefore, this intersection could function with the existence of the four-way stop as it is now.

Ms. Barnette: She questioned at length the information contains in the study previously provided by the Park at Whispering Pines and requested Mr. Metzger to compare this with the information provided by Orleans Commons.

Mr. Metzger: He discussed at length the method in which the criteria was provided and the method in which it was obtained. The City of Daphne needed a signal at this intersection prior to any development being proposed, but it has not been warranted. It could be possible if the City wished to have a signalization placed at this intersection to discuss and request this and other developments to participate and share in that cost at the time of its placement, but this intersection could function properly without the placement of the signalization with minimal impact.

The Commission discussed the proposed development at length and expressed their concerns regarding the traffic and the need for signalization at this intersection.

Ms. Barnette: I would like for us to address the issues of this development after the annexation has been presented and approved by the City Council and the issue of the signalization has been addressed by the owner.

Chairman: The consensus of the Planning Commission is that there is a signal needed at this intersection prior to or concurrent with your development. Do you think the owner/developer of this property would agree to participating in the cost of the installation of the signalization at this intersection?

Mr. Clements: The owner/developer would be interested in participating if the Planning Commission deemed that it is necessary, but it would have to be decided at what percentage that would be because this development is much smaller than the one to the North, the Park at Whispering Pines.

Chairman: Do you wish for the Planning Commission to vote on your project tonight in light of this comments or would you like to table

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

it until such time the signalization is addressed?

Mr. Clements: I would like to move forward at this time with a recommendation for annexation and address the comments of the signalization at the time of the presentation of the site plan.

Chairman: Do any of the Commissioners have any further questions or comments? I appreciated you coming to address the Planning Commission with your concerns. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. Thomas **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of a four-point eight seven-acre parcel located Southeast of the intersection of Pollard Road and Whispering Pines Road with R-4, High Density Multi-family zoning, for the Alabama 200 Investment Group.**

Upon roll call vote, the Motion failed.

<i>Mayor Small</i>	<i>Aye</i>
<i>Ms. Phelps</i>	<i>Aye</i>
<i>Mr. Thomas</i>	<i>Aye</i>
<i>Mr. Terry</i>	<i>Nay</i>
<i>Mr. West</i>	<i>Aye</i>
<i>Mr. Carrico</i>	<i>Nay</i>
<i>Mr. Chason</i>	<i>Nay</i>
<i>Ms. Barnette</i>	<i>Nay</i>

The next order of business is annexation review for Gates VI, L.L.C.

An introductory presentation was given by Mr. Richard Davis in lieu of Ms. Meredith Turpin, representing Davis & Fields, requesting annexation of a seven-point two seven-acre parcel located Southeast of the intersection of Pollard Road and County Road 64 with R-4, High Density Multi-family zoning. The owner of subject property is Gates VI, L.L.C. Good evening, I felt that it would be appropriate for me to make the formal presentation to the Planning Commission tonight due to the sensitive nature of the circumstances surrounding the proposed annexation of this property. I am here tonight representing my client, Audubon Apartments, in a request to annex a seven-acre parcel which abuts Pollard Road for which my client would like to construction phase two of the existing Audubon Park Apartments. Several years ago Gates, VI divided, I do not like to use the word illegally subdivided, by metes and bounds and sold a parcel to Audubon Park Apartments which is the parcel in which the existing development lies. The apartments are not ready to construct phase two of the development and discovered that although they thought they owned it and have been paying taxes on it, the seven point two seven acres to the West does not belong to them. The owner is Gates, VI; therefore, we are here tonight to request two processes one of which is the proper division of the land

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

in order for my client to purchase it from Gates, VI and the annexation of that parcel into the City of Daphne.

Mr. Davis: That is why the petition is not in my client's name. The petition for annexation into the city must be submitted by the owner of the property which is Gates, VI. At the work session the question was raised regarding the annexation of the existing development into the City of Daphne as well. That is why I am standing before you tonight rather than Meredith. I discussed this with my client and their response was no. The reason for this request into the city is that the density for an apartment complex development in the city is much greater than in the county.

Mr. Davis: My client would be able to develop fourteen units per acre rather than six as outlined in the Baldwin County regulations, but if my client annexed the existing development it would not be monetarily feasible for him to construct phase II. If they annex this particular phase he can construct phase II in the City of Daphne under their regulations and the existing development would remain in the county.

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

Ms. Barnette: I would like to see both parcels in the City of Daphne rather than just this parcel.

Mr. Thomas: I would like to see this parcel come into the city although you will have two phases with one in the county and one in the city with a shared access and amenities. At the time of site plan review, the owner would have to understand that the requirements for parking, green space, amenities, etc. would have to be addressed solely on this parcel because the other parcel would be in the county.

Mr. Davis: My client understands that and if they are allowed to annex into the City of Daphne, the issues of a site plan such as parking, green space, drainage, etc. would have to be addressed at that time.

The Commission questioned whether or not a traffic study had been prepared for this site.

Mr. Davis: We had requested a traffic study for presentation at this meeting, but were unable to obtain it prior to tonight.

Chairman: Do any of the Commissioners have any further questions or comments? I appreciated you coming to address the Planning Commission with your concerns. If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Thomas for the affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of a seven-point two seven-acre

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

parcel located Southeast of the intersection of Pollard Road and County Road 64 with R-4, High Density Multi-family zoning, for Gates VI, L.L.C.

Upon roll call vote, the Motion failed.

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

The next order of business is zoning amendment review for Grande Pointe Apartments, L.L.C.

ZONING AMENDMENT REVIEW:

File Z07-02: Grande Pointe Apartments, L.L.C.

Location: South of Lakefront Drive
Area: 9.68 Acres +
Owner: Grande Pointe Apartments, L.L.C.
Agent: Meredith Turpin, Davis & Fields
Engineer: Hatch Mott McDonald - John Peterson

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

An introductory presentation was given by Ms. Meredith Turpin, representing Davis & Fields, and Mr. John Peterson, of requesting rezoning of a nine-point six eight acre parcel located South of Lakefront Drive from an R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential, zone. We will be happy to answer any questions you may have.

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

Ms. Phelps: There were two comments at the work session which I wanted addressed one of which was whether or not the management group intended to improve the existing development and would they commit to the Planning Commission in writing to do so and the other was would they consider obtaining a secondary access from the Lake Forest Property Owners Association. I would like to commend Ms. Turpin for obtaining the letter from them committing to the renovation of the existing facility in a timely fashion. Did you discuss the secondary access with the Board?

Mr. Peterson: I am a member of the Lake Forest Property Owners

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Association and this item has not been presented discussed by the board members to date. The association is the only adjacent property owner which will be affected by this developer and to date we have no comments from them.

Ms. Turpin stated there was also a request for a copy of a letter from the fire marshal and that letter has been distributed to the Planning Commission. Essentially, he stated that he does not have any concerns regarding the development of phase II.

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

A Motion was made by Ms. Barnette and Seconded by Mr. Chason for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a nine-point six eight acre parcel located South of Lakefront Drive from an R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential, zone, for Grande Pointe Apartments. The Motion carried unanimous.

The next order of business is vacation of right-of-way review for the Mitchell Company, Inc.; Bertolla Properties, L.L.C.; Robert C. Abbott, Mary N. Abbott, Michael D. Abbott; Aleecia Abbott; William A. Mancini; Richard S. Higbee and Joseph Mancini.

VACATION OF RIGHT-OF-WAY:

File VR07-01: The Mitchell Company, Inc.; Bertolla Properties; L.L.C.; Robert C. Abbott, Mary N. Abbott, Michael D. Abbott; Aleecia Abbott; William A. Mancini; Richard S. Higbee and Joseph Mancini

Location: South on Alabama Highway 181
Area: A portion of unnamed rights-of-way of Highland Farms Subdivision, replatted as Dunmore Subdivision
Owner: Owners listed above
Agent: Chason & Chason, P. C. - Jessica McDill
Engineer: Rester & Coleman Engineers - Andy Bobe or Buddy Bridges

An introductory presentation was given by Ms. Jessica McDill, representing Chason & Chason, of requesting the vacation of a portion of the unnamed rights-of-way of Highland Farms Subdivision which are is now replatted as Dunmore Subdivision. The vacation is necessary in order to avoid any conflict with the proposed right-of-ways and lots for the construction of Dunmore Subdivision. I will be happy to answer

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

any questions you may have.

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

Ms. Barnette: What did you want us to do with the request for rezoning?

Ms. Dickson: The information contained under the vacation of right-of-way for zoning is an error.

Chairman: Do any of the Commissioners have any further questions or comments? I would like to open the floor for public participation.

Ms. Dickson: Public participation is not necessary since the people who executed the document, petition, are the ones I would have notified. I was only required by state law to place the advertisement in the newspaper. I did not mail out any certified letters.

Chairman: I would like to have public participation anyway. Ms. Dill, do you mind?

Ms. Dill: No sir. That is fine.

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

A Motion was made by Ms. Barnette and Seconded by Mr. West for the affirmative recommendation by the Planning Commission to the City Council of Daphne the vacation of a portion of the unnamed rights-of-way of Highland Farms Subdivision which are is now replatted as Dunmore Subdivision. The Motion carried unanimously.

The next order of business is site plan review for Comfort Suites - TimberCreek.

SITE PLAN REVIEW:

File S07-20:

Site: Comfort Suites - TimberCreek

Location: At the intersection of Sawwood Street and Woodrow Lane,
Alabama Highway 181
Area: 2.26 Acres ±
Owner: Spanish Fort Hospitality
Engineer: Rester & Coleman Engineers - Andy Bobe or Buddy Bridges

An introductory presentation was given by Mr. Buddy Bridges,

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.**

representing Rester & Coleman Engineers, requesting site plan review for a hotel facility located at the intersection of Sawwood Street and Woodrow Lane, Alabama Highway 181. I have contacted the developer of the TimberCreek and he will address the concerns of the Planning Commission regarding the detention pond. I will be happy to answer any questions you may have.

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

Ms. Barnette: Does this site require the installation of a fence to separate the hotel from the existing residential development?

Mr. Bridges: There is a substantial distance and slope that provides an adequate buffer for this site and the residential development.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion. A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry **to approve the site plan for Comfort Suites - TimberCreek. The Motion carried unanimously.**

The next order of business is site plan review for Orleans Commons.
File S07-21:

Site: Orleans Commons

Location: Southeast of the intersection of Pollard Road and
Whispering Pines Road
Area: 4.87 Acres +
Owner: Alabama 200 Investment Group
Engineer: Borden Engineering - Richard Borden

An introductory presentation was given by Mr. Justin Clements, representing Trustmark South Construction Management, Inc., requesting site plan review for a high density multi-family development located Southeast of the intersection of Pollard Road and Whispering Pines Road. I will be happy to answer any questions you may have.

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

Mr. Clements and Mr. Metzger readdressed the comments and concerns of the Planning Commission with regard to the proposed development and traffic signalization.

Chairman: Based on the comments of the Commission and the concerns addressed here tonight, we feel as if a commitment for traffic signalization should be required prior to the approval of the site plan for this site and the one to the North; therefore, you can

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

request to table the site plan or you can withdraw it.

Mr. Clements: The owner would like for the Planning Commission to table the site plan.

Chairman: The owner would have to agree to waive the thirty-day requirement so if the Planning Commission does not hear the item within thirty days, the plan would not be automatically approved.

Mr. Clements: We agree to waive the thirty-day requirement.

Ms. Barnette: I would like for the site plan to be presented for review after the City Council has a chance to act on the annexation.

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

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to table the site plan for Orleans Commons. The Motion carried unanimously.**

The next order of business is site plan review for Bay Title.

File S07-14:

Site: Bay Title

Location: Lot 6, Daphne Square Subdivision, Phase Two, Southeast
of the intersection of Wilson Avenue
and Dolphin Street

Area: 0.5 Acres +

Owner: Bay Title Insurance - Dianna Wells

Agent: Cornerstone Construction - Kevin Noe

Engineer: Borden Engineering - Richard Borden

An introductory presentation was given by Mr. Kevin Noe, representing Cornerstone Construction, requesting site plan review for a business office facility located on Lot 6, Daphne Square Subdivision, Southeast of the intersection of Wilson Avenue and Dolphin Street.

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

Mr. Chason: I would like to ask why you placed a detention facility on the front of your lot when you are located within a subdivision with an existing detention pond.

Mr. Noe: That is the way it was designed by my engineer.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Chason: I would like to see you get rid of this pond and direct your storm water into the existing facility and the developer of the subdivision agree to address the issues with the pond.

Mr. Noe: The storm water is directed into the existing facility, but I have been unable to get in contact with the developer.

Mr. Chason: Would you consider writing a letter of commitment stating that you agree to address those concerns and restore the detention facility to its prior condition?

Mr. Noe: Yes sir.

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

A Motion was made by Ms. Phelps and *Seconded* by Mr. Chason *to approve the site plan for Bay Title, contingent upon the submittal of a letter of commitment to address the issues regarding the detention pond for the Daphne Square Subdivision. The Motion carried unanimously.*

The next order of business is site plan review for the Park at Whispering Pines.

File S07-22:

Site: The Park at Whispering Pines

Location: Southeast of the intersection of Pollard Road and
Whispering Pines Road

Area: 10 Acres +

Owner: Seaman Capital - Bill Lewis or Trey Walls

Engineer: Hutchinson, Moore & Rauch - Christopher Baker

An introductory presentation was given by Mr. Christopher Baker, and Bobbie Strom representing Hutchinson, Moore & Rauch, requesting site plan review for a high density multi-family development located Southeast of the intersection of Pollard Road and Whispering Pines Road. We have heard the concerns of the Commission after the presentation by Mr. Metzger and the owner is ready to participate by contributing twenty-five percent or fifty to sixty thousand dollars for the installation of the signalization at Whispering Pines and Pollard Roads. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? Would you consider one hundred percent?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Baker and Mr. Strom: No sir. We would however consider participation of twenty-five percent.

The Commission addressed their concerns for traffic congestion, the necessity for signalization, and the request for the addition of sidewalks and an entrance on Whispering Pines Road.

Mr. Chason: I would like to see Orleans Commons negotiate with this developer for the installation of signalization and for the connection of the two parcels for a connection through the Park at Whispering Pines onto Whispering Pines Road.

Mr. Eady: I would like the Planning Commission to address whether or not the Commission is going to require turn lanes on Whispering Pines Road at the time of resubmittal.

No comment from the Commission.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion. The owner would have to agree to waive the thirty-day requirement so if the Planning Commission does not hear the item within thirty days the plan would not be automatically approved.

Mr. Baker: The owner would like for the Planning Commission to table the site plan.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion. A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to table the site plan for the Park at Whispering Pines. The Motion carried unanimously.**

The next order of business is master plan review for the Renaissance Center Subdivision.

An introductory presentation to be given by Mr. Ray Moore, representing Hutchinson, Moore & Rauch, requesting Master Plan approval for the Renaissance Center Subdivision. We apologize for not bringing this to your earlier, but the owner was unsure of exactly how the parcel would need to be laid out. This is the resubdivision of the existing development the Renaissance Center which was given preliminary plat approval several months ago. The owner has constructed the right-of-way known as Frederick Boulevard and installed utilities to the site. He has posted at the time of submission a performance bond as a financial guarantee for the construction of the detention pond and the installation of landscaping. The new division of lots is presented here tonight as a representation of the proposed development which the center has coming

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

onto the site. The owners have parties interested in some of the parcels, but not all and may come back at a later date to resubdivide according to that need.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to approve the master plan for the Renaissance Center Subdivision. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Renaissance Center Subdivision, the Resubdivision of Phase 1A, Lots 1-7 and Phase 2A, Lot 1.

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF07-09:

Subdivision: Renaissance Center, the Resubdivision of Phase 1A, Lots 1-7 and Phase 2A, Lot 1

Location: The intersection of U. S. Highway 90 and Alabama Highway 181

Area: 27.26 Acres ±, (8) lots

Owner: Renaissance Center, L.L.C. - Lee Davenport

Engineer: Hutchinson, Moore & Rauch - Ray Moore

An introductory presentation to be given by Mr. Bobbie Strom, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat approval for a twenty-seven acre parcel consisting of eight lots located at the intersection of U. S. Highway 90 and Alabama Highway 181. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason **to approve the preliminary/final plat for the Renaissance Center Subdivision, the Resubdivision of Phase 1A, Lots 1-7 and Phase 2A, Lot 1. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Audubon Park Subdivision, the Resubdivision of Lots 1, 2, & 3, the Resudivision of Lot 2.

File SDPF07-10:

Subdivision: Audubon Park Subdivision, the Resubdivision of Lots 1, 2, & 3, the Resudivision of Lot 2

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

Area: 26.35 Acres +, (2) lots

Owner: Gates VI, L.L.C. and Audubon Park Apartments, L.L.C.

Agent: Meredith Turpin, Davis & Fields

Engineer: Rester & Coleman Engineers - Don Coleman or Buddy Bridges

An introductory presentation was given by Mr. Buddy Bridges, representing Rester & Coleman Engineers, requesting preliminary/final plat approval for a twenty-six acre parcel consisting of two lots located Southeast of the intersection of Pollard Road and County Road 64. I will be happy to answer any questions you may have.

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

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Chason to **approve the preliminary/final plat for the Audubon Park Subdivision, the Resubdivision of Lots 1, 2, & 3, the Resudivision of Lot 2. The Motion carried unanimously.**

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

ATTORNEY'S REPORT:

Ms. Gray, associate attorney: no report.

ADJOURNMENT:

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

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

There being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully submitted by:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JUNE 28, 2007
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Jan Dickson, Planning Coordinator

APPROVED: July 26, 2007

Jeff Carrico, Chairman

SET A PUBLIC HEARING DATE FOR

SEPTEMBER 17, 2007

TO CONSIDER:

- 1.) **Revision of Zoning Map**
- 2.) **Rezoning: Property located on Wilson Avenue / Lori Galia-Clough / From R-1, Low Density Single Family Residential District to R-4, High Density Single and Multi-Family Residential District / Negative Recommendation**

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Zoning & Street Maps

MEMORANDUM

Date: July 31, 2007

At the regular meeting of the City of Daphne Planning Commission on July 26, 2007, seven members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned documents.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing and the resolution for adoption by the City Council. Both documents are being prepared and shall be provided by the office of the City Attorney.

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

Thank you,

WHE/jd

cc: file

PLEASE Publish in the Bulletin Legal Section on Wednesday,
August 15, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 17, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use & Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2007-**

**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 26, 2007, 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 and Ordinance No. 2007-15; 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 and Ordinance No. 2007-15; 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 17, 2007; 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 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 setforth in Ordinance No. 2002-22 and its amendments.

SECTION II: REPEALER

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2006-24, 2006-73 and 2007-15 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 , 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date and Time Signed:

FRED SMALL,
MAYOR
Date and Time Signed:

ATTEST:

DAVID L. COHEN,
CITY CLERK, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday, August 22, 2007.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on August 15, 2007, that the City Council of the City of Daphne will hold a Public Hearing on September 17, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2007-**

**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 26, 2007, 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 and Ordinance No. 2007-15; and

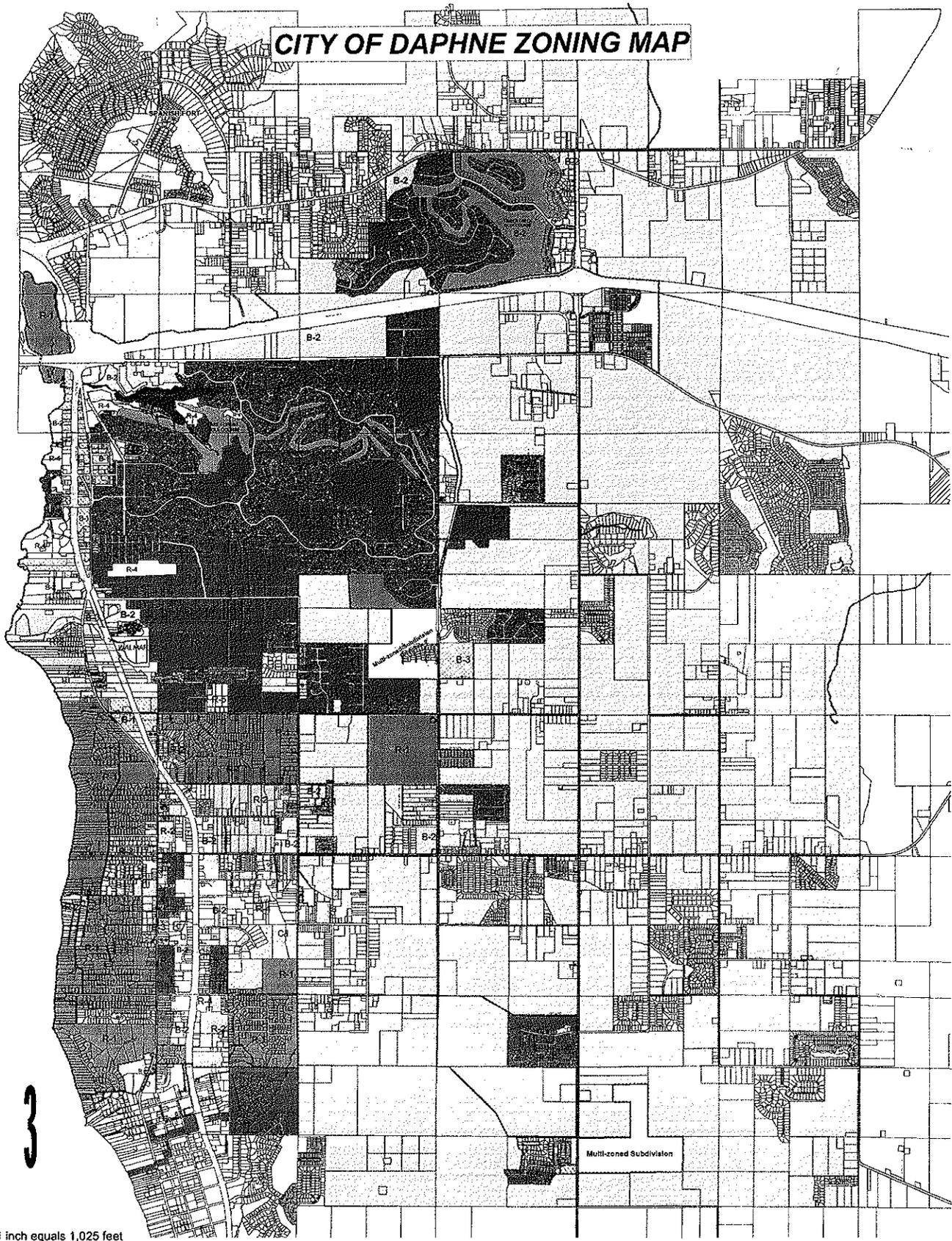
WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance No. 2002-22, Ordinance 2003-06, Ordinance No. 2005-11, Ordinance No. 2006-24, Ordinance No. 2006-73 and Ordinance No. 2007-15; and

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 17, 2007; and

/END SYNOPSIS

CITY OF DAPHNE ZONING MAP



1 inch equals 1,025 feet

The information contained in this data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but its accuracy, completeness and timeliness is not guaranteed. The City of Daphne makes no warranties, expressed or implied, as to the accuracy, completeness, timeliness, reliability, or suitability for any particular purpose of the information or data contained in or generated from this City Geographic Information System. Additionally, the City of Daphne or any agent, servant or employee thereof assumes no liability associated with the use of this data and assumes no responsibility for its plan in any manner or form. Any user should refer to zoning or city data should be needed by the City of Daphne Planning Department. Tel: 251-251-2121

- ORDINANCE NO. 2007-15
- ORDINANCE NO. 2007-07
- ORDINANCE NO. 2007-06
- ORDINANCE NO. 2007-05
- ORDINANCE NO. 2007-04
- ORDINANCE NO. 2007-03
- ORDINANCE NO. 2007-02
- ORDINANCE NO. 2007-01
- RESOLUTION NO. 2007-15
- RESOLUTION NO. 2007-14
- RESOLUTION NO. 2007-05
- RESOLUTION NO. 2007-04
- RESOLUTION NO. 2007-03
- RESOLUTION NO. 2007-02
- RESOLUTION NO. 2007-01

REVISED 7/2007

ADOPTED BY THE CITY OF DAPHNE PLANNING COMMISSION
DATE:

PLANNING COMMISSION CHAIRMAN
JEFF CARRICO

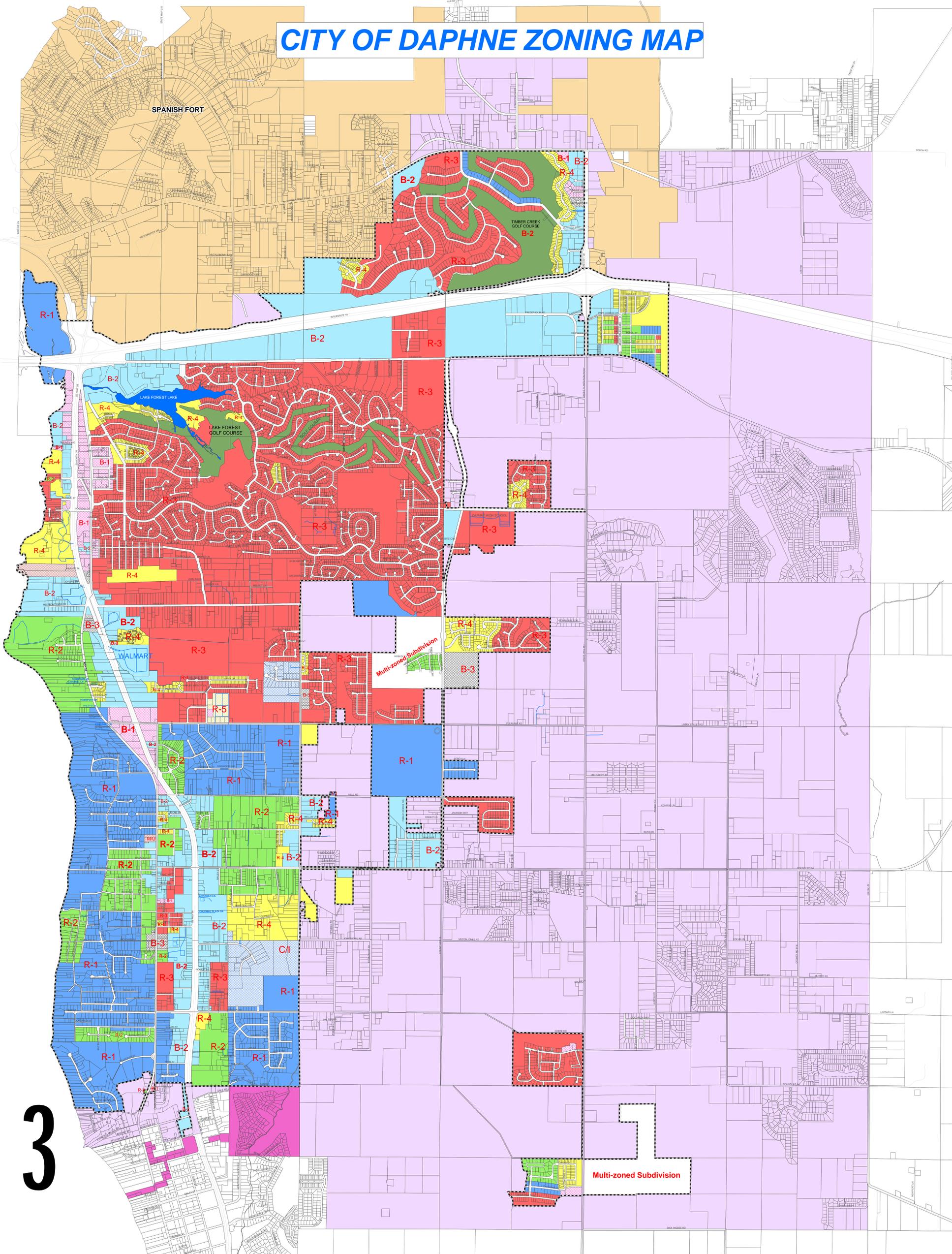
ADOPTED BY THE DAPHNE CITY COUNCIL
DATE:

MAYOR
FRED SMALL

CITY CLERK
DAVID COHEN

Legend	
---	CITY LIMITS
ZONE	
[Pattern]	B-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
[Pattern]	B-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
[Pattern]	B-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
[Pattern]	R-4 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
[Pattern]	CA COMMERCIAL PROFESSIONAL
[Pattern]	B-4 HOME BUSINESS
[Pattern]	B-5 GENERAL BUSINESS
[Pattern]	CB CENTRAL BUSINESS
[Pattern]	CB-2 COMMERCIAL PROFESSIONAL
[Pattern]	SP SPECIAL USE
[Pattern]	W-1 WAREHOUSE AREA
[Pattern]	CO-1 CO-USE
[Pattern]	SW-1 SWIMMING
[Pattern]	CITY OF DAPHNE
[Pattern]	ET JURISDICTION

CITY OF DAPHNE ZONING MAP



1 inch equals 1,025 feet

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-3184

ORDINANCE NO. 2007-15
 ORDINANCE NO. 2007-07
 ORDINANCE NO. 2007-08
 ORDINANCE NO. 2007-09
 ORDINANCE NO. 2007-17
 ORDINANCE NO. 2007-18
 ORDINANCE NO. 2007-19
 ORDINANCE NO. 2007-24
 RESOLUTION NO. 2007-15
 RESOLUTION NO. 2007-16
 RESOLUTION NO. 2007-25
 RESOLUTION NO. 2007-59

REVISED 7/2007

ADOPTED BY THE CITY OF DAPHNE PLANNING COMMISSION
 DATE:

PLANNING COMMISSION CHAIRMAN
 JEFF CARRICO

ADOPTED BY THE DAPHNE CITY COUNCIL
 DATE:

MAYOR
 FRED SMALL

CITY CLERK
 DAVID COHEN

Legend	
---	CITY LIMITS
ZONE	
[Blue]	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
[Green]	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
[Red]	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
[Yellow]	R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
[Pink]	R-5 MOBILE HOME RESIDENTIAL
[Light Blue]	B-1 LOCAL BUSINESS
[Light Green]	B-2 GENERAL BUSINESS
[Light Purple]	B-3 PROFESSIONAL BUSINESS
[Light Orange]	C/I COMMERCIAL/INDUSTRIAL
[Light Yellow]	M/U MULTI-USE
[Green with trees]	WILDERNESS AREA
[Green with golf course]	GOLF COURSE
[Orange]	SPANISH FORT
[Purple]	CITY OF FAIRHOPE
[Light Purple]	ET JURISDICTION

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Lori Galia-Clough

MEMORANDUM

Date: July 31, 2007

At the regular meeting of the City of Daphne Planning Commission on July 26, 2007, seven members were present and the motion carried unanimously for the negative recommendation of the above-mentioned ordinance.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing for adoption by the City Council.

The present zoning is R-1, low density single family residential. The proposed zoning is R-4, High Density (Two-Family) Residential for duplexes. The property is located on the North side of Wilson Avenue.

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

Thank you,

WHE/jd

cc: file

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 207-01 Date Plat Submitted: June 25, 2007

Date Presented: July 24, 2007

Name of Owner: Lori Galia-Clough

Address: 50 General Canby Drive, Spanish Fort, AL 36527 Telephone #251-625-0943
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Hutchinson, Moore & Rauch, LLC

Address: Post Office Box 1127 Daphne AL 36526 Telephone #251-626-2626
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: 4.5 Acres +/- on Wilson Avenue

Lot(s): _____ Unit _____

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

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

List of the names and mailing addresses for the adjacent property owners (Date Submitted: 06-27-07).

Meeting Dates:

Planning Commission: July 24, 2007

City Council: _____

Reason(s) for requesting the Zoning Amendment:

to construct a duplex neighborhood

Christoph D. Bai
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address No address - Vacant property
- b) Name of Subdivision 4.5 Acres +/- on Wilson Avenue
- c) Lot numbers involved in change one
- d) Total acreage of change 4.50+/- acres
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? No
- g) If owned in part, name(s) of co-owner(s) :
See letter of authorization/power of attorney

2) Zoning change requested:

- a) Present classification of property R1
- b) Reclassification desired R4 Two Family
- c) Character of neighborhood Business, semi-public, and residential

3) Certifications:

- a) Owner's Name Lori Galia-Clough
- b) Address 50 General Canby Drive, Spanish Fort, AL 36527
- c) Telephone Number 251-625-0943
- d) Date June 20, 2007

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.

June 26, 2007
Date


Signature of Property Owner
Executing Power of Attorney

***Lori Galia-Clough
Adjacent Property Owners***

**Johnny Bell Ephraim
Post Office Box 1284
Daphne, AL 36526**

**John R and Beatrice Locke
2203 Locke Street
Daphne, AL 36526**

**City of Daphne
Post Office Box 400
Daphne, AL 36526**

**Alfred and Maxine Guarisco
1109 Randall Avenue
Daphne, AL 36526**

**Martin Harris
Post Office Box 10763
Prichard, AL 36610**

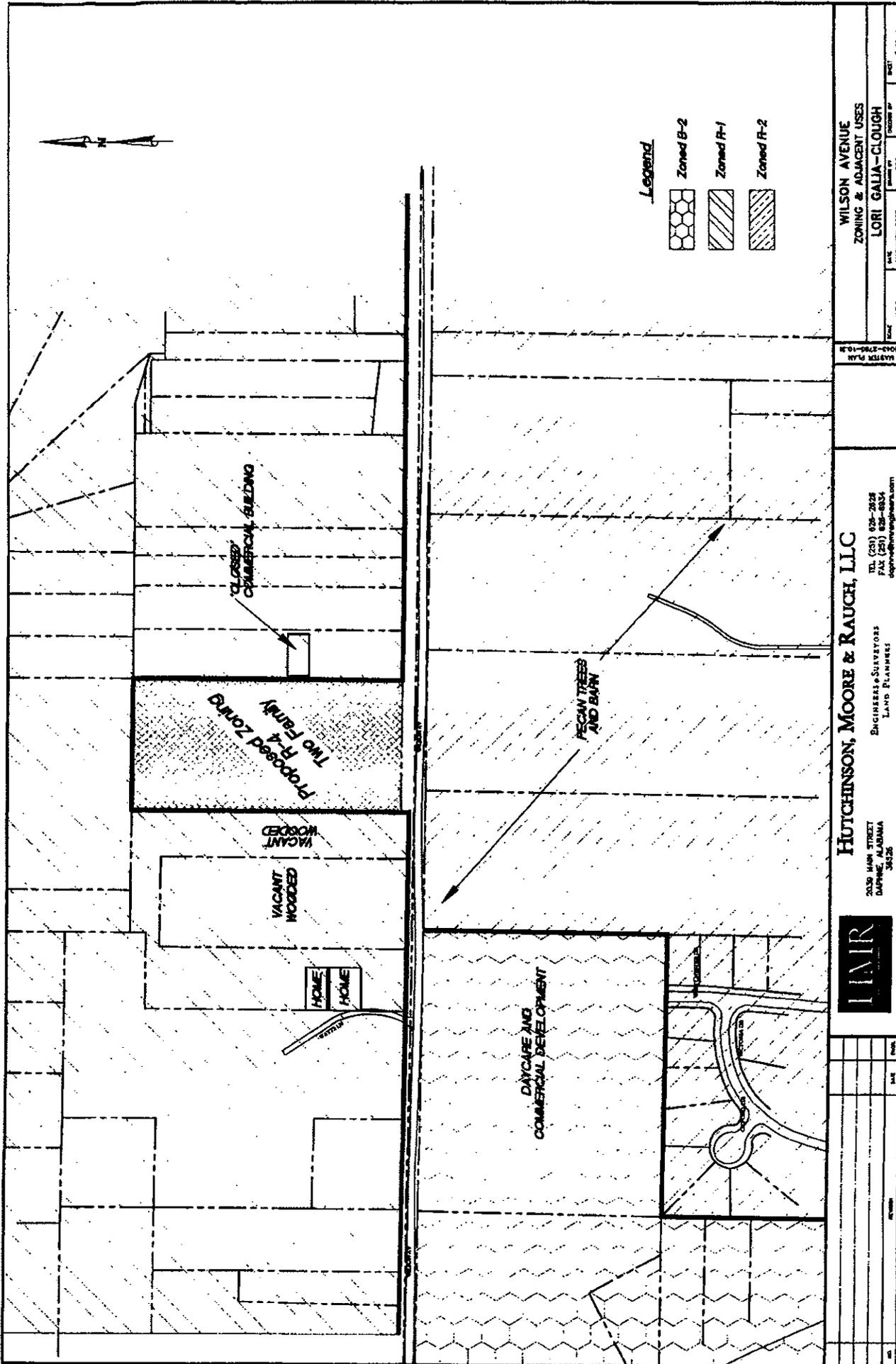
**Christina White
1203 Captain O'Neal Drive
Daphne, AL 36526**

**LORI GALIA-CLOUGH
4.5 ACRES +/- ON WILSON AVENUE
FROM R-1 TO R-4**

“EXHIBIT A”

LEGAL DESCRIPTION OF PROPERTY

COMMENCING AT THE HALF SECTION CORNER OF THE WEST LINE OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-88°22'40"-E, ALONG THE CENTER OF WILSON AVENUE, 2411.81 FEET TO A POINT; THENCE RUN N-01°37'20"-E, 29.05 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE NORTH LINE OF WILSON AVENUE; THENCE RUN N-02°00'11"-E, LEAVING SAID NORTH LINE OF SAID WILSON AVENUE, 631.50 FEET TO A POINT; THENCE RUN S-88°39'00"-E, 307.92 FEET TO A POINT; THENCE RUN S-02°00'11"-W, 630.10 FEET TO A POINT ON THE NORTH LINE OF SAID WILSON AVENUE; THENCE RUN N-88°16'15"-W, ALONG SAID NORTH LINE OF WILSON AVENUE, 307.93 FEET TO THE POINT OF BEGINNING. CONTAINING 4.46± ACRES, MORE OR LESS.



		HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS/SURVEYORS LAND PLANNERS 2030 14th STREET DAPHNE, ALABAMA 36525 TEL (251) 625-2828 FAX (251) 625-8854 info@hmrplanning.com		WILSON AVENUE ZONING & ADJACENT USES LORI GALIA-CLOUGH DATE: JANUARY 2007 SCALE: AS SHOWN SHEET: 3 OF 4	
--	--	--	--	---	--

zoning amendment
 Exhibit "B"
 for: - Galia Clough

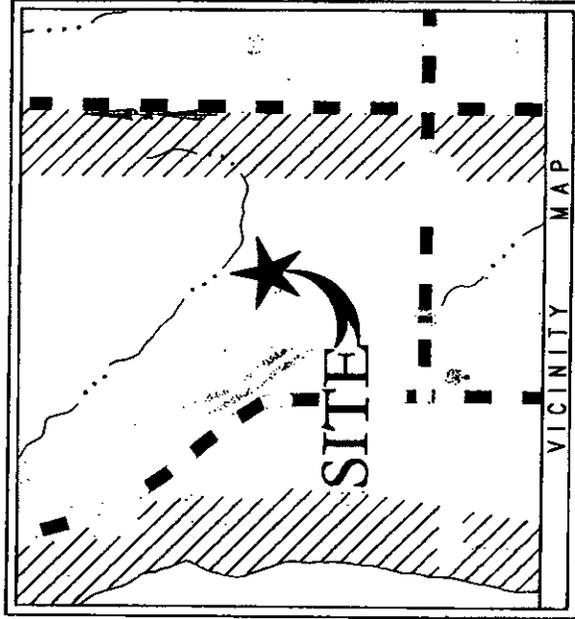
Lori Gاليا-Clough

WILSON AVENUE

REZONING REQUEST
R-1 SINGLE FAMILY TO R-4 TWO FAMILY



FEBRUARY 2007



INDEX TO SHEETS

NUMBER	DESCRIPTION
1	TITLE SHEET
2	BOUNDARY & TOPOGRAPHIC SURVEY
3	ZONING & ADJACENT USES
4	SITE LAYOUT

2019 MARK STREET
DAPHNE, ALABAMA 36528



HUTCHINSON, MOORE & RAUCH LLC

ENGINEERS & SURVEYORS
DAPHNE, ALABAMA

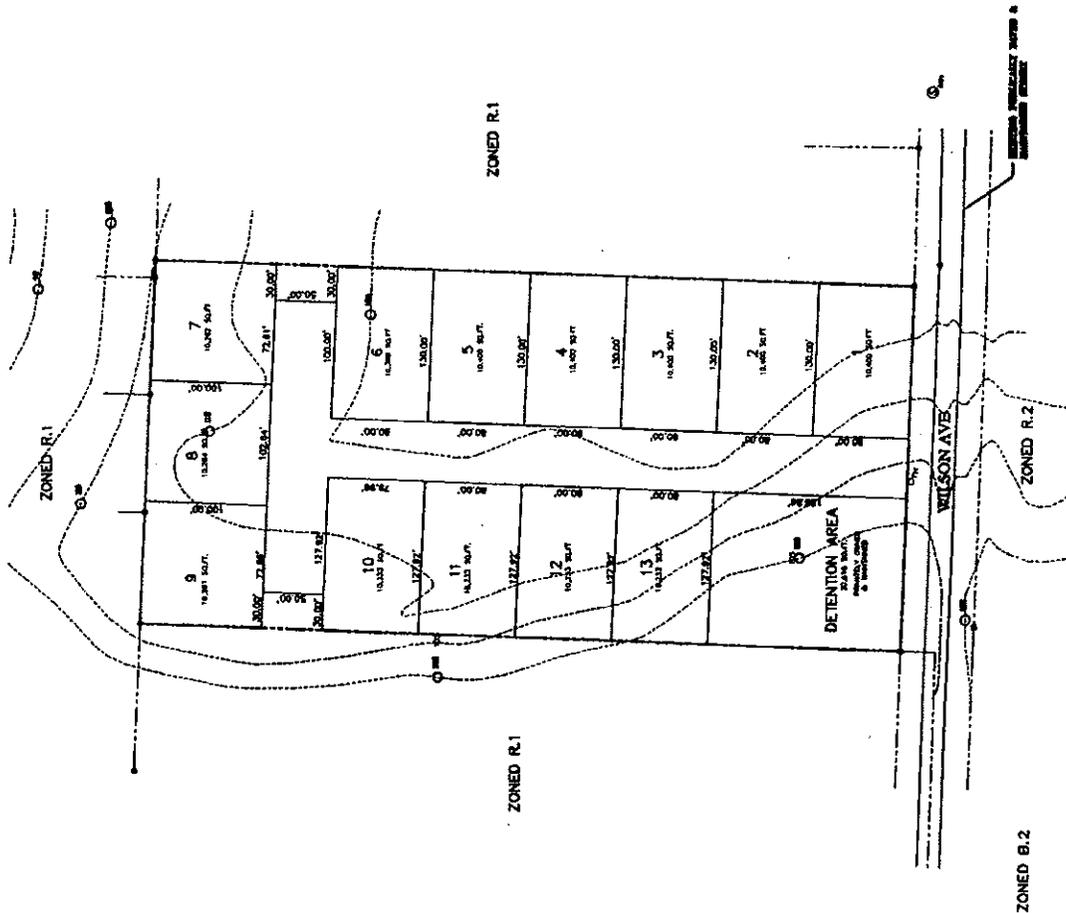
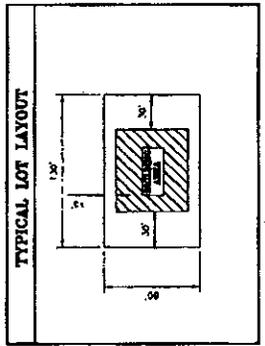
(251) 424-2828
FAX (251) 828-6634
c@hmr@hutchinsonmoore.com

12516213185



SITE DATA TABLE

- TOTAL SITE = 197,280 SQ. FT. (4.44 AC.±)
- PROPOSED TRACTS = 8.4 (776 PARCELS)
- EXISTING TRACTS = 8.1 (760 PARCELS)
- LOT WIDTHS = VARYING
- LOT DEPTHS = VARYING
- TOTAL PAVED ROADWAY = 300
- PERMITS = 13 PER TRACTS = 2.08 PER TRACTS PER ACRES
- PERMITS THEY PERMITS = 13 PER TRACTS = 2.08 PER TRACTS PER ACRES
- PERMITS THEY PERMITS = 13 PER TRACTS = 2.08 PER TRACTS PER ACRES



HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS-SURVEYORS
 LAND PLANNERS
 2029 MAIN STREET
 DAPHNE, ALABAMA 36526
 TEL (251) 456-2828
 FAX (251) 456-4444
 dmr@hutchinsonmoore.com

WILSON AVENUE SITE PLAN
 LORI GALIA-CLOUGH
 DATE: DECEMBER, 2006
 SCALE: 1"=30'

DATE: DECEMBER, 2006
 SCALE: 1"=30'

DATE: DECEMBER, 2006
 SCALE: 1"=30'

Excl 3



COOLhouseplans.com

Front Rendering

Plan ID: CHP-26909

Order Code: C142



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 Chantilly, VA 20151

Copyright © 2006, The COOL house plans company

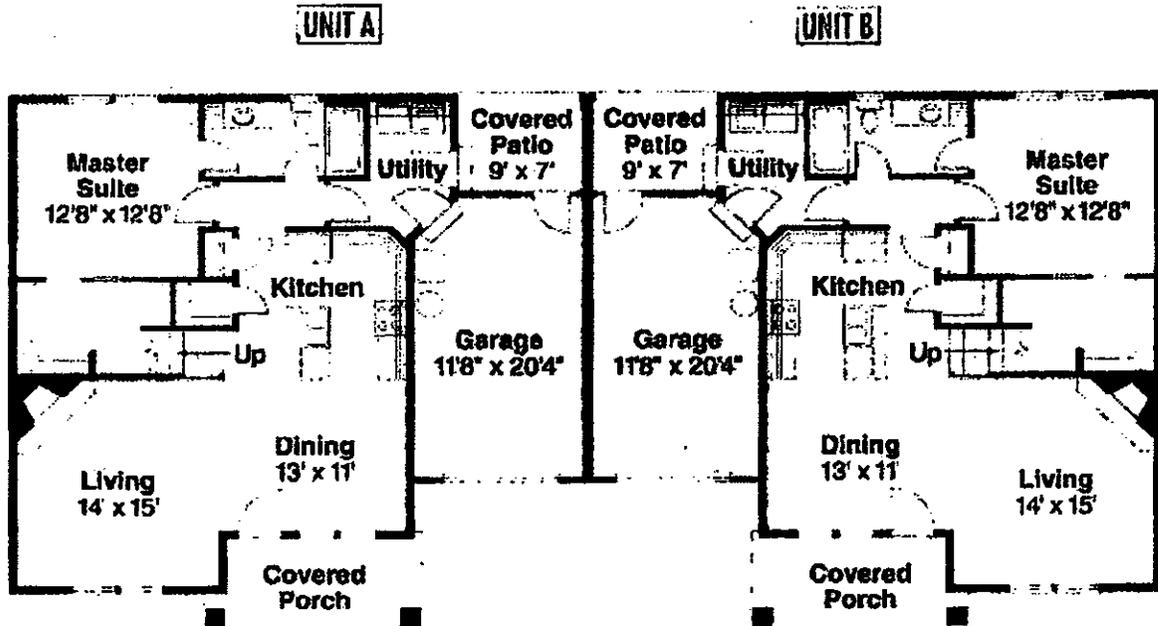


COOLhouseplans.com

First Floor Plan

Plan ID: CHP-26909

Order Code: C142



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 - Chantilly, VA 20151

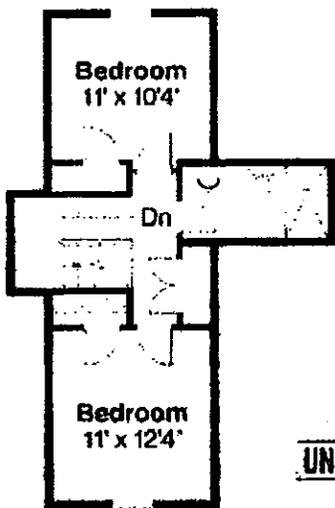


COOLhouseplans.com

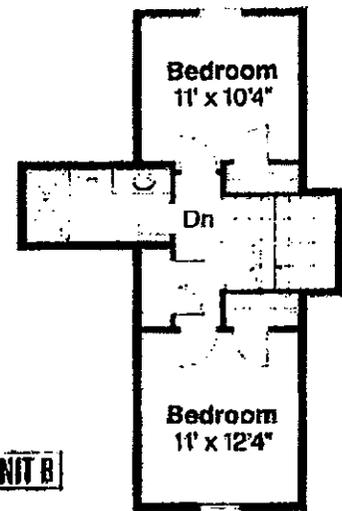
Second Floor Plan

Plan ID: CHP-26909

Order Code: C142



UNIT A



UNIT B



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 Chantilly, VA 20151



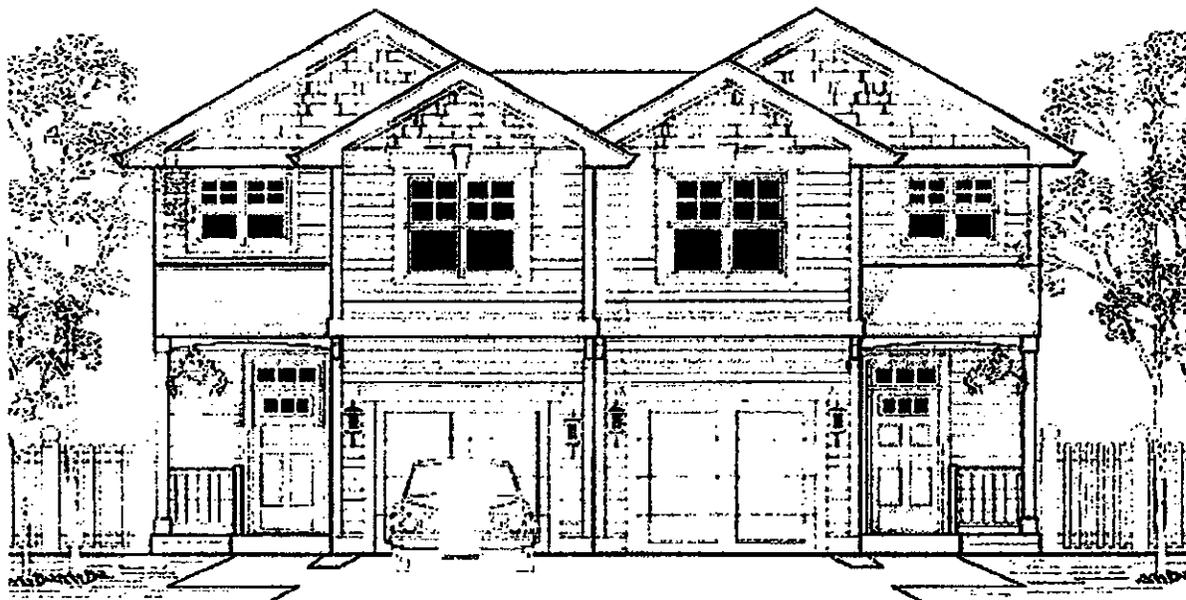
COOLhouseplans.com

Front Rendering

3 smaller lots

Plan ID: CHP-22499

Order Code: C142



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 Chantilly, VA 20151

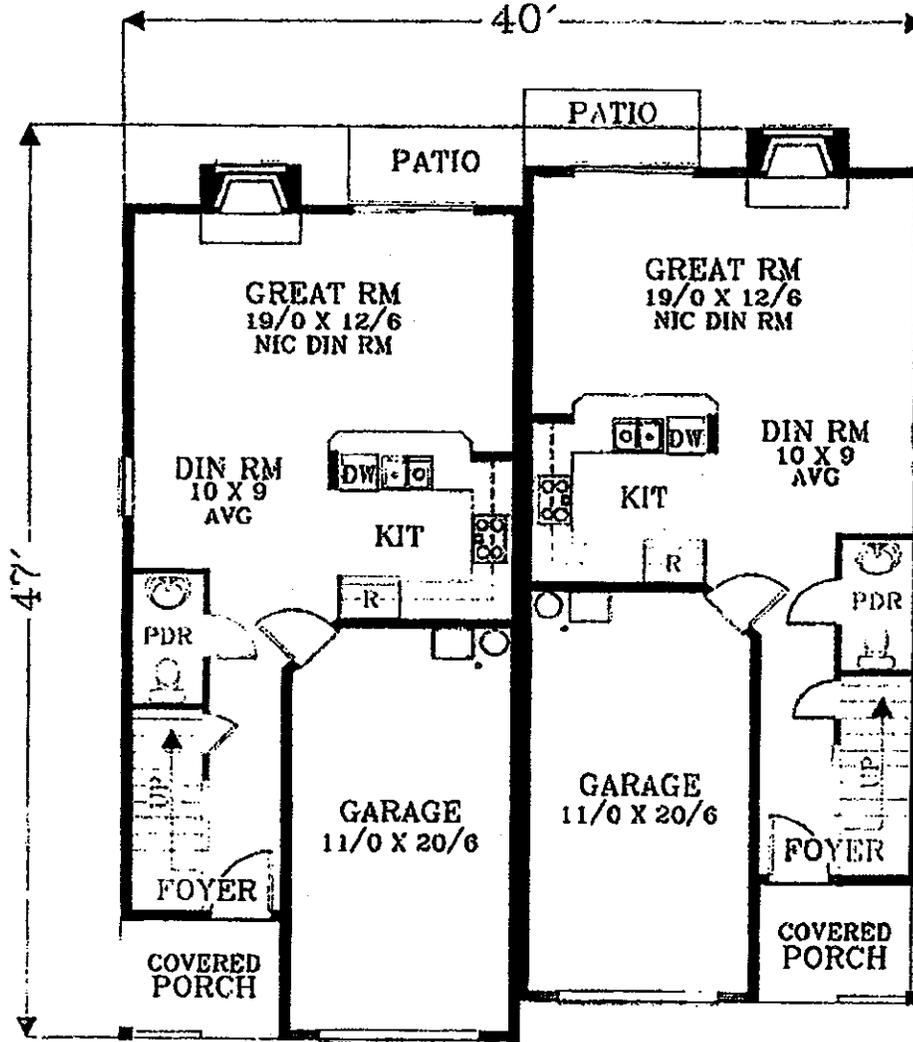


COOLhouseplans.com

First Floor Plan

Plan ID: CHP-22499

Order Code: C142



MAIN FLOOR PLAN

569 SQ FT PER UNIT

1363 TOTAL SQ FT PER UNIT



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 · Chantilly, VA 20151

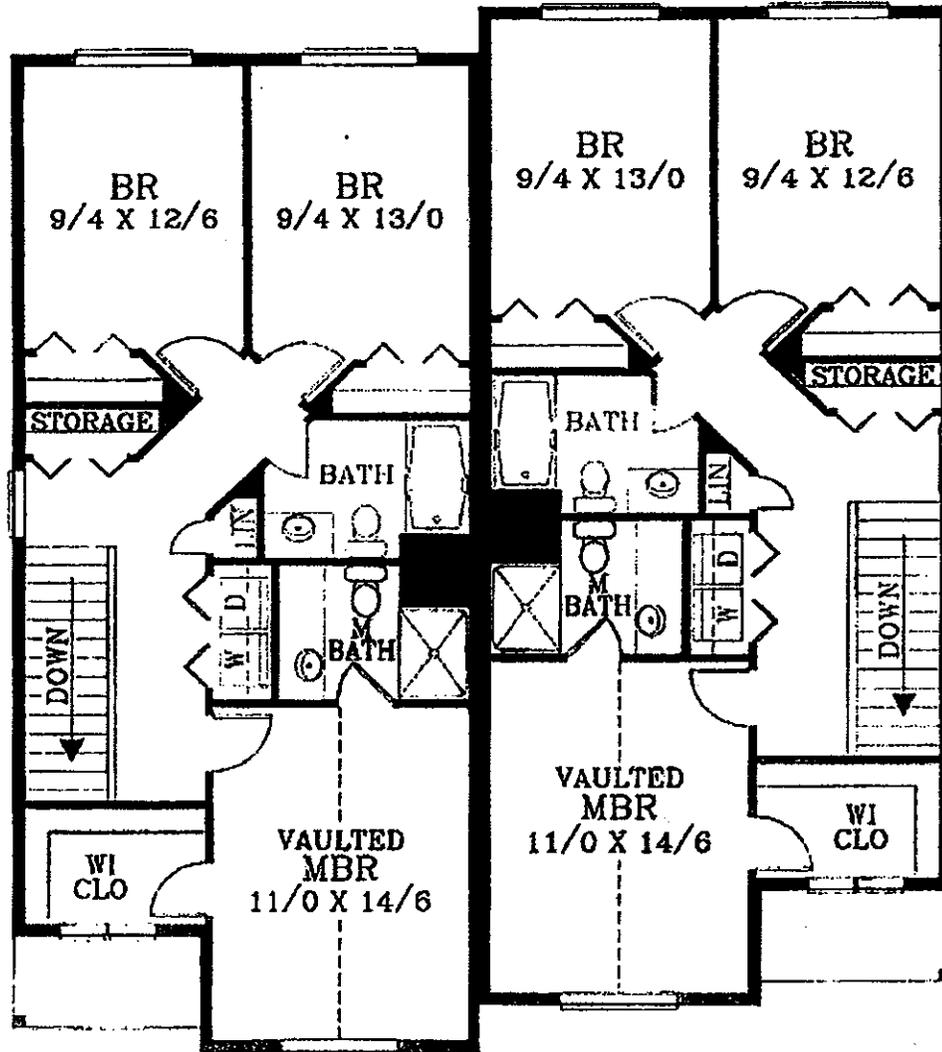


COOLhouseplans.com

Second Floor Plan

Plan ID: CHP-22499

Order Code: C142



UPPER FLOOR PLAN
794 SQ FT PER UNIT



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 Chantilly, VA 20151



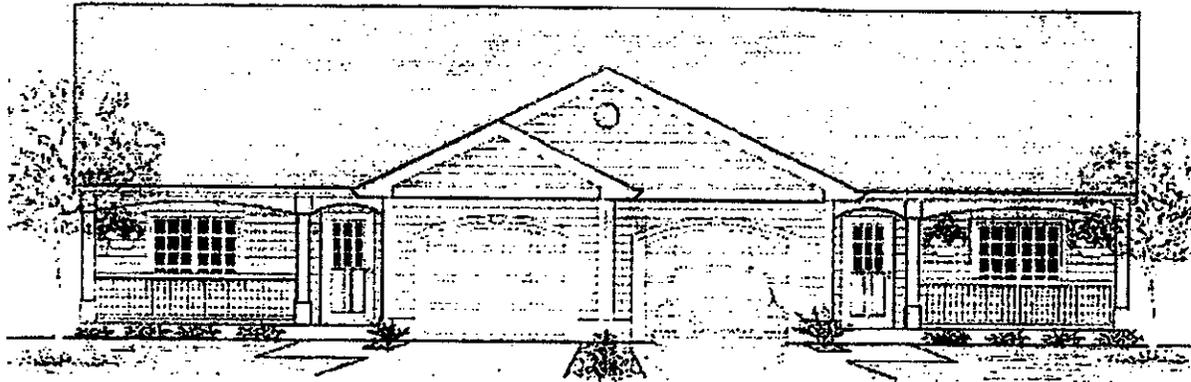
COOLhouseplans.com

Front Rendering

Plan ID: CHP-22560

60x75 bto
7

Order Code: C101



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100 Chantilly, VA 20151

Copyright © 2006, The COOL house plans company

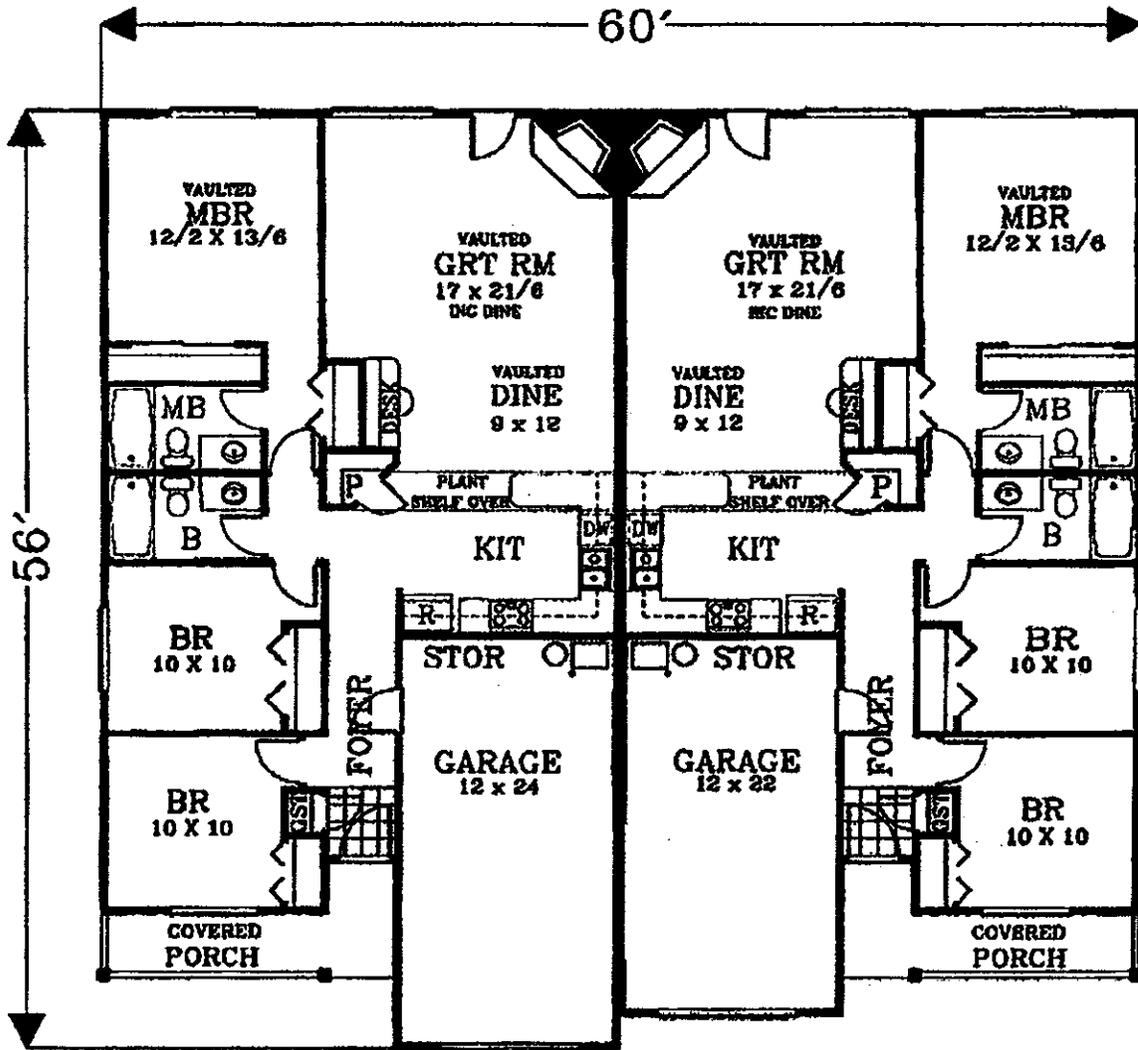


COOLhouseplans.com

First Floor Plan

Plan ID: CHP-22560

Order Code: C101



FLOOR PLANS

1220 SQUARE FEET EACH UNIT



Call 1-800-482-0464

4125 Lafayette Center Drive, Suite 100, Charlottesville, VA 22911

**Billy J. Mayhand
1372 Wilson Avenue
Daphne, AL 36526**

July 19, 2007

**The City of Daphne
Planning Department
Post Office Box 400
Daphne, AL 36526**

Dear Sirs and Madams of the Planning Board:

On the agenda of your next meeting, there will be a request asking you to rezone a portion of Wilson Avenue from R-2 to R-4. As a property owner and a life-long resident of this street, I'm writing you to express my disapproval to such a change. My neighbors, new and old, have invested in the street and community because of it being zoned R-2. Our property value and way of life would change if this zone change were approved. We (*Residents*) are a single family housing community and we want to remain a single family community. Please consider this request for denial of the rezoning partition on Wilson Avenue.

Sincerely,



**Billy J. Mayhand
Computer Technician
BSCC**

BLACK ANGUS DEVELOPMENT, LLC

March 13, 2007

Mr. Bill Eady
Director of Community Development
City of Daphne

VIA FAX 251-621-3185

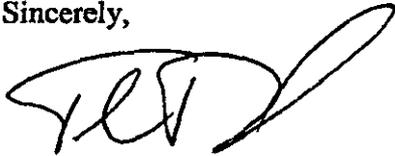
P. O. Box 375
Fairhope, AL 36533
Phone: 251-626-0074
Cell: 251-455-3617
Fax: 251-626-7333
E-mail: TEToombs@aol.com
TSDrummond@aol.com

Dear Mr. Eady:

It is my understanding that approx five acres on Wilson Avenue is currently under contract with the contingency that the city re-zones the property to allow Multi-family Duplex Housing. This property is close to the northeast corner of our campus that is zoned B-2, General Business. Currently we have The Neighborhood School, Sylvan Learning Center, and Mobile Ballet as tenants on our property. This letter is to voice our support for the re-zoning to allow a high -quality duplex condominium development to exist on Wilson Avenue.

Thank-you for your careful consideration of this project. If you have any questions, please call me at our office, 626-0074, or on my cell, 455-3617.

Sincerely,



Thomas Toombs

PLEASE Publish in the Bulletin Legal Section on **Wednesday, August 15, 2007**

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 17, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain property as presented below from R-1, Low Density Single Family Residential District to R-4, High Density Multi-Family Residential District certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 -

Ordinance to Rezone Property Located on Wilson Avenue

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District, to R-4, High Density Multi-Family Residential District, to said property is located on Wilson Avenue, Daphne, Alabama, being more particularly described as follows:

LEGAL DESCRIPTION OF PROPERTY

COMMENCING AT THE HALF SECTION CORNER OF THE WEST LINE OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-88°22'40"-E, ALONG THE CENTER OF WILSON AVENUE, 2411.81 FEET TO A POINT; THENCE RUN N-01°37'20"-E, 29.05 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE NORTH LINE OF WILSON AVENUE; THENCE RUN N-02°00'11"-E, LEAVING SAID NORTH LINE OF SAID WILSON AVENUE, 631.50 FEET TO A POINT; THENCE RUN S-88°39'00"-E, 307.92 FEET TO A POINT; THENCE RUN S-02°00'11"-W, 630.10 FEET TO A POINT ON THE NORTH LINE OF SAID WILSON AVENUE; THENCE RUN N-88°16'15"-W, ALONG SAID NORTH LINE OF WILSON AVENUE, 307.93 FEET TO THE POINT OF BEGINNING. CONTAINING 4.46± ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 26, 2007 has considered said request and set forth a *negative recommendation* to the City Council of the City of Daphne that said property not be rezoned; and,

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

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2007.

**Greg Burnam, Council
President**
Date & Time Signed:

Fred Small, Mayor
Date & Time Signed:

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section on Wednesday, August 22, 2007.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on August 15, 2007, that the City Council of the City of Daphne will hold a Public Hearing on September 17, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from R-1, Low Density Single Family Residential District to R-4, High Density Multi-Family Residential District, as presented below from. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2007 –

Ordinance to Rezone Property Located on Wilson Avenue

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District, to R-4, High Density Multi-Family Residential District, to said property is located on Wilson Avenue, Daphne, Alabama, being more particularly described as follows:

LEGAL DESCRIPTION OF PROPERTY

COMMENCING AT THE HALF SECTION CORNER OF THE WEST LINE OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-88°22'40"-E, ALONG THE CENTER OF WILSON AVENUE, 2411.81 FEET TO A POINT; THENCE RUN N-01°37'20"-E, 29.05 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE NORTH LINE OF WILSON AVENUE; THENCE RUN N-02°00'11"-E, LEAVING SAID NORTH LINE OF SAID WILSON AVENUE, 631.50 FEET TO A POINT; THENCE RUN S-88°39'00"-E, 307.92 FEET TO A POINT; THENCE RUN S-02°00'11"-W, 630.10 FEET TO A POINT ON THE NORTH LINE OF SAID WILSON AVENUE; THENCE RUN N-88°16'15"-W, ALONG SAID NORTH LINE OF WILSON AVENUE, 307.93 FEET TO THE POINT OF BEGINNING. CONTAINING 4.46± ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 26, 2007 has considered said request and set forth a *negative recommendation* to the City Council of the City of Daphne that said property not be rezoned; and,

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

/END SYNOPSIS

Recreation Board Minutes
July 11, 2007

City of Daphne Recreation Board Minutes
1705 Main Street
Daphne, AL
July 11, 2007
6:00 p.m.

Members Present: Chairman Ed Nelson, Erick Smith, Kit Smith, Coach Glenn Vickery

Members Absent: Matthew Banfield, Matthew Cunningham, Rick Cleveland,
John Peterson

Advisory Staff Present: David McKelroy, Director of Recreation, Councilman Greg Burnam, Councilman Gus Palumbo

Others Present: Linda Tipp, Mayor Fred Small

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:05 p.m.

Review and Approval of Minutes

Minutes from the June 11 meeting were approved. Kit Smith made a motion to approve the minutes and Erick Smith seconded the motion. Motion carried.

Public Participation

Members of the Village Point Preserve, Al Guarisco, Maureen Nation, and Selena Vaughn, made a presentation to the Recreation Board concerning improvements/future plans to the Bayfront Park/Village Point areas. Mr. Guarisco stated that they were not sure who they needed to apprise of the improvements; they have made presentations to several departments and they wanted to make sure that they gave the necessary information upstream of the budgeting process to the department that was responsible for that respective area. Mr. Guarisco also mentioned various work on the grounds that needs to be done and his request will be forwarded to the proper city department.

Michelle Heim was also present in the audience to get an update on the Master Plan.

Old/New Business

1. Reappointment of Board Member

Matthew Banfield and Matt Cunningham were both reappointed to the Recreation Board by the City Council. Chairman Nelson thanked the Council for approving their reappointments.

2. Mr. Bill Eady was schedule to attend the meeting and was unable to be present.

3. Master Plan Update

a. Status of request regarding topological survey and wetlands determination

A motion was made by John Peterson to recommend to the Council that they authorize the Mayor to enter into a contract with HMR to start of topographical survey and a wetlands determination on the new Tallent property. Erick Smith seconded the motion and the motion carried. This item was not included on the agenda of the July 2 City Council meeting but is included on the July 16 agenda. Status update will be given at August meeting.

b. Status of Tennis Center Steering Committee

Kit Smith stated that he needs to talk with Rick Cleveland concerning prospective steering committee members. Michelle Heim mentioned that she is an avid tennis player and is involved in several tournaments in the area. Kit asked her if she would like to be involved or on the steering committee. She stated she would very much like to be on the steering committee. Kit stated that he would be in contact with her.

c. Report of meeting with ADECA official

Chairman Nelson gave an update on his meeting with the ADECA official and discussed the handouts on Gulf Shores, Fairhope, and Spanish Fort contained in Attachment #4. Since Recreation activities/facilities/events that other surrounding cities impact those in Daphne, Chairman Nelson asked the Mayor to speak to the status of our Master Plan in light of the next steps to be taken by the Recreation Board. The Mayor responded that we need to get the topological survey and the wetlands determination to see what the costs are to know how to proceed.

4. Land Use Ordinance revision

- a. A committee has been formed to look at sample Land Use ordinances in order to recommend a revision to the existing Daphne recreation land use ordinance. The committee will consist of John Peterson, Kit Smith, Scott Hutchinson, Chris Baker, David McKelroy, and Linda Tipp. Mayor Small suggested that Jay Ross and Mr. Eady be added to that committee, since Mr. Eady has gathered information on this topic. The committee will meet before the board meeting in August.

5. Status of Defibrillator purchase and training

David McKelroy advised the Board that bids have gone out for the defibrillators. Chairman Nelson asked David to provide a site location for the defibrillators as well as a listing of the employees who will be trained to use them.

6. Staffing of Fitness Center//Additional Financial Information

A recommendation for additional staffing for the Fitness Center was held over until the budget committee meets to review current year expenses and generates budget items for the new fiscal year. Additional financial information was distributed to budget committee members for their review. Mr. McKelroy offered that in the interim, the Athletic Program Assistant could assist in the Fitness Center.

7. Status of Dog Park Construction

David McKelroy gave an update on the status of the Dog Park and stated that he hopes to have it completed by the end of July. David is going to notify the Beautification Committee concerning planting shrubbery and will have signs made. It was mentioned that we may want to have a Grand Opening for the Dog Park and David said he will notify all interested parties when the Park is completed.

Comments from Recreation Director

David McKelroy stated that we are currently holding registration for the fall soccer, football, and cheerleading programs.

Budget reports were also handed out and a budget committee meeting has been set for Monday, July 16.

The Library and Recreation Department partnered to purchase new picnic tables that were placed in the Plaza area.

David advised that the 13 year old Dixie Youth boys won District and will go to State.

Other Comments

Coach Vickery expressed his sincere thanks to the Recreation Board, the Mayor and City council for their support of the Summer Clinics that he and his staff have conducted at the High School this summer.

Adjourn

The meeting adjourned at 7:45 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

**RESOLUTION 2007- 63
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

David Cohen, City Clerk, Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140

Rebecca Hayes, Assistant City Clerk, Certification Training Institute for Municipal Clerks and Administrators & Master Municipal Clerk Academy, Tuscaloosa, AL, August 7-10, 2007 - \$140

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on
this ____-__ day of _____, 2007.**

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2007 - 64

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

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

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

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

- 1- The property listed on Schedule A is hereby declared to be surplus property, and
- 2- The Mayor is authorized to advertise and accept bids through Govedeals.com as contracted for the sale of such personal property, and
- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

SCHEDULE A

DEPARTMENT	VEHICLE #	VEHICLE DESCRIPTION	VIN # / SERIAL #
Street		Case Tractor	B480017B018810
Street	842	1973 Ford F700	F70FV054101
Grounds	112	1990 Chevy S-10 Pickup	1GCCS14Z1L8101558
Mowing	108	1992 Ford Ranger Pickup	1FTCR10AXNUC81337
Civic Center	295	1995 Ford Crown Vic	2FALP71W8SX152655
Fire	810	1995 Ford Crown Vic	2FALP71W6SX152654
Recreation	2850	3M Overhead Projector	1009245
Recreation	No #	3M Overhead Projector	1009242
Recreation	2986	Daewoo VCR	4BA11789
Recreation	2987	Orion VCR	54261224666
Recreation	2803	Bodyguard Fitness Stationary Bike	62340055
Recreation	2802	Bodyguard Fitness Stationary Bike	62340057
Recreation	2805	Bodyguard Fitness Recumbent Bike	6100135
Recreation	1219	Book self	No #
Recreation	2990	Computer Cart	No #
Recreation	No #	Expandable light w/ magnifying glass	E101958
Recreation	No #	3 keyboard drawers	No #
Recreation	No #	9 hanging can lights	No #
Recreation	No #	Cleaning trolley	D71-6152-00
Recreation	No #	Bird Cage	No #
Recreation	No #	2 Secretary Chairs	No #
Recreation	No #	Trash Compactor	No #
Recreation	No #	3 black metal magazine racks	No #
Recreation	2994	Rolling Cart	No #
Recreation	1101	Rolling Cart	No #
Recreation	No #	3 magazine racks	No #
Recreation	No #	CD holder	No #
Recreation	No #	9 Trays Shelving Unit	No #
Recreation	No #	2 Drawer white filing cabinet	No #
Recreation	No #	2 can lights	No #
Recreation	No #	2 Desk Drawers	No #
Recreation	No #	1 Black Metal Desk Back	No #
Recreation	No #	2 Black Metal Sides to a Desk	No #
Recreation	No #	Blue Tupperware Container	No #
Recreation	No #	Rowing Machine	No #

RESOLUTION NO. 2007- 65

AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSOCIATION, INC.

WHEREAS, the Mayor and the City Council of the City of Daphne recognize the importance of the Daphne Volunteer Firefighters Association, Inc. in rendering fire fighting services in the City of Daphne; and

WHEREAS, the Association has requested that it receive certain annual payments in support of its activities; and

WHEREAS, the City of Daphne has heretofore included an appropriation for such purpose in the Fiscal Year 2007 budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Daphne that the Agreement between the City of Daphne and the Daphne Volunteer Firefighters Association, Inc. attached as Exhibit "A" hereto, is hereby approved and the Mayor and City Clerk are hereby authorized to execute such Agreement on behalf of the City.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

**AGREEMENT-DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.
AND CITY OF DAPHNE**

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

THIS AGREEMENT made this _____ day of _____, 2007, by and between the City of Daphne, Alabama, a municipal corporation organized under the laws of the State of Alabama (hereinafter "City") and the Daphne Volunteer Firefighters Association, Inc., a non-profit organization organized under the laws of the State of Alabama (hereinafter "Firefighters").

WHEREAS, the City Council of the City of Daphne recognizes the importance of Volunteer Firefighters to the health, safety and welfare of the citizens of the City; and

WHEREAS, the Firefighters have requested that the City make an appropriation to them for their support; and

WHEREAS, the Firefighters have agreed to render firefighter services to the City of Daphne in exchange for such support.

NOW, THEREFORE, the premises considered, the parties hereto agree as follows:

1. That the Firefighters agree to render to the City of Daphne routine fire fighting services at the request of the City Fire Chief.
2. That the City hereby makes payment to the Firefighters the sum of Twelve Thousand (\$ 12,000) Dollars, which shall be used as support for the Association.

DONE this _____ day of _____, 2007.

CITY OF DAPHNE, ALABAMA

BY: _____
Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

DAPHNE VOLUNTEER FIREFIGHTERS ASSN., INC.

BY: _____
Chief, Volunteer Firefighters Assn.

Asst Chief, Volunteer Firefighters Assn.

RESOLUTION 2007- 66

ESTABLISHING AN ENVIRONMENTAL ADVISORY COMMITTEE

WHEREAS, the City of Daphne, recognizes the importance of good stewardship of its environment and natural resources; and

WHEREAS, the City seeks to encourage citizen input and involvement through the formation of an advisory committee dedicated to study and make recommendations on matters relating to the environment; and,

WHEREAS, citizens of Daphne have expressed an interest in serving the City as volunteers in this endeavor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City form the City of Daphne Environmental Advisory Committee;

BE IT FURTHER RESOLVED, that the twelve citizens of Daphne are to be appointed to serve as members of the committee for four year terms;

BE IT FURTHER RESOLVED, that two City Council members are to be appointed to serve as members of the committee;

BE IT FURTHER RESOLVED, that the committee will report to the public works committee and when needed the full City Council.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ___ day of _____ 2007.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2007- 67

Confiscated Funds Signatories

WHEREAS, a separate bank account for Confiscated Funds was heretofore established and authorized by Resolution 1999-60; and

WHEREAS, the signatories for such Confiscated Funds were established to be the Mayor or Finance Director and a certain representative from the Daphne Police Department; and

WHEREAS, the Resolution 2006-19 named Scott Taylor, Daniel Bell, and Brian Gulsby as such Daphne Police Department signatories; and

WHEREAS, the Daphne Police Department has requested revisions to the authorized signatories.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne that:

- 1) Scott Taylor is hereby removed as a signatory of the Confiscated Funds account; and
- 2) The authorized signatories for the Confiscated Funds account are hereby established as Mayor Fred Small or Finance Director Kimberly Briley and Captain Daniel Bell or Lieutenant Judson Beedy or Sergeant Brian Gulsby; and
- 3) All other provisions of Resolutions 1999-60 and 2006-19 remain in full force and effect.

ADOTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of _____, 2007.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

RESOLUTION 2007- 68

**Agreement with ALDOT:
Installation of Traffic Signal at the
Intersection of US 31 and Timber Creek Blvd**

BE IT RESOLVED, by the City Council of Daphne, Alabama, that the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation (ALDOT) for the installation, maintenance, and operation of a traffic signal at the intersection of US 31 and Timber Creek Boulevard. Such agreement is before the Council and may be executed in the name of the Council for and on its behalf, by the Mayor of the City, and that it is to be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement shall be kept on file by the City Clerk.

ADOPTED AND APPROVED this _____ day of _____, 2007.

Greg Burnam, Council President

Date & Time Signed:_____

Fred Small, Mayor

Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

I, the undersigned qualified and acting City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Daphne, Alabama, named therein, at regular meeting of such Council held on the _____ day of _____, 2007 and that such resolution is on file and of record in the office of the City Clerk.

IN WITNESS WHEREFO, I have hereunto set my hand and affixed the official seal of the City this _____ day of _____, 2007.

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
RESOLUTION NO. 2007- 69**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 26, 2007, approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and 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

The City of Daphne Street Map as considered by the City of Daphne Planning Commission on July 26, 2007 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

Resolution No. 2006-22, Resolution No. 2006-66, and Resolution No. 2007-05, 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

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 _____, 2007.

GREG BURNAM,
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: William H. Eady, Sr.,
Director of Community
Development
Subject: Zoning & Street Maps

MEMORANDUM

Date: July 31, 2007

At the regular meeting of the City of Daphne Planning Commission on July 26, 2007, seven members were present and the motion carried unanimously for the affirmative recommendation of the above-mentioned documents.

Upon receipt thereof, please place the ordinance on the agenda to set the public hearing and the resolution for adoption by the City Council. Both documents are being prepared and shall be provided by the office of the City Attorney.

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

Thank you,

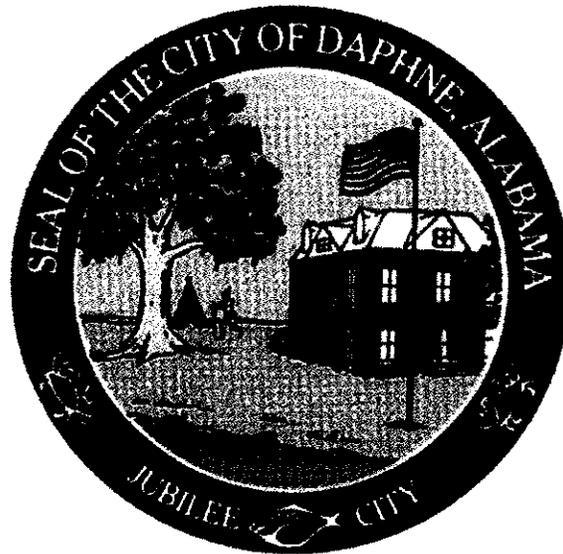
WHE/jd

cc: file

CITY OF DAPHNE

*Zone & Street Map
Edits*

January 1, 2007 – July 1, 2007



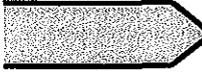
*Prepared by: Nancy Anderson, GIS Technician, City of Daphne Community Development
July 16, 2007*

CITY OF DAPHNE ZONE MAP & STREET MAP CHANGES
JANUARY 1, 2007 – July 1, 2007



SUBDIVISIONS:

- #1) Re-subdivision of Lots 32-35 Yuille Subdivision , Belrose Avenue
- #2) Oldfield Phase 1 – W side of Hwy 181, S of Bellaton – 151 Lots, zoned R-1 through R-4
- #3) Re-subdivision of Lots 98&99, Lake Forest Unit 14
- #4) Re-subdivision of Lots 160&161, Whispering Pines Subdivision
- #5) Re-subdivision of Renaissance Ctr, Ph 1A,Lots 1-7 & Ph 2A, Lot 1
- #6) The Gardens on Randall – East of Deerwood Subdivision on Randall ,5 lots, zoned R-4
- #7) SBC Commercial Park- Hwy 90, East of Mobile Infirmary, 3 Lots, zoned B-2
- #8) Jubilee Square Re-Sub of Lots 6,3B, 3D & 3 E, 4 Lots, zoned B-2



ANNEXATIONS:

- #9) Ordinance # 2007-07 – 49.84 Acres zoned R-1, Tiawassee Estates on County Rd 13, adjacent to Tiawasse Trace
- #10) Ordinance # 2007-08 - 162.26 Acres, Multi-zoned subdivision, (R-1, R-2, R-3 & R-4) located on Hwy 181, due East of Bellaton.
- #11) Ordinance # 2007-09 - .57 Acres +/- zoned B-2, on corner of 3rd St. & Gable St
- #12) Ordinance # 2007-17 - 4 Acres +/- zoned B-2, E of 64 & Pollard intersection
- #13) Ordinance # 2007-18 - 6.03 Acres +/- zoned B-1, SE area Oldfield Subdivision



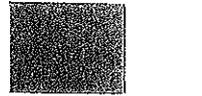
STREET ACCEPTANCE:

- #14) Resolution #2007- 15 – French Settlement, Phase 1
- #15) Resolution #2007- 16 – Bellaton, Phase 2
- #16) Resolution #2007- 25 – Eastern Shore Park Subdivision



REZONE:

- #17) Ordinance #2007-19 Malbis Plantation – County Rd 13 & Lawson - previously Zoned R-3/ Rezoned B-2
- #18) Ordinance #2007-24 Arthur & Pina Witherington – Whispering Pines & Parker Ln. - previously Zoned R-5, Rezoned B-1



VACATION OF UN-NAMED ROW:

- #19) Resolution #2007- 59 – Located within Highland Farms, a.k.a. Dunmore Subdivision

*City of Daphne Zone Map
Edits*

SUBDIVISIONS

January 1, 2007 – July 1, 2007

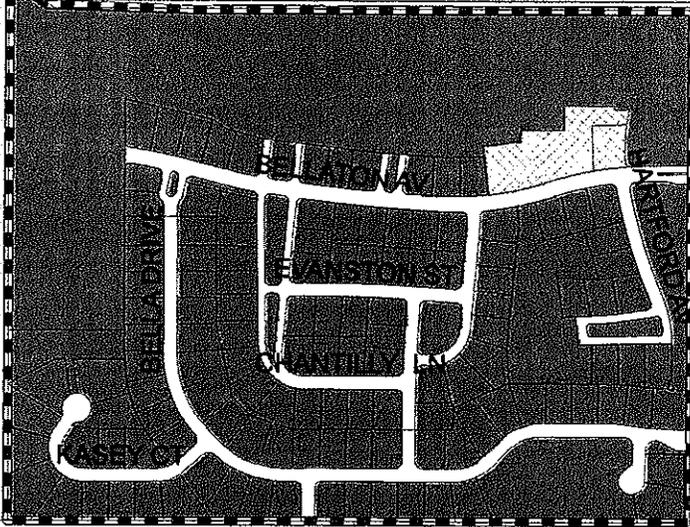
MAGNOLIA AV

**ReSubdivision of Lots 32-35
YUILLE SUBDIVISION**

BELROSE AV

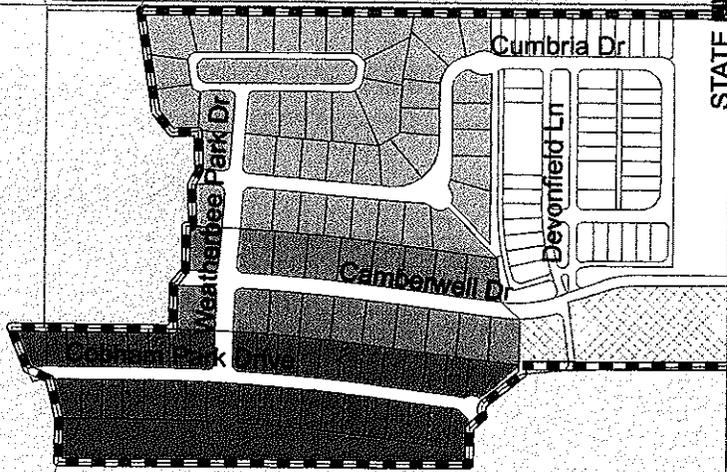
CORTE RD

AUSTIN RD



OLDFIELD, Phase I

STATE HWY 481



DICK HIGBEE RD

**Re-Subdivision of Lots 98 & 99
Lake Forest Subdivision, Unit 14**

SINABOUE CRT

BOOS KETAF CRT

RIDGEWOOD DR

SCHOOLEY CRT

BROADMOOR DR

DEWITT CRT

DEWITT LOOP

LAVERNE CRT

ROLLING HILL DR

WHISPERING PINES RD

PARKER LN

JUNIPER CT

Re-Subdivision of Lots 160 & 161 Whispering Pines Subdivision

CAMELLIA CT

CAROLINE AVE.

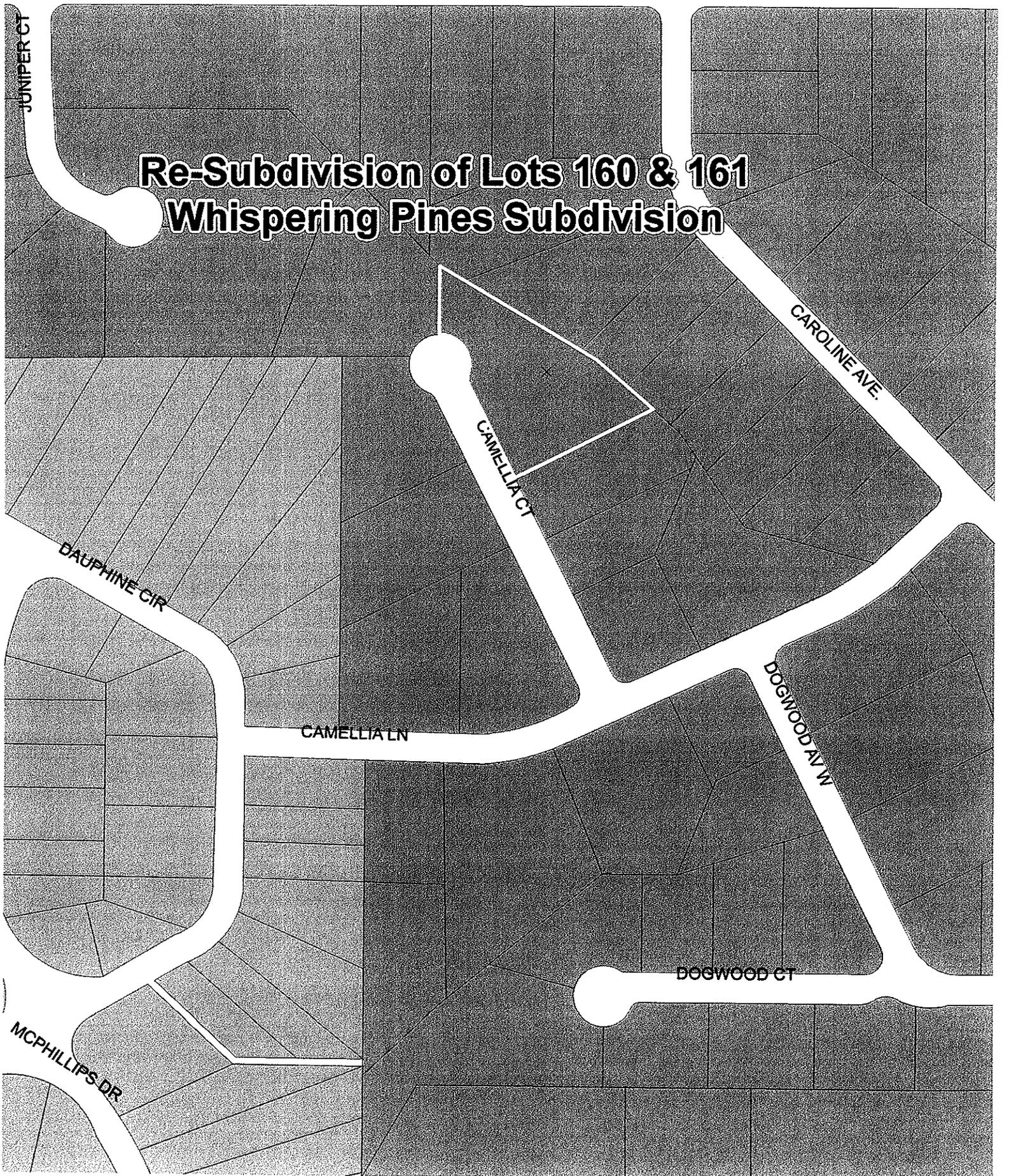
DAUPHINE CIR

CAMELLIA LN

DOGWOOD AV W

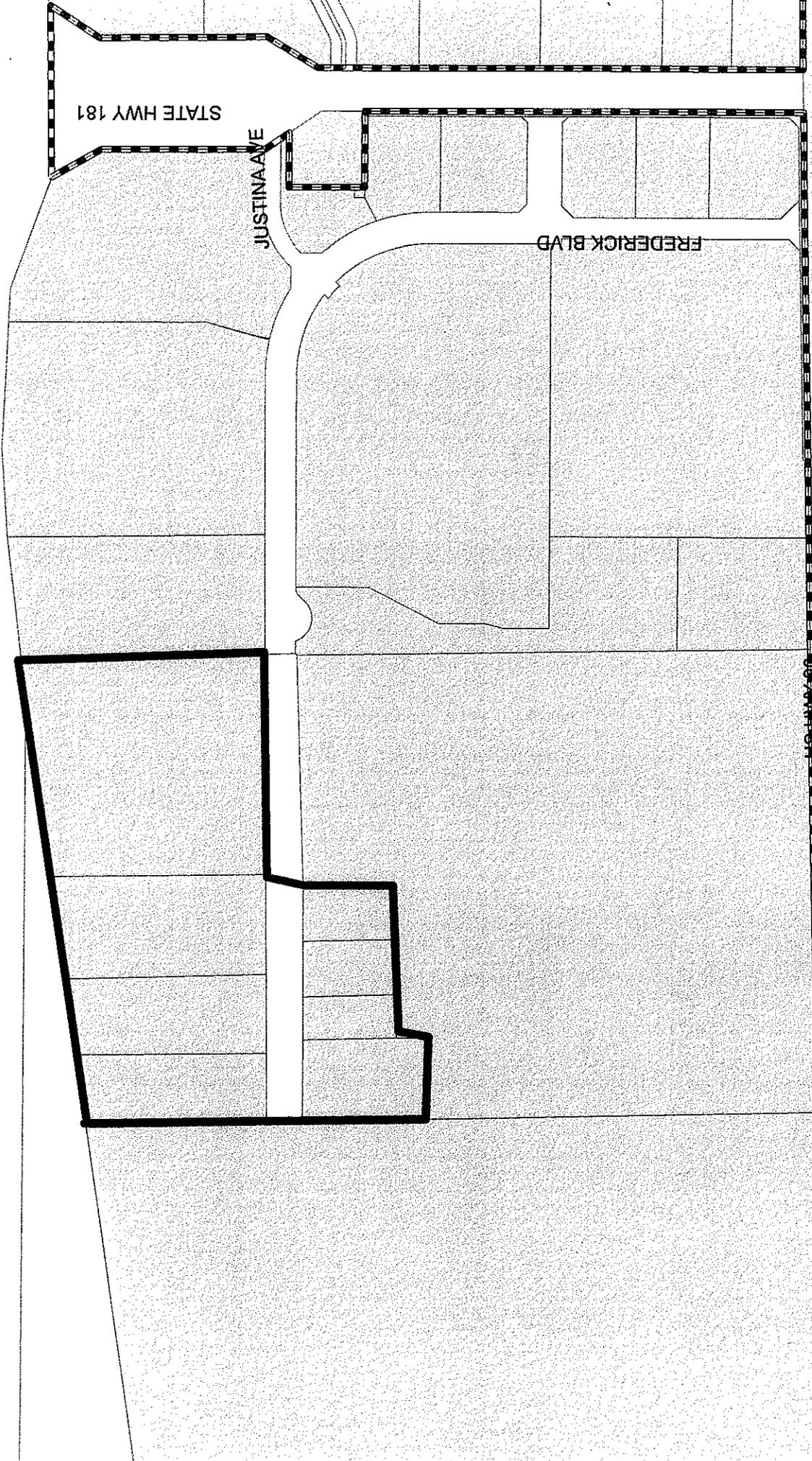
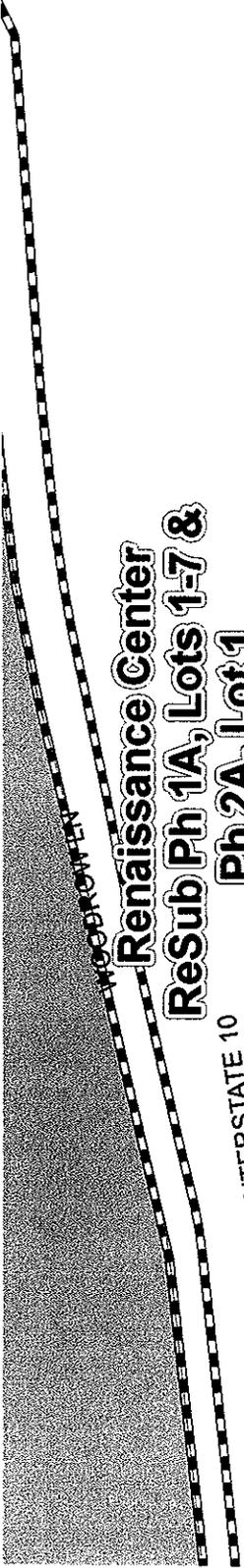
DOGWOOD CT

MCPHILLIPS DR



**Renaissance Center
ReSub Ph 1A, Lots 1-7 &
Ph 2A, Lot 1**

INTERSTATE 10



STATE HWY 181

JUSTINA AVE

FREDERICK BLVD

WY 181

US HWY 10

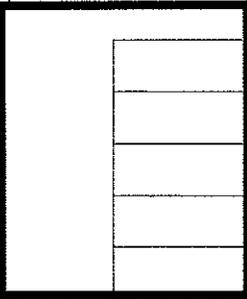
BELLUE L

POLLARD RD

DEERWOOD DR.

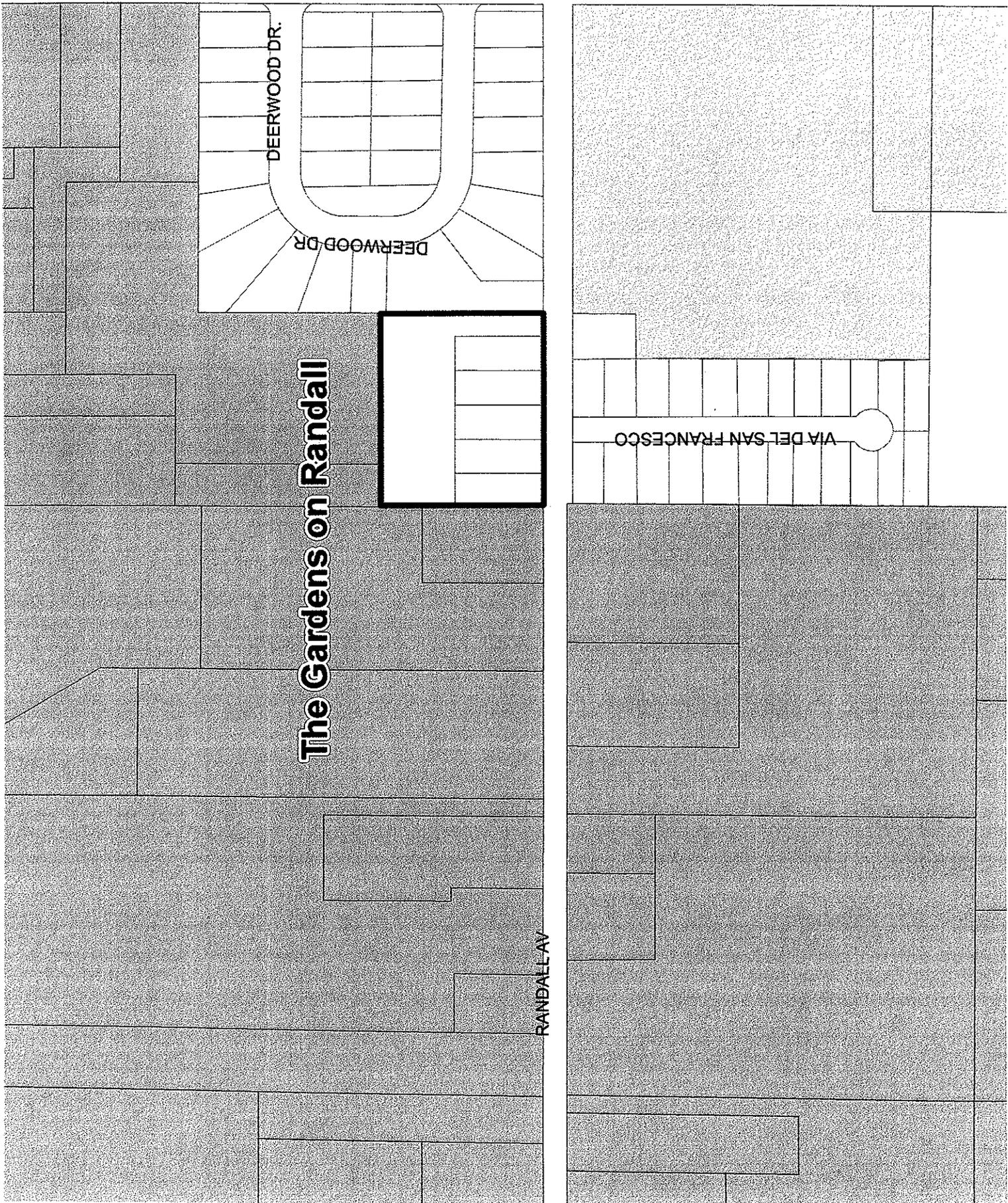
DEERWOOD DR

The Gardens on Randall



VIA DEL SAN FRANCISCO

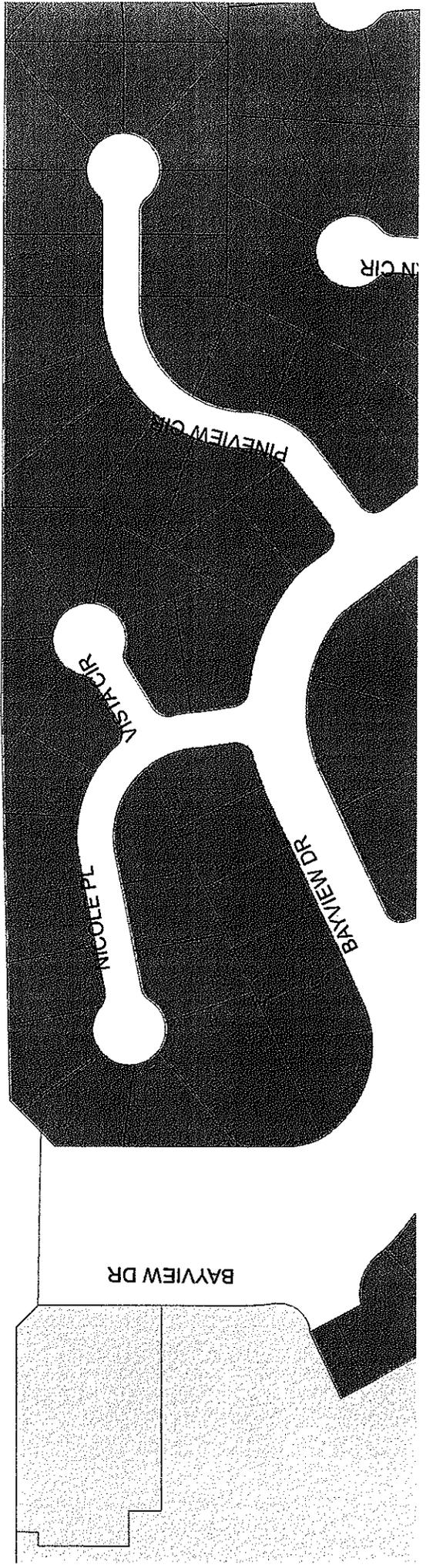
RANBALLEY



INTERSTATE 10

SBC Commercial Park

US HWY 90



INTERSTATE 10

**Jubilee Square Subdivision
Re-Subdivision of Lots 6, 3B, 3D & 3E**

US HWY 90

N MAIN ST

BAYVIEW DR
BAYVIEW DR

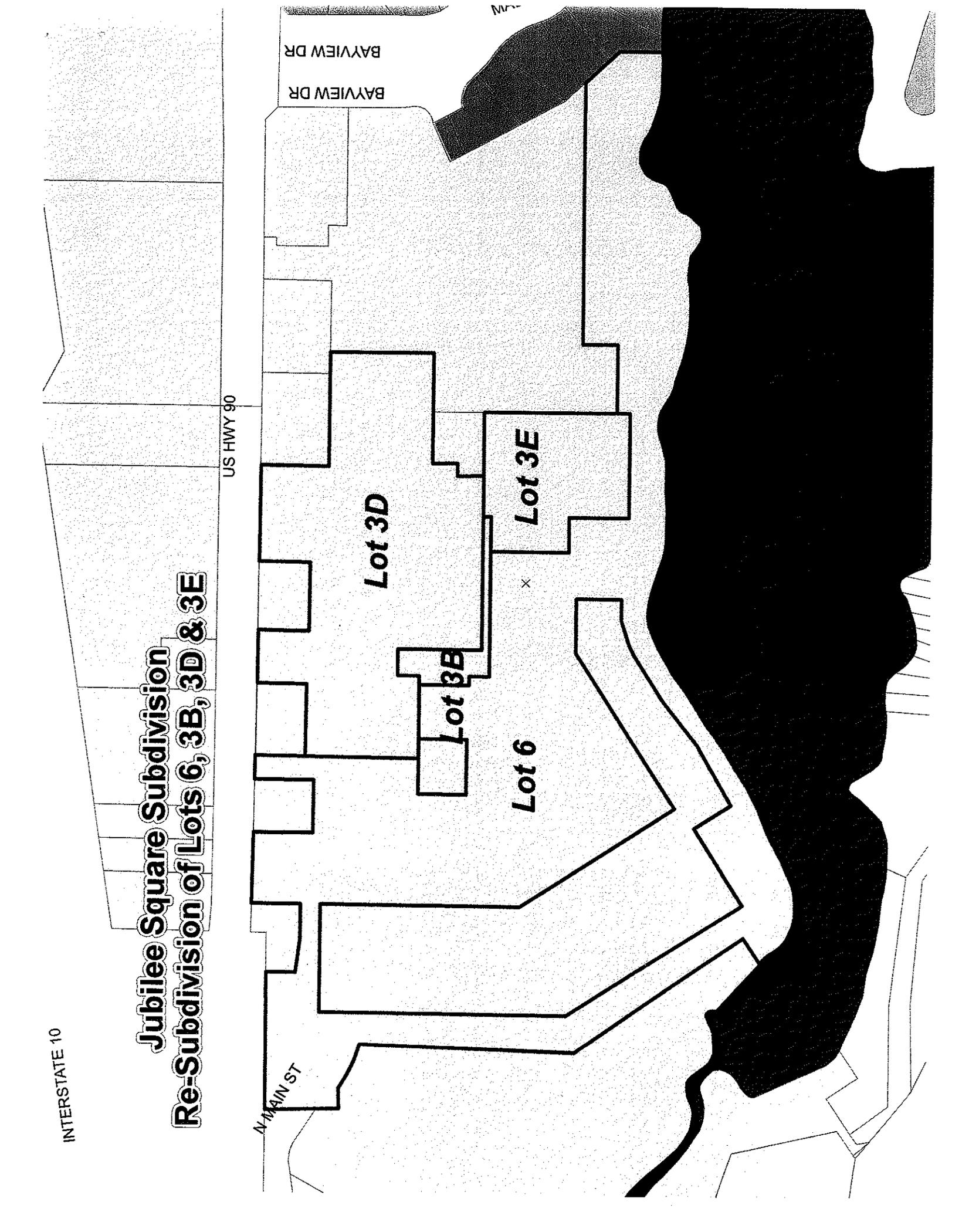
Lot 3D

Lot 3B

Lot 6

x

Lot 3E

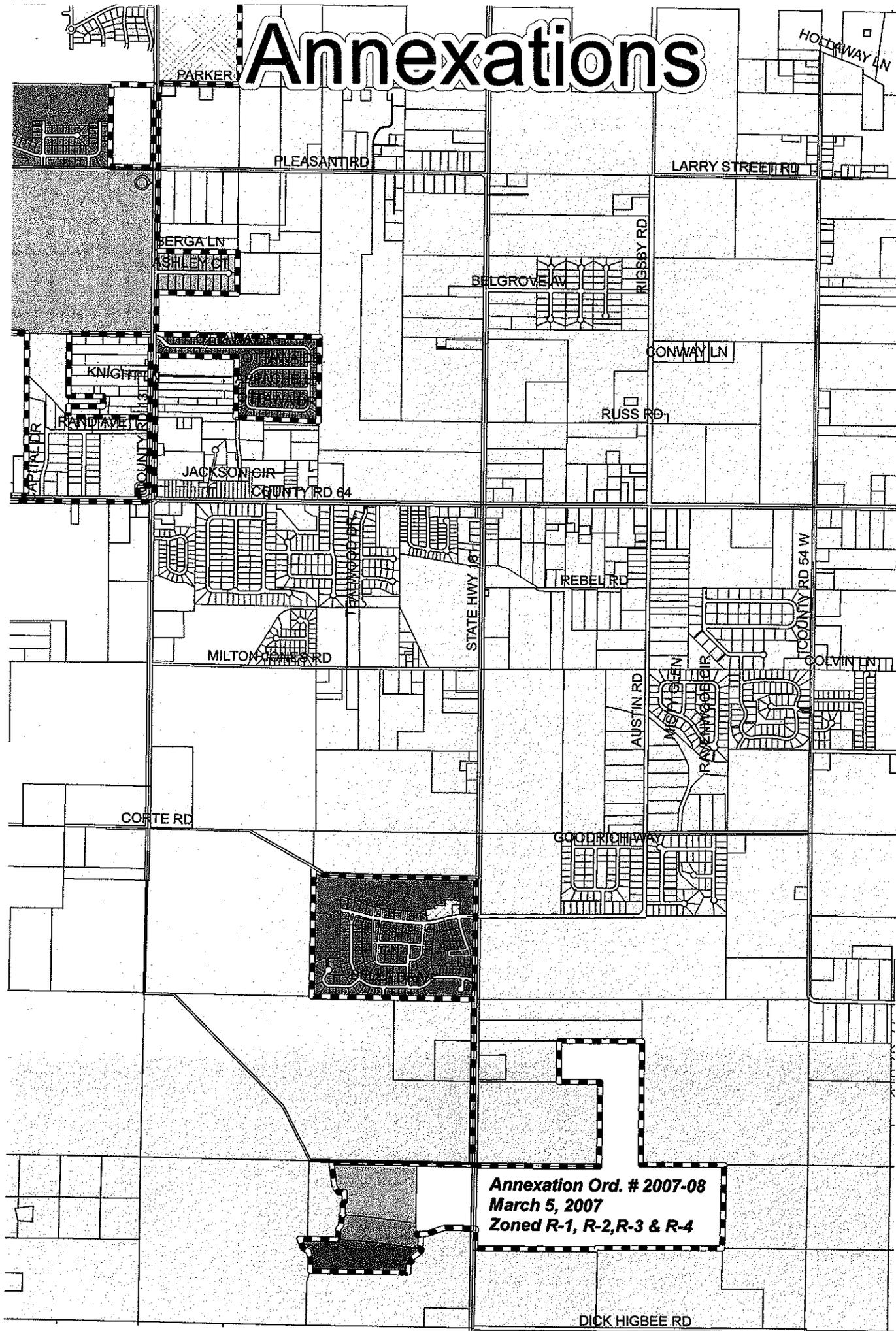


*City of Daphne Zone Map
Edits*

ANNEXATIONS

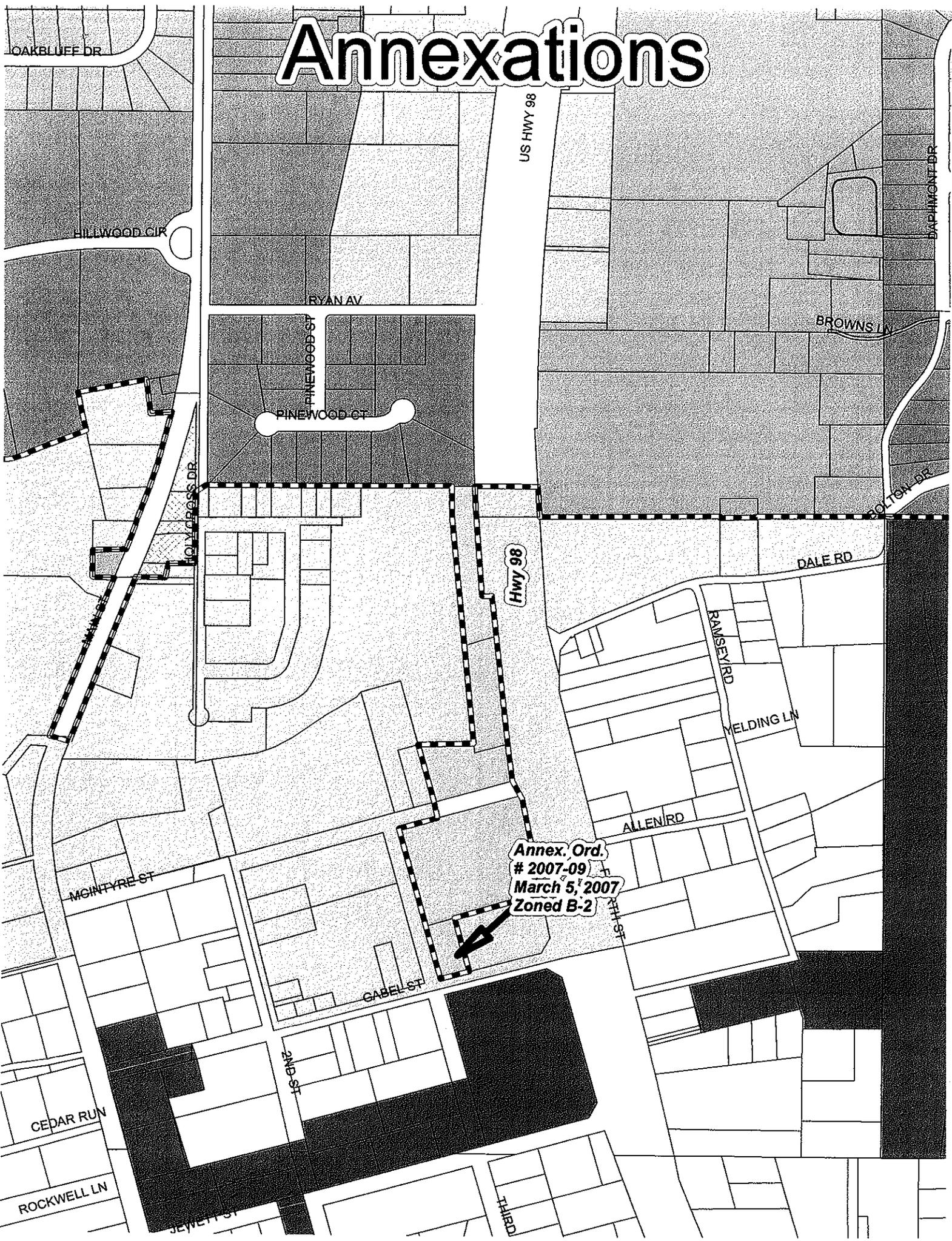
January 1, 2007 – July 1, 2007

Annexations



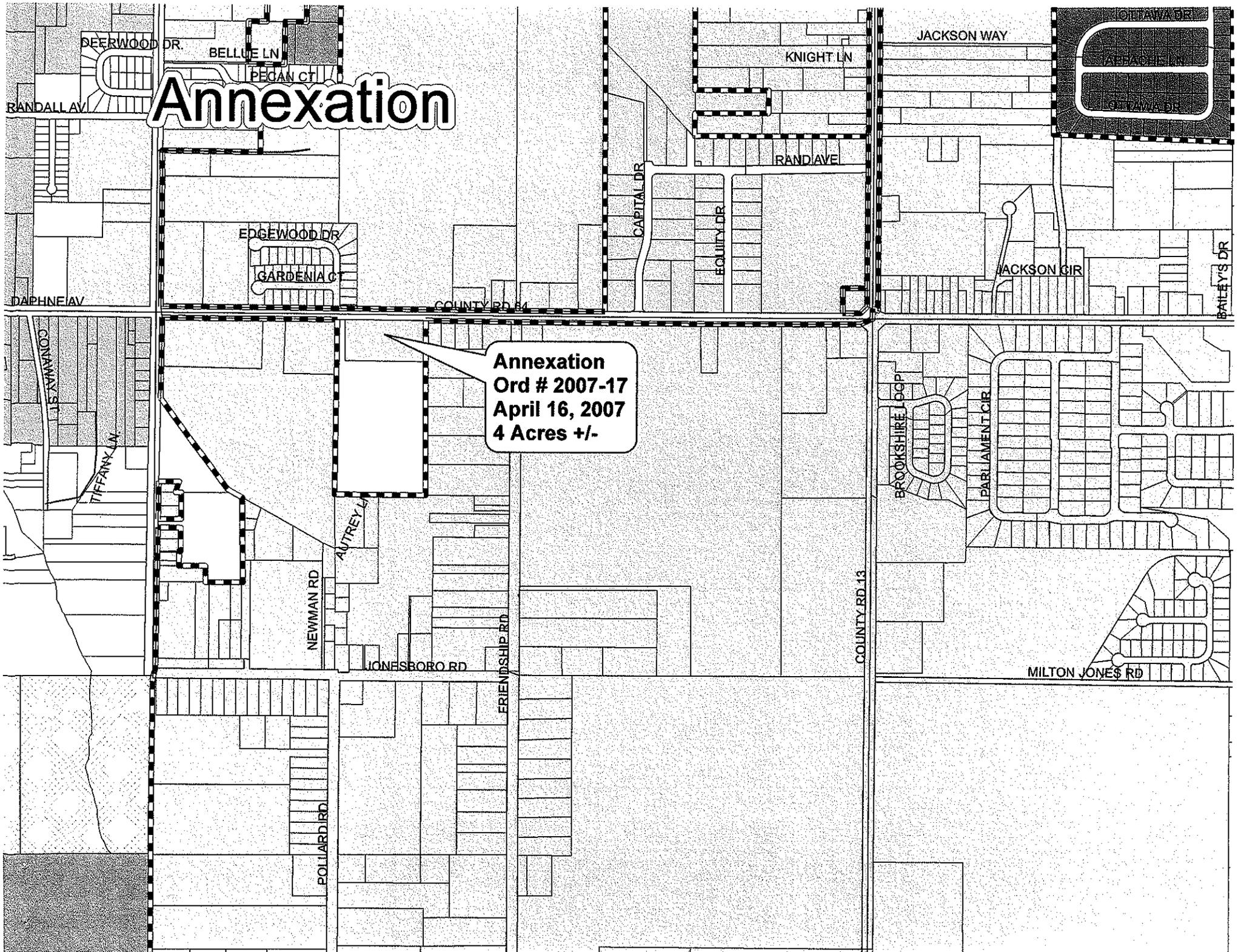
Annexation Ord. # 2007-08
March 5, 2007
Zoned R-1, R-2, R-3 & R-4

Annexations

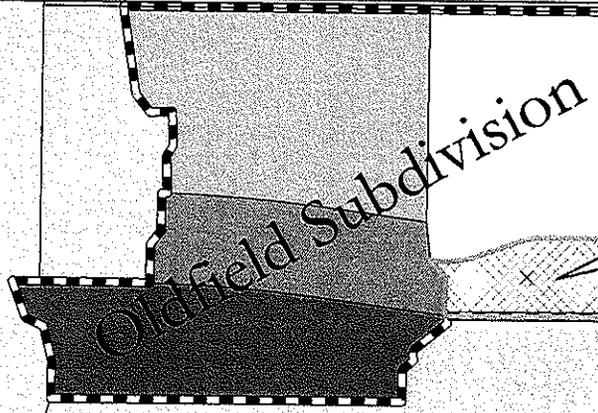
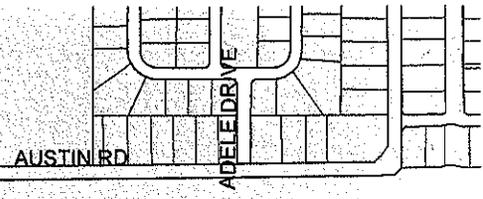
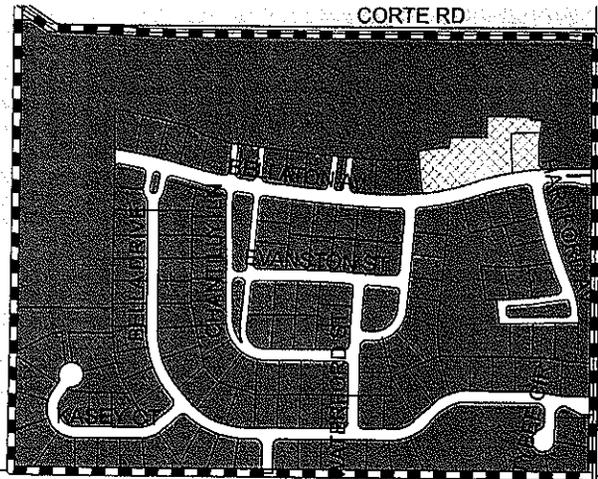


Annexation

Annexation
Ord # 2007-17
April 16, 2007
4 Acres +/-



Annexation



STATE HWY 481

**Annexation
Ord # 2007-18
April 16, 2007
5.8 Acres +/-**

*City of Daphne Zone Map
Edits*

*STREET
ACCEPTANCE*

January 1, 2007 – July 1, 2007

Street Acceptance

French Settlement, Phase 1
Resolution 2007-15

ROSEDOWN LN

LONGUE VUE BLVD

LEICESTER LN

FRENCH SETTLEMENT DR

PARLANGE LN

COUNTY RD 13

SEHOY

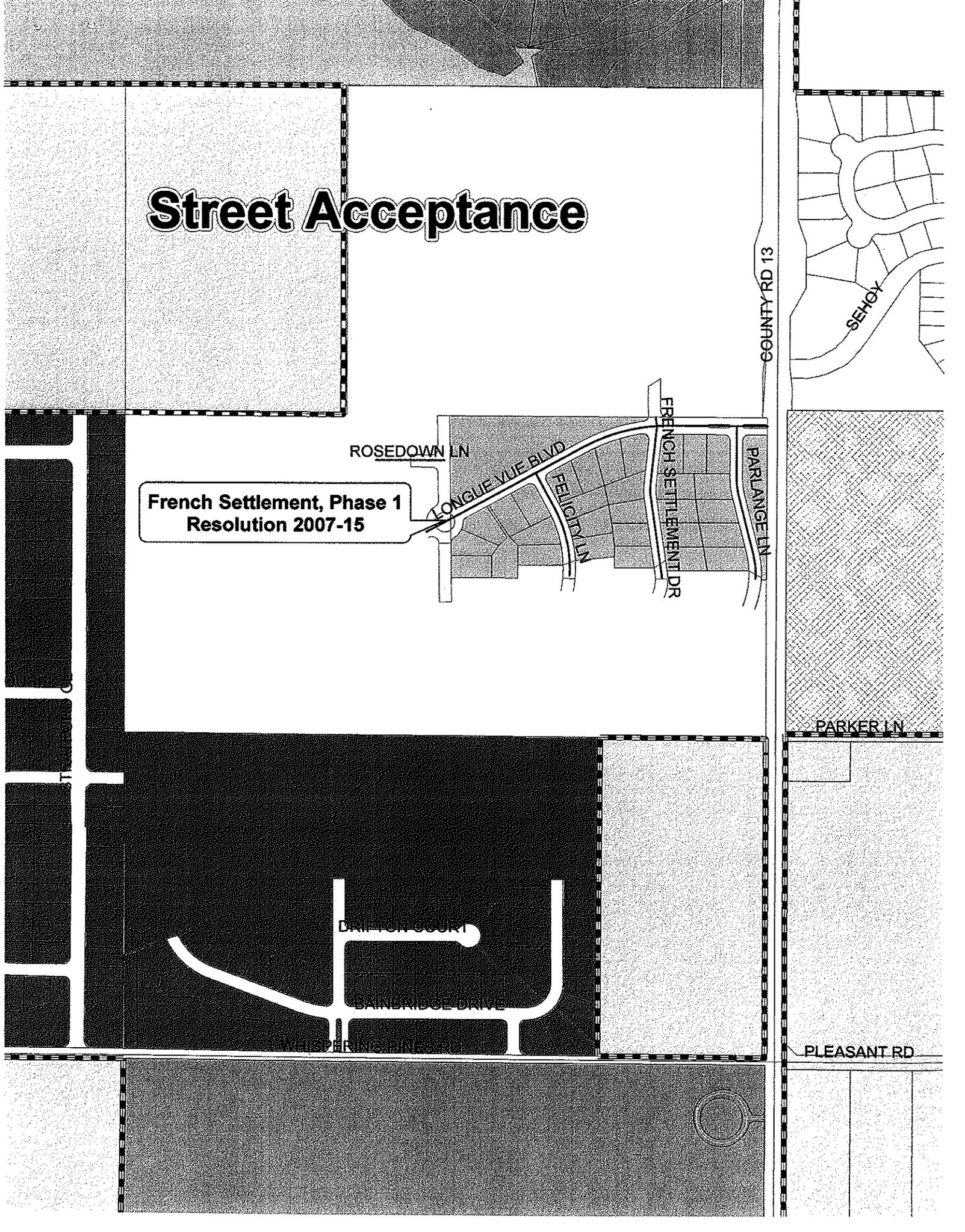
PARKER LN

DRAYTON COURT

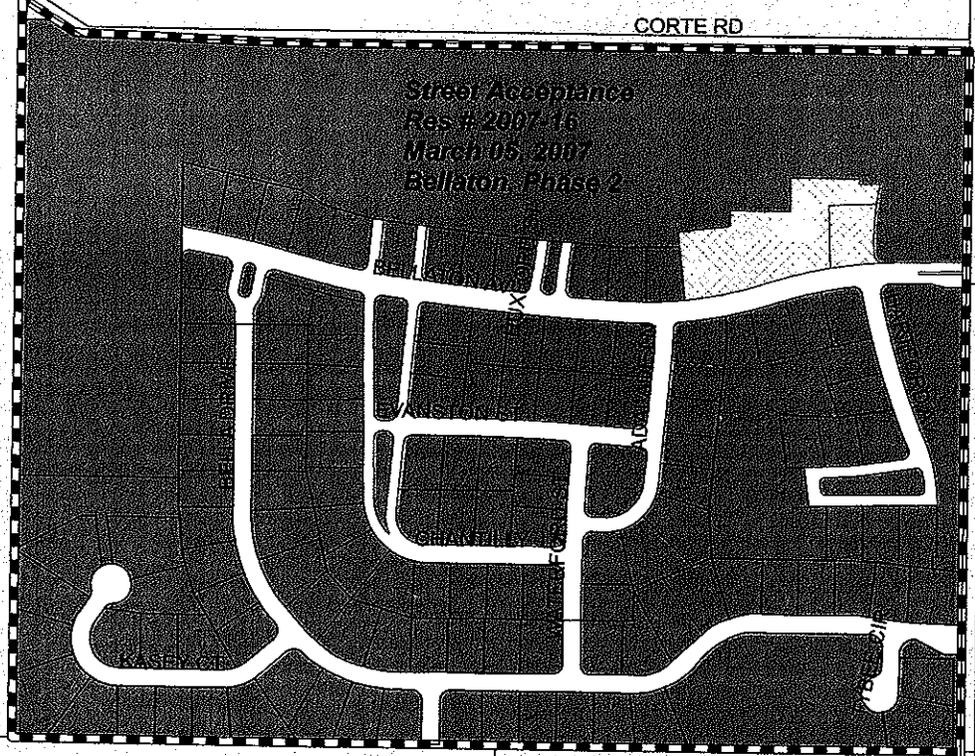
BAINBRIDGE DRIVE

WHISPERING PINES DR

PLEASANT RD



Street Acceptance



Street Acceptance
Res # 2007-16
March 05, 2007
Bellaton Phase 2

CORTE RD

AUSTIN RD

CLARIN

CORTE RD

**Eastern Shore Park Street Acceptance
Resolution 2007-25**

INTERSTATE 10

STATE HWY 181

JUSTINA AVE

FREDERICK BLVD

DIMITRIOS AVE

STATE HWY 181

HWY 181



*City of Daphne Zone Map
Edits*

REZONE

January 1, 2007 – July 1, 2007

Re-Zone

FRANKLIN SQ CT

AVERY DR.

INDISOM PL

ELIZABETH DR.

CYPRESS AV W

PARKER LN

Ord # 2007-24
June 4, 2007
Previously R-5
Re-Zone B-1

WHISPERING PINES RD

CAROLINE AVE.

Resolution 2007- 70

Recreational Trails Grant Application 2008: Amended May Day Park Grant

WHEREAS, the City of Daphne proposes to continue in constructing a walking trail and trail head at May Day Park to provide for the health and well being of the general public and be ADA compliant; and

WHEREAS, the city intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance to continue to develop the walking trail at May Day Park from the Recreational Trails Grant Program; and

WHEREAS, said programs are limited to funding a maximum of eighty percent (\$64,656.80) of the proposed project cost estimates at (\$80,821.00) which will be used to develop the boardwalk upon (3.61 acres) of the park.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold in reserve twenty percent (\$16,164.20) of the proposed project cost for the purpose of matching the Recreational Trails Grant Fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF DAPHNE, ALABAMA, this _____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE 2007-31**

**AN ORDINANCE ESTABLISHING CERTAIN PENALTIES
AND AMENDING THE ENFORCEMENT PROCEDURES FOR
VIOLATION OF CERTAIN MUNICIPAL ORDINANCES**

WHEREAS, the City Council of the City of Daphne desires to promote the health, welfare and safety of the citizens of the Daphne, Alabama; and

WHEREAS, the City Council of the City of Daphne heretofore enacted Ordinance No. 2005-55 which established a schedule of fines for certain municipal offenses which may be satisfied without necessity of appearing before the Municipal Court within the City; and

WHEREAS, the City Council of the City of Daphne heretofore enacted Ordinance No. 2007-02 which adopted provisions of the *International Fire Code of 2006*, but said ordinance did not expressly provide for the issuance of a Municipal Offense Ticket (MOT) nor did it specifically provide a penalty provision for any violations of said ordinance; and

WHEREAS, certain prior ordinances so establishing said schedule of offenses have been amended from time to time and ordinance numbers subject to the schedule of fines have been changed themselves through amendments, repeals and the like to an extent that reorganization is necessary in order to remove confusion and clarify the provisions and enforcement of Ordinance No. 2005-55;

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

SECTION ONE: PENALTY PROVISION

That Section 109.3 entitled *Penalties of the International Fire Prevention Code 2006* as adopted pursuant to Ordinance 2007-02 shall be repealed in its entirety and shall read in its entirety as follows:

Penalty Provision. That any person, fine or organization who shall violate any provision of this code or who shall fail to adhere to the requirements thereof, or who shall erect, install, alter, repair or do work in violation of any provision of this Ordinance

shall upon conviction in the Municipal court be punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment in a municipal jail for ninety (90) days or both and be responsible for the payment of court costs, fines, and imprisonment at the discretion of the municipal judge. That each such day that a violation continues after due notice thereof has been served shall be deemed to be a separate and distinct offense.

**SECTION TWO: VIOLATIONS SUBJECT TO MUNICIPAL
OFFENSE CITATIONS**

That Section Two of City Ordinance No. 2005-55 be and is hereby amended to include

that any violations of City Ordinance No. 2007-02 may be enforceable by the issuance of a Municipal Offense Citation (MOT).

SECTION THREE: SCHEDULE OF FINES

That Section Three of Ordinance No. 2005-55 which relates to "Schedule of Fines" for any SSPC fire code violation be and are hereby deleted in its entirety so that all citations issued pursuant to Ordinance No. 2007-02 shall require an appearance before the Daphne Municipal Court.

SECTION FOUR: REAFFIRMATION

That all other provisions of Ordinance No. 2005-55 not specifically repealed herein be and are hereby reaffirmed.

SECTION FIVE: SEVERABILITY

That the provision of this Ordinance shall supersede any conflicting provisions of any other ordinances or resolutions previously adopted which pertain to the establishment of fines and penalties for violations a job classification and pay plan. Should any provision of this ordinance be declared invalid or unenforceable by court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such invalidity.

SECTION SIX: EFFECTIVE DATE

That this Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE THIS ____ DAY OF _____, 2007.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed _____

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2007 - 32**

**AN ORDINANCE CONSENTING TO THE EXCHANGE OF CERTAIN PROPERTY BY
THE UTILITIES BOARD OF THE CITY OF DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it leases property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to lease the property described on Exhibit A to Verizon Wireless Personal Communications, L.P. (“Verizon Wireless”); and

WHEREAS, the Board of Directors of Daphne Utilities has approved the lease of the property described on Exhibit A to Verizon Wireless.

NOW, THEREFORE, BE IT RESOLVED that the council of the City of Daphne does hereby consent to the lease by Daphne Utilities of the property described on Exhibit A, to Verizon Wireless.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the _____ of _____, 2007.

**GREG BURNAM
COUNCIL PRESIDENT**

Date & Time Signed: _____

**FRED SMALL
MAYOR**

Date & Time Signed: _____

ATTEST:

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

EXHIBIT A

Portion of Lots 29 And 30 in Block 2 of Dryer's Subdivision, and as specifically described in the Lease, a copy of Page 1, of which is attached to this Exhibit A.

ORDINANCE 2007 - 33

**APPROPRIATIONS OF FUNDS:
INSTALLATION OF A TRAFFIC CONTROL DEVICE
AT US HIGHWAY 31 & TIMBERCREEK BOULEVARD**

WHEREAS, Ordinance 2006-75 approved and adopted the Fiscal Year 2007 Budget on October 2, 2006; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2007 budget, the City Council has determined that a certain appropriation is required and should be approved and made a part of the Fiscal Year 2007 budget; and

WHEREAS, Seven Cent Gas Tax Funds may be used for traffic control purposes; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2007 Budget is hereby amended to a Seven Cent Gas Tax appropriation in the amount of \$25,000 for the installation of a traffic control signal at US 31 and Timbercreek Boulevard.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2007 - 34

TRAFFIC SIGNALS: MAIN STREET

WHEREAS, Ordinance 2006-75 approved and adopted the Fiscal Year 2007 Budget on October 2, 2006; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2007 budget, the City Council has determined that a certain appropriation is required and should be approved and made a part of the Fiscal Year 2007 budget; and

WHEREAS, Seven Cent Gas Tax Funds may be used for traffic control purposes; and

WHEREAS, certain traffic signal improvements are required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2007 Budget is hereby amended to include a Seven Cents Gas Tax appropriation for the following traffic control purpose:

\$10,000 - for the traffic signal on Main Street

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2007 - 35

FENCE @ WELCOME STATION APPROPRIATION

WHEREAS, Ordinance 2006-75 approved and adopted the Fiscal Year 2007 Budget on October 2, 2006; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2007 budget, the City determined that a certain additional appropriation is required and should be approved and made a part of the Fiscal Year 2007 budget; and

WHEREAS, a Fence at the Welcome Station has been requested by surrounding neighbors; and

WHEREAS, an estimate in the amount of \$ 2,742 has been obtained for the Fence.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an appropriation from the General Fund in the amount of \$ 2,742 is hereby approved for the construction of a Fence at the Welcome Station.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

ORDINANCE 2007- 36

E- Recycle Building Completion

WHEREAS, Ordinance 2006-75 approved and adopted the Fiscal Year 2007 Budget on October 2, 2006; and

WHEREAS, the Fiscal 2006 budget was amended to include a capital appropriation in the amount of \$ 52,124 for the construction of an E-Recycle Building; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2007 budget, the City determined that a certain additional appropriation is required in order to complete the construction of the E-Recycle Building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that an additional General Fund appropriation to the Enterprise Fund in the amount of \$ 30,055 is hereby approved to complete the construction of the E-Recycle Building. Such additional costs are necessary to erect the building and install doors.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2007.

Greg Burnam,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk MMC

CITY OF DAPHNE ORDINANCE NO. 2007- 37

AN ORDINANCE PROMULGATING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS

WHEREAS, the Mayor and City Council recognize the importance of promoting the health, safety and welfare of its citizens by establishing specific policies and procedures for the use and enjoyment of Daphne City Parks, and

WHEREAS, the Mayor and City Council desire to promulgate rules and regulations regarding the use of Daphne City Parks .

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

SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS

1. City parks will open at sunrise and close at sunset, with the exception of parks which have field lighting designed for athletic events or night fishing.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.
6. Fires are allowed in cooking grills in designated areas only, Open "camp" fires are prohibited, unless permitted by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No

person shall carry on or conduct any business or service within a park without the prior written approval of the City.

8. All camping activities shall be confined to designated areas in a park.
9. No person shall launch, land or leave unattended any boat, canoe, raft or other water craft upon any water, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any water craft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
10. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
11. No person shall fish in a park in violation of Alabama State Law or in any area designated as "no fishing".
12. No person shall operate a bicycle except on designated bikeways and roadways in a park.
13. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks.
14. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.
15. No person shall remove any animal, living or dead, from a park, and any animal so taken will be considered contraband and subject to seizure and confiscation.
16. No person shall intentionally feed any species of wildlife within a park.
17. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length.
18. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

SECTION II: SEVERABILITY

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

SECTION III: REPEALER

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION VIII: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ DAY OF _____, 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC