

F. Recreation Board - Palumbo

Review minutes meeting held July 12th

G. Utility Board – Scott

Review minutes meeting held May 3rd

Review minutes meeting held May 31st

Review minutes meeting held June 28th

6. REPORTS OF OFFICERS:

A. Mayors Report

Approve Parade Permit / Baldwin County Martin Luther King, Jr. Celebration

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Acceptance of Streets and Drainage /
Krystal Ridge Subdivision. /Resolution 2006-65

b.) Adopt Street Map. /Resolution 2006-66

ORDINANCES:

2ND READ

a.) Repealing Ordinance 2001-12 and Re-Establishing Policy
and Procedure for Improving Sewer Service for the
Citizens of Daphne, AL. /Ordinance 2006-47

b.) Establishing General Gas Codes and a Schedule
Of Gas Inspection Procedures. /Ordinance 2006-48

c.) Rezone: Country Club Development, LLC / 1.06 Acres) /
Property Located on AL 181 Across from Austin Road
(Bellaton - Phase Two) / B-1, Professional Business
District to R-4, High Density Single Family Residential District. /Ordinance 2006-51

d.) Rezone: Country Club Development, LLC / (.27 Acres) /
Property Located on AL 181 Across from Austin Road
(Bellaton, Phase Three) / R-3, High Density Single Family
Residential District to R-4, High Density Single Family
Residential District. /Ordinance 2006-52

e.) Rezone: Country Club Development, LLC (.26 Acres) /
(Bellaton, Phase Two) / Property Located on AL 181
Across from Austin Road / R-3, High Density Single Family
Residential District to B-1, Professional Business District. /Ordinance 2006-53

f.) Amending Ordinance 2004-10 Relating to Building &
Re-Inspection Fees. /Ordinance 2006-55

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

- h.) Appropriation of Funds: AL Storm Baseball Team. /Ordinance 2006-57**
- i.) Establish a New Position in the Planning Department. /Ordinance 2006-58**
- j.) Amending Job Classification Schedule. /Ordinance 2006-59**
- k.) Annexation / Pollard Group / Property Located Southeast of the
Intersection of County Road 64 & Pollard Rd. /Ordinance 2006-61**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILWOMAN LANDRY

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT___ ABSENT___

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

JULY 13, 2006
CITY OF DAPHNE
CITY COUNCIL
WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake arrived at 7:30 p.m.; Greg Burnam, Ron Scott; August Palumbo.

Absent: Regina Landry.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Tim Fleming, Attorney; Kim Briley, Finance Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Sherree Hilburn, Benefits and Payroll Coordinator; Willie Robison, BZA.

1. CALL TO ORDER

Council President Burnam called the meeting to order at 6:45 p.m.

2. DISCUSS: IMPACT FEES / MR. CARSON BISE

Mr. Bise presented a proposal for helping the City implement impact fees. He discussed what impact fees were and how the fees can be used. He answered questions from the Council regarding impact fees.

3. DISCUSS: WARRINGTON DEVELOPMENT

Ms. Mary Beth Mantiplay discussed putting a water park on the recently acquired property for Recreation. The developer of Waterville in Gulf Shores proposed three ways to do it, 1.) that he build and operate it, 2.) that he build and the City operate and own it, 3.) that he buy the property from the City and own and operate it himself.

Council asked question of Ms. Mantiplay and stated that they would like to see some follow up material and a Master Plan for the acreage. Council stated that the area was right for a park of this type, because of the proximity to I-10.

Mr. Lake arrived at 7:30 p.m.

4. DISCUSS: BORDER AND HEIGHT FOR HIGH RISE RESIDENTIAL DISTRICT

Council President Burnam stated that it was time to get this Ordinance done. Council discussed what each of their preference was for the height and where the border should be. Council President Burnam stated that he wanted to finalize this on Monday at the Council meeting. He asked the Council to be ready with motions and to be ready to vote. He said whatever the outcome of the vote he wanted to send a recommendation to the Planning Commission Monday night.

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CITY OF DAPHNE
CITY COUNCIL
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1705 MAIN STREET
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6:30 P.M.**

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5. DISCUSS: COST OF LIVING RAISE FOR EMPLOYEES / MAYOR SMALL

Mayor Small first discussed the job evaluations that had been done for grades 2-10. He stated that the Council had asked that the jobs be reviewed on a regular basis so that they would not have the problem that they had inherited from the outgoing Council when they took office which was a big lump sum to pay out to bring jobs up to where they should be.

Mrs. Cureton discussed the evaluations and the results. She stated that next to be re-evaluated will be grades 11-13.

Mayor Small and Mrs. Sherree Hilburn discussed with Council the possibility of a one time deposit of \$200 into each employees Flexible Spending Account to get them started. Mrs. Hilburn explained the benefits that it would bring to the employee and to the City. She stated that only 24 employees were signed up for the program because most do not understand how it works. She is planning an education program to help employees see the benefits of signing up for the program. Council discussed the program and some were not in favor of the idea because they felt that with the job re-evaluations and the proposed cost of living raises this would be too much.

Mayor Small discussed the cost of living raise with the Council stating that it has been four (4) years since the employees have received one. He felt it would be appropriate considering the increase in gas and food.

6. DISCUSS: APPRAISAL FOR PROPERTY ADJOINING RECREATION PROPERTY

Mayor Small stated that the appraisal was received for the property and it came back within the scope that was expected.

7. DISCUSS: SETTING A DATE FOR A RETREAT

Council set August 18, 2006 for the date of a retreat. Mayor Small will handle procuring a place for the retreat. Council stated to reserve the room for six (6) hours.

8. DISCUSS: EARTH INC. DIRT PIT / JAY ROSS

Mr. Ross stated that he wrote a letter to them on July 5th and it was hand delivered. He read a letter that he received from Earth Inc.'s attorney in response to his letter. The letter stated that they were looking into any ADEM requirements that they were not implementing, and were looking into other ways of solving the problem.

Council requested the Mayor to inform the Washington's of the progress that is being made.

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9. DISUCSS: REQUEST FROM THE EASTERN SHORE HURRICANES BASEBALL

The City Attorney advised Council that in his opinion that this request does not serve a public purpose and funds should not be appropriated for this purpose. Council asked the Mayor to inform Mr. Petersen regarding Mr. Ross's opinion.

10. DISCUSS: LETTER FROM OLDE TOWNE DAPHNE WEST ASSOCIATION

Council discussed the letter requesting the City to pay \$816.00 toward their attorney fees regarding the McMillan Bluff litigation. Council President Burnam stated that this is on the agenda for Monday night.

11. ADJOURN

There being no further business to discuss, the meeting adjourned at 9:45 p.m.

Respectfully submitted by

David L. Cohen
City Clerk, MMC

Certification of Presiding Officer

Greg Burnam
Council President
Date & Time Signed:_____

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

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1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Lake gave the invocation.

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

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Tim Fleming, Attorney; Bill Eady, Planning Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; Tonja Young, Library Director; Kim Briley, Finance Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sandra Morse, Civic Center Director; Coach Vickery, Daphne High School; Al Guarisco, Village Point Foundation; Willie Robison, BZA; John Coulter, IDB .

Absent: Jay Ross, City Attorney.

3. APPROVE MINUTES:

**MOTION BY Mr. Yelding to adopt the Council Meeting minutes meeting held July 3, 2006.
Seconded by Mrs. Landry.**

Mrs. Barnette asked that the minutes be amended to reflect her comments under Council Comments regarding the placing of a Council Meeting Packet at the Library for those who do not have access to the internet.

Mr. Yelding so amended the motion. Mrs. Landry seconded the amendment.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Library “Summer Reading Program” Awards

Ms. Tonja Young with the aid of Councilman Lake and Councilman Palumbo presented the awards to children in the following categories:

- 1.) Preschool 3.) Tweens
- 2.) Junior 4.) Teens

Ms. Young stated that the children read 20-21 books each during the program.

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

Mr. Al Guarisco and Mr. Dick Scott with the Village Point Foundation presented the plaque to the Mayor who accept on behalf of the City Council and the City.

PUBLIC HEARINGS:

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

PUBLIC HEARINGS:

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

This rezoning was withdrawn by the developer in a letter that is spread out upon these minutes.

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

This rezoning was withdrawn by the developer in a letter that is spread out upon these minutes.

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

Mr. David Diehl with Engineering Development Services gave a presentation stating that they were asking for the rezoning because they are reducing an area zoned B-1 and adding R-4 and changing on area from R-3 to R-4 and one area from R-3 to B-1. He stated they are just swapping it out. He stated that the Planning Commission unanimously recommended the changes in zoning.

Council asked Mr. Diehl questions regarding the rezoning.

Mr. Diehl asked that the Council suspend the ruled to consider the three (3) rezonings that are before the Council.

Council President Burnam opened the Public Hearing at 6:46 p.m.

No one spoke.

Council President Burnam closed the Public Hearing at 6:47 p.m.

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

Mr. Diehl gave the presentation for this rezoning in the first presentation.

Council President Burnam opened the Public Hearing at 6:47 p.m.

Non one spoke.

Council President Burnam closed the Public Hearing at 6:48 p.m.

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

Mr. Diehl gave the presentation for this rezoning in the first presentation.

Council President Burnam opened the Public Hearing at 6:48 p.m.

Non one spoke.

Council President Burnam closed the Public Hearing at 6:49 p.m.

f.) Amend the Village Overlay Map

Mr. Eady gave a presentation with slides of the changes to the map. He explained that the land owners asked to be included in the overlay in order to develop mixed use. *Mr. Eady* stated that the Planning Commission unanimously recommended amending the map.

Council President Burnam opened the Public Hearing at 6:50 p.m.

Non one spoke.

Council President Burnam closed the Public Hearing at 6:51 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Scott

Mr. Scott stated that the minutes from the last meeting are in the packet.

a.) MOTION: Reject Horticultural Chemical Bids

Mr. Scott stated that the bids that came in were higher than expected. He stated that Marshall Parson thought that they could get some lower bids.

MOTION BY Mr. Scott to reject the horticultural chemical bids. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) Treasurers Report / June, 2006

MOTION BY Mr. Scott to accept the Treasurers Report ending June, 2006 with a balance of \$24, 173, 388.36. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Scott stated that the total was down \$1,862,999.63 in large part because of the purchase of the Tallent property for recreation.

c.) Sales Tax Collection Graphs

Mr. Scott stated that in May over one (1) million dollars was collected. He stated that this is the first month sales taxes exceeded one (1) million dollars when quarterly taxes were not paid. *Mr. Scott* stated that this is \$129,572.92 over budget for the month and brings the total over budget for the year to \$853,252.18.

d.) Lodging Taxes

Mr. Scott stated that over \$50,000 was collected for May. He said that year to date \$600,000 has been collected.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

Mr. Palumbo stated that the minutes are to be handed out for the last meeting. Mayor Small handed the minutes out to the Council. Mr. Palumbo stated that the Committee discussed the property adjacent to the Recreation property and referred it to the Finance Committee and then to the Council work session. Mr. Palumbo stated that the next meeting will be the 1st Friday in August.

Mrs. Barnette asked that the minutes that were handed out be in the next Council packet.

C. PUBLIC SAFETY COMMITTEE – Burnam

Council President Burnam stated that the minutes of the July 5th meeting are in the packet. He reported that there is one Ordinance on the agenda that the Committee has recommended and that will be considered later on in the meeting. He stated that the next meeting will be August 8th at 4:30 p.m. in the Council Chambers.

E. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry

Mrs. Landry stated that the Committee met on July 5th, and the next meeting will be August 8th at 5:30 p.m.. She stated that there have been several Ordinances that have come before the Committee. She said that Mrs. Cureton introduced some ideas that are not yet on the agenda, but she wanted them to be made part of the minutes so that the Council could be aware of she will be presenting. Mrs. Landry reported that there are several Ordinances considered and are on the agenda that will be first reads. She stated that the Sewer and Gas Ordinances are on the agenda, and that the Council was given a copy of each at the work session, and she asked the Council to consider them tonight.

F. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

Mr. Yelding stated that the minutes for the June 30th meeting are in the packet, and the next meeting will be July 28th 8:00 a.m. in the Council Chambers. He stated that the paving projects were a major item at the meeting. He stated that the bids for sidewalks from the grant the City received have been accepted and will start soon. He said that the City sidewalks are still in progress.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

Mr. Eady stated that the Board will meet August 4th 6:00 p.m. in the Council Chambers with three (3) appeals one setback line at Camellia Court in the Whispering Pines Subdivision, one variance at Captain O’Neal and one (1) for a nonconforming structure.

B.) Downtown Redevelopment Authority / Barnette

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DAPHNE, AL
6:30 P.M.

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Mrs. Barnette stated that they did not meet in July. The next meeting is scheduled for the second Tuesday in August.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

Mrs. Barnette stated that the Site Review meeting will be Wednesday 8:00 a.m. in the Council Chambers, and the Planning Commission meeting will be Thursday July 27th 6:00 p.m. in the Council Chambers.

F. Recreation Board – Burnam

Mr. Palumbo stated that the Ordinance amending the original Ordinance 1996-13 establishing the Recreation Board is on the agenda tonight.

Council President Burnam stated that the Council will consider the Ordinance right now.

MOTION BY Mr. Palumbo to suspend the rules to consider Ordinance 2006-60. *Seconded by Mr. Scott.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to waive the reading of Ordinance 2006-60 as amended at the July 13, 2006 Work Session. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to adopt Ordinance 2006-60. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Palumbo to appoint the members of the Recreation Board as follows:

POSITION ONE:	Matt Cunningham	One Year
POSITION TWO:	Kit Smith	Two Years
POSITION THREE:	Ed Nelson	Three Years
POSITION FOUR:	Rick Cleveland	Four Years
POSITION FIVE:	Erick Smith	Five Years
POSITION SIX:	James Foster	One Year
POSITION SEVEN:	John Petersen	Two Years

Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Palumbo stated that the next meeting will be a special called meeting on July 25th 6:00 p.m. in the Council Chambers.

G. Utility Board – Scott

Mr. Scott that the next meeting will be July 26th at 5:00 p.m. in the Council Chambers.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

Mayor Small stated that since the Council considered the appraisal at the work session he would like to have a motion to authorize him to enter into a contract for the purchase of the property and move forward with the purchase of the property.

MOTION BY Mr. Scott to authorize the Mayor to enter into a contract to purchase the 4.95 acres, approximately, on Park Drive adjacent to the Recreation property that has been appraised to be in excess of what the City will be paying for the property. *Seconded by Mrs. Landry.*

Council discussed the purchase of the property some felt the profit margin was to high, and some felt that this is a very valuable piece of property to the City for the plans of the Recreation property and that they do not have any better choice than this property.

Mr. Yelding called for the question.

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

MOTION CARRIED

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No report.

C. Department Head Comments

Chief Carpenter – Police Chief – reported that last week the North Precinct was dedicated in honor of Melvin Johnson.

David McKelroy – Recreation Director – reported that the British Soccer Camp is in progress with 130 children and five (5) coaches from Wales, England and Scotland. He stated that this is the largest group in the last six (6) years that they have had. He stated that registration for football, cheerleading and soccer started Saturday and will be running through August. He reported that the 13 year old and 14 year old Dixie Boys both qualified for the State Tournament this weekend in Montgomery.

Sandra Morse – Civic Center Director – stated that tickets were on sale for the “Taste of the Eastern Shore” which will be August 4th. She said that the theme will be “The Eastern Shore Goes Sports Crazy.” Mrs. Morse said that the tickets are \$25.00 and the proceeds goes to Daphne High School, and the doors open at 7:00 p.m. She also said that the Tip Tops will be playing at the Taste.

Ken Eslava – Public Works Director – reported that the road projects are under way applying the crack sealing. He said that there are two (2) more processes to be done. He also reported that the \$1.62 million NRCS projects are out for bids.

Bill Eady – Planning Director – stated that he gave the wrong date for the BZA meeting, it is August 3rd instead of August 4th.

7.) PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – spoke regarding the Residential High Rise border staying at Van Buren.

Mr. John Petersen – 171 Country Club Drive – spoke regarding the requested appropriation of funds for the AL Storm Baseball Team.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

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

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d.) Appointing The Bank of New York Paying Agent
& Registrar General Obligation Warrants Series 2002 /Resolution 2006-63

e.) Agreement Daphne Volunteer Firefighters Assn., Inc /Resolution 2006-64

MOTION BY Mrs. Barnette to waive the reading of Resolution 2006-61, 2006-62, 2006-63 and 2006-64. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-60. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-61. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Resolution 2006-62. *Seconded by Mrs. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-63. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Landry to adopt Resolution 2006-64. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

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

1ST READ

- b.) **Repealing Ordinance 2001-12 and Re-Establishing Policy and Procedure for Improving Sewer Service for the Citizens of Daphne, AL /Ordinance 2006-47**
- c.) **Establishing General Gas Codes and a Schedule Of Gas Inspection Procedures /Ordinance 2006-48**
- d.) **Rezone: TimberCreek Land Company, Inc. (21.50 Acres) / Property Located Northwest of Woodrow Lane and I-10 / B-2, General Business District to R-4, High Density Single Family Residential District /Ordinance 2006-49**
- e.) **Rezone: TimberCreek Land Company, Inc. (10.23 Acres) / Property Located Northwest of Woodrow Lane and I-10 / B-2, General Business to R-3, High Density Single Family Residential District. /Ordinance 2006-50**
- f.) **Rezone: Country Club Development, LLC / 1.06 Acres) / Property Located on AL 181 Across from Austin Road (Bellaton - Phase Two) / B-1, Professional Business District to R-4, High Density Single Family Residential District. /Ordinance 2006-51**
- g.) **Rezone: Country Club Development, LLC / (.27 Acres) / Property Located on AL 181 Across from Austin Road (Bellaton, Phase Three) / R-3, High Density Single Family Residential District to R-4, High Density Single Family Residential District. /Ordinance 2006-52**
- h.) **Rezone: Country Club Development, LLC (.26 Acres) / (Bellaton, Phase Two) / Property Located on AL 181 Across from Austin Road / R-3, High Density Single Family Residential District to B-1, Professional Business District /Ordinance 2006-53**
- i.) **Amending City of Daphne Village Overlay District Map /Ordinance 2006-54**
- j.) **Amending Ordinance 2004-10 Relating to Building &**

Re-Inspection Fees/Ordinance 2006-55

- k.) Prohibiting Motor Vehicles Avoiding Traffic Control
Devices or Stop Signs Within the City of Daphne/Ordinance 2006-56
- l.) Appropriation of Funds: AL Storm Baseball Team/Ordinance 2006-57
- m.) Establish a New Position in the Planning Department/Ordinance 2006-58
- n.) Amending Job Classification Schedule/Ordinance 2006-59
- o.) Amending Ordinance 1996-13 Establishing a Recreation Board
For the City of Daphne, AL (Handout Monday)...../Ordinance 2006-60

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2006-46. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2006-46. Seconded by Mrs. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to suspend the rules to consider Ordinance 2006-51, 2006-52 and 2006-53. Seconded by Mr. Scott.

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Nay	Palumbo	Nay
Lake	Aye	Burnam	Aye
Scott	Aye		

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

MOTION FAILED

MOTION BY Mr. Scott to suspend the rules to consider Ordinance 2006-57. Seconded by Mrs. Barnette.

ROLL CALL VOTE

Yelding	Nay	Landry	Aye
Barnette	Aye	Palumbo	Aye
Lake	Nay	Burnam	Nay
Scott	Aye		

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

MOTION FAILED

ORDINANCE 2006-60 WAS ADOPTED EARLIER IN THE MEETING.

ORDINANCES 2006-49, 2006-50, 2006-51, 2006-52, 2006-53, 2006-54, 2006-55, 2006-56, 2006-57, 2006-58, 2006-59 WERE MADE A FIRST READ.

7. COUNCIL COMMENTS

Mrs. Barnette stated that they need to make a motion to get Mr. Bill Hart to moderate the retreat.

MOTION BY Mrs. Barnette to suspend the rules to consider entering into a contract with Mr. Bill Hart to moderate the Council Retreat sometime in August or September. *Seconded by Mr. Lake.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to enter into a contract with Mr. Bill Hart to moderate the Council Retreat sometime in August or September. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mrs. Barnette requested that when they are appropriating funds she would like instead of a motion the appropriation done in a Resolution or Ordinance. She said that she thinks it should be part of the agenda much like what they did with the Recreation Board. She said those should be a published item with all the

agenda. She would like to see them do that in the future. She was referring to the \$235,000 for the Park Drive property.

Mr. Yelding commended the Mayor and Police Chief for their vision and effort to name the North Precinct after Melvin Johnson. He felt Melvin Johnson was worthy of receiving that honor.

Mr. Lake stated that he would like to make a motion to transfer funds from his travel budget to Mrs. Landry's.

MOTION BY Mr. Lake to transfer \$425.00 from his training fund to Mrs. Landry's training fund. Seconded by Mr. Yelding.

AYE Yelding, Barnette, Lake, Scott, Palumbo

NAY Burnam

ABSTAIN Landry

MOTION CARRIED

Mr. Scott encouraged everyone to get out and vote tomorrow. He stated that it was his understanding that they would have a motion tonight to give direction to the Planning Commission.

MOTION BY Mr. Scott that the Council indicate to the Planning Commission that they would like to have Van Buren as cutoff point for the Residential High Rise District. Seconded by Mrs. Barnette.

Council President Burnam stated that Van Buren is already in the Ordinance. Mr. Burnam stated that the motion should say "reiterate."

Mr. Scott amended his motion to say "reiterate to the Planning Commission."

Mrs. Barnette seconded the amendment.

AYE Yelding, Barnette, Scott, Landry, Palumbo, Burnam

ABSTAIN Lake

MOTION CARRIED

MOTION BY Mrs. Barnette to set the height for the Residential High Rise District for 140 feet. Seconded by Mr. Scott.

ROLL CALL VOTE

Yelding	Nay	Landry	Nay
Barnette	Aye	Palumbo	Nay
Lake	Nay	Burnam	Nay
Scott	Aye		

AYE Barnette Scott

NAY Yelding, Lake, Landry, Palumbo, Burnam

MOTION FAILS

MOTION BY Mr. Lake to set the height for the Residential High Rise District for 200 feet. Seconded by Mr. Palumbo.

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Nay	Palumbo	Aye
Lake	Aye	Burnam	Aye
Scott	Nay		

AYE Yelding, Lake, Landry, Palumbo, Burnam

NAY Barnette, Scott

MOTION CARRIED

Mrs. Landry stated that the Ordinance Committee has picked up and they are starting to have several Ordinances to consider, at first they just had a few to dribble in, but now they are having several to consider. She stated that they have had a delay on getting their agendas out, she wanted to state for the record and be reflected in the minutes, that the agendas should be released to the Council members a week ahead of time, and the Mayor wants to have prior approval of the Ordinances two (2) days before the packets come out. She wanted to apologize to her fellow Ordinance Committee members that they were not getting their agendas in time to look over them. She asked that everyone support the “Taste of the Eastern Shore”, because this is Daphne High School’s biggest fund raiser of the year.

Mr. Palumbo spoke regarding the appropriation of funds to the AL Storm Baseball Team stating that he voted to suspend the rules to vote on that matter, and fully intended to support the funds for that team. He said that there is not a bigger booster of helping these kids and helping them get along in the City. He said, however, he wanted to caution the City and the Finance Committee about ball teams coming for money, he said he does not know how much short distance traveling that the

Council does, but he does quite a bit of it, and in the summer time he cannot stay in a hotel that is not full of kids that are traveling to

play ball. He said it has become a trend in this part of the country, in the southeast, and maybe in all of the country, in the last several years. He does not think they should consider any beyond this request without the Council establishing some finite policy. He stated that these are not school teams, and all the members do not necessarily live in Daphne. He thinks they will be opening the door for many, many, many teams, and having now been chairman of the Recreation Board for several months and studying how many teams they have, the Council could be setting a very bad precedent. He said that he intends to support the motion to appropriate funds to this team, but he wants to caution the Council that they do not want to entertain this in the future without a definite policy being established. He said that he thinks they have gotten some things done tonight, but he feels Council Comments is not designed for motions, and sometimes it might be the only place to make a motion, but he agrees with Mrs. Barnette that they should put things on the agenda. He stated that he did vote against suspending the rules on one item simply from principle. He said that they have a Council rule, and again unless there is some emergency or expediency, if they want to do away with the second read rule, then do away with it, and if not they will have a second read and give these things time to ferment, and give more time for public participation before they vote on it.

Mayor Small thanked Mr. Scott, Mr. Palumbo and Mr. Burnam for coming to his office to go over and discuss the property on Park Drive so that they were familiar with the proposal. He stated that they had talked about it at the Council meeting and at a Work Session. He stated that his door is always open. He thinks that these things can be discussed beforehand to make sure all the information is correct so that the Council will not have any misinformation before a Council meeting. He stated that he would like the Council to do that beforehand. He stated that he agrees with Mrs. Barnette that they, maybe, should have had a Resolution or an Ordinance to bring it up. Mayor Small stated that this particular item had been in the minutes of the last Council meeting, in the minutes of the Work Session, in the minutes of the Finance meeting as well as in the minutes of the Building and Property meeting.

Council President Burnam stated that there was one other thing that needed cleared up and that is the letter from the Olde Towne Daphne West Association requesting payment for a court settlement. He stated that the council needs to discuss this and give them an answer.

Mrs. Barnette stated that they are asking for \$816.00 for their legal fees. She reminded the Council that the City of Daphne and Olde Towne Daphne West Association were both served papers for the lawsuit. She stated that as Mr. Burnam stated in the Work Session that Olde Towne Daphne West had the opportunity to get out of the lawsuit, however, they chose to stay in to continue to provide the citizen component of protecting the bluff and bay access. She stated that they served that purpose very well, and who knows if the outcome would have been the same without them. She stated that two (2) sanctions were levied upon the plaintiffs, and the first settlement was split between the City and Olde Towne Daphne West. The second sanction was at the request of Mr. Alvez to the City of Daphne from Hudgens to the court. The plaintiffs attorney paid a check to Mr. Ross for the \$2,500 and Mr. Ross endorsed the check to Mrs. Briley. She said, in practicality, Mr. Ross probably should have sent \$1,250 to Olde Towne Daphne West and \$1,250 to the City of Daphne. She stated that this issue would have never come before the Council had that been done properly.

Council President Burnam stated for the new Council members edification, the old Council picked up \$5,000 toward Olde Towne Daphne West legal fees, and they were given the opportunity to get out of the lawsuit, and they chose not to.

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

16

MOTION BY Mr. Yelding to give Olde Towne Daphne West Association \$816.00 as requested as part of the settlement. Seconded by Mr. Scott.

ROLL CALL VOTE

Yelding	Aye	Landry	Aye
Barnette	Abstain	Palumbo	Nay
Lake	Aye	Burnam	Nay
Scott	Aye		

AYE Yelding, Lake, Scott, Landry

NAY Palumbo, Burnam

ABSTAIN Barnette

MOTION CARRIED

9. ADJOURN

MOTION BY Mr. Yelding to adjourn. Seconded by Mrs. Barnette.

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:40 P.M.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Council President
Date & Time Signed:_____

**AMENDED MINUTES FROM THE JULY 17, 2006 COUNCIL
MEETING**

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

MOTION BY Mrs. Barnette to adopt Ordinance 2006-44. *Seconded by Mr. Scott.*

AYE Yelding, Barnette, Scott, Burnam

NAY Palumbo

MOTION CARRIED

The Council appointed the Mayor as the delegate representing the City of Daphne at these conferences.

ORDINANCE 2006-46

Mrs. Barnette explained the time frame for the moratorium, why the exclusion of commercial buildings and why she was asking for a 90 day extension. She stated that at the last Council meeting she asked that the High Rise boundary be put on the Work Session agenda, and asked the Council to have in mind where they wanted the boundary to go so that they can have a recommendation to send to the Planning Commission.

ORDINANCES 2006-46 WAS MADE A FIRST READ.

7. COUNCIL COMMENTS

Mr. Yelding asked the Council to consider having a retreat in the near future in order to get back on track and reorganize priorities.

Mrs. Barnette agreed with Mr. Yelding asking to consider setting a date at the Work Session on July 13th. She wished everyone a safe and happy 4th of July. **She asked that a paper copy of the Council packet be on display at the Library for those who do not have access to the internet.**

Mr. Scott also agreed with Mr. Yelding regarding a retreat. He also wished everyone a safe and happy 4th of July.

Mr. Palumbo clarified his nay vote on Ordinance 2006-44 regarding appropriating funds for participating in a Storm Water Management Study stating that the City spends a lot of money on studies and sometimes they get worthwhile information and sometimes not. He would just like to receive more information regarding the study and what the City will get for the money. He also wanted to publicly thank the Mayor for the work done on acquiring the Tallent property. He stated that the City is woefully short on Recreation facilities. Mr. Palumbo stated that the Tallent property is centrally located in the city. He also stated that the Mayor showed a lot of vision in de-annexing the property in Spanish Fort. He congratulated and thanked the Mayor for his work and vision.

Mayor Small wished everyone a happy 4th of July, and asked that they be careful.

PUBLIC HEARING:

AUGUST 7, 2006

Annexation: Pollard Group, LLC / Property located southeast of the
Intersection of County Road 64 and Pollard Road / R-4, High
Density Multi-Family Residential District

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

MEMORANDUM

Date: June 26, 2006

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

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

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(_____)

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

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

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

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

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

ZONING : R-4 MULTI-FAMILY

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

DATED this 22nd day of May, 2006

Respectfully submitted,

POLLARD GROUP, LLC.
Name of Corporation

By: _____

Its: MANAGER

STATE OF ALABAMA
COUNTY OF BALDWIN

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

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

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

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

“Exhibit A”

DESCRIPTION TO ACCOMPANY SKETCH OF 4.11 ACRES TO-WIT:

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

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

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

ORDINANCE NO. 2006-

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

POLLARD GOUP. LLC

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "A"

LEGAL:

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

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

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

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

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

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

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2006.

John Lake
Council Vice President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
July 5, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

PLEASE Publish in the Bulletin Legal Section on Wednesday, July 12, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006-

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

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

FRENCH SETTLEMENT

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

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

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

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

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

/END SYNOPSIS

**CITY 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

Buildings and Property Committee Meeting Minutes
July 7, 2006
10:00 a.m.
Daphne City Hall
1705 Main Street
Daphne, AL

In attendance: Mayor Fred Small, Councilman Gus Palumbo, Building Inspector, Richard Merchant, Building Maintenance, Frank Barnett.

The meeting was called to order at 10:00 a.m. by Councilman Gus Palumbo.

Mr. John Warner from Johnson Controls was present but was not on the agenda. He left a packet for Ms. Briley, Finance Director with ADECA's sample RFP and an attachment showing the type of information that they recommend we ask for. Johnson Control's main competition is Honeywell, Siemens, and TAC. A packet was also given to Mr. Palumbo and one left for Chairman John Lake. The Mayor will review this information with Ms. Briley.

I. Refund Request – Bayfront Park/ Ms. Janet Sledge

<p>Motion by Mayor Small to refund the rental fee Seconded by Mr. Palumbo Motion Approved</p>
--

II. Lake Forest Request for the City of Daphne to assume ownership of three (3) lots in Lake Forest.

Mayor Small stated that the LFPOA is willing to give the City 3 lots that cannot be sold due to the condition of the property. They would become city ROW.

<p>Motion by Mayor Small for he and Ken Eslava to assess the lots to see if the city would want them and then report back to the Buildings and Property Committee. Seconded by Mr. Palumbo. Motion Approved</p>
--

III. Update on stage floor and signage

Mr. Barnett of the City of Daphne Maintenance Department reported that he had received 3 bids on the stage floor at the Civic Center +and it looked like the cost would be between \$30,000 - \$32,000. He is still waiting for a few more bids to come in. The Mayor stated that he believes that there is a moisture barrier problem on the stage that will have to be addressed. The Mayor suggested that the Committee approaches the Finance Committee for additional money for the project if we do have a moisture barrier problem as that will have to be addressed.

Mr. Palumbo inquired as to if we could get a 2-3 year performance bond on the floor. He asked that Mr. Barnett ask about the lifetime expectancy of the floor and ask if the companies have done stage floors before. He stated that we may need to look at companies that specialize in stage flooring. Mr. Barnett is supposed to report back to Buildings and Property Committee next month with the final bids and answers to the questions that Mr. Palumbo asked.

Motion by the Mayor that this issue go to finance as soon as Mr. Barnett has gathered all his information.

Seconded by Mr. Palumbo.

Motion Approved.

Skipped to VIII. Purchase of 5 acres of land off of Park Drive to adjoin new recreation property.

Motion by Mr. Palumbo to place this item on the Council work session and to pass on the legal opinion from the league about paying more than the appraised value for property.

Seconded by the Mayor.

Motion Approved.

Returned to VI. – Request from Mayor Small to consider obtaining an appraisal of the Skating Rink Property

We need to research finance minutes to see if skating rink appraisal was ever discussed in the Finance Committee.

Motion by Mr. Palumbo to have appraisal of skating rink property. Cost approximately \$1000.

Seconded by Mayor Small.

Motion Approved.

IV. ISO Ratings

Mr. Richard Merchant stated that if the City does not adopt the new code we will drop to a 10 next year which is the lowest rating. By adopting the codes and adding the website information, we will go to a 6. If we amend the code to take out the high impact glass we will loose 1 point in scoring but not in the overall rating.

Motion by Mayor to send more information to the August Buildings and Property Committee and then refer it to the Ordinance Committee.

Seconded by Gus.

Motion Approved

Motion to adjourn by Mr. Palumbo at 11:00 a.m.

Seconded by Mayor Small.

PUBLIC WORKS COMMITTEE MEETING

July 28, 2006

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

I. CALL TO ORDER

The July meeting of the Public Works Committee was called to order at 8:00 a.m.

Present: Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Mayor Fred Small, Ken Eslava, Scott Hutchinson from HMR, Aileen Trotter

II. PUBLIC PARTICIPATION & CORRESPONDENCE

The committee reviewed the correspondence and the work request report for June 2006.

III. OLD BUSINESS

A. The committee reviewed the minutes from the Public Works Committee meeting held June 30, 2006. **Councilwoman Cathy Barnette motioned to approve the minutes; Councilman Bailey Yelding seconded the motion.**

B. Beall Lane and Old County Road

Councilwoman Barnette inquired into the status of the street lights in this area. Ken Eslava indicated that he and the Police Department have evaluated the street lighting in that area and have determined that it is adequate. Councilwoman Barnette inquired into the cut through of Beall Lane to Old County Road, which has been requested by several residents in that area. Ken Eslava stated that he will develop a cost estimate for the work to determine if it is feasible. If it is recommended, it will need to go through Planning.

C. Camellia Avenue

Councilman Yelding inquired into the status of the park in on Camellia Avenue. Ken Eslava stated that the City has completed removing all of the trees that are scheduled for removal and that fill dirt will be brought in soon. Mayor Small indicated that a meeting with interested parties may be considered to determine options available for that area.

D. Installation of Bathrooms in City Parks

Councilman Yelding inquired into the status of the installation of the bathrooms in the City parks as previously discussed. Ken Eslava stated that he has requested funds in the FY07 capitol budget for 2 bathroom facilities. One will be for the Park City Park and the other will be determined at a later date. Mayor Small suggested asking the City Clerk to investigate the availability of grant money to install the bathrooms in the parks. Councilman Yelding stated that he doesn't want to see any portable bathrooms at the playground parks.

IV. NEW BUSINESS

A. Councilwoman Barnette inquired of the Mayor if he needed any other members for the storm water committee. Mayor Small stated that Councilman Yelding will be on the committee.

V. **DIRECTOR'S REPORT**

A. Tree Ordinance Revisions

Ken Eslava indicated that the current Land Use Ordinance, specifically the Tree Ordinance, requires that every tree that is removed in the City of Daphne, even on private property, must be permitted. The Division of Public Works does not have adequate manpower to permit the removal of every tree within the City Limits. Consequently, revisions to the Land Use Ordinance are being considered to exclude managing private property unless in the tree protection zone. Proposed changes follow Fairhope's tree ordinance. This would exclude residential agricultural and single family residences in property zoned for single family use.

Councilwoman Barnette made a motion to request a copy of the ordinance go before the Planning Commission for ordinance revision. The motion was seconded by Councilman Lake.

Councilwoman Barnette inquired into the possibility of requiring Certified Arborists for tree removal. Mayor Small indicated that the requirement could be discussed during the work session. Councilman Yelding requested that the changes and the original be shown simultaneously, so that they can easily identify which changes have been made. Ken Eslava stated that a marked copy will be sent to the Planning Commission.

B. Roadwork Update

Ken Eslava informed the Committee that the roadwork project is progressing. Phases one (crack sealing) and two (chip sealing) are complete. Phase three is being delayed since a test of the mixture failed to pass the 30 minute dry time requirement. The contractor is working on changes to the mixture to meet the 30 minute dry time.

C. Household Hazardous Waste Facility Update

Ken Eslava informed the Committee that the household hazardous waste building has been ordered. The drawings for the foundation are still five to six weeks from completion. The City will construct the foundation.

Ken Eslava suggested an ordinance be written to manage the drop off of household hazardous waste, including limiting the acceptance to Daphne residents only. Councilman Yelding made the suggestion to begin the development of the ordinance early. Ken Eslava stated that he will obtain a copy of Fairhope's ordinance as an example.

Councilman Lake requested a modification to the trailer that holds the recycling bins at the apartment complexes. The modification should allow residents to set their recycling bins at a convenient level when sorting into the larger bins. Ken Eslava stated that he would look into it.

D. Public Works Master Plan Presentation to the Planning Commission

Ken Eslava informed the Committee that the Public Works facility master plan will be presented to the Planning Commission next month for approval. The complete package has already been submitted to Mr. Eady.

E. Sidewalks/City/ALDOT

Ken Eslava informed the Committee that the construction of the sidewalks is currently on Belrose Avenue. Once Belrose Avenue is complete, they will begin on Captain O'Neal.

Two new bulkheads will be constructed at May Day Park. Ken Eslava indicated that the most of the sidewalks in District 3 will be ALDOT sidewalks. Mayor Small indicated that the City has completed all of the requirements for ALDOT, so they are now waiting for the next notice to proceed.

VI. SOLID WASTE AUTHORITY

A. No comments were provided about the Solid Waste Authority

VII. MUSEUM COMMITTEE

A. No comments were provided about the Museum Committee

VIII. BEAUTIFICATION COMMITTEE

- A. The minutes from the June Beautification Committee meetings were reviewed.
- B. Mayor Small stated that the removal of the crepe myrtles from the median on Highway 98 was creating an abundance of crepe myrtles. Mayor Small stated that he would like to see the crepe myrtles be made available to non-profit organizations such as schools and churches once the City has used what they need. Councilman Lake inquired into the feasibility of trading crepe myrtles with the developers of the Aranov properties, such that they could use the large trees and the City would use the small trees already purchased by the developer of the property.

Councilman Lake made a motion to recommend to City Council allowing the Public Works Director to oversee the disposal of the crepe myrtles, including determining to whom they can be given once the City has exhausted their need. Councilwoman Barnette seconded the motion.

IX. ENGINEER REPORT

A. NRCS Update

Scott Hutchinson provided an update on the NRCS projects to the Committee as follows:

- County Road 64 – The design of this project is complete, and it being sent out for bid on August 13.
- The Methodist Church and Whiting Court projects– The design for these projects should be complete within the next two weeks.
- Montclair Loop – The design is complete and bids will be obtained soon.
- Yancey Branch – All permits have been received. Approvals have been received from Fish and Wildlife, Historic Preservation, and Alabama Department of Environmental Management. An application to the Army Corps of Engineers (ACOE) was sent in by certified mail, but no response was received within the 45 days. Councilwoman Barnette and Ken Eslava requested that a letter be sent by certified mail to the ACOE stating that the City acknowledges the implied approval of their non-response.
- Lakeview Loop – The plans for this project are almost complete.

X. FUTURE BUSINESS

A. The next Public Works Committee meeting will be held August 25, 2006 at 8:00 a.m. at City Hall.

XI. ADJOURNMENT

Councilwoman Barnette motioned to adjourn. The meeting adjourned at 8:54 a.m.

Daphne Beautification Committee

City Hall 1705 Main Street Daphne, AL

Minutes of Meeting

July 14, 2006 - 10:00 AM

Meeting: General Membership Meeting

Invitees:

City Liaison: Marshall Parsons, Marjorie Bellue

Members:

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

I. Call to order – 10:09 a.m.

II. Roll call – Present – Carollee Grindel, Anne Talton, Frieda Romanchuck, Tomasina Werner, Marilyn O'Connor Moore, Jerry Guillott, Dorothy Rankins, Audrey Rouire, Dorothy Morrison, Bea Wilson, Nancy Henderson, Marjorie Bellue, Marshall Parsons

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

IV. Announcements - None

V. Sub-Committee Reports – Carollee reviewed the sub-committee list

- a) Arbor Day – Marjorie noted that she has been working on her selection of trees. This committee should meet in September, October or November as needed.
- b) Beautification Award – This committee has put off selecting businesses until closer to April as it is a yearly event and usually done at that time. Marshall had a nice Sign to put in front of businesses for a revolving monthly award and a suggestion was made to get small versions to go in the window of these award winners. A motion was made by Dorothy Morrison and seconded by Audrey Rouire for the committee to look into cost. The vote was unanimous.
- c) Butterfly Garden – This committee sent a proposal to the Baldwin County Master Gardeners for their input. This is a large project and will be done in increments. The first phase will be improving the entrance with benches etc. “Beauty and the

Beast “ was suggested for advertising but to close to Disney theme park. The State of Alabama is ready to plant seeds. Marshall needs someone from the committee to go out with him to mark the areas to be planted first.

- d) Christmas Decorations – This committee had three reports. Daphne is a Tree Preservation City. They want to use a overall uniform tree theme though out the city. Plywood tree cutouts from a simple pattern, various sizes, painted a solid color with lights placed around the city. Also, ask the City for a five year plan of expenses up to \$40,000 which would be needed by year three. Most of this money would be used to purchase a 34’ tree with multicolored lights, two 17’ trees with multicolored lights and a sign saying Daphne, Alabama to complete the Season’s Greeting sign bought several years ago. More work is needed in the shed to determine condition and repair old decorations. A discussion was held on simplicity in the decorations in Daphne. A motion was made by Dorothy Rankins and seconded by Nancy Henderson to ask the city for \$40,000 to be used in a five year plan. The vote was unanimous.
- e) Crepe Myrtles – 48 trees have been moved into Lake Forest and ther will be a total of 201 moved there. They are being replaced with young crepe myrtles on Hwy. 98. The Committee suggested that we have publicity to explain the reason for the removal and replacement to the public.

VI. Open business - none

VII. New Business

- a. Membership Update – Carollee reported that we still need four people to have two representatives from each District. We need one more in District 3 and District 6, plus we need two more from District 1.
- b. Charter – Latest Revision – Carollee, Vincent and Anne will look it over and email it out to everyone on the committee.

VIII. Public Works Report – Water is available for the Butterfly Garden area under I-10. Marshall has started Chainsaw Safety Classes. The City is considering using the same tree ordinance as Fairhope for consistency. The Welcome Daphne signs are on hold for various reasons. One needs painting and Carollee volunteered to paint that one. A suggestion was made to put flags at KFC corner but they need maintainence.

IX. Announcements – Dorothy Morrison has invited the committee members to her house for a covered dish meeting on September 8. Our next meeting is August 4.

X. Adjournment - 11:25

Respectfully Submitted,

Anne Talton, Secretary

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

SET PUBLIC HEARING DATE

FOR

SEPTEMBER 5, 2006

- a.) Reset Public Hearing Amending the Village Overlay Map
- b.) Rezone: Cypress Point, LLC / Property located On U.S. Highway 98/ B-2, General Business District to MU, Multi-Use
- c.) Rezone: Utilities Board / Property located at On U.S. Highway 98 / B-2, General Business District to MU, Multi-Use
- d.) Rezone: Vernon & Sandra Morse / Property located on Randall Avenue / R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District
- e.) Annexation: Malbis Plantation – Interstate 10 / Property located on Interstate 10 / Requested B-2, General Business District Zoning.
- f.) Annexation: Malbis Plantation, Inc. / Property located U.S. Highway 90 West of the Eastern Shore Center / Requested B-2, General Business District Zoning
- g.) Amending the Land Use & Development Ordinance / Village Overlay District – Maximum Building Height
- h.) Amending the Land use & Development Ordinance / Zoning Map

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

MEMORANDUM

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

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

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

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

Thank you,

WHE/jd

cc: file

**CITY OF DAPHNE
ORDINANCE NO. 2006 - 54**

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE
VILLAGE OVERLAY DISTRICT MAP**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, set forth a favorable recommendation to the Daphne City Council to amend the City of Daphne Village Overlay District Map as established in Appendix J, Exhibit B of the City of Daphne Land Use Ordinance (Ordinance No. 2002-22); and

WHEREAS, the amendment to said map is necessary to encompass additional properties lying immediately north of and adjacent to the existing northern boundary of the Village Overlay District, said properties to include the Daphne Utilities Board property (as recorded in the Office of the Judge of Probate of Baldwin County at RP Book 331, Page 474) and the Cypress Point, L.L.C. property (as recorded in the Office of the Judge of Probate of Baldwin County at Instrument No. 885253); and

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

WHEREAS, a public hearing in regard to said amendments to The Village Overlay District Map was held on _____; and,

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

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

SECTION I. REPEALER

That Ordinance No. 2004-50 is hereby repealed in its entirety. Any other ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION II.

That the Village Overlay District Map referenced hereto as Appendix J, Exhibit B in Ordinance No. 2002-22, shall be considered the official The Village Overlay District Map of the City of Daphne, Alabama.

SECTION III.

That Ordinance No. 2002-22, Appendix J, Exhibit B is hereby amended to include on the Village Overlay District Map those contiguous parcels of property currently known as the Daphne Utilities Board property (as recorded in the Office of the Judge of Probate of Baldwin County at RP Book 331, Page 474) and the Cypress Point, L.L.C. property (as recorded in the Office of the Judge of Probate of Baldwin County at Instrument No. 885253) both parcels lying

to the immediate north of the northern boundary line of the Village Overlay District.

SECTION IV. EFFECTIVE DATE

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

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David Cohen, City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Amending the Land Use and Development Ordinance / Village Overlay District Map Revision as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

CITY OF DAPHNE
ORDINANCE NO. 2006 - 54

AN ORDINANCE TO AMEND THE CITY OF DAPHNE
VILLAGE OVERLAY DISTRICT MAP

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, set forth a favorable recommendation to the Daphne City Council to amend the City of Daphne Village Overlay District Map as established in Appendix J, Exhibit B of the City of Daphne Land Use Ordinance (Ordinance No. 2002-22); and

WHEREAS, the amendment to said map is necessary to encompass additional parcels of real property lying immediately to the north of and adjacent to the existing northern boundary of the Village Overlay District, said properties to include the Daphne Utilities Board property (as recorded in the Office of the Judge of Probate of Baldwin County at RP Book 331, Page 474), and "the Cypress Point, L.L.C. property" (as recorded in the Office of the Judge of Probate of Baldwin County at Instrument No. 885253); and

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

WHEREAS, a public hearing in regard to said amendments to The Village Overlay District Map was held on _____; and,

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

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

SECTION I.

That the Village Overlay District Map referenced hereto as Appendix J, Exhibit B in Ordinance No. 2002-22, shall be considered the official The Village Overlay District Map of the City of Daphne, Alabama.

SECTION II.

That Ordinance 2002-22, Appendix J, Exhibit B is hereby amended to include on the Village Overlay District Map those contiguous parcels of real property currently known as "the Daphne Utilities Board Property" (as recorded in the Office of the Judge of Probate of Baldwin County RP Book 331, Page 474) and the "Cypress Point, L.L.C. property" (as recorded in the Office of the Judge of Probate of Baldwin County at Instrument No. 885253), both parcels of real property lying to the immediate north of the current northern boundary line of the Village Overlay District.

SECTION III. REPEALER

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

SECTION IV. EFFECTIVE DATE

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

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

Greg Burnam
Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David Cohen, City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on July 17, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Village Overlay District Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO. 2006 - 54**

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE
VILLAGE OVERLAY DISTRICT MAP**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on May 25, 2006, set forth a favorable recommendation to the Daphne City Council to amend the City of Daphne Village Overlay District Map as established in Appendix J, Exhibit B of the City of Daphne Land Use Ordinance (Ordinance No. 2002-22); and

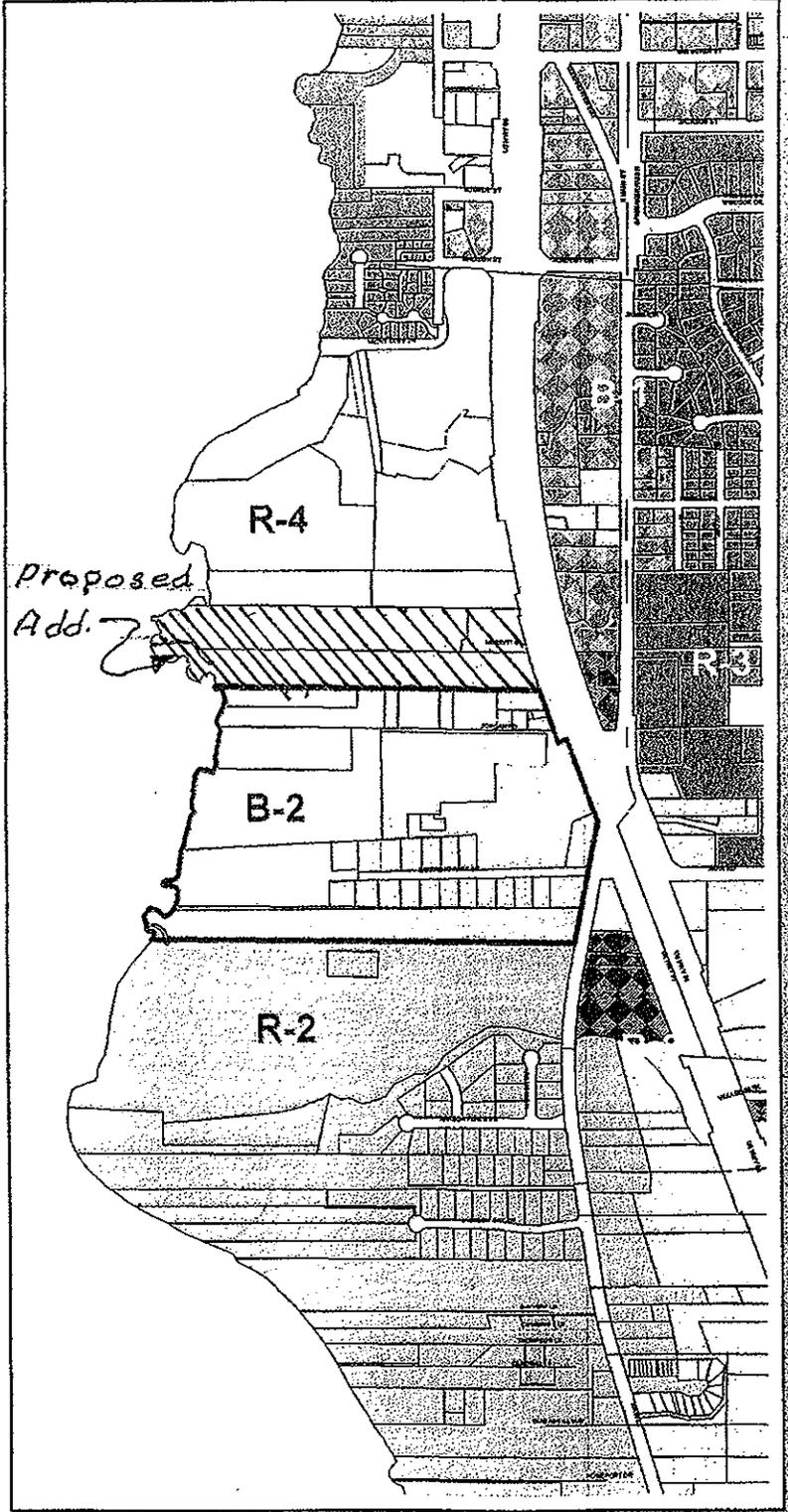
WHEREAS, the amendment to said map is necessary to encompass additional parcels of real property lying immediately to the north of and adjacent to the existing northern boundary of the Village Overlay District, said properties to include the Daphne Utilities Board property (as recorded in the Office of the Judge of Probate of Baldwin County at RP Book 331, Page 474), and "the Cypress Point, L.L.C. property" (as recorded in the Office of the Judge of Probate of Baldwin County at Instrument No. 885253); and

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

WHEREAS, a public hearing in regard to said amendments to The Village Overlay District Map was held on September 5, 2006; and,

/END SYNOPSIS

The Village Overlay District



Legend

	Village Overlay
	R-1
	R-2
	R-3
	R-4
	B-1
	B-2
	B-3
	C/I
	MU
	GC



ADOPTED BY THE CITY OF DAPHNE PLANNING COMMISSION
DATE:

PLANNING COMMISSION CHAIRMAN:
KEN DAY

ADOPTED BY THE DAPHNE CITY COUNCIL
DATE:

Mayor
FRANK SMITH

CITY CLERK
DAVID COHEN

This document is the property of the City of Daphne. It is loaned to you for your information only. It is not to be distributed, copied, or otherwise used without the express written permission of the City of Daphne. If you have any questions regarding this document, please contact the City of Daphne Planning Commission at (251) 473-1234.

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Cypress Point, L.L.C.

MEMORANDUM

Petition for Zoning Amendment

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Proposed project name is Cypress Point Apartments.

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

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

Thank you,

WHE/jd

cc: file

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

Application Number: 206-08 Date Plat Submitted: June 23, 2006

Date Presented: July 27, 2006

Name of Owner: Cypress Point LLC

Address: 2900 US Highway 98 Bldg A Ste 301 Telephone# (251) 626-2772
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Richard J. Fine or Dudley Flotte

Address: PO Box 2790 Daphne, AL 36526 Telephone# (251) 625-0160
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: See Property Description - Exhibit "A"

Lot(s): 10.22 acres Unit Parcels # 43-03-71-0-007-008.000
& # 43-03-71-0-007-008.003

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: June 23, 06)

Meeting Dates:

Planning Commission: July 27, 2006

City Council: _____

Reason(s) for requesting the Zoning Amendment:

To Rezone Property From B-2 to MU

W. Keith Pears
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 1203 US Highway 98 Daphne, AL 36526
Parcel # 43-03-71-0-007-008.000
- b) Name of Subdivision _____
- c) Lot numbers involved in change _____
- d) Total acreage of change 10.22
- e) Recorded in Map Book 331 Page 0000474
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property B-2
- b) Reclassification desired MU
- c) Character of neighborhood Residential to North/Professional Offices
To South/Retail

3) Certifications:

- a) Owner's Name Cypress Point LLC
- b) Address 2900 US Highway 98 Bldg. A Ste. 301 Daphne, AL 36526
- c) Telephone Number (251) 626-2772
- d) Date 06/19/2006

Cypress Point LLC L.A. Beckwith
Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

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

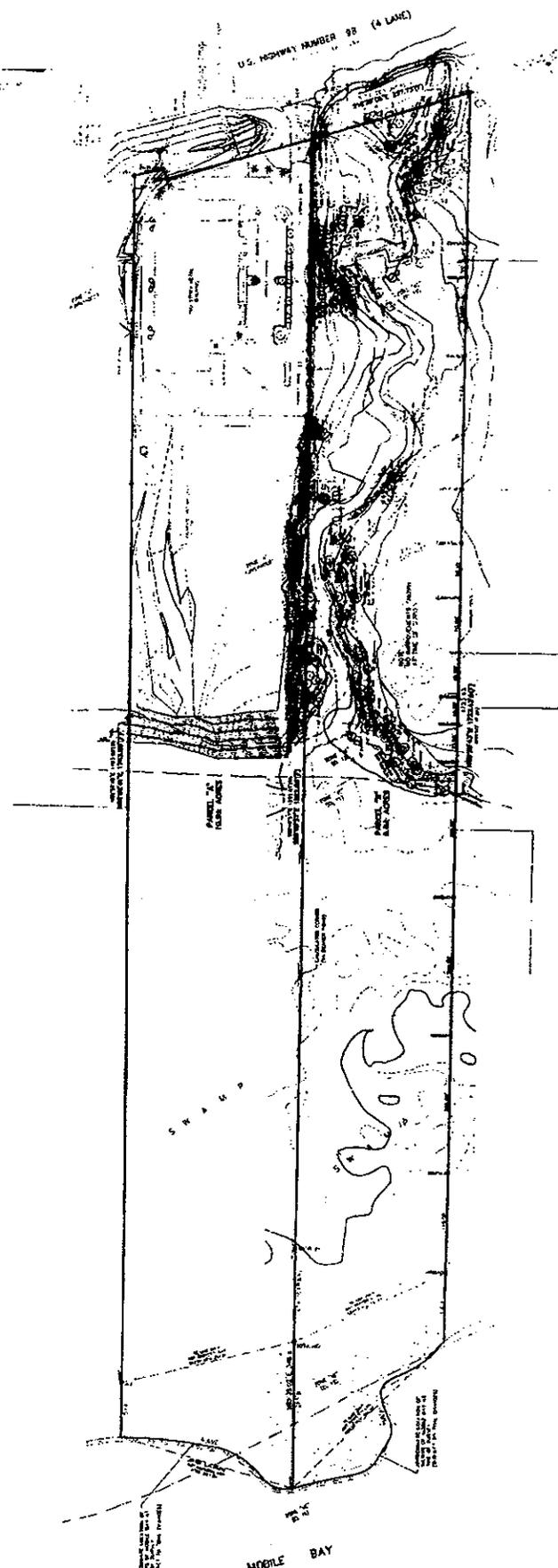
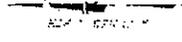
6-14-06
Date


Signature of Property Owner

MERRITT PROPERTY - EXHIBIT "A"**CYPRESS POINTE VILLAGE****PARCEL "A" LEGAL DESCRIPTION:**

COMMENCE AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358.00 FEET MORE OR LESS TO A POINT (NORTH 44°48'48" WEST ,A DISTANCE OF 304.30 FEET); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT, (THAT FALLS IN A BEAVER POND); THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

REVISED LEGAL



LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS
The following is a legal description of the land shown on this map...

McCroy Williams
Surveyors

McCroy Williams
Surveyors

BOUNDARY & TOPOGRAPHIC
SURVEY FOR
FINE ENTERPRISES

MOBILE COUNTY, ALABAMA

PLAT NOTES

PLAT NOTES
This plat is subject to the provisions of the Alabama Surveyors Act...

Legend table with symbols and descriptions for various survey features like bearings, distances, and monuments.

**MERRITT PROPERTY
ADJACENT PROPERTY OWNERS LIST**

East Bay II Investors LTD
c/o First American Tax Valuati
Dallas, TX 75356
PIN 36344

East Bay II Investors LTD
c/o First American Tax Valuati
Dallas, TX 75356
PIN 43005

**Utilities Board of the
City of Daphne**
PO Box 2550
Daphne, AL 36526
PIN 27306

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located off of U.S. 98 Highway by
Cypress Pointe LLC /
Cypress Pointe Apartments**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to MU, Multi-Use District, said property is located off of U.S. 98 Highway in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358.00 FEET MORE OR LESS TO A POINT (NORTH 44°48'48" WEST, A DISTANCE OF 304.30 FEET); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT, (THAT FALLS IN A BEAVER POND); THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to MU, Multi-Use 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 ____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2, General Business District to MU, Multi-Use District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located off of U.S. 98 Highway by
Cypress Pointe LLC /
Cypress Pointe Apartments**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to MU, Multi- Use District, said property is located off of U.S. 98 Highway in Daphne, Alabama, being more particularly described as follows:

Legal Description:

COMMENCE AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE

NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358.00 FEET MORE OR LESS TO A POINT (NORTH 44°48'48" WEST ,A DISTANCE OF 304.30 FEET); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348.00 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT,(THAT FALLS IN A BEAVER POND); THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to MU, Multi-Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam
Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from B-2, General Business District to MU, Multi-Use District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

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WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Utilities Board of the City of
Daphne

MEMORANDUM

Petition for Zoning Amendment

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Proposed project name is Cypress Point Apartments.

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

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

Thank you,

WHE/jd

cc: file

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

Application Number: 206-09 Date Plat Submitted: June 23, 2006

Date Presented: July 28, 2006

Name of Owner: The Utilities Board of The City of Daphne

Address: 900 Daphne Avenue Daphne AL 36526 Telephone# (251) 626-2628
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Richard J. Fine or Dudley Flotte

Address: PO Box 2790 Daphne, AL 36526 Telephone# (251) 625-0160
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: See Property Description - Exhibit "A"

Lot(s): 43-03-71-0-007-014.000 Unit parcel # 14

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: 6/23/06).

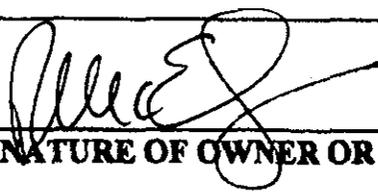
Meeting Dates:

Planning Commission: July 27, 2006

City Council: _____

Reason(s) for requesting the Zoning Amendment:

To Rezone Property From B-2 to MU



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:

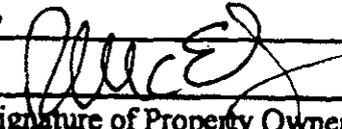
- a) Address US Highway 98 Daphne, AL 36526
43-03-71-0-007-014.000 Parcel #14
- b) Name of Subdivision _____
- c) Lot numbers involved in change _____
- d) Total acreage of change 9.05
- e) Recorded in Map Book 0331 Page 0000474
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s):

2) Zoning change requested:

- a) Present classification of property B-2
- b) Reclassification desired MU
- c) Character of neighborhood Residential to North/Professional Offices
To South/Retail

3) Certifications:

- a) Owner's Name The Utilities Board of The City of Daphne
- b) Address 900 Daphne Avenue Daphne, AL 36526
- c) Telephone Number (251) 626-2628
- d) Date 06/19/2006



Signature of Property Owner

Signature of Property Owner

AGREEMENT

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

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

6-19-06
Date

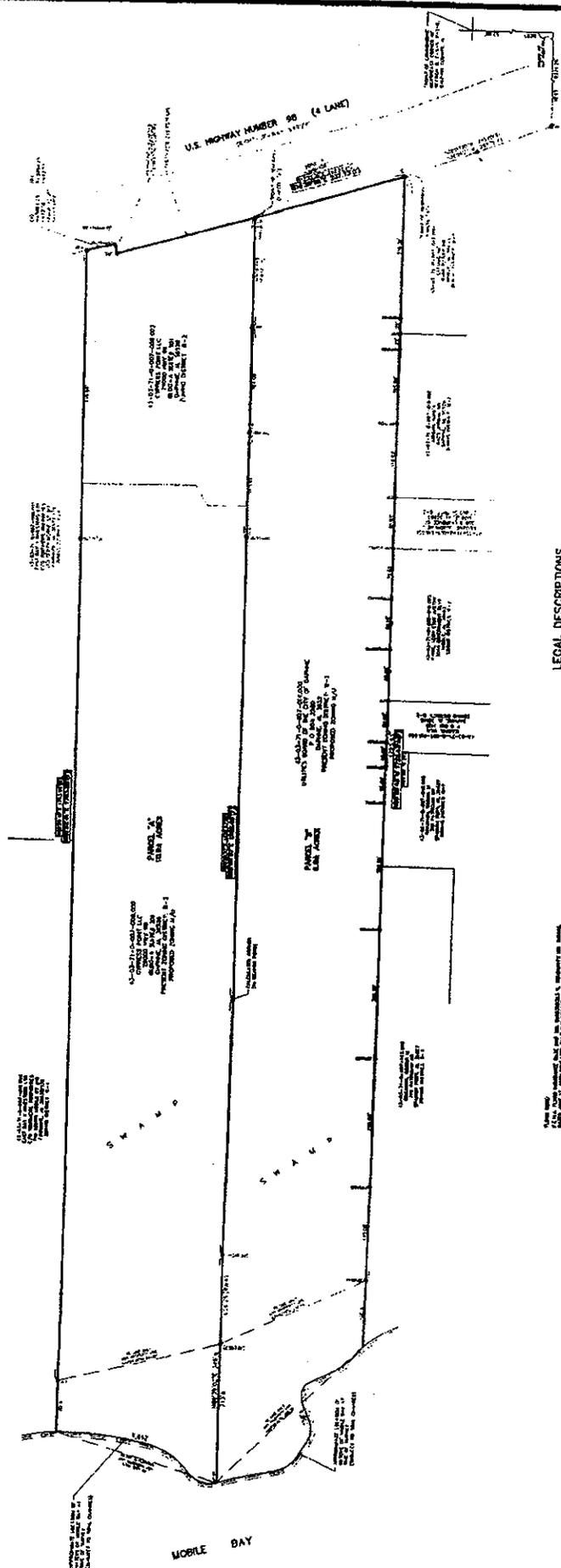
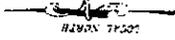

Signature of Property Owner

DAPHNE UTILITIES PROPERTY - EXHIBIT "A"**CYPRESS POINTE VILLAGE****PARCEL "B" LEGAL DESCRIPTION:**

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE SOUTH LINE OF LOT 2 OF THE D'OLIVE ESTATE DIVISION OF GRANT SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA (SAID MONUMENT ALSO BEING LOCATED 8224.26 FEET MEASURED WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND 52.8 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA); THENCE NORTH 20°28'27" WEST A DISTANCE OF 243.79 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT-OF-WAY, NORTH 89°28'43" WEST A DISTANCE OF 1723.43 FEET TO A POINT; THENCE NORTH 89°28'43" WEST A DISTANCE OF 100 FEET MORE OR LESS TO A POINT ON THE EAST SHORE OF MOBILE BAY; THENCE NORTHWARDLY ALONG SAID SHORE OF MOBILE BAY A DISTANCE OF 358 FEET MORE OR LESS TO A POINT (THAT BEARS NORTH 44°48'48" WEST AND MEASURES, 304.30 FEET FROM THE LAST DESCRIBED POINT); THENCE DEPARTING THE SHORE OF MOBILE BAY, NORTH 89°35'02" EAST A DISTANCE OF 348 FEET MORE OR LESS TO A POINT; THENCE SOUTH 89°28'29" EAST A DISTANCE OF 399.01 FEET TO A POINT THAT FALLS IN A BEAVER POND; THENCE SOUTH 89°49'57" EAST A DISTANCE OF 1222.69 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98; THENCE SOUTH 16°39'35" EAST A DISTANCE OF 237.73 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE POINT OF BEGINNING AND CONTAINING 9.8 ACRES MORE OR LESS.

REVISED LEGAL

UTILITIES BOARD OF THE CITY OF DAPHNE
ZONING AMENDMENT EXHIBIT "B"



LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS
The following is a legal description of the property shown on the map...
[Detailed legal descriptions of various lots and parcels, including references to survey dates and acreage.]

Notes:
1. All lots shown on this map are subject to the zoning ordinance of the City of Daphne...
2. The zoning ordinance of the City of Daphne is hereby amended to read as follows...
3. The zoning ordinance of the City of Daphne is hereby amended to read as follows...
4. The zoning ordinance of the City of Daphne is hereby amended to read as follows...

NOTES:
1. All lots shown on this map are subject to the zoning ordinance of the City of Daphne...
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McCrary Williams
INCORPORATED
ENGINEERS & SURVEYORS
1000 SOUTH MOBILE AVENUE, SUITE 200
MOBILE, ALABAMA 36688
PHONE: (904) 686-1234
FAX: (904) 686-1235

ZONING AMENDMENT FOR CYPRESS POINT AND UTILITY BOARD	
APPROVED BY THE CITY OF DAPHNE	DATE: 07/21/2006
APPROVED BY THE CITY OF DAPHNE	DATE: 07/21/2006
APPROVED BY THE CITY OF DAPHNE	DATE: 07/21/2006

**DAPHNE UTILITIES PROPERTY
ADJACENT PROPERTY OWNERS LIST**

Percy W & Valai Marino
PO Box 1125
Daphne, AL 36526
PIN 49784

Leon & Justine Paige
5044 Government Blvd.
Mobile, AL 36693
PIN 32581

Josephine J Williams
1474 East Barkley Drive
Mobile, AL 36606
PIN 46313

Lawrence L Olander Jr.
c/o Temple Properties LLC
Auburn, AL 36830
PIN 41750

Nancy Jordan
6425 Jordan Road
Daphne, AL 36526
PIN 23059

Regina M Benjamin
318 Patrician Drive
Spanish Fort, AL 36527
PIN 58471

Nancy Jordan
6425 Jordan Road
Daphne, AL 36526
PIN 23060

Cypress Point LLC
29000 Hwy 98
Daphne AL 36526
PIN 8094

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located off of U.S. 98 Highway by
Utility Board for Cypress Pointe Village**

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WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to MU, Multi-Use 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 ____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

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Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David L. Cohen
City Clerk, MMC

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/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Vernon and Sandra Morse

MEMORANDUM

Petition for Zoning Amendment

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Authorized representative is Irvine Co., Inc., Starke Irvine.

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

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

Thank you,

WHE/jd

cc: file

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 206-10 Date Plat Submitted: June 28, 2006

Date Presented: July 27, 2006

Name of Owner: Vernon H. And Sandra F. Morse

Address: 1401 Randall Avenue Daphne AL 36526 Telephone # 990-0966
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Starke Irvine/Scott A. Hutchinson

Address: P.O. Box 2497 Daphne AL 36526 Telephone # 621-1337
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: _____

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: June 27, 06).

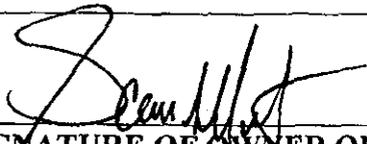
Meeting Dates:

Planning Commission: July 27, 06

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Requesting R-4 single family zoning to construct



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 1401 Randall Avenue
Daphne, AL 36526
b) Name of Subdivision Randall parcel 17.001 T 55
c) Lot numbers involved in change 17 sec 17, Range 2E
d) Total acreage of change 2.11
e) Recorded in Map Book Page
f) Owned in whole by the undersigned? Yes
g) If owned in part, name(s) of co-owner(s):
Vernon H. Morse
Sandra F. Morse

2) Zoning change requested:

- a) Present classification of property R2
b) Reclassification desired R4
c) Character of neighborhood Across and adjacent to R4 zoning. Homes to be constructed in same style as LaCasa di San Francesco

3) Certifications:

- a) Owner's Name Vernon H. And Sandra Morse
b) Address 10 Denton Lane Fairhope, AL 36532
c) Telephone Number 929-0966
d) Date 6-26-06

Handwritten signature of Vernon H. Morse
Signature of Property Owner
Vernon H. Morse
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.

10-19-06
Date

Sandra Morse
Signature of Property Owner

VERNON H. MORSE AND SANRDA F. MORSE
1401 RANDALL AVE., DAPHNE, AL 36526
REZONING TO R-4

EXHIBIT "A"

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST , RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL'S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY , ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9 , 935 FEET , FOR A POINT OF BEGINNING , THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE. , THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING , CONTAINING TWO ACRES(2) MORE OR LESS.

SEE 1" x 200' MAP 05-43-05-16

SEE SHEET 20

CORPORATE

DAPHNE

RD #17
507.56

ZONED R-47
6.50 AC

ZONED B-2
Tract 1
6.55 ACRES

1/4" scale plat
dated 02/1974

PROPERTY LINE

S89°49'45"W
60.00

S00°10'00"
125.00

DETENTION

502.50

297.18

278

256.7

1700.1

330

345

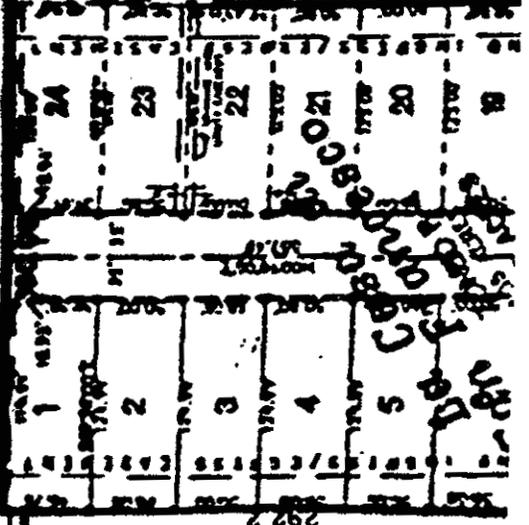
17

345 (S)

356.26(4) 385(S)

278

204.28



MORSE ZONING AMENDMENT
EXHIBIT "B"

Randall
Mailing List of Adjacent Property Owners

- 1.) **Mr. Paul Stanley**
8016 Deerwood Dr.
Daphne, Al. 36526
- 2.) **Adams Homes**
26050 Equity Dr.
Daphne, AL 36526
- 3.) **Mr. James Porter**
7985 Deerwood Dr.
Daphne, Al 36526
- 4.) **Ms. Patricia Edington**
7997 Deerwood Dr.
Daphne, AL 36526

The above all live in Deerwood which is a new development.

- 5.) **Mr. and Mrs. David Moore**
1313 Randall Ave.
Daphne, AL 36526
- 6.) **Mr. and Mrs. Michael Wierszalowski**
1311 Randall Ave.
Daphne, AL 36526
- 7.) **Ms. Madelyn Mitchell**
2105 Pollard Rd.
Daphne, AL 36526
- 8.) **Mr. William Tyler**
26253 via del San Francesco
Daphne, AL 36526
- 9.) **Mr. and Mrs. Guy**
12696 Hillard Jenkins Rd.
Loxley, AL 36551
- 10.) **Olde Daphne Development**
P.O. Box 2497
Daphne, AL 36526

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located at 1401 Randall Avenue
Morse Subdivision**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located at 1401 Randall Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST , RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL'S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY , ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9 , 935 FEET , FOR A POINT OF BEGINNING , THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE. , THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING , CONTAINING TWO ACRES(2) MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 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-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-2, Medium Density Single Family Residential District to R-4, High Density Single Family District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located at 1401 Randall Avenue
Morse Subdivision**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located at 1401 Randall Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST , RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL'S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY , ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9 , 935 FEET , FOR A POINT OF BEGINNING , THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE. , THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING , CONTAINING TWO ACRES(2) MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 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-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

Greg Burnam
Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance Rezoning certain property from R-2, Medium Density Single Family Residential District to R-4, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006 -

**Ordinance to Rezone Property Located at 1401 Randall Avenue
Morse Subdivision**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District, to R-4, High Density Single Family Residential District, said property is located at 1401 Randall Avenue in Daphne, Alabama, being more particularly described as follows:

Legal Description:

FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2 EAST, RUN WEST 574.5 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1, RANDALL'S SUBDIVISION ACCORDING TO PLAT RECORDED IN MISCELLANEOUS BOOK 1, PAGE 227 IN THE OFFICE OF THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID LOT 9, 935 FEET, FOR A POINT OF BEGINNING, THENCE RUN SOUTH 278 FEET TO A POINT ON THE NORTH SIDE OF A 30 FOOT ROAD KNOWN AS RANDALL AVE., THENCE RUN WEST 330 FEET TO THE POINT OF BEGINNING, CONTAINING TWO ACRES(2) MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on July 27, 2006 has considered said request and set forth affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Tuesday, September 5, 2006 concerning the requested rezoning.

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Malbis Plantation, Inc.
Interstate 10

MEMORANDUM

Petition for Annexation

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Authorized representative is Hutchinson, Moore & Rauch.

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

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA
COUNTY OF BALDWIN

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

(MALBIS PLANTATION - INTERSTATE)

The undersigned, Malbis Plantation, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Malbis Plantation I-10 Strip to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The Petitioner, Malbis Plantation, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

B-2, General Business

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

DATED this 28 day of June

Respectfully submitted,

Malbis Plantation
Name of Corporation

By: WV Acunt

Its: Pres

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 28th day of June, 2006.

[Signature] (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 6/1/2009

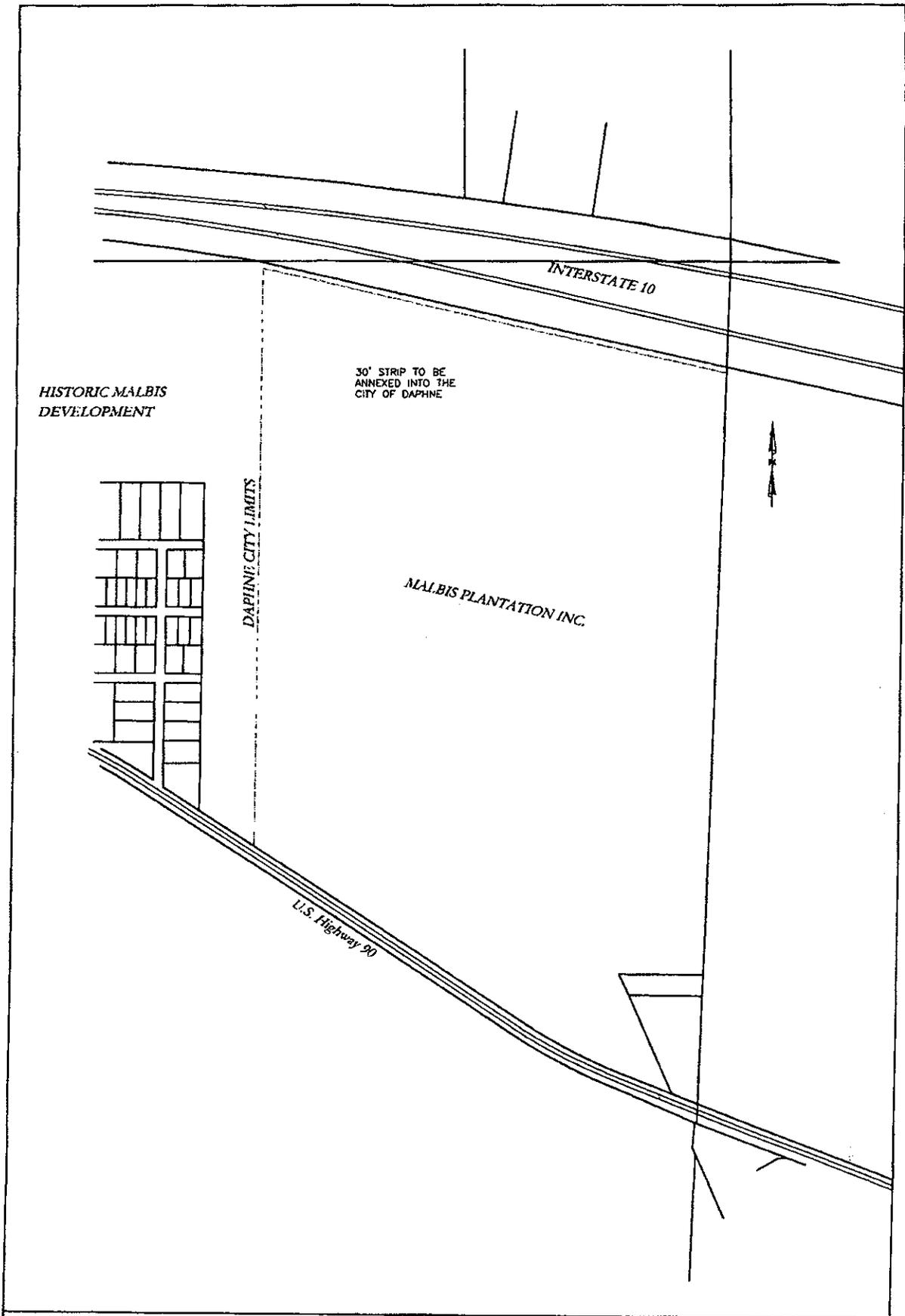
MALBIS PLANTATION
ANNEXATION
THIRTY FOOT STRIP ALONG
INTERSTATE 10

EXHIBIT "A"

LEGAL DESCRIPTION:

A 30-FOOT STRIP OF LAND PARALLEL WITH AND ADJACENT TO THE SOUTH RIGHT-OF-WAY OF INTERSTATE 10 BOUND ON THE WEST BY THE EAST LINE OF TAX PARCEL NUMBER 32-07-35-0-000-001.008 CURRENTLY OWNED BY MALBIS PLANTATION, INC. AND BOUND ON THE EAST BY THE WEST LINE OF TAX PARCEL NUMBER 32-07-36-0-000-001.001 CURRENTLY OWNED BY BLAKESLEE CORPORATION. SAID STRIP LYING IN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

INTERSTATE 10
ANNEXATION
MALBIS PLANTATION
EXHIBIT "B"



HUTCHINSON, MOORE & RAUCH, LLC

ENGINEERS ARCHITECTS
LAND PLANNERS

2039 MAIN STREET
DAPHNE, AL 36528

TEL (251) 626-2626
FAX (251) 626-6234
daphne@hmrengineers.com

ORDINANCE NO. 2006-

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
MALBIS PLANTATION, INC
INTERSTATE 10
(Property located East of Old Malbis Subdivision along I-10)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

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

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

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

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

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

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

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

“Exhibit A”

LEGAL DESCRIPTION:

A 30 FOOT STRIP OF LAND PARALLEL WITH AND ADJACENT TO THE SOUTH RIGHT-OF-WAY OF INTERSTATE 10 BOUND ON THE WEST BY THE EAST LINE OF TAX PARCEL NUMBER 32-07-35-0-000-001.008 CURRENTLY OWNED BY MALBIS PLANTATION, INC. AND BOUND ON THE EAST BY THE WEST LINE OF TAX PARCEL NUMBER 32-07-36-0-000-001.001 CURRENTLY OWNED BY BLAKESLEE CORPORATION. SAID STRIP LYING IN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring Annexation of certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006-

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE
LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
MALBIS PLANTATION, INC
INTERSTATE 10
(Property located East of Old Malbis Subdivision along I-10)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council

to consider said request for annexation and said property shall be zoned B-2, General Business District; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

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

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

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

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

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

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

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

"Exhibit A"

LEGAL DESCRIPTION:

A 30 FOOT STRIP OF LAND PARALLEL WITH AND ADJACENT TO THE SOUTH RIGHT-OF-WAY OF INTERSTATE 10 BOUND ON THE WEST BY THE EAST LINE OF TAX PARCEL NUMBER 32-07-35-0-000-001.008 CURRENTLY OWNED BY MALBIS PLANTATION, INC. AND BOUND ON THE EAST BY THE WEST LINE OF TAX PARCEL NUMBER 32-07-36-0-000-001.001 CURRENTLY OWNED BY BLAKESLEE CORPORATION. SAID STRIP LYING IN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

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

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

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring Annexation of 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

ORDINANCE NO. 2006-

FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS

**OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
MALBIS PLANTATION, INC**

INTERSTATE 10

(Property located East of Old Malbis Subdivision along I-10)

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Malbis Plantation, Inc.
U. S. Highway 90

MEMORANDUM

Petition for Annexation

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment to the petition. Authorized representative is Hutchinson, Moore & Rauch.

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

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

Thank you,

WHE/jd

cc: file

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(100+ Acres West of Aranov Development)

The undersigned, Bill Scourtes ~ Malbis Plantation, Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as 100+ Acres West of Aranov Development Parcel to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The Petitioner, Bill Scourtes ~ Malbis Plantation, Inc., is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

B2

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

DATED this 27th day of June, 2006.

Respectfully submitted,

Malbis Plantation, Inc.
Name of Corporation

By: Wm Acosta

Its: Pres.

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 27th day of June, 2006.

Chris Hayward (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: **NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 20, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS**

Malbis Plantation, Inc.
Annexation of 100 acres West of Aranov Development

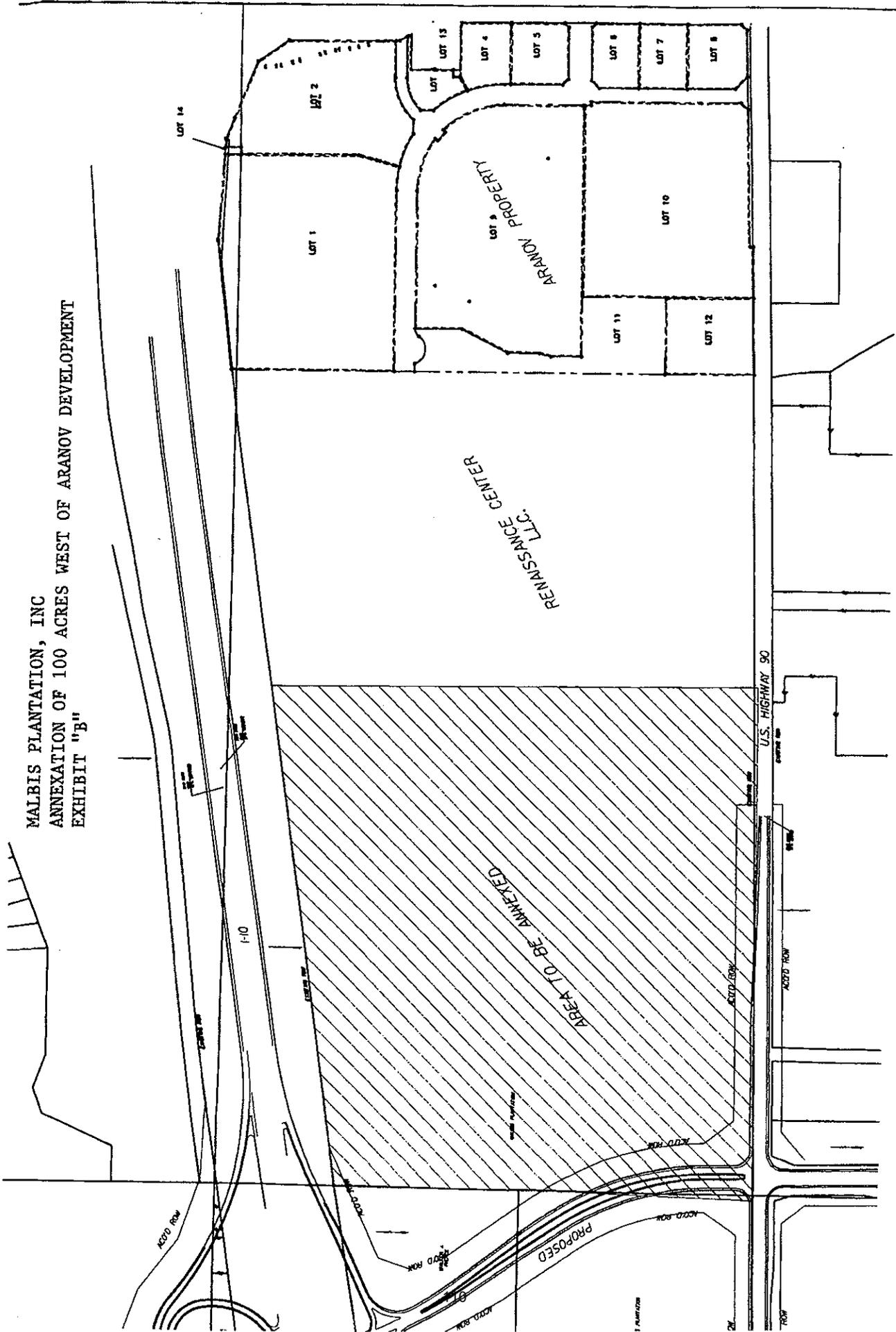
Exhibit "A"

Legal Description of Property:

OVERALL DESCRIPTION OF SURVEY:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°45'37"-E, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°45'37"-E, LEAVING SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN N-81°21'57"-E ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN S-00°54'09"-W, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN S-89°02'25"-W ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

MALBIS PLANTATION, INC
 ANNEXATION OF 100 ACRES WEST OF ARANOV DEVELOPMENT
 EXHIBIT "B"



ORDINANCE NO. 2006-

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA
MALBIS PLANTATION, INC
US Highway 90
(Property located West of the Aronov Development along US 90 Highway)**

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

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

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

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

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

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

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the

corporate limits of the City of Daphne, Alabama, upon such publication.

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

"Exhibit A"

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°45'37"-E, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°45'37"-E, LEAVING SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN N-81°21'57"-E ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN S-00°54'09"-W, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN S-89°02'25"-W ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this ____ day of _____, 2006.

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring Annexation of 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

ORDINANCE NO. 2006-

FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA MALBIS PLANTATION, INC US Highway 90 (Property located West of the Aronov Development along US 90 Highway)

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

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

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

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

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

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

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

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

"Exhibit A"

LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°45'37"-E, 2938.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°45'37"-E, LEAVING SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 1831.64 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10; THENCE RUN N-81°21'57"-E ALONG SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2233.52 FEET TO A POINT; THENCE RUN S-00°54'09"-W, LEAVING SAID SOUTH RIGHT-OF-WAY OF INTERSTATE NUMBER 10, 2129.09 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90; THENCE RUN S-89°02'25"-W ALONG SAID NORTH RIGHT-OF-WAY OF U.S. HIGHWAY NUMBER 90, 2266.37 FEET TO THE POINT OF BEGINNING, CONTAINING 101.72 ACRES, MORE OR LESS.

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

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

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

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring Annexation of certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

ORDINANCE NO. 2006-

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE
LIMITS**

OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA

MALBIS PLANTATION, INC

US Highway 90

(Property located West of the Aronov Development along US 90 Highway)

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

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

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

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

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on July 27, 2006 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned B-2, General Business District**; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on September 5, 2006 concerning the petition for annexation; and,

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development

MEMORANDUM

Subject: Amendment to the City of
Daphne Land Use and
Development Ordinance -
Article XXXVI, Section 36.18

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on June 22, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment. An ordinance is being prepared by the city attorney. Upon receipt thereof, please place on the appropriate agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: file

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

**AMENDMENT TO VILLAGE OVERLAY DISTRICT
MAXIMUM BUILDING HEIGHT
OF THE CITY OF DAPHNE
LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting scheduled meeting of June 22, 2006, made favorable recommendation as to certain amendments to Ordinance No. 2004-50, Article XXXVI, entitled "*Village Overlay District*", Section 36-18, entitled "*Maximum Building Height*", as set forth in the City's Land Use and Development Ordinance; and

WHEREAS, due notice of said proposed amendments have 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 amend was held by the City Council on the 5th day of September, 2006; and,

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration and deliberation, believe the amendment to Ordinance No. 2004-50 of Section XXXVI, Subsection 36(18) of the Land Use and Development Ordinance, entitled "*Village Overlay District*" as favorably recommended by the Planning Commission are proper and in the best interest of the City.

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

SECTION I.

That Ordinance 2004-50, entitled "*Village Overlay District*" as set forth in Article XXXVI, 36(18) be and is hereby deleted and replaced as follows:

36(18): Building Height, except as otherwise provided herein, no structure shall exceed thirty (35) feet in height. Any R-4 Single Family and Multi-Family residential, district or more than fifty (50) feet in height of any business or multi-use district.

SECTION II.

That all the provisions of Ordinance 2004-50, not specifically repealed hereinabove and be and are hereby affirmed.

SECTION III. REPEALER

That any Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are repealed insofar as they conflict.

SECTION IV. EFFECTIVE DATE

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

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David Cohen
City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the First Time on Wednesday, August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Amending the Land Use and Development Ordinance / Village Overlay District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

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

**AMENDMENT TO VILLAGE OVERLAY DISTRICT
MAXIMUM BUILDING HEIGHT
OF THE CITY OF DAPHNE
LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting scheduled meeting of June 22, 2006, made favorable recommendation as to certain amendments to Ordinance No. 2004-50, Article XXXVI, entitled "*Village Overlay District*", Section 36-18, entitled "*Maximum Building Height*", as set forth in the City's Land Use and Development Ordinance; and

WHEREAS, due notice of said proposed amendments have 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 amend was held by the City Council on the 5th day of September, 2006; and,

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration and deliberation, believe the amendment to Ordinance No. 2004-50 of

Section XXXVI, Subsection 36(18) of the Land Use and Development Ordinance, entitled "*Village Overlay District*" as favorably recommended by the Planning Commission are proper and in the best interest of the City.

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

SECTION I.

That Ordinance 2004-50, entitled "*Village Overlay District*" as set forth in Article XXXVI, 36(18) be and is hereby deleted and replaced as follows:

36(18): Building Height, except as otherwise provided herein, no structure shall exceed thirty (35) feet in height. Any R-4 Single Family and Multi-Family residential, district or more than fifty (50) feet in height of any business or multi-use district.

SECTION II.

That all the provisions of Ordinance 2004-50, not specifically repealed hereinabove and be and are hereby affirmed.

SECTION III. REPEALER

That any Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are repealed insofar as they conflict.

SECTION IV. EFFECTIVE DATE

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

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

Greg Burnam
Council President
Date & Time Signed:

Fred Small
Mayor
Date & Time Signed:

ATTEST:

David Cohen, City Clerk, MMC

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance revising the Land Use and Development Ordinance / Village Overlay District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

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

**AMENDMENT TO VILLAGE OVERLAY DISTRICT
MAXIMUM BUILDING HEIGHT
OF THE CITY OF DAPHNE
LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting scheduled meeting of June 22, 2006, made favorable recommendation as to certain amendments to Ordinance No. 2004-50, Article XXXVI, entitled "*Village Overlay District*", Section 36-18, entitled "*Maximum Building Height*", as set forth in the City's Land Use and Development Ordinance; and

WHEREAS, due notice of said proposed amendments have 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 amend was held by the City Council on the 5th day of September, 2006; and,

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Amendment to the City of
Daphne Land Use and
Development Ordinance -
Revised Zoning Map

MEMORANDUM

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on June 22, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment. Upon receipt thereof, please set a public hearing, advertise and place on the appropriate agenda for action by the City Council

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

Thank you,

WHE/jd

cc: file

CITY OF DAPHNE
ORDINANCE NO. 2006-_____

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, at their regular meeting held on July 27, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H “Exhibit A” thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 September 5, 2006; and,

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration believe the amendments to said Zoning District Map as requested by the Planning Commission are proper and in the best interest of the City.

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

SECTION I. ZONING DISTRICT MAP

The Zoning District Map referenced hereto as “Exhibit A” shall be the official the 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.

SECTION II. REPEALER

Ordinance Nos. 2002-22, Appendix H “Exhibit A”, 2003-06, 2005-11, and Ordinance No. 2006-24 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 IV. EFFECTIVE DATE

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

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

CITY OF DAPHNE

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL
MAYOR
DATE/TIME SIGNED: _____

ATTEST:

DAVID COHEN
CITY CLERK, MMC

PLEASE Publish in the Bulletin Legal Section on Wednesday,
August 9, 2006

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Amending the Land Use & Development Ordinance / Zoning Map revision as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

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

**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, at their regular meeting held on July 27, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 _____; and,

WHEREAS, the Mayor and City Council of the City of Daphne after due consideration believe the amendments to said Zoning District Map as requested by the Planning Commission are proper and in

the best interest of the City.

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

SECTION I. ZONING DISTRICT MAP

The Zoning District Map referenced hereto as "Exhibit A" shall be the official the 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.

SECTION II. REPEALER

Ordinance Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, and Ordinance No. 2006-24 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 IV. EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, ON THE _____ DAY OF _____, 2006.

CITY OF DAPHNE

GREG BURNAM
COUNCIL PRESIDENT
DATE/TIME SIGNED: _____

FRED SMALL, MAYOR
THE CITY OF DAPHNE
DATE/TIME SIGNED: _____

ATTEST:

DAVID COHEN, CITY CLERK, MMC

PLEASE Publish in the Bulletin Legal Section for the Second Time on Wednesday, August 16, 2006.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published August 9, 2006, that the City Council of the City of Daphne will hold a Public Hearing on September 5, 2006 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance revising the Land Use and Development Ordinance / Zoning Map Revision 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

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

**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, at their regular meeting held on July 27, 2006, favorably recommended certain amendments to the Zoning District Map approved and adopted by of the Daphne Land Use & Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, and Ordinance No. 2006-24; 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 _____; and,

/END SYNOPSIS

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Homewood Suites by Hilton
North Main Street

MEMORANDUM

Height Exception

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on July 27, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned height exception. Mr. Lee Gayle, representative and general manager of Hilton Garden Inn, is requesting on behalf of the above captioned hotel permission to exceed the fifty-foot height by seventeen feet. (Booklets were delivered by Mr. Gayle to your office previously).

Upon receipt of said documentation, please place on the August 7, 2007 agenda for action by the City Council.

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

Thank you,

WHE/jd

cc: file

City of Daphne Recreation Board Minutes
1705 Main Street
Daphne, AL
July 12, 2006
6:00 p.m.

Members Present: Councilman Gus Palumbo, Eric Smith, Kit Smith and Glenn Vickery.

Members Absent: Matt Cunningham, James Foster and Rick Cleveland.

Others Present: Mayor Fred Small; Councilman Greg Burnam; Ms. Harrell; Scott Hutchinson, Brandon Adams and others representing HMR Engineering; Mary Beth Mantiplay representing Warrington Development; Ken Eslava, Director of Public Works.

1. Call to Order

The meeting was called to order by Councilman Gus Palumbo at 6:05 p.m.

2. Review and Approval of Minutes

Mr. Glenn Vickery made a motion to approve the June 14th meeting minutes. Mr. Kit Smith seconded the motion and the minutes were approved.

3. Old Business

a. Ms. Harrell – Handicapped Playground Equipment

Ms. Harrell spoke in regards to the need for handicapped accessible play equipment for children that would allow for integration of these children with other mainstream children so that they can play together.

Councilman Gus Palumbo requested that Ms. Harrell contact him when she had found usable handicapped accessible play equipment so that she may be included on a future agenda for further discussion. He explained that although land had been acquired for the construction of a new recreation facility, it was not yet known if new handicapped accessible play equipment would be placed on this site or in one of the City parks already existing.

Mayor Fred Small explained that some of the worn play equipment in parks was already slated for replacement with new equipment.

Mr. Ken Eslava, Director of Public Works, agreed to review existing play equipment in Daphne City parks and make adjustments where appropriate for their needs.

b. BMX Follow up Presentation

Mr. Christopher Allen showed the Board a short video of BMX youth and adult races. He advised that 1.5 acres would provide sufficient area of land to build a BMX track and confirmed that the company building the track would also be responsible for the insurance.

4. New Business

a. Presentation by Warrington Development

Ms. Mary Beth Mantiplay, representing Warrington Development, presented the Board with a copy of World Waterpark Magazine and discussed the possibility of including a waterpark feature in the design plans for the new recreation facility.

Councilman Palumbo requested that Warrington Development return at a future Board meeting with photographs and examples of other water parks for the Board's review.

b. Recreation Board Ordinance

(Item was postponed until last in the agenda.) Councilman Palumbo requested that members email him with their preferences on the lengths of terms served on the Board. Available lengths of terms are 1, 2, 3 and 4 years.

Mayor Small highly advised creating two alternate positions available to fill in when appointed members were unable to attend.

The Board agreed upon a Special Called Meeting tentatively set for July 26, 2006 at 6 p.m. in the Council Chambers.

5. Public Participation

Scott Hutchinson and Brandon Adams, representing Hutchinson, Moore and Rauch, LLC, presented a statement of qualifications and expressed their interest in providing consultation services for the new recreational facility planned for the newly acquired Tallent property, located east of Wal-Mart off of Hwy 98.

6. Adjourn

The meeting was adjourned at 8:05 p.m.

MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 3, 2006 ♦ 5:00 p.m.

** (The Board Meeting for April 26, was rescheduled for May 3) **

I. Call to Order

The Utility Board Meeting was called to order by the Vice Chairman, Ron Scott, at 5:25 p.m. May 3, 2006.

II. Roll Call

Members Present

Ron Scott-Vice Chairman (Conducted meeting due to absence of Chairman)

Lon Johnston, Secretary/Treasurer

Fred Small, Mayor

Bob Patterson, Board Member

Rob McElroy, General Manager

Lloyd Taylor, Board Attorney (Will be late for meeting per Rob McElroy)

Absent

Bob Segalla, Chairman

Stephnie Merchant, GM Executive Assistant (Attending a Conference)

Deloris Brown, HR Manager (Attending a Conference)

Others Present

Danny Lyndall, Rebecca Williamson, Melinda Immel, Ray Moore, Teresa Logiotatos, Ruth McCulloh, Kevin Bryant

III. Pledge of Allegiance

IV. Approval of Minutes March 29, 2006 – Utility Board Meeting

The Board reviewed the minutes from March 29, 2006. Ron Scott requested a motion be made to approve the minutes.

The motion was made by Mayor Fred Small, Lon Johnston seconded the motion and the motion carried.

V. Old Business

Fire Hydrant Maintenance

Rob McElroy advised the Board that he had called Chief Hanson and was informed that the Fire Department did not have funding in his budget, but that it

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MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 3, 2006 ♦ 5:00 p.m.

** (The Board Meeting for April 26, was rescheduled for May 3) **

will be reconsidered for next year. The Board stated that fire hydrant maintenance will be tabled and removed from the agenda until further development or action from the City. Ron Scott asked if there was a written contract with the City and Rob McElroy stated that he was not aware of a written agreement. Rob advised the Board that Utilities did correct the rate and method at which the City is being charged to reflect the accurate number of hydrants that are being maintained. He informed the Board that as the number of hydrants increases it will be adjusted accordingly. Ron Scott stated that the City needed to give Utilities a 60 day notice if they are going to take over the fire hydrant maintenance program.

Potential Sale of Maintenance Facility Property (Gas Plant)

Rob McElroy advised the Board that he met with Mr. Eady and Ray Moore. Mr. McElroy stated that there had not been any movement with this project other than the requirements of the proposed development. He advised that no resolution of sale of the property had been reached and could be ongoing for at least another 6 months or more. The site is still being shown to prospective buyers and Mr. McElroy is working with the Planning Department on rezoning and development issues. Mr. McElroy reported that Mr. Eady suggested that the property owners request in writing for the property to be rezoned from B-2 to multi-use, and be included in the Village overlay. The Board was in agreement to submit the project to the Planning Commission. Mr. McElroy stated that he would check with the City Attorney to see if a resolution is required and also clarify some rezoning questions.

A motion was made by Lon Johnston to request that the Utility property be included in the overlay district. Bob Patterson seconded the motion and the motion carried.

VI. New Business

Auditor's Report Fiscal Year

Teresa Logiotatos reviewed the major highlights of the annual audit report with the Board and asked for questions and comments. She informed the Board that the auditor was unable to attend the meeting due to a previous commitment. She stated that the auditor commented that it was the best audit he had seen in a

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MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ **May 3, 2006** ♦ 5:00 p.m.

**** (The Board Meeting for April 26, was rescheduled for May 3) ****

long time. She reported that the rate increase provided the utility with more net income than in the past. She advised the Board that the auditor would be willing to attend the next meeting to review additional details and answer any questions they may have regarding the audit. The fluctuation of natural gas prices was discussed. Rate increases were discussed. Lon Johnston stated that the Utility is on a great track of good fiscal management, and all the Board members concurred with this statement. Mr. McElroy stated that he wanted the Board to be aware that he is keeping expenses down and spending only what is needed to run a proper utility, and will continue to do so. He also stated that he wanted to make sure that the Board is aware that part of properly financing this utility in perpetuity is making sure that we keep pace with the inflationary effects on us, and when we do need to make a rate increase it will be our job to present it to the Board in a formal professional manner. He went on to say that it will then be the Board's job to judge his ability to sell the recommendation to you. Ron Scott stated that we need to look at smaller increases on an annual basis because there are certain things that need to be kept up with, and it's more palatable to the consumer if you do not shock them with a large increase.

VII. Board Attorney's Report

Mr. Taylor advised the Board that there was only one minor law suit at this time. He stated that as far as legal proceedings the Utility is in good shape. He went on to say that most of what he is doing now is related to contracts and other matters supporting expansion of the system. He advised the Board of a potential problem concerning sewer lines outside the easement in Lake Forest that are more than 20 years old. He advised that the title company has asked for some additional information which he was in the process of putting together. Ron Scott addressed Mr. Taylor about the Commercial Park and Mr. Taylor advised that written permission from Spanish Fort Water would be required if Daphne serves the site with water, but additional legal issues and research would be required.

VII. Finance Report Summary

Mrs. Logiotatos reviewed financial highlights from April 2006 financial reports. She indicated that savings account balance was up, and reviewed income statement highlights. She advised that water production and revenues had really kicked in early this year due to the drought. She reviewed the allocation of support, cash flow, projected cash, check history and income reports.

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MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 3, 2006 ♦ 5:00 p.m.

** (The Board Meeting for April 26, was rescheduled for May 3) **

VIII. General Manager's Report

Summary

Rob McElroy reviewed the GM Report with the Board and some of the following highlights: the advertisement for Daphne Utilities was still running on WKRG; he thanked Ron Scott for his support in expanding the bio-diesel program; he advised that a meeting scheduled with Melinda and with Janie Galbraith to discuss the Bio-diesel project for an EPA demonstration project and possibilities of seeking grant funding.

Kevin Bryant reported that he was in Phase II of the bio-diesel project and was trying to run 1000 gallons in a 24 hour period. He stated that he was waiting for additional tanks to store the diesel. Kevin stated that hopefully by the end May, they would reach the phase that would have the majority of diesel vehicles on the bio-diesel product. The bio-diesel product will be mixed to a certain ratio before they can be completely run on the bio-diesel. Kevin stated that the fuel tanks will have to be cleaned and the fuel filters will have to be changed more frequently at first to keep them from clogging up. He informed the Board of plans to run the entire Water Reclamation Facility on generator for 24 hours using bio-diesel to determine how many gallons it will take. He advised of plans to run the plant 3 days a week on the generator, using bio-diesel, which would result in a significantly reduced electric bill. Briefly discussed was the plan to work with local restaurants to collect their oil which would significantly increase the production of bio-diesel. Each Board member was given a sample of the glycerin soap that is made from the bio-diesel process.

Bay Front Development

Mr. McElroy reported that there was some confusion in the proposed wording of the contract with Starke Irvine. He stated that they have worked this out, but was still waiting for the revised contract.

Highway 90

Mr. Lyndall reported the water main extension may be briefly held up due to site work at the Eastern Shore Park.

Operations Report

Mr. Lyndall reported hydrant flushing had been placed on hold through the dry weather. WALA contacted us regarding a story on inadequate flow through hydrants in some of the smaller systems and stated that the system was good and that he would consult with the fire chief if required regarding public safety.

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MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 3, 2006 ♦ 5:00 p.m.

** (The Board Meeting for April 26, was rescheduled for May 3) **

He informed that all Grade I and II natural gas leaks were being repaired and Grade III issues were being addressed and monitored.

New Service and Repairs

Mr. Lyndall informed that a crew had been assigned to handle a backlog of new service installations and installations are currently up to date. Ron Scott stated that the water main repairs in Montrose were made in a very professional and timely manner, and water was made available to the Montrose Nursing Home until services were safe and restored. Stephanie Merchant and Ruth McCulloh personally visited the nursing home to see if they needed bottled water until services were restored. Daphne Utilities worked with Fairhope water and they tied into our system on the south end.

IX. Engineering Reports

HMR

Ray Moore reported on the status of the Well Number 5 upgrade, survey of the 19 acres Utility Board property located on the southwest side of the city, and the North Winding Brook sewer extension project. He reported that construction on the well upgrade was on schedule. He stated that he and Mr. McElroy had been working with the Planning Department and Alabama Coastal Preserve with council member Mrs. Barnett. The plans will be presented at the next scheduled site review meeting. He advised the Board that he was looking at dividing the developable portion of the property into 3 lots and the remainder of the property dedicated as some type of conservative/conservancy.

Volkert

Mrs. Immel reviewed the status of water and sewer system improvements and expansions, ADECA and EMA grants, state revolving fund, and US 90 service extensions. Mrs. Immel advised that an article regarding our bio-diesel program was in the AWEA (Alabama Water Environment Association) magazine. She reported on the proposed amendment to the re-treatment ordinance which Lloyd Taylor had reviewed, but was too late to be on the board agenda. The Board was advised that the sewer pre-treatment program that was adopted last September needed a few clarifications and the Board will have to adopt an amendment to the resolution. Mr. Scott requested a motion be made to approve the amendment.

Lon Johnston made a motion to approve the amendment and Bob Patterson seconded the motion, and all were in favor.

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MINUTES

Utilities Board of the City of Daphne

City of Daphne Council Chambers ♦ May 3, 2006 ♦ 5:00 p.m.

** (The Board Meeting for April 26, was rescheduled for May 3) **

re-treatment ordinance which Lloyd Taylor had reviewed, but was too late to be on the board agenda. The Board was advised that the sewer pre-treatment program that was adopted last September, needed a few clarifications and the Board will have to adopt an amendment to the resolution. Mr. Scott requested a motion be made to approve the amendment.

XII. Board Action

Resolution 2006-02/CWSRF
Resolution 2006-02/DWSRF

Two resolutions were unanimously approved for the CWSRF Resolution No. 2006-2/CWSRF and DWSRF Resolution No. 2006-2/DWSRF grant applications.

XIII. Public Participation

None

XIV. Board Comments

None

XV. Executive Session

None

XVI. Adjournment

The meeting adjourned at 6:35 p.m.

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The Utility Board Meeting was called to order by the Bob Segalla-
Chairman, at 5:25p.m. on Wednesday, May 3, 2006

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Members Present

Ron Scott-Vice Chairman, Lon Johnston-Secretary Treasurer, Fred Small – Mayor,

Bob Patterson, Lloyd Taylor – Board Attorney, Rob McElroy – General Manager

Absent

Robert Segalla - Chairman

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an additional revision be made to the Board Packet for the minutes of March 29, 2006.		
Ron Scott requested a motion be made		
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Ron Scott makes a motion to ask to be included in the overlay district, Lon Johnston so moved, Bob Patterson seconds. Ron Scott states we have a motion to second to ask Rob McElroy to ask the Planning commission Re-zone our property to be included in the Village Overlay and re-zoned as multiple use from B-2. Mayor Fred Small stated to go ahead and send it to the Planning Commission, Ron Scott agrees and asks if there is any other discussion, all in favor? All in favor: Motion carries. Ron Scott asks if that is put in the form of a Resolution do we need to put a number to it? Rob McElroy replies let me prepare the resolution and we will number it and email it formally to you and the entire Board

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Rob McElroy stated he called Chief Hanson and Chief Hanson said they did not have the funds to do this for this year were not in his physical budget, he will reconsider it for next year but we are going to table it indefinitely until Chief Hanson comes back and approaches us or just kill it from old business altogether. Ron Scott stated we would take it off of old business until they notify us Rob replies yes. . Ron Scott asked Rob McElroy if we have a written contract with the city and is there notification or a timeline that they have to give us so much notice. Rob McElroy stated that he did not know that aspect of it but knows that we did correct the rate at which we were charging them to reflect the accurate number of hydrants that we maintain. As that number increases we will adjust that number accordingly. Ron Scotts said if they are going to make a change they need to let us know, 60 day or so of notice. Ron Scott is ready to move on to the next item on the agenda.

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was canceled and re-scheduled for

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at Mr

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. Eady's request. He prepared a letter

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which is in the Board packet and will be included in the minutes.

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This would allow it on the next Planning Commission agenda and hopefully move this forward. The Board discussed if a resolution needed to be prepared. Mayor Small stated that a resolution would probably be required, but until the RHR districts are zoned there may be some conflict, but this would not keep it from going to the Planning Commission. Ron Scott stated it is the desire of the Board to be included, and it that it could make the utility property more valuable.

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If a resolution is needed it will be presented to the Board at the next meeting.

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seconds. Ron Scott states we have a motion to second to ask Rob McElroy to ask the Planning commission Re-zone our property to be included in the Village Overlay and re-zoned as multiple use from B-2. Mayor Fred Small stated to go ahead and send it to the Planning Commision, Ron Scott agrees and asks if there is any other discussion, all in favor? All in favor: Motion carries. Ron Scott asks if that is put in the form of a Resolution do we need to put a number to it? Rob McElroy replies let me prepare the resolution and we will number it and email it formally to you and the entire Board.		
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Mr. McElroy met with Mr. Eady and Ray Moore and there		
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has not been any movement in this project other than

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Rick Fine appears to be changing

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the requirements of his proposed development at Mr. Eady's request. He

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(will attach to this set of minutes)

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and will be included in the minutes.

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He advised that no resolution of sale of the property had been reached and could be ongoing for at least another 6 months or more. The site is still being shown to prospective buyers and Mr. McElroy is working with the Planning Department rezoning and development issues.

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Mr. McElroy reported that Mr. Eady suggested that

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owner of the Merit Property and the owner the Gas Plant property, the Utility

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ter saying that it is presently

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and request formally that we want to

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No problems with our bond covenant.		
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Nothing else in the report of high significance, there is good information		
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before do anything or agree		
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. Mr. Taylor responds that he will address these issues and do more research on the

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and for the year gas was still the highest revenue with sewer and water falling.		
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Expenses are at \$4,881,000.00 gas purchases were at the top, salaries were the next these are the top expenses net loss for the month of April \$29,000.00 as compared to a projected net loss of \$93,000.00 for this time		

of the year. Total net income through year is \$1,220,000.00 one of the reasons we had two times a year we will have 3 pay periods in one month which increases our benefits. Revenue is within 2% of the projected revenue and expenses within 3%, so right now we are real close to our budget which is good.

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moving from Eastern Shore Park back to the West. They will start up
again a little further down and hopefully by the time they finish R&B our
contractor, then the Eastern Shore Park developer will be finished and we
can continue moving on without any delays.

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Executive session was not conducted.

MINUTES

Utilities Board of the City of Daphne

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

I. Call to Order

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

II. Roll Call

Members Present

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

Absent

Bob Patterson, Board Member
Lloyd Taylor, Board Attorney
Stephnie Merchant, GM Executive Assistant (Death in Family)

Others Present

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

III. Pledge of Allegiance

IV. Approval of Minutes

Minutes from May 3, 2006

Bob Segalla stated that he had made a few observations regarding the minutes submitted from May 3, 2006, and corrections would need to be made.

Ron Scott made a motion for approval of the minutes from May 3 with noted corrections and revisions, and Lon Johnston seconded the motion; all were in favor.

V. Old Business

The Amendment for the Extension Option

Rob McElroy informed the Board that Rick Fine had requested an extension agreement regarding the Utility Board property and that the agreement had been approved by the Board Attorney.

MINUTES

Utilities Board of the City of Daphne

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

Board Attorney's Fee

Ron Scott requested the minutes reflect the Board had agreed to double the Board Attorney's hourly rate, and expects him to attend all meetings or send a representative to answer any legal questions that may arise during the meetings.

VI. New Business

Spanish Fort Sewer System Feasibility Study

Rob McElroy reported that he had met with Volkert regarding a feasibility study for expanding the sewer in Spanish Fort and that a meeting had been scheduled with Mayor Small and Mayor Bonner. He advised that Melinda Immel had given an estimate for the feasibility study for \$12,000. He informed the Board that he was going to propose that Spanish Fort perform the study at their expense.

VII. Board Attorney's Report

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

VIII. Finance Report – April 2006 Financials

Teresa Logiotatos reviewed the April reports with the Board. She reviewed the income statement highlights, year to date income, water revenues, and gas purchases, and expenses. She reported that net income for April was significantly higher than projected. Also discussed were the cash flow report, operating report, and check history report.

IX. General Manager's Report

Rob McElroy reviewed the April GM report with the Board. He updated the Board on the progress of the Brookhaven subdivision and water supply territories. He informed the Board that the developer had requested Daphne to serve the Belforest territory and he stated that Daphne Utilities would not do this unless a formal legal agreement is established with Belforest Water System. He reported that Lloyd Taylor wrote a follow-up letter requesting a response, and no action will be taken until a legal agreement is reached. Mr. McElroy stated for the record that it was not Daphne Utilities holding up the progress on this project.

Bio-diesel Program (Cooking Oil Recycling Program)

Rob McElroy reported on the meeting with the University of South Alabama regarding the bio-diesel program. He stated there was general enthusiasm across the board and the proposal has real merit and the ability to bring additional funding and national exposure. They are very anxious to be on board with us and is willing to help in any way. Lon Johnston referenced Rob McElroy's interview on Fairhope radio station WABF and stated that the interview was a great success.

MINUTES

Utilities Board of the City of Daphne

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

Customer Service Report

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

Summary of Technical Projects

There was discussion concerning payments for technical projects. Rob McElroy stated that we make maximum use of every computer in house, and purchases are made only when it is necessary for efficient and effective operational purposes.

X. Operations Report

Water Distribution

Mr. Lyndall reported on a water line installation in the Rock Creek area and is waiting on authorization from the City of Fairhope to complete the project. This project will currently serve 15 homes in Wild Oaks subdivision.

Well No. 5 Upgrade

Mr. Lyndall updated the Board on the status of Well 5, and reported that water will be in the system from the well when ADEM requirements are complete.

Gas Operations

Mr. Lyndall updated the Board on the status of gas operations. Bob Segalla commended Mr. Lyndall on his proactive efforts with the gas operations.

Code Enforcement

Mr. Lyndall reported that Kenneth Johnson would be visiting restaurants, schools, hospitals and all other facilities that may have cooking facilities that would produce fats and oils. He informed the Board that Kenneth Johnson had contacted nearly 50% of the food service facilities and conducted courtesy inspections. He stated that the majority of the businesses were interested in the program and had been very cooperative. Mr. Lyndall reported that Public awareness forums will begin in July.

Danny Lyndall – Visual Presentation

A presentation was presented to the Board on the Water Quality Department. He explained the water process and informed the Board that approximately 5.1 million gallons of water is produced per day. He explained that we have the ability to supply water to Spanish Fort, Belforest and Fairhope. He stated that the water distribution system consists of nine wells and seven tanks which pump from depths of 200 to 400 feet. The treatment process, booster stations, and the general distribution system were reviewed. He advised that the central plant is

MINUTES

Utilities Board of the City of Daphne

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

where all testing, lab work and treatment is performed. He elaborated on the tremendous efforts required to maintain the facilities, wells and towers. The Board was briefed on drought conditions and how it has affected the water levels and pressure.

Engineering Reports

Volkert Report

Melinda Immel reviewed the engineering report with the Board. She reported that the grant application for generators went out today. She advised that some minor revisions to the application had been made. She updated the Board on the status of the CDBG grant application for the Katrina disaster recovery fund. She advised the Board that the Municipal Water Pollution report has been completed and Board action would be required.

HMR

HMR reported on the problems with the equipment at Well 5, and that everything was back online. He updated the Board on the 19 Acre property. He advised the board that approximately 16 property owners in the North Winding Brook area have inquired about the status of sanitary sewers.

XI. Board Action

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

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

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

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

The Board reviewed the resolution and information pertaining to the Municipal Water Pollution Program.

Ron Scott motioned to adopt the resolution. Lon Johnston seconded the motion and all were in favor.

MINUTES

Utilities Board of the City of Daphne

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

XII. Public Participation

None

XIII. Board Comments

None

XIV. Executive Session

None

XV. Adjournment

The meeting adjourned at 6:35 P.M.

ADOPTED JULY 26, 2006

DRAFT



Daphne Utilities

MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 28, 2006 ♦ 5:00 p.m.

I. Call to Order

The meeting was called to order at 5:01 p.m. by the Chairman, Robert Segalla.

II. Roll Call

Present:

Robert Segalla – Chairman, Ron Scott – Vice Chairman, Lon Johnston – Secretary Treasurer, Fred Small – Mayor, Lloyd Taylor – Board Attorney, Rob McElroy – General Manager

Absent:

Bob Patterson – Board Member, Ray Moore – HMR Engineer

Others Present:

Stephnie Merchant – Executive Assistant, Danny Lyndall – Operations Manager, Teresa Logiotatos – Finance Manger, Deloris Brown – HR Manger, Drew Klumpp – Office Manager, Kenneth Johnson – Code Enforcement, Rebecca Williamson – Accounting Assistant, Ruth McCulloh – Operations Assistant, Melinda Immel – Volkert Engineer, Talisa Payne – Intern, Indriani Davenport – Intern, Sandra Morse – Civic Center Director

III. Pledge of Allegiance

IV. Approval of Minutes

A. Minutes from May 3 and May 31, 2006

The minutes from May 3 and 31, 2006, Utilities Board meetings were tabled by the Chairman and will be reconsidered for adoption at the July Meeting.

B. Code Enforcement Presentation

Kenneth Johnson presented a Power Point presentation to the Board for the upcoming public awareness meetings that are scheduled in July.

V. Old Business

VI. New Business

A. Drought Contingency Plan (Emergency Water Conservation Plan)

The Board reviewed and discussed the drought contingency plan. The Board requested the Attorney, Lloyd Taylor, to research the water contract with the Park City Water System to verify any requirements necessary to supply them with water in the event of an emergency.



Daphne Utilities

MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 28, 2006 ♦ 5:00 p.m.

- B. Emergency Water Conservation Plan Overview
The Board reviewed and discussed the water conservation plan overview chart.
- C. Public Notice Regarding Voluntary Conservation
The Board reviewed and discussed the voluntary water conservation plan that was mailed to Daphne Utilities water customers. Danny Lyndall was commended on his efforts developing and implementing the plans for water conservation.
- D. Hurricane/Emergency Management Procedures
The Board was advised that procedures for hurricanes and emergencies were being revised.
- E. Purchasing Procedures and Authorization Revisions
The Board reviewed and discussed the revisions to the purchasing and authorization procedures and will review a resolution for adoption at the July meeting.
- F. Independence Day Celebration
The Board was informed that Daphne Utilities was participating with the City for an employee celebration at the Public Works Facility.
- G. 2005 Consumer Confidence (Annual Water Quality Report)
The Board reviewed the 2005 annual water quality report.

VII. Board Attorney's Report

Lloyd Taylor provided the Board a summary of current legal issues in which he was currently handling. These issues were reviewed and discussed to the Board's satisfaction.

VIII. Finance Report – May 2006 Financials

Rebecca Williamson and Teresa Logiotatos reviewed and discussed the following May Financial reports with the Board. The Board requested that they have a minimum of one month to review the budget for FY07. Revenues remain higher than projected and expenses lower than expected for this period as well as year to date. As a result income remains higher than projected. Mr. McElroy noted that the natural gas net income is higher than projected for the first time this year due to good management decisions.



Daphne Utilities

MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 28, 2006 ♦ 5:00 p.m.

IX. General Manager's Report

A. General Manager's Report

Rob McElroy reviewed and discussed his report to include a review of recent tours to the bio-diesel plant with representatives of MAWSS. Mr. McElroy resolved the Utility's efforts to raise employment standards. Drew Klumpp stated that payments to the website continue to build which further reduces our labor costs. He also reviewed the new automatic customer calling system and the script of statements that can be sent by it.

B. Operations Report

No Questions or comments.

C. Engineers Report

1. HMR

Mr. Moore was absent and the Board reviewed the engineering report from HMR.

- Well No. 5 Upgrade
- Survey 19 Acres Utility Board Property
- North Winding Brook Sewer

2. Volkert

Melinda Immel reviewed and discussed the engineering report with the Board that included the following highlights:

- Short Term Water System Improvements
 - Ground Storage Facility
 - Test Wells
- Sanitary Sewer Improvements – Dauphine Acres
- Short Term Water System Improvements
- Request for Board action for grant funding of test wells was presented by Mrs. Immel.

Ron Scott made the motion that the installation and associated coordination and testing efforts for multiple test wells be declared an emergency, as a matter affecting public health and safety, due to the limited supply of existing production wells, the current high demand for water usage and the implementation of the Daphne Utilities Emergency Water Conservation Plan on June 12, 2006. Lon Johnston seconded the motion and the motion carried.



Daphne Utilities

MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 28, 2006 ♦ 5:00 p.m.

X. Board Action

- A. Emergency Water Conservation Plan – Resolution 2006-05
The Board reviewed and discussed the water conservation plan.

Ron Scott made the motion to adopt the Emergency Water Conservation Plan. Lon Johnston seconded the motion and the motion carried.

- B. MEAC Gas Prepay – Resolution 2006-06
The Board reviewed and discussed the MEAC gas resolution.

Ron Scott made the motion to adopt the resolution for the MEAC gas prepay program. Lon Johnston seconded the motion and the motion carried.

- C. Monetary Authority Purchasing Procedures – Resolution 2006-07
The Board reviewed the revised purchasing procedures resolution and tabled adoption of the resolution for editing and reconsideration.

Note: Mayor Fred Small left the meeting at 6:30 p.m. due to a prior obligation.

XI. Public Participation

- A. Mrs. Sandra Morse – Daphne Civic Center Director
Mrs. Morse presented a framed poster from the 2006 Zydeco Music Festival to the Board and thanked them for major support with the event.

XII. Board Comments

XIII. Executive Session

Lon Johnston made a motion to enter into executive session at 6:35 p.m. to discuss a potential litigation issue. Ron Scott seconded the motion and the motion carried. The Board adjourned from the executive session at 7:00 p.m.



Daphne Utilities

MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ June 28, 2006 ♦ 5:00 p.m.

- XIV. **Adjournment**
The meeting adjourned at 7:00 p.m.

**ADOPTED JULY 26, 2006 – WITH REVISION
REQUEST TO ADD RON SCOTT TO MEMBERS
PRESENT.**

DRAFT

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

*CITY OF DAPHNE
PARADE PERMIT*

ORGANIZATION:	<i>Baldwin County Martin Luther King, Jr Celebration Committee, Inc</i>
CONTACT PERSON:	<i>Willie Williams</i>
ADDRESS:	<i>P.O. Box 434 Point Clear, Al 36564</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>251.928.9672 Email: ques26@hotmail.com 251.928.9672</i>
TYPE OF PARADE:	<i>20th Commemorative March</i>
DATE OF PARADE:	<i>January 15, 2007</i>
ROUTE TO BE TRAVELED:	<i>Marcher advances from: _____ main st, Marcher then head north on main st. to the Daphne Civic center. A program will follow after the march in the Daphne Civic center complex.</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>800-1000</i>
START TIME:	<i>10:30 A.M.</i>
STOP TIME:	<i>11:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>CITY HALL</i>
ASSEMBLY TIME:	<i>10:00 A.M.</i>
SPECIAL REQUEST:	
APPROVAL	
POLICE: Chief David Carpenter:	
FIRE: Chief Mund Hanson	
PUBLIC WORKS: Ken Eslava	
CITY COUNCIL:	
SPECIAL INSTRUCTIONS:	
DATE ROUTED: July 3, 2006	
NOTIFICATION:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2006-65

**Acceptance of Streets and Drainage
located in Krystal Ridge Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Krystal Ridge Subdivision on July 27, 2006 and the City of Daphne hereby recommends acceptance of said street located in Krystal Ridge Subdivision; and,

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

Whereas, the Division of Public Works has accepted said streets and storm water drainage of Krystal Ridge Subdivision; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Krystal Ridge Subdivision; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Krystal Ridge Subdivision according to the plat by Ben Fussell Surveying as recorded in the Judge of Probate, Baldwin County, Alabama, and said street being named Krystal Ridge Court is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2006

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN, CITY CLERK, MMC

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

SUBDIVISION NAME: KRYSTAL RIDGE ESTATES

LOCATION: COUNTY ROAD 13

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 23rd day of June , 2006 by Don Gardner/Clifton Taylor hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as KRYSTAL RIDGE ESTATES Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 150,000.00) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

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

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

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of June 27, 2006. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named KRYSTAL RIDGE COURT, 50 Ft. ROW. (379.29) LINEAR ET.

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

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

Respectfully submitted,

DON GARDNER/CLIFTON TAYLOR
Name of Individual or Corporation

By: *Don Gardner Clifton Taylor*

Its: *Owners*

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Don Gardner & Clifton Taylor whose name as OWNER of KRYSTAL RIDGE COURT, an Alabama corporation or as owner of KRYSTAL RIDGE COURT is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 23rd day of JUNE, 2006

Dorothy Dorey Knight (NOTARY SEAL)

NOTARY PUBLIC

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Jan 11, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

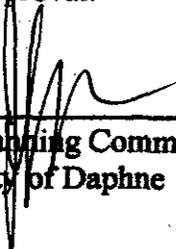
**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Recommendation:



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

Approval:



Planning Commission Chairman
City of Daphne

**CITY OF DAPHNE
RESOLUTION NO. 2006 - 66
CITY OF DAPHNE STREET MAP**

WHEREAS, the Planning Commission of the City of Daphne, at their regular meeting held on July 27, 2006, hereby recommends a revision to the City Daphne Street map; and,

WHEREAS, said map is necessary due to the city's need to revise the City of Daphne street map due to the addition of new city streets; and,

WHEREAS, due notice of said 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 Mayor and City Council of the City of Daphne after due consideration believe the revision to said City of Daphne Street Map as requested by the Planning Commission is proper and in the best interest of the City; and,

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

SECTION I. ADOPTION OF MAP:

The City of Daphne Street Map as proposed by favorable recommendation from the City of Daphne Planning Commission to the City Council and attached hereto as "Exhibit A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II. REPEALER

Resolution No. 2006-22, entitled the "City of Daphne Street Map" is hereby repealed in its entirety and any Resolutions(s), 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 Daphne.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, ON THE ____ DAY OF _____, 2006.

GREG BURNAM, COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL, MAYOR
Date & Time Signed: _____

ATTEST:

DAVID COHEN, CITY CLERK, MMC

To: Office of the City Clerk
From: William H. Eady, Sr.,
Director of Community
Development
Subject: Amendment to the City of
Daphne Street Map

MEMORANDUM

Date: July 28, 2006

At the regular meeting of the City of Daphne Planning Commission on June 22, 2006, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned amendment. Upon receipt thereof, please have the city attorney prepare a resolution and place on the August 7, 2007 agenda for action by the City Council

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

Thank you,

WHE/jd

cc: file

CITY OF DAPHNE
ORDINANCE NO. 2006-47

**AN ORDINANCE REPEALING ORDINANCE NO. 2001-12 AND RE-
ESTABLISHING POLICY AND PROCEDURE FOR IMPROVING SEWER
SERVICE FOR THE CITIZENS OF DAPHNE, ALABAMA**

WHEREAS, the Mayor and the City Council of the City of Daphne recognize the importance of promoting the health, safety and welfare of its citizens and the environment to provide adequate utilities including sanitary sewage for its residences; and

WHEREAS, the Mayor and City Council desire to amend the previous procedures stated in Ordinance No. 2001-12 therein establishing a policy and procedure for implementing a plan to provide for various utilities, including sewer projects within the City of Daphne;

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

SECTION 1:

- (A) That the Utilities Board of the City of Daphne and its engineers shall prioritize the various non-sewered areas of the City of Daphne to determine the environmental impact of the sanitary sewer system(s) that are currently in use within areas which are not served by the public sanitary sewer system. In those areas where it is determined that there is a substantial environmental impact on account of the sanitary sewer system or systems in use at the time of the assessment, the Utilities Board of the City of Daphne, shall immediately commence the process for undertaking a sewer project for these areas.
- (B) The cost of installing sanitary sewer infrastructure shall be assessed in accordance with Alabama Code § 11-48-5, et al, said assessment to be established by resolution and shall be deemed a utility assessment against each affected property. A separate account shall be set up within the City such that all assessments that are collected, whether by individual property or city wide, shall be used for long term debt reduction or capital improvements.
- (C) The City of Daphne three (3%) percent PILOT tax or similar franchise fee, effective October 1, 1999, shall remain in effect and shall continue to apply to all utility companies providing utilities within the City of Daphne. The entire PILOT or franchise fee shall be expended for capital improvements including debt reduction of capital improvements.

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(D) The prior City policy requiring sanitary sewer to be installed on a full assessment basis shall continue to apply for all properties outside the city limits of the City of Daphne as of January, 1990.

(E) All legally non-assessable costs shall be defined to include resurfacing, interceptor lines without service connectors, force mains and lift stations. However, in no event shall the amount assessed against any property exceed the maximum amount allowed by the laws of the State of Alabama or the United States.

(F) EXEMPTIONS: The City Council of the City of Daphne is hereby authorized to grant limited exemptions to the requirements of this ordinance to residential homeowners upon determination that said homeowner must install a pump in order to connect his/her parcel to the gravity type collection system. In determining whether an exemption is due to be granted, the City Council may consider all relevant facts and circumstances, including but not limited to: (1) the opinion of the project engineer that such a pump is necessary for connection with the system (as opposed to being optional); (2) the size, dimensions and topographic configuration of the property upon which the premises is located; (3) the distance from any improvements on said private or public premises from the City sewer system. An exemption shall not apply to property owners that utilize pumps serviced by a low pressure sewer system or a force main pressure sewer system. Neither the City of Daphne nor the Utility Board of the City of Daphne shall be responsible for any upkeep or maintenance of such pump(s). Any exemptions for sewer assessments shall be detailed in the roll book.

(G) APEAL: In the event any applicant is not satisfied with the decision of the City Council concerning the request for exemption, such applicant can appeal to the Board of Zoning Adjustments for the City of Daphne within 30 days of the City Council's decision.

SECTION II: SEVERABILITY CLAUSE: The provisions of the Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the part that remains.

SECTION III: REPEALER: That Ordinance 2001-12 enacted by the City Council of the City of Daphne on April 16, 2001 be and is hereby repealed in its entirety.

SECTION IV: EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne, Alabama, and upon publication as provided by law.

~~Deleted: For purposes of this Policy and Ordinance, the cost of gravity lines to be paid by the City referred to herein shall be calculated by taking the engineers estimate of the number of linear feet required for a particular project and multiplying that amount by \$40.00. Once the City's portion is determined in this manner, all~~

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**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA THIS _____ DAY OF _____, 2006.**

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GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Dated & Time Signed: _____

ATTEST

DAVID L. COHEN, CITY CLERK, MMC

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~~In areas where it is determined that there are no substantial environmental problems cause by the sewer system or systems in use, a poll will be conducted of that area to determine if a majority of the property owners of the area to connect to the public sanitary sewer system. The Utilities Board of the City of Daphne, in cooperation with the City of Daphne, shall establish a poll procedure under which one ballot will be allowed per parcel, and the ballot will be provided to the owner of such parcel according to the ad valorem tax records, together with an engineer's estimate of the costs for providing sewer to the area. The ballot must be signed and include a Notice that if the neighborhood does not vote in favor of connecting to the public sanitary sewer at the time that the poll is taken, then any future sewer installations will be undertaken on a full assessment basis. In all other areas, hook up to a sanitary sewer system is required, the cost of which shall be born by the homeowner.~~

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~~determined by the engineer assigned to the project and,~~

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~~Said costs of installation shall be borne by the property owner. Where it is determined by engineer's estimate the cost of gravity lines for a particular area shall exceed \$40.00 per linear foot, the Utilities Board of the City of Daphne, in connection with the City of Daphne, shall poll or otherwise provide a system under which the property owners within the affected area shall be able to vote on the type of system to be installed in the subject area. Any costs in excess of \$40.00 per linear foot shall be assessed to the property owners of the subject area on a per parcel basis~~

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Page 1: [6] Comment [twf1] Tim W. Fleming 6/8/2006 10:24:00 AM

Do we want this language in the ordinance. I understand that no such fund was ever established in the past.

Page 1: [7] Deleted Tim W. Fleming 6/15/2006 9:37:00 AM

~~Beginning with the fiscal year 2000, one third of such PILOT or franchise fee(s) will be placed in the capital improvement fund; beginning with the fiscal year 2001, two thirds of such PILOT or franchise fee will be placed in the capital improvement fund; and for fiscal years 2002 and thereafter, the~~

Page 1: [8] Deleted Tim W. Fleming 6/15/2006 10:49:00 AM

~~placed in the capital improvement fund~~

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CITY OF DAPHNE
ORDINANCE NO. 2006-48

=====

**AN ORDINANCE ESTABLISHING GENERAL GAS CODES AND A
SCHEDULE OF GAS INSPECTION PROCEDURES.**

=====

WHEREAS, the City of Daphne, Alabama wishes to establish a general gas code in concurrence with the Southern Building Code Congress Standard Gas Code, amendments detailed herein, and the standards set forth by the Utilities Board of the City of Daphne, Alabama as detailed in their Standards Specifications and wishes to establish procedures through gas installations and inspections will be made:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNSEL OF THE CITY OF DAPHNE ALABAMA, AS FOLLOWS:

SECTION I. GENERAL GAS CODE REQUIREMENTS

1. All gas system work shall be in accordance with this Ordinance and the Standard Specifications of the Utilities Board of the City of Daphne, Alabama herein referred to as Daphne Utilities.
2. Bushings shall not be permitted on any gas piping.
3. Valves shall be required on every appliance, including fireplaces with a built in valve. A log lighter valve should be added a minimum of two (2) feet from the unit for external accessibility. If this is not feasible because of the location of the fireplace the valve can be placed in the attic.
4. A pressure test of new and old fuel lines shall be inspected by a Daphne Utilities Gas Department representative which has inspection authority for gas installations. Twenty (20) pounds of pressure shall be maintained for a minimum of one (1) hour limit. Daphne Utilities Gas Department shall be given proper notice, as detailed herein, of a request for inspection.
5. A regulator shall be installed at each appliance which is located on a pound fuel line system.
6. Shrubs or trees shall not be within two (2) feet of a gas meter.
7. No gas meter shall be installed inside a fenced area with locked gate at any time.

8. Per Part 192 Minimum Federal Pipeline Safety Standards, if the meter service valve is in the off position, it shall be locked off until it is to be turned on and used following proper inspections.
9. If any appliance or fuel line component is found to be unsafe, the appliance shall be red tagged and the customer shall be given a time frame to have it repaired. If the appliance or fuel line component cannot be isolated the meter shall be locked off until repaired.
10. If a system has a natural gas leak or a carbon monoxide reading of 35 PPM or greater, the system shall be locked off until repaired.
11. If the City Building Inspection Department or other inspection authority determines that any part of the venting system is not within code, the system shall be locked off until repaired/corrected.
12. If a leak is found on the customer's fuel line system and if the component cannot be isolated, the meter shall be locked off until repaired and a pressure test is passed. Refer to item numbers four and ten for further explanation.
13. If at any time a customer's system is locked off due to a leak or changes to the customer's fuel line system, it must be repaired to meet the current gas code adopted by the City of Daphne and the standards as set forth herein and as established by the Daphne Utilities Gas Department.
14. A minimum of one (1) inch diameter galvanized or black iron fuel piping shall be installed from the connection with the meter through the wall of the structure up to the attic. After the fuel piping enters the attic and is no longer within the wall of the structure, the diameter of the fuel piping may be reduced. At this reduction point, the piping shall be at an accessible location.
15. For island stove installations, a four (4) inch casing shall be required to be installed in the slab from the wall to the stove island. There shall be no joints in the fuel piping from the attic to the stove island. Also, a valve shall be installed above the floor under the stove island unit.
16. For commercial buildings, exposed external fuel piping on external walls shall be painted yellow and secured.
17. A flex hose, copper, or corrugated stainless steel flex tubing with yellow coated polymer jacket may be used from the log lighter valve to the fireplace.
18. Daphne Utilities shall only be responsible for setting the meter. The Customer's representative (i.e., plumber) shall be responsible for connecting the meter to the establishment.

19. Prior to the meter being installed, the customer or customer's representative shall provide the total BTU input to the system, type of fuel system desired, and proposed gas appliances. Daphne Utilities has an "Inspection Load" Form to assist with providing the needed information.
20. The customer's representative shall clearly indicate with taping on the fuel system piping located on the outside of the structure near the proposed meter installation as to the type of fuel system desired. Blue tape shall denote an ounce fueling system and red tape shall denote a pound fueling system.
21. All piping installed for future supply pipe shall be connected to the supply line and pressure tested at the time of installation. Also, the future connection location shall be valved and capped.

SECTION II. GAS INSPECTION PROCEDURES

1. All gas inspections shall be scheduled with Daphne Utilities Gas Department a minimum of twenty-four (24) hours prior to the requested inspection date. It shall be the customer's or the customer's appointed representative (i.e. plumber) responsibility to schedule such inspections at the appropriate time during construction.
2. Rough piping inspections shall be scheduled and performed after all piping has been installed and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. This inspection shall also include a pressure test as detailed in item three of Section I, above.
3. Final inspections shall be scheduled and performed at time of requested turn on for service.
4. If pressure test, piping, and installation are not inspected and approved by Daphne Utilities Gas Department, service shall not be turned on.

SECTION III. LIABILITY & REMEDIES

A. LIABILITY

Any person who shall undertake work pursuant under the provisions of this Chapter shall be liable for any damage occasioned to persons, animals, or property by reason of carelessness and negligence connected with such work and shall hold both the Utilities Board of the City of Daphne and City of Daphne harmless therefore.

B. CIVIL REMEDY

Violations of this Chapter shall be cause for the Utilities Board of the City of Daphne or the City of Daphne to proceed against any surety, condemn and bond, or to

commence an action in a court of competent jurisdiction for the appropriate legal and equitable relief, and any other action permitted by law.

C. CRIMINAL PENALTIES

In addition to any civil penalties imposed herein, any person, firm or corporation found guilty of violating the terms and conditions of this ordinance shall be subject to a fine of up to \$500.00 and/or imprisonment in the municipal jail up to 6 months, or both, as ordered by the Municipal Court Judge.

SECTION IV. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION V. EFFECTIVE DATE

This Ordinance shall become effective and shall be in full force from and after the date of its adoption and approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ DAY OF _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Dated & Time Signed: _____

ATTEST

DAVID L. COHEN, CITY CLERK, MMC

ORDINANCE NO. 2006 - 51

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

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

Legal Description:

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

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

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

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

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

Greg Burnam
Council President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC

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

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

BELLATON, PHASE TWO



ENGINEERING DEVELOPMENT SERVICES, L.L.C.

DATE 5/1/2006

COUNTRY CLUB DEVELOPMENT
ZONING AMENDMENT EXHIBIT "B"

UNZONED
40 AC

UNZONED
153 AC

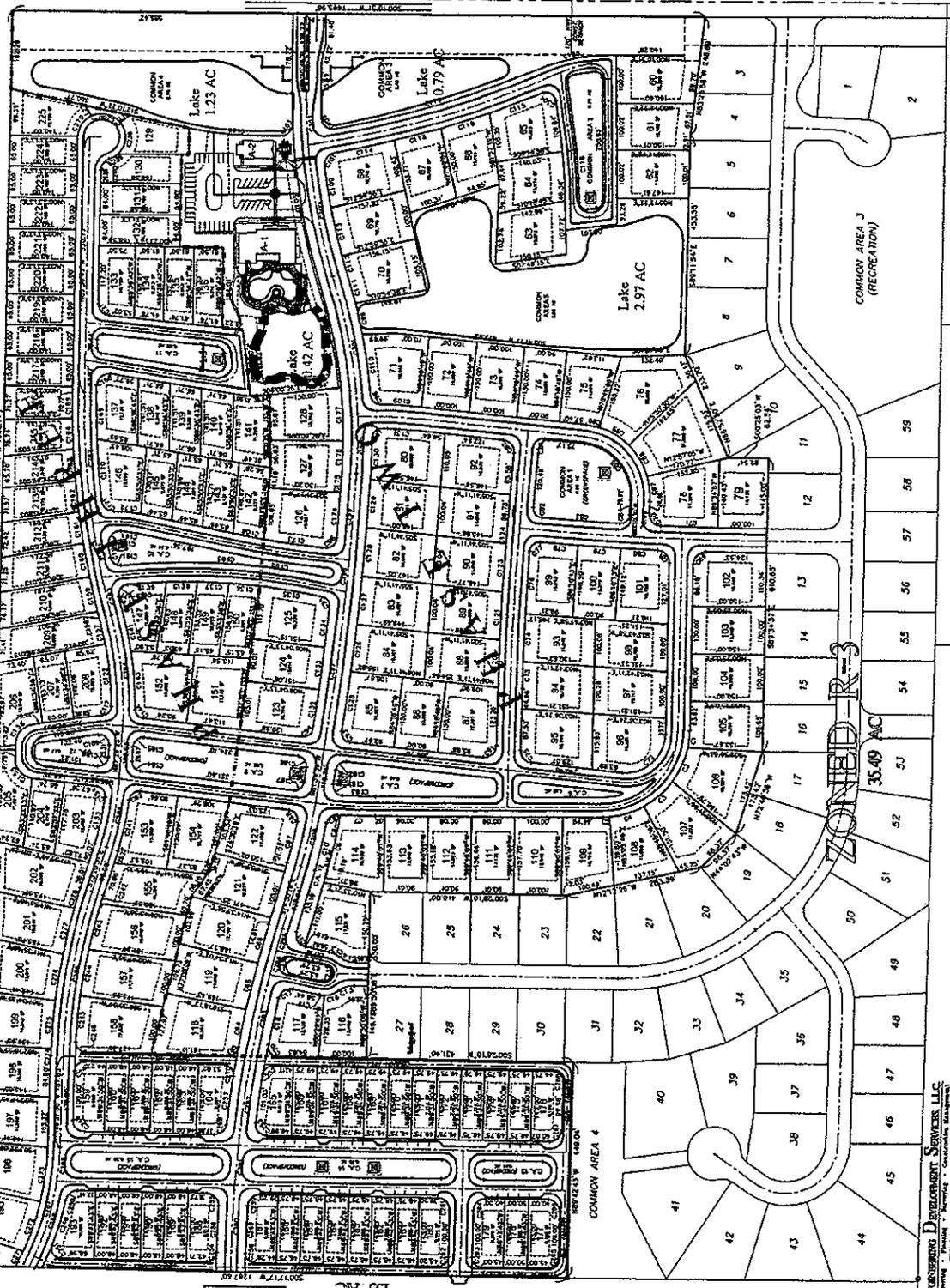
UNZONED
29 AC +

UNZONED
270 AC +

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

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

BELLATON
A PLANNED UNIT DEVELOPMENT
MASTER PLAN



UNZONED
35.49 AC

Engineering Development Services, LLC
1111 Lakeside Lane, Suite 100
Farmingdale, NY 11735
(516) 241-1111

ORDINANCE NO. 2006 - 52

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

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

Legal Description:

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

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

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

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

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

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

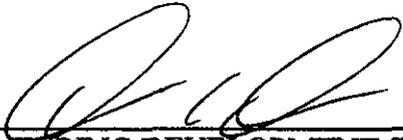
ATTEST:

David L. Cohen
City Clerk, MMC

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

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

BELLATON, PHASE THREE



ENGINEERING DEVELOPMENT SERVICES, L.L.C.

DATE 5/1/2006

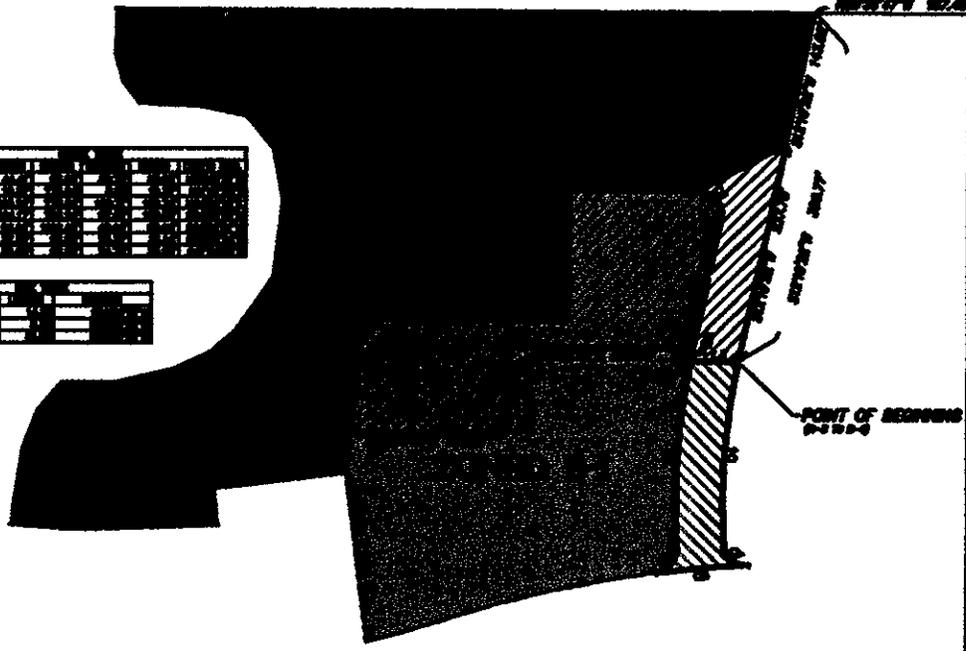
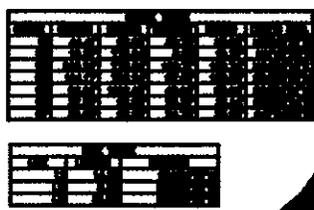
COUNTRY CLUB DEVELOPMENT, L.L.C. REZONING SKETCH EXHIBIT "B"

BELLATON A PLANNED UNIT DEVELOPMENT



22 23
27 26

UNZONED
4 AC



ZONED R-3

UNZONED
20 AC +

AUSTIN RD

UNZONED
20 AC +

ALABAMA HWY 161

- ZONE B-1
- ZONE R-4
- ZONE R-3
- PROPOSED B-1 TO R-4 (0.06 AC)
- PROPOSED R-3 TO R-4 (0.27 AC)
- PROPOSED R-3 TO B-1 (0.26 AC)

Engineering Development Services, LLC
1000 ...
MEMPHIS, TN 38117

COUNTRY CLUB DEVELOPMENT
ZONING AMENDMENT EXHIBIT "B"

UNZONED
40 AC

UNZONED
29 AC +

UNZONED
20 AC +

SITE SUMMARY

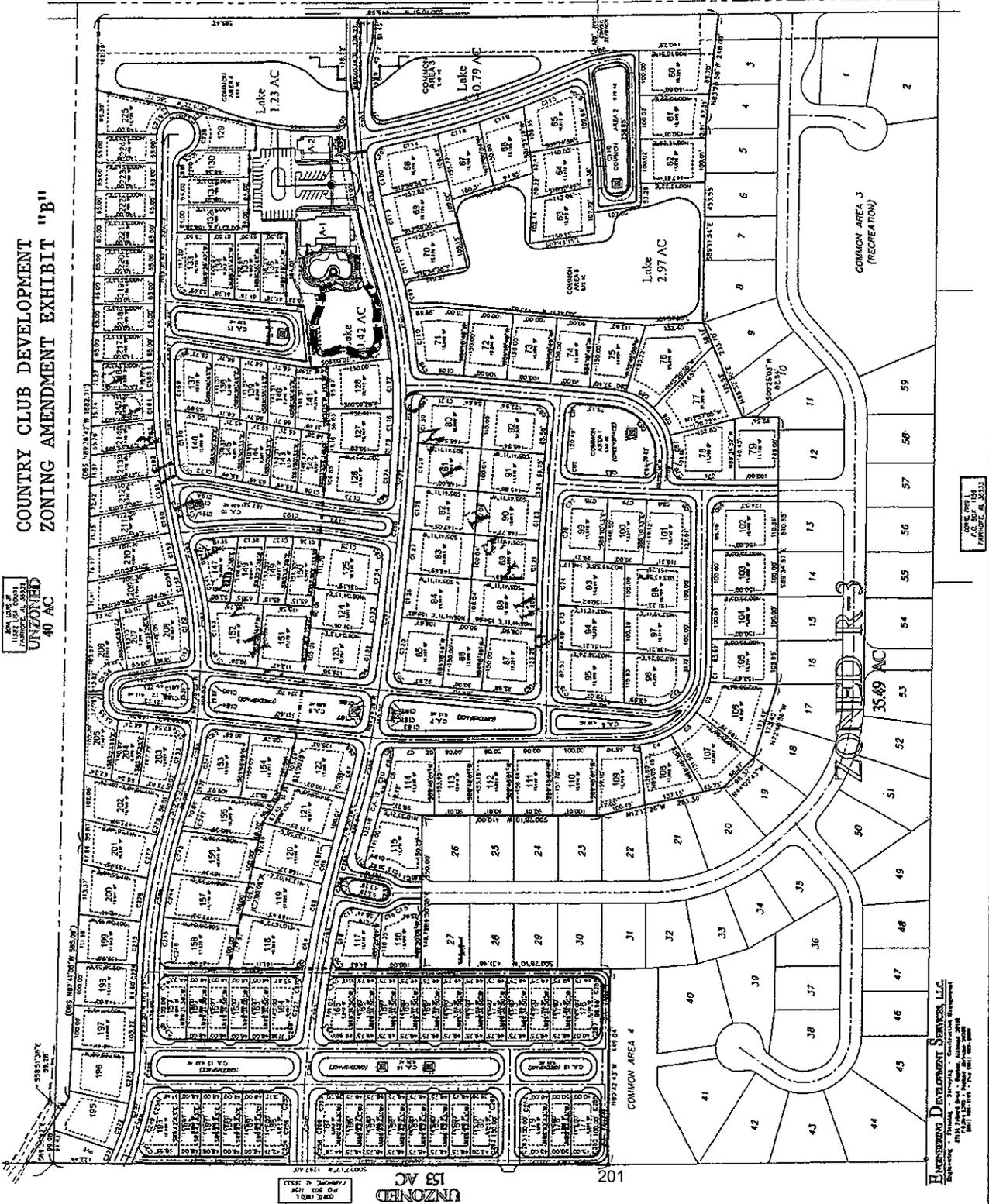
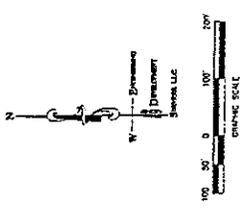
PHASE TWO & THREE

TOTAL AREA 81.64 AC
TOTAL LOTS 165 (2 Units/Acre)
STREET LENGTH 18,843 L.F.

OPENSOURCE SUMMARY

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

BELLATON
A PLANNED UNIT DEVELOPMENT
MASTER PLAN



UNZONED
153 AC

ENGINEERING DEVELOPMENT SERVICES, LLC
1101 N. 11th St., Suite 100
Ft. Worth, TX 76102
TEL: 817.339.7200
WWW.EDS-LLC.COM

DATE: 01/11/06
P.L. BY: 1151
LAWSON, AL 0001

ORDINANCE NO. 2006 - 53

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

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

Legal Description:

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

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

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

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

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

Greg Burnam
Council President
Date & Time Signed:_____

Fred Small
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen
City Clerk, MMC

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

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

BELLATON, PHASE TWO



DATE

5/1/2006

ENGINEERING DEVELOPMENT SERVICES, L.L.C.

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

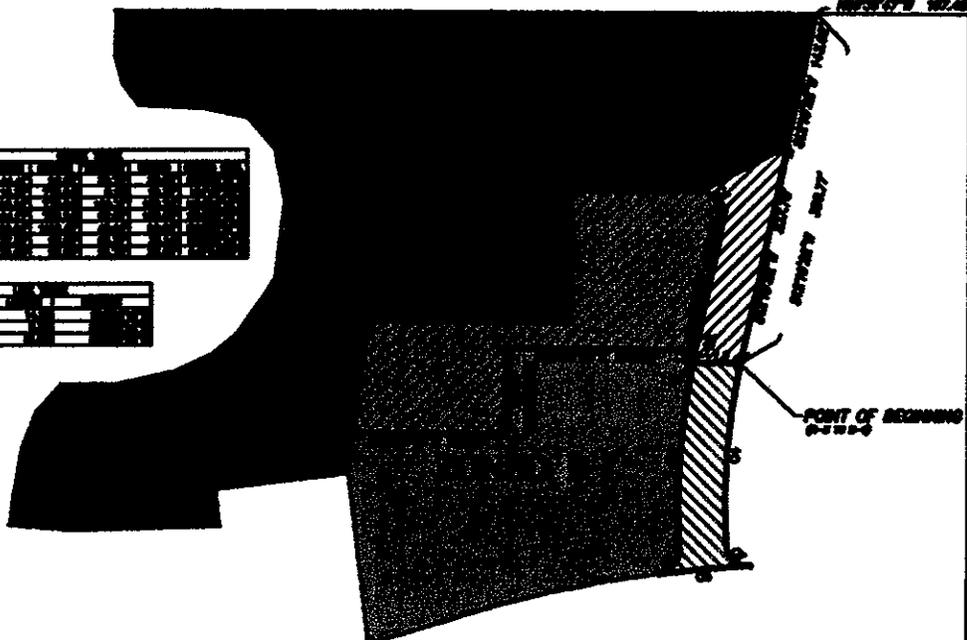
BELLATON A PLANNED UNIT DEVELOPMENT



UNZONED
0 AC

22 23
27 28

POINT OF COMMENCEMENT



ZONED R-3

UNZONED
20 AC +

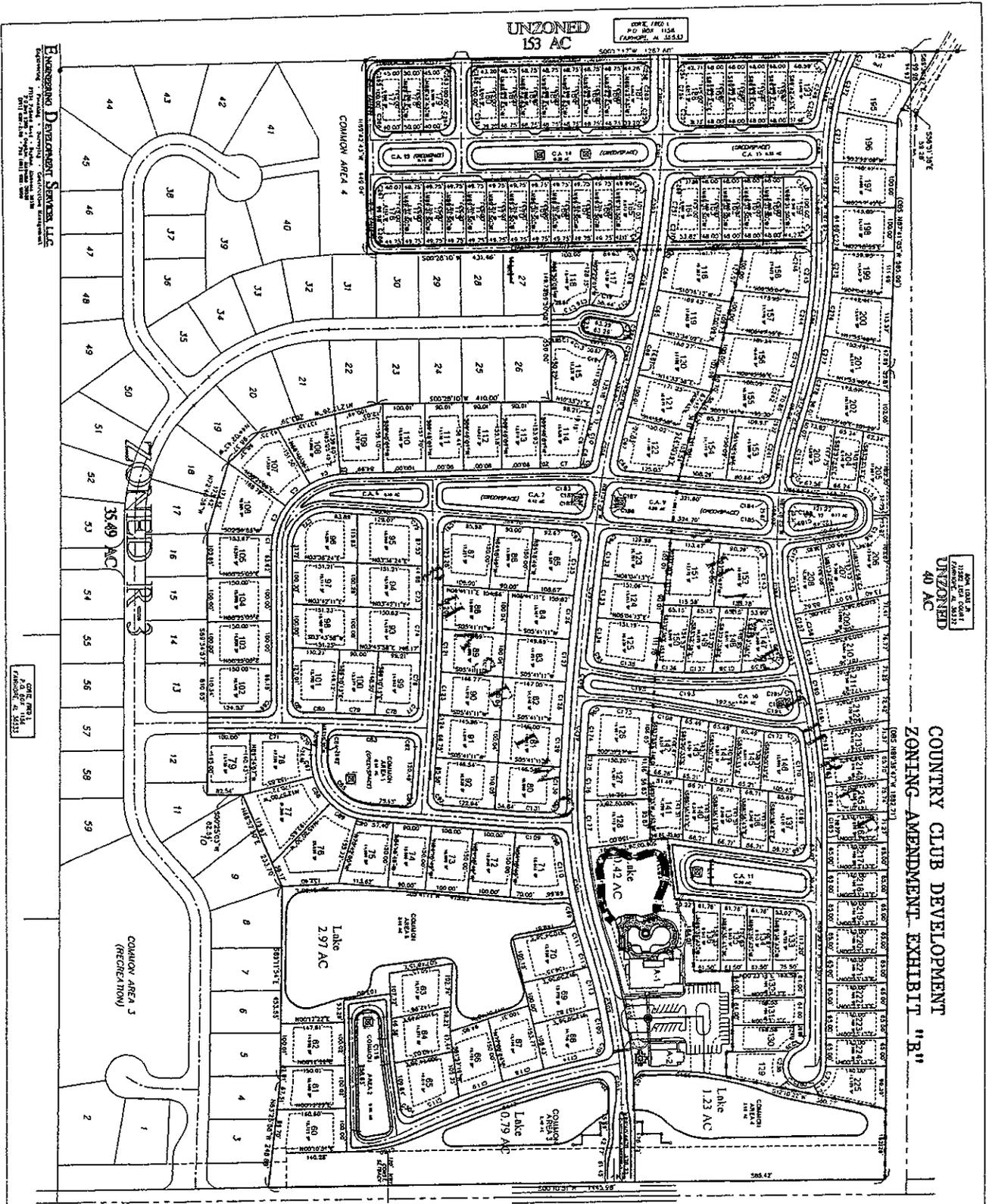
AUSTIN RD

UNZONED
20 AC +

ALABAMA HWY 181

- ZONE B-1
- ZONE R-4
- ZONE R-3

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



UNZONED
153 AC

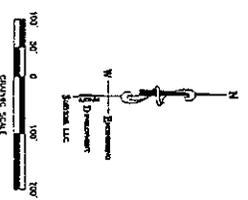
LOT 153
P.O. BOX 1154
FARMINGTON, AL 35243

LOT 153
P.O. BOX 1154
FARMINGTON, AL 35243
UNZONED
40 AC

COUNTRY CLUB DEVELOPMENT
ZONING AMENDMENT EXHIBIT "R"

LOT 153
P.O. BOX 1154
FARMINGTON, AL 35243
UNZONED
29 AC +

LOT 153
P.O. BOX 1154
FARMINGTON, AL 35243
UNZONED
270 AC +



SITE SUMMARY
PHASE TWO & THREE
TOTAL AREA 81.64 AC
TOTAL LOTS 165 (2 Units/Acre)
STREET LENGTH 18,845 L.F.

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

BELLATTON
A PLANNED UNIT DEVELOPMENT
MASTER PLAN

BELLATTON DEVELOPMENT SERVICES, LLC
Engineering - Planning - Surveying - Construction Management
10000 Highway 100, Suite 100, Birmingham, AL 35243
Phone: 205.988.1111 Fax: 205.988.1112

LOT 153
P.O. BOX 1154
FARMINGTON, AL 35243

**CITY OF DAPHNE
ORDINANCE 2006-55**

**AMENDING ORDINANCE 2004-10 RELATING TO
BUILDING PERMIT & RE-INSPECTION FEES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA THAT ORDINANCE 2004-10 SHALL BE AMENDED AS FOLLOWS:**

SECTION 1. BUILDING PERMIT FEES

A. BASIC CONSTRUCTION AND IMPROVEMENTS

1. Residential Building Permit

- D. Miscellaneous building permits such as, additions, remodels, carports, sunrooms, fences, re-roof, vinyl siding, pools, repairs, etc., will be \$20.00 plus \$5.00 for each one thousand dollars, or fraction thereof, over \$1,000.00 of the contract amount.
- E. All new residential building permits will be assessed a site containment fee of \$50.00.
- F. There will be a plan review fee of \$25.00 on all residential building permits.

2. Fees for Plumbing, Electrical and Mechanical

- A. Electrical permits will be a flat fee of \$110.00.
- B. Plumbing permits will be a flat fee of \$110.00.
- C. Mechanical permits will be a flat fee of \$110.00.
- D. Any plumbing, electrical and mechanical permits for miscellaneous permit (see above for list of miscellaneous permits) will be \$20.00 plus \$5.00 for each one thousand dollars, or fraction thereof, over \$1,000 of the contract amount.

3. Fees for Commercial Building Permits

- B. All mechanical, electrical and plumbing permits will be 1.5 % of subcontractors total contract amount, a minimum permit fee of \$110.00.
- C. There will be a plan review fee of \$100.00 on all commercial building permits.

SECTION IV. OTHER PERMITS AND FEES

A. RE-INSPECTION FEES

Any re-inspection of any item covered under the provisions of this Ordinance, as necessitated by lack of approval of the item upon initial inspection, shall require a separate permit fee. The first re-inspection is no charge, second re-inspection will be \$50.00 , third re-inspection will be \$100.00 and the fourth re-inspection will be \$200.00. Re-inspection fees will only be applied to items on original list. Any new items will not be considered a re-inspect at time of next inspection. All re-inspection fees must be paid prior to the re-inspection.

B. STOP WORK

Any stop work order issued will be charged \$100.00 for a re-inspection.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ DAY OF _____, 2006

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

**CITY OF DAPHNE
ORDINANCE NO: 2006-56**

**AN ORDINANCE PROHIBITING MOTOR VEHICLES AVOIDING
TRAFFIC CONTROL DEVICES OR STOP SIGNS WITHIN
THE CITY OF DAPHNE, ALABAMA**

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

WHEREAS, the City Council of the City of Daphne, Alabama has determined that in order to maintain a peaceful community and the order of justice within the City of Daphne, it shall be necessary for the all motor vehicle operators within the city limits to obey the laws established by the City of Daphne; and,

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare and safety of the citizens of the City by prohibiting any motor vehicle approaching an intersection where vehicular traffic at such intersection is regulated by a traffic control device or stop signs shall not, prior to reaching such intersection, make any turn over or through private property in order to avoid such signal at such intersection;

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

**SECTION I: TURNING TO AVOID TRAFFIC CONTROL DEVICES OR
STOP SIGNS**

The operator of any motor vehicle approaching an intersection where vehicular traffic at such intersection is regulated by a traffic control device or stop signs shall not, prior to reaching such intersection, make any turn over or through private property in order to avoid such signal at such intersection;

SECTION II: PUNISHMENT

A violation of this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or in the alternative, may be sentenced to community service as the Municipal Judge may deem appropriate.

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS __ DAY OF _____, 2006.

GREG BURNAM
COUNCIL PRESIDENT
Date & Time Signed:_____

FRED SMALL
MAYOR
Dated & Time Signed:_____

ATTEST

DAVID L. COHEN
CITY CLERK, MMC

ORDINANCE 2006 - 57

ALABAMA STORM BASEBALL TEAM APPROPRIATION

WHEREAS, Ordinance 2005-69 approved and adopted the Fiscal Year 2006 Budget December 5, 2005; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2006 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2006 budget; and

WHEREAS, the Alabama Storm Baseball team will be representing Daphne at the Elite 24 World Series baseball tournament to be held in Orlando, Florida; and

WHEREAS, the City Council of the City of Daphne recognizes the discipline and skills such programs foster and the opportunity this organization has to represent the City of Daphne; and

WHEREAS, the Eastern Shore Hurricanes Baseball Team is a program that promotes pride and a sense of community involvement in the future leaders of our community.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$1,000 (One Thousand Dollars) is hereby appropriated to the Alabama Storm Baseball Team.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ROSS & JORDAN, P.C.
POST OFFICE BOX 210
MOBILE, ALABAMA 36601

MEMORANDUM

TO: KIM BRILEY, FINANCE DIRECTOR

FROM: JAY

DATE: 7-12-06

RE: ALABAMA STORM BASEBALL TEAM

You requested my legal review of the request dated July 3, 2006 to Mayor Small by Mike Druhan regarding a \$1,000.00 appropriation by the City Council to the *Alabama Storm Baseball Team* for travel expenses related to a baseball Elite World 24 World Series in Walt Disney World. Legally, a municipality is entitled to and authorized to make appropriations to any organization or entity so long as it serves a public purpose. The question of what constitutes a public purpose is broad, and typically Courts do not look behind the decision of a governmental entity in making a determination of what constitutes a public purpose. In this case, contribution of these sums are not only for the children, but for their parents to spend six (6) days in the Walt Disney World area. ~~The organization is not affiliated with any specific municipality or academic institution or other official organization within the City of Daphne.~~ The organization has no connection with the name or sponsorship of the City and arguably it provides for a private purpose for a group of children.

While the purpose of the trip is with the best of intentions, there are some questions whether it serves a public purpose as that term has been interpreted by numerous Attorney General Opinions. While the contribution is defensible, I question whether it is an appropriate public purpose for expenditure of public

fund and whether it serve a wide enough public purpose for contribution by the City. I have found no Attorney General directions directly on point.

Should you wish to discuss the matter further, I would be happy to speak with you and the Council members concerning the same.

ORDINANCE 2006- 58

An Ordinance to establish a new position in the Planning Dept

WHEREAS, the City Council has considered the personnel needs in the Planning Department; and

WHEREAS, there is a need for the creation of a Planner position; and

WHEREAS, the Archer Company did prepare a job description for such position and recommended the position be classified as a Grade 18.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the position of Planner is hereby created in the Planning Department for an annual cost, including benefits, of \$ 42,484 and such position shall be placed at a Grade 18 in the Job Classification Schedule.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

Ordinance 2006 - 59

An Ordinance Amending Job Classification Schedule

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating an annual review of a percentage of all jobs in order to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: 1) the reclassifications and amendments as recommended by the Archer Company are hereby approved and funded at an annual cost of \$ 122,007 and 2) the following amendments are hereby incorporated into the City of Daphne Job Classification Schedule effective with the pay period beginning August 17, 2006:

	<u>From Grade</u>	<u>To Grade</u>
Assistant City Clerk	10	13
Sales Assistant	8	9
Public Service Worker	4	6
Accounting Technician	10	11
Building Maint Technician	10	11
Building Official	29	36
Building Inspector	16	17
Permit Technician	11	13
Site Containment Inspector	16	17

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2006.

Greg Burnam, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE NO. 2006-61

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

POLLARD GOUP, LLC

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "A"

LEGAL:

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

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

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

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

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

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

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

John Lake
Council Vice President
Date & Time Signed: _____

Fred Small
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen
City Clerk, MMC