

**CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
AUGUST 20, 2007  
6:30 P.M.**

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

**3. APPROVE MINUTES:** Council Meeting minutes meeting held August 6, 2007  
Amended July 16, 2007 Minutes / **No Action Needed**

**PRESENTATION:** Frances Harrell / ADA Compliant Playground Equipment

**PRESENTATION:** S.E.E.D.S. / Presenting of Grant Awards / Denise D'Oliviera

**PUBLIC HEARINGS:**

- 1.) **Annexation:** Gates VI / Property located off County Road 64 and adjacent to Pollard Road / 7.26 Acres / Requested zoning: R-4, Multi-Family Residential District / **Motion Failed for the Affirmative Recommendation Ordinance 2007-40**
- 2.) **Annexation:** Alabama 200 Investment Group / Property located off the corner of Pollard and Whispering Pines Road / Requested zoning: R-4, Multi-Family Residential District / **Motion Failed for the Affirmative Recommendation Ordinance 2007-41**
- 3.) **Rezoning:** Grande Point Apartments / Property located on Lake Front Drive / Requested zoning: From R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District / **Affirmative Recommendation Ordinance 2007-42**

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Scott**

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

**a.) Bid Awards**

- 1.) Janitorial Supplies / Dade Paper Company / **Resolution 2007-72**
- 2.) Automatic External Defibrillators / Turner Supply Company / **Resolution 2007-73**
- 3.) Garbage Carts / Toter, Inc. / **Resolution 2007-74**
- 4.) Park Chemicals / Lesco, Inc. / **Resolution 2007-75**

**c.) Ordinances:**

- 1.) Appropriation from 2000 Construction Fund:  
\$35,000 for Access Management Plan for Highway 181 / Ordinance 2007-39

**e.) Financial Reports:**

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

**B. BUILDINGS & PROPERTY - Lake**

Review minutes meeting held August 3<sup>rd</sup>

**C. PUBLIC SAFETY - Burnam**

Review minutes meeting held August 7<sup>th</sup>

**MOTION:** To establish the salary for the position of Fire Chief at Grade 37 – Step 10

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

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

Review Beautification minutes meeting held August 3<sup>rd</sup>

**MOTION:** Authorize the obtaining of easements for the traffic signal upgrade on Main Street at Daphne Avenue and Belrose Avenue

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

- A. *Board of Zoning Adjustments - Eady*
- B. *Downtown Redevelopment Authority – Barnette*
- C. *Industrial Development Board - Yelding*
- D. *Library Board - Lake*
- E. *Planning Commission – Barnette*
- F. *Recreation Board - Palumbo*
- G. *Utility Board - Scott*

**6. REPORTS OF OFFICERS:**

**A. Mayors Report**

- a.) *ABC License/ Winn Dixie Montgomery / 050 – Retail Beer (Off Premises Only) & 070 – Retail Table Wine (Off Premises Only)*
- b.) *ABC License / House of Dixie / 011 / Lounge Retail Liquor – Class II – (Package Store)*
- c.) *Village Point Park Invasive Species Control Grant / Resolution 2007-71*

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Establishing an Environmental Advisory Committee. . . . .Resolution 2007-66**
- b.) **Village Point Park Invasive Species Control Grant. . . . ./Resolution 2007-71**
- c.) **Bid Award: Janitorial Supplies / Dade Paper Co. . . . ./Resolution 2007-72**
- d.) **Bid Award: Automatic External Difibrillators / Turner Supply Co. . . . ./Resolution 2007-73**
- e.) **Bid Award: Garbage Carts / Toter, Inc. . . . ./Resolution 2007-74**
- f.) **Bid Award: Park Chemicals / Lesco, Inc . . . . ./Resolution 2007-75**

**ORDINANCES:**

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

- a.) **Appropriation of Funds: Fence @ Welcome Station . . . . . /Ordinance 2007-35**
- b.) **Establishing Rules & Regulations for Daphne City Parks. . . . . /Ordinance 2007-37**
- c.) **Establishing Rules and Regulations for the Dog Park. . . . . /Ordinance 2007-38**
- d.) **Appropriation of Funds: 2000 Construction Fund /  
\$35,000 for the Access Management Plan for AL Hwy 181. . . . . /Ordinance 2007-39**
- e.) **Annexation: Gates VI, LLC / Property Located off County Road 64  
and Adjacent to Pollard Road / 7.26 Acres . . . . . /Ordinance 2007-40**
- f.) **Annexation: Alabama Investment Group / Property Located off the  
Corner of Pollard Road and Whispering Pines / 4.87 Acres. . . . . /Ordinance 2007-41**
- g.) **Rezone: Grande Pointe Apartments / Property Located on  
Lake Front Drive / Requested zoning: From R-3, High Density Single  
Family Residential District to R-4, High Density Multi-Family Residential  
District . . . . . /Ordinance 2007-42**

**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

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

1

**1. CALL TO ORDER**

Council President Burnam called the meeting to order at 6:35 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 Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Betsy Turner, Attorney; Bill Eady, Planning Department Director; Melvin McCarley, Public Works Supervisor; Sandra Morse, Civic Center Director; Kenneth Hanak, Fire Chief; David Carpenter, Police Chief; Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; Tracy Bishop, Police Dpt.; Captain Danny Bell, Police Dpt.; Joey Holasz, Fire Dpt.; Eric Hayes, Fire Dpt.; Andy Ray, Fire Dpt.; other Firefighters and Police officers; Rhonda Moss, Library; Cathy Chandler, Library; Louise Youngblood, Library; Rob McElroy, General Manager of Utilities; Ronald Allen, Library Board; Al Guarisco, Village Point; Willie Robison, BZA; Ron Allen, Library Board.

Absent: Richard Merchant, Building Official.

**PRESENTATION:** Swearing in of New Police Officers

Judge Thomas Doyle swore in the new Police Officers with Mayor Small and Chief Carpenter looking on.

The new officers are Clay Cleveland, Philip Adams, DeJuan Jackson and Benjamin Mitchell.

**INTERVIEWS: Fire Chief Position**

The Council interviewed for a second time Mr. James White and Interim Fire Chief Kenneth Hanak.

**3. APPROVE MINUTES:**

**MOTION BY Mr. Lake to approve the Council meeting minutes meeting held July 16, 2007 amending minutes adding the motion to adopt Ordinance 2007-30. *Seconded by Mr. Scott.***

**AYE Lake, Scott, Landry, Palumbo**

**ABSTAINED Yelding, Barnette**

**NAY NONE OPPOSED**

**MOTION CARRIED**

**VOTE FOR FIRE CHIEF POSITION**

**MOTION BY Mrs. Barnette to appoint James White as Fire Chief subject to a background check. *Seconded by Mr. Yelding.***

**MOTIN BY Mr. Palumbo to amend the motion to appoint Kenneth Hanak as Fire Chief. *Seconded by Mrs. Landry.***

**VOTE ON AMENDED MOTION**

**AYE Landry, Palumbo**

**NAY Yelding, Barnette, Lake, Scott, Burnam**

**MOTION FAILED**

**VOTE ON ORIGINAL MOTION**

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

**NAY Landry**

**MOTION CARRIED**

**James White was appointed as Fire Chief.**

*Mrs. Barnette* stated that she would like the Council to compensate Mr. Hanak for the job he has done while being interim Chief.

**PRESENTATION:** Summer Reading Program Awards.

Ms. Young introduced the new Children's Librarian, Cathy Chandler, her assistant Rhonda Moss and the Young Adult Librarian, Louise Youngblood.

**AWARDS**

**JUNIOR**

***1<sup>ST</sup> PLACE***

Grace Robbins

***2<sup>ND</sup> PLACE***

Corey ONeal

***3<sup>RD</sup> PLACE***

Amber Burke

**TWEENS**

***1<sup>ST</sup> PLACE***

Aren Valrie

***2<sup>ND</sup> PLACE***

Kelsie Weaver

***3<sup>RD</sup> PLACE***

Jordan Leigh Carter

**PRESCHOOL**

***1<sup>ST</sup> PLACE***

Karahma Willingham

***2<sup>ND</sup> PLACE***

Gavin Jordan

***3<sup>RD</sup> PLACE***

Lauren Hare

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

The minutes for the last meeting are in the packet.

**MOTIONS:**

**1. Reject Bid 2007-S-Fuel**

**MOTION BY Mr. Scott to reject the bid for fuel. *Seconded by Ms. Landry.***

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

**2. Close CDBG Account and Allocate Balance of \$728.85 to Ecumenical Ministries**

**MOTION BY Mr. Scott to close the CDBG account and allocate the balance of \$728.85 to Ecumenical Ministries. *Seconded by Ms. Landry.***

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

**Financial Reports**

**Treasurers Report / June 30, 2007**

**MOTION BY Mr. Scott to accept the Treasurers Report with an ending balance of \$24,196,646.30. *Seconded by Ms. Landry.***

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

**Sales Tax Collection / May 31, 2007**

\$1,021,498.14 was collected in May, which was some \$71,000 over budget. Mr. Scott stated that they do not have the numbers finalized as yet, but the tentative report is that they have also exceeded collections for the month of June. Year to date sales tax collections are ahead of budget.

**Lodging Tax Collections / May 31, 2007**

\$52,564.61 was collected in lodging tax for May, and this is \$2,000 more than last year.

The next meeting will be Monday, August 13<sup>th</sup> at 4:00 p.m.

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

The committee met earlier this evening, and the committee will ask the City Attorney to look at the electronic sign ordinance and bring in back to Council, and they discussed putting Huntingdon College into the capital budget.

**C. PUBLIC SAFETY COMMITTEE – Burnam**

The minutes for the last meeting are in the packet, and no Council action needed. The next meeting will be tomorrow at 4:30 p.m. at City Hall.

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

The committee met last month and there is an ordinance on the agenda that came from that meeting which is the park rules. The next meeting will be tomorrow after the Public Safety meeting to consider a couple of ordinances.

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

The minutes for the June 29<sup>th</sup> meeting are in the packet. Mr. Yelding reported that the sidewalks are being completed, and the Council priority list is complete, and the grant sidewalks are complete. He said that the bathroom designs for Daphmont Park were approved and will be sent to the Finance Committee. The next meeting will be August 24<sup>th</sup> at 8:00 a.m.

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

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

The board met on August 2<sup>nd</sup> to consider two (2) appeals, and both were approved.

**B. Downtown Redevelopment Authority – Barnette**

The authority did not meet in July, and the next meeting will be Monday at 5:30 p.m.

**C. Industrial Development Board – Yelding**

No report.

**D. Library Board – Lake**

The minutes for the last meeting are in the packet.

**MOTION BY Mr. Lake to appoint Mary Riser to the Library Board to finish the term of Ernie Seckinger – Term expires September 30, 2007 and to appoint Dee Gambill to finish the term of William Sculley – Term expires September 30, 2008. *Seconded by Mr. Palumbo.***

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

*Mr. Lake* reported that the Library received a grant for \$20,000 from LSTA for programs that they are putting on. The next meeting will be August 14<sup>th</sup> at 5:30 p.m.

**E. Planning Commission – Barnette**

The minutes for the June 28<sup>th</sup> meeting are in the packet.

**MOTION BY Mrs. Barnette to set a Public Hearing for September 17, 2007 to consider the following:**

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

*Seconded by Mr. Yelding.*

**AYE ALL IN FAVOR**

**NAY NONE OPPOSED**

**MOTION CARRIED**

The work session is August 15<sup>th</sup> at 8:00 a.m. and the regular Planning Commission meeting is August 23<sup>rd</sup> at 6:00 p.m.

*Mrs. Barnette* stated that the Wilson Avenue request received a negative recommendation and they have been receiving a lot of e-mails regarding the Grande Pointe Apartments that was an affirmative recommendation from the Planning Commission, although, several of them thought that the LFPOA board had recommended that, which may or may not be the case, but that is on the agenda for August 20<sup>th</sup> council meeting.

*Mr. Palumbo* wanted, for the record, to say that he is sending over to the Planning Commission a request to carefully review the signage in the Eastern Shore Park, which they allowed, which states 100 square feet on the face of the sign. He recalls that being in the discussion over relaxing, if you will, the signage for that particular development, and the intent, at least, was to give them exactly twice the signage, this is on the monument signs, that is what is for the city, which is 100 square feet on its face. It has been brought to his attention that both the Lowe's sign and the Sam's sign, which are two (2) monument signs in there now, are around 250 square feet. He believes that these signs went to the Planning Commission, or approved by the Planning Commission, so he has been told, but he has photographs of the signs, and he invites the Planning Commission to have a look at them, and there is a question as to what constitutes the face, if it is just the writing, and if it is only the writing you could build the great wall of China and just put the writing on a 100 square feet. He does not think that that was the intent of the ordinance, nor does he believe that it is the letter of the ordinance. He believes that those monument signs are not in compliance, and he urged the Planning Commission to take a strong look before any more signs are approved in there. It may take a legal opinion from the City Attorney.

*Mrs. Barnette* said that the Planning Commission reviews the signs typically, but the Code Enforcement Officer tells the Commission that it meets the city's ordinance, and the Planning Commission then gives the signage part of the site plan approval.

**F. Recreation Board – Palumbo**

The minutes for the last meeting are in the packet. The next meeting will be Wednesday, August 15<sup>th</sup> at 6:00 p.m.

**G. Utility Board – Scott**

The board meet last week and the minutes will be in the next packet. Mr. Rob McElroy announced that the Alabama Water and Pollution Control Association have once again awarded Daphne Utilities Water Department with their Award of Excellence for water quality in the State of Alabama. He said that it is worth of noting that due to some technical issue that they have they force Daphne to compete with cities with populations greater than 25,000. So the city is competing against cities bigger than Daphne for this award and still winning it. He stated that he is very proud of his people, the leadership at the plant and proud of the service that is provided to the City of Daphne.

The next meeting will be the last Wednesday of the month at 5:00 p.m.

**6. REPORTS OF THE OFFICERS:**

**A. *Mayor's Report***

No report.

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

Mr. Ross reported that AMIC accepted the defense primarily for the Maria Nicholson case which is scheduled and the suit against the Planning Commission brought by Value Place Hotel. He stated that he will keep Council informed.

**C. *Department Head Comments:***

**Chief David Carpenter – Police Department** – reported that Max Shaffer is back from his second tour in Iraq and is due to come back to work on August 20<sup>th</sup> and they look forward to him coming back to work. He asked everyone to remember that school will start Thursday and will have extra patrols out, and ask everyone to be careful in school zones. He announced that Animal Control received a \$20,000 grant from the Magic Fund which will help them to purchase a vehicle. He thanked Sharon and her group for the Wellness Fair and said that it went real well, and he said that Sandra and her staff did an excellent job at the Taste of the Eastern Shore held Friday at the Civic Center.

**Sandra Morse – Civic Center Director** – thanked everyone who cam out to the “Taste”, and thanked the Council for their support. She stated that the Civic Center has turned 484 events so far this year.

**7. PUBLIC PARTICIPATION**

**Mr. Willie Robison – 560 Stuart Street** – stated that the LFPOA did not recommend the Grande Point Apartments rezoning, and he is not in favor of the rezoning.

**Mr. Don McGriff** – campaigned for office.

*Mr. T. J. Lee – Daphne* – spoke regarding the sidewalks, and gave kudo’s to Public Works.

*Mr. Willie Williams – Fairhope – President of the Martin Luther King Celebration Committee* – spoke regarding holding an event at the Nicholson Center to raise funds for scholarships.

*Mr. Rod Drummond – Ridgewood Avenue* – agreed with Mr. Robison regarding the Grande Pointe Apartments. He also spoke regarding the BRATS bus, and about picking up political signs and leaving one (1) or (2) standing. He thinks if you pick one up you should pick them all up.

*Mr. Bobby Champion – 2304 McPhillips Drive* – spoke regarding drainage problems causing flooding on his property from run-off coming from Hwy 98 down Wilson Avenue to McPhillips.

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

**RESOLUTIONS**

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

**MOTION BY Mr. Scott to *waive the reading* of Resolutions 2007-63, 2007-64, 2007-65, 2007-66, 2007-67, 2007-68, 2007-69 and 2007-70. *Seconded by Ms. Landry.***

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

MOTION BY Mr. Scott to adopt Resolutions 2007-63, 2007-64 and 2007-65. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR - EXCEPT

NAY Lake on 2007-64

**MOTION CARRIED**

MOTION BY Mrs. Barnette to waive the reading of Resolution 2007-66. *Seconded by Ms. Landry.*

Council agreed to discuss this Resolution further at the next work session.

Mrs. Barnette withdrew her motion.

Ms. Landry withdrew her second.

MOTION BY Mrs. Barnette to adopt Resolution 2007-67. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

**MOTION CARRIED**

MOTION BY Mrs. Barnette to adopt Resolutions 2007-68, 2007-69 and 2007-70. *Seconded by Mr. Scott.*

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

NAY Palumbo

**MOTION CARRIED**

**ORDINANCES:**

2nd READ

2<sup>ND</sup> READ

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

1<sup>ST</sup> READ

- b.) Consenting to the Exchange of Certain Property by the Utility Board of the City of Daphne . . . . . /Ordinance 2007-32

- c.) Appropriation of Funds: Installation of a Traffic Control Device at US Highway 31 and Timber Creek Blvd . . . . . /Ordinance 2007-33

- d.) Appropriation of Funds: Traffic Signals / Main Street ...../Ordinance 2007-34
- e.) Appropriation of Funds: Fence @Welcome Center ...../Ordinance 2007-35
- f.) Appropriation of Funds: E-Recycle Building Completion. .... /Ordinance 2007-36
- g.) Establishing Rules & Regulations for Daphne City Parks ...../Ordinance 2007-37
- h.) Establishing Rules and Regulations for the Dog Park. .... /Ordinance 2007-38

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2007-31. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2007-31. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED

MOTION BY Mr. Scott to suspend the rules to consider Ordinance 2007-32. *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 Mr. Scott to waive the reading of Ordinance 2007-32. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinance 2007-32 upon review and approval of deed by the City Attorney. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED

MOTION BY Mr. Palumbo to suspend the rules to consider Ordinances 2007-33 and 2007-34. *Seconded by Ms. Landry.*

**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 Ordinances 2007-33 and 2007-34. *Seconded by Ms. Landry.*

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

MOTION BY Mr. Palumbo to adopt Ordinances 2007-33 and 2007-34. *Seconded by Ms. Landry.*

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

**ORDINANCES 2007-35, 2007-36, 2007-37 AND 2007-38 WERE MADE 1<sup>ST</sup> READ**

*Mrs. Barnette* asked that if there was room on the work session agenda to include Ordinance 2007-36 regarding the Recycle building.

MOTION BY Mrs. Barnette to change the September 3, 2007 Council meeting to September 4, 2007 due to the 3<sup>rd</sup> being Labor Day. *Seconded by Mr. Lake.*

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

**9. COUNCIL COMMENTS**

*Mr. Yelding* thanked everyone who sent cards, and said that he appreciated the sincerity of the Council.

*Mrs. Barnette* said that she appreciated the out pouring of prayers and support for her family during her husbands crisis.

*Mr. Scott* urged everyone to go out and vote.

*Ms. Landry* urged everyone to exercise their right to vote tomorrow. She stated that everyone has ten (10 ) days to appeal their new tax notice. She said that the taxes are unjust without an appraisal, she said they were based on market value. She said to put the appeal in writing.

*Council President Burnam* thanked Kenneth Hanak for all he has done for the city during his time as interim Fire Chief. He congratulated Mr. White on being appointed as the new Fire Chief. He asked the City Clerk to print out a new voter's district map.

**10. ADJOURN**

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

<b>AYE</b>	<b>ALL IN FAVOR</b>	<b>NAY</b>	<b>NONE OPPOSED</b>	<b>MOTION CARRIED</b>
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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:49 P.M.**

Respectfully submitted by,

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

**Certification of Presiding Officer:**

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

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

AMENDED MINUTES FROM THE  
AUGUST 6, 2007 COUNCIL MEETING

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

AYE Lake, Scott, Burnam            NAY Palumbo            MOTION CARRIED

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

AYE Lake, Scott, Burnam            NAY Palumbo            MOTION CARRIED

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

AYE Lake, Scott, Burnam            NAY Palumbo            MOTION CARRIED

**ORDINANCES:**

for some better days, and appreciat

2nd READ

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

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

AYE ALL IN FAVOR            NAY NONE OPPOSED            MOTION CARRIED

**AMENDED SECTION**

MOTION BY Mr. Palumbo to adopt Ordinance 2007-30. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR    NAY NONE OPPOSED            MOTION CARRIED

1<sup>ST</sup> READ

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

COUNCIL MADE ORDINANCE 2007-31 A 1<sup>ST</sup> READ

# PUBLIC HEARING

**AUGUST 20, 2007**

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

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Gates VI - Annexation

## MEMORANDUM

Date: June 29, 2007

At the regular meeting of the City of Daphne Planning Commission on June 28, 2007, eight members were present and the motion failed for the affirmative recommendation of the above-mentioned ordinance.

Upon receipt thereof, please prepare an ordinance for placement on the agenda in order to set a public hearing and for subsequent action by the City Council.

The owner is requested annexation into the City of Daphne as R-4, High Density Multi-Family Residential, zoning.

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, GATES VI, L.L.C., files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as 7.26 acres adjacent to Pollard Road 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, GATES VI, L.L.C., 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 25<sup>th</sup> day May, 2007.

Respectfully Submitted,

GATES VI, L.L.C.  
Name of Corporation

By: Steven G. Rayford

Its: Manager

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that Stephen J. Crowder whose name as manager of Gates VI, L.L.C., an Alabama limited liability company, 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 25<sup>th</sup> day of May, 2007.

Stephen J. Crowder  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**GATES VI, L.L.C.**

**ANNEXATION OF 7.2714 ACRES**

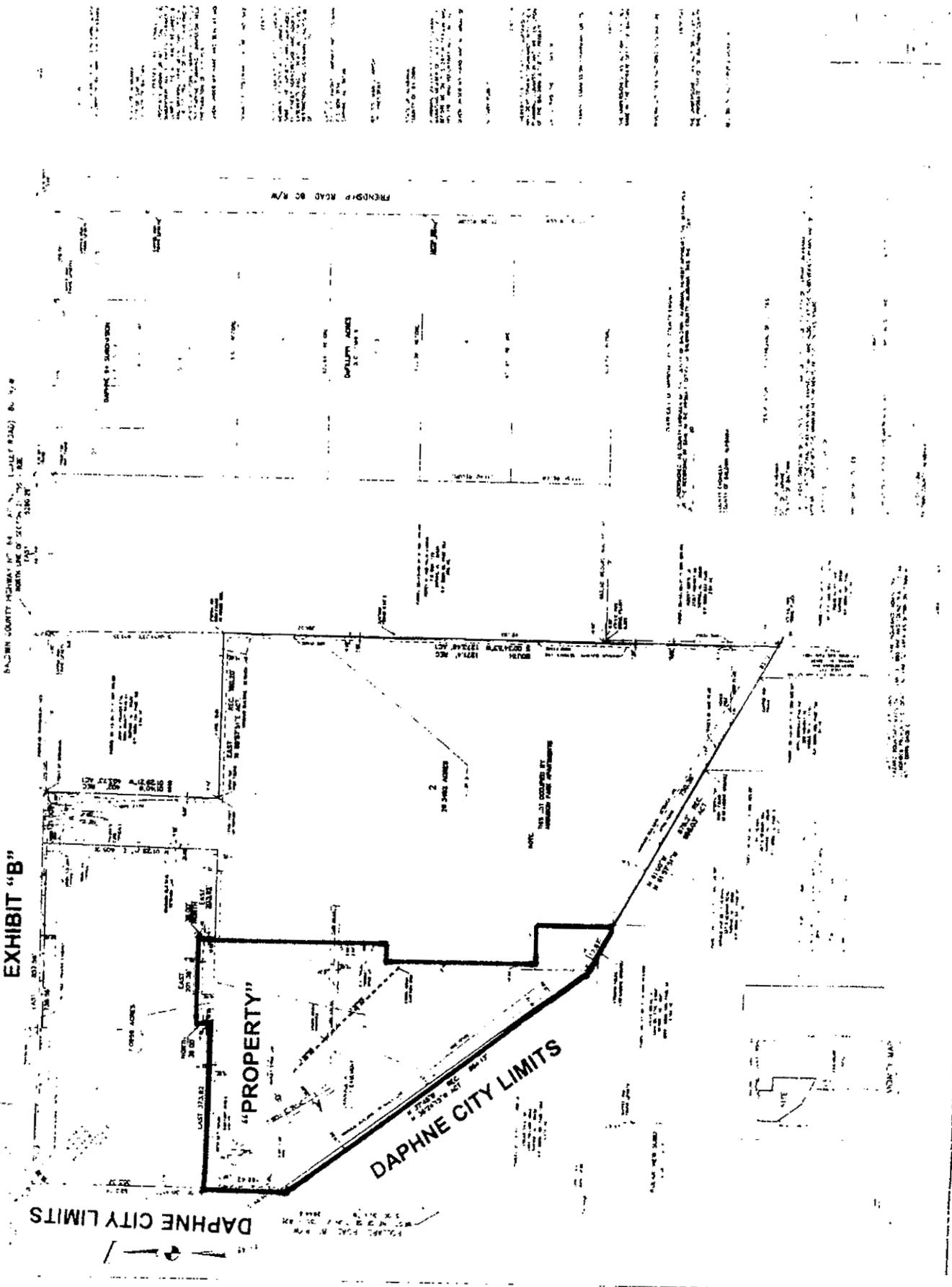
**AS R-4 MULTI FAMILY**

**EXHIBIT "A"**

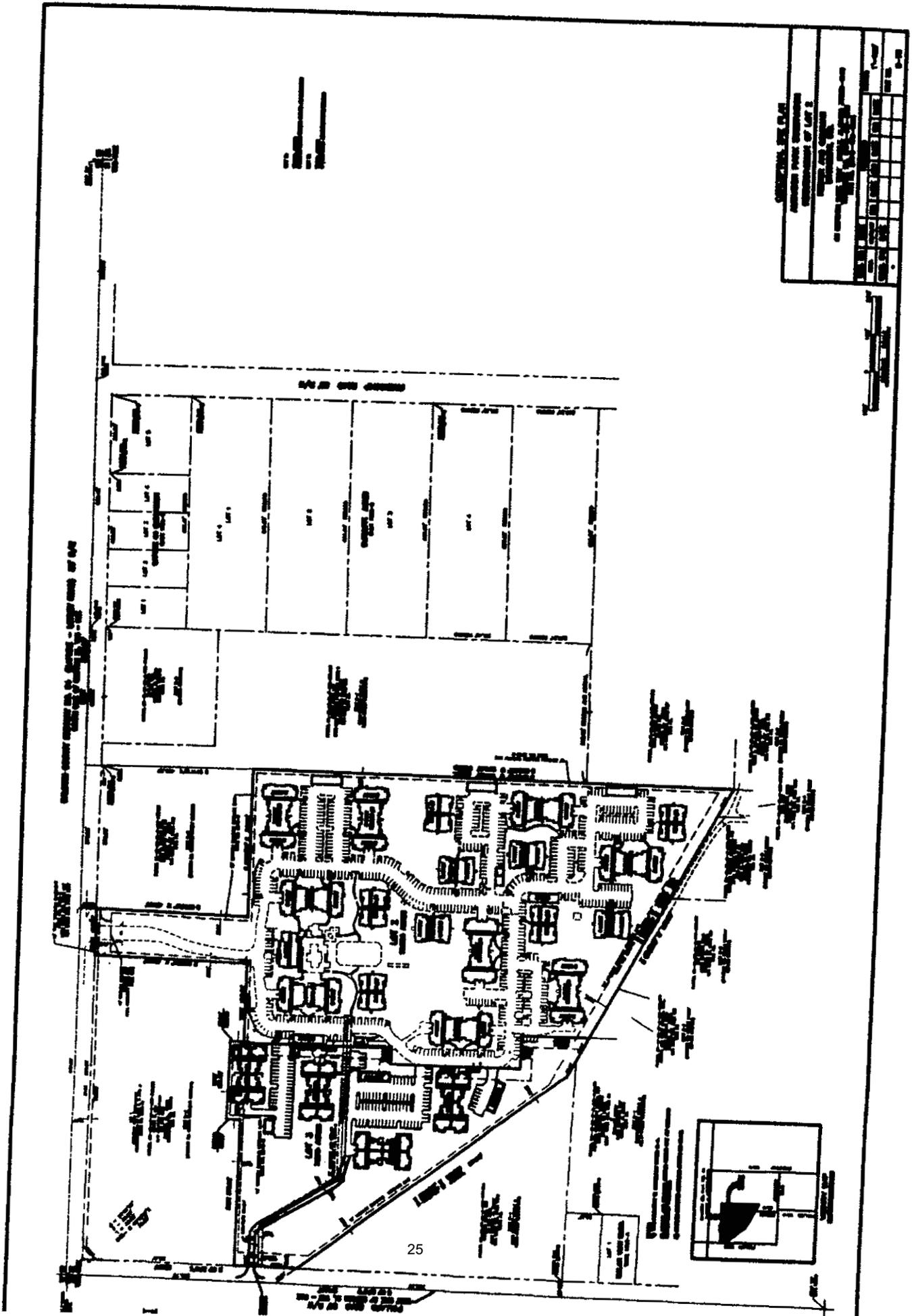
DESCRIPTION OF WEST PORTION OF LOT 2, AUDUBON PARK  
SUBDIVISION, RESUBDIVISION OF LOTS 1, 2 AND 3:

THAT PART OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION  
OF LOTS 1, 2 AND 3 AS PER PLAT RECORDED ON SLIDE NO. 2040-B  
OF THE PROBATE COURT RECORDS AT BALDWIN COUNTY, ALABAMA  
DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF  
SAID LOT 2 RUN EAST ALONG THE NORTH BOUNDARY OF SAID LOT 2  
A DISTANCE OF 373.92 FEET TO A POINT; THENCE CONTINUING  
ALONG SAID NORTH BOUNDARY OF LOT 2 RUN NORTH 36.00 FEET TO  
A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT  
2 RUN EAST 201.36 FEET TO A POINT; THENCE CONTINUING ALONG  
SAID NORTH BOUNDARY OF LOT 2 RUN SOUTH 36.00 FEET TO A  
POINT; THENCE RUN WEST 5.08 FEET TO A POINT; THENCE RUN  
SOUTH 394.00 FEET TO A POINT; THENCE RUN WEST 42.00 FEET TO  
A POINT; THENCE RUN SOUTH 346.00 FEET TO A POINT; THENCE  
RUN EAST 87.00 FEET TO A POINT; THENCE RUN SOUTH 179.52  
FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID LOT 2,  
AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2 AND 3;  
THENCE ALONG SAID SOUTHERN BOUNDARY RUN N 61° 56' 55" W  
117.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE  
ALONG THE WESTERN BOUNDARY OF SAID LOT 2 RUN N 36° 23' 12"  
W 864.13 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF  
POLLARD ROAD; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY  
OF LOT 2 AND ALONG SAID EAST RIGHT OF WAY LINE OF POLLARD  
ROAD RUN N 00° 30' 41" E 169.42 FEET TO THE POINT OF  
BEGINNING, CONTAINING 7.2714 ACRES.

**GATES VI, L.L.C.  
ANNEXATION  
EXHIBIT "B"**







SHEET NO. 25 PROJECT NO. 100-100-100 DATE: 10/1/10	
DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1" = 40'-0" NORTH ARROW
TITLE: [Title]	CLIENT: [Client Name]
ARCHITECT: [Firm Name]	ADDRESS: [Address]
PHONE: [Phone Number]	FAX: [Fax Number]
WEBSITE: [Website]	E-MAIL: [Email]

25

PLEASE Publish in the Bulletin Legal Section on Wednesday,  
July 18, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance 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. 2007-**

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

**GATES VI, L.L.C.**

**(Property located off County Road 64 and adjacent to Pollard Road 7.26 Acres)**

**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 28, 2007 and *the motion failed for the affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, Multi-Family Residential, District;** and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 20, 2007 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 DESCRIPTION:**

DESCRIPTION OF WEST PORTION OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3:

THAT PART OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3 AS PER PLAT RECORDED ON SLIDE NO. 2040-B OF THE PROBATE COURT RECORDS AT BALDWIN COUNTY, ALABAMA DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 RUN EAST ALONG THE NORTH BOUNDARY OF SAID LOT 2 A DISTANCE OF 373.92 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN NORTH 36.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN EAST 201.36 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN SOUTH 36.00 FEET TO A POINT; THENCE RUN WEST 5.08 FEET TO A POINT; THENCE RUN SOUTH 394.00 FEET TO A POINT; THENCE RUN WEST 42.00 FEET TO A POINT; THENCE RUN SOUTH 346.00 FEET TO A POINT; THENCE RUN EAST 87.00 FEET TO A POINT; THENCE RUN SOUTH 179.52 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3; THENCE ALONG SAID SOUTHERN BOUNDARY RUN N 61° 56' 55" W 117.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WESTERN BOUNDARY OF SAID LOT 2 RUN N 36° 23' 12" W 864.13 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF POLLARD ROAD; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY OF LOT 2 AND ALONG SAID EAST RIGHT OF WAY LINE OF POLLARD ROAD RUN N 00° 30' 41" E 168.42 FEET TO THE POINT OF BEGINNING. CONTAINING 7.2714 ACRES.

**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     ,2007.

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section on Wednesday, July 25, 2007.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on July 18, 2007 that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance 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. 2007-**

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

**GATES VI, L.L.C.**

**(Property located off County Road 64 and adjacent to Pollard Road 7.26 Acres)**

**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 28, 2007 and *the motion failed for the affirmative recommendation* for the City Council to consider said request for annexation and said property shall be zoned **R-4, Multi-Family Residential, District**; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Alabama 200 Investment Group -  
Annexation

## MEMORANDUM

Date: June 29, 2007

At the regular meeting of the City of Daphne Planning Commission on June 28, 2007, eight members were present and the motion failed for the affirmative recommendation of the above-mentioned ordinance.

Upon receipt thereof, please prepare an ordinance for placement on the agenda in order to set a public hearing and for subsequent action by the City Council.

The owner is requested annexation into the City of Daphne as R-4, High Density Multi-Family Residential, zoning.

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, Alabama 200 Investment Group LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as Orleans Commons 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, Alabama 200 Investment 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:

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 24<sup>th</sup> day of May

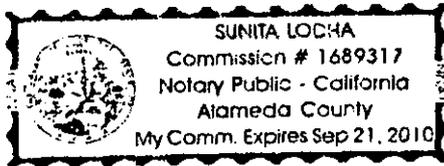
Respectfully submitted,  
By: TREO LLC, as its Manager  
By: [Signature]  
Its: Manager to TREQ LLC

STATE OF ~~ALABAMA~~ California  
COUNTY OF ~~BALDWIN~~ Alameda

~~Alabama 200 Investment Group LLC~~  
Name of corporation

I, the undersigned Notary Public in and for said State and County, hereby certify that Diedre Caspary whose name 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, she 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 24<sup>th</sup> day of May, 2007.



[Signature] (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: Sept 21 '10

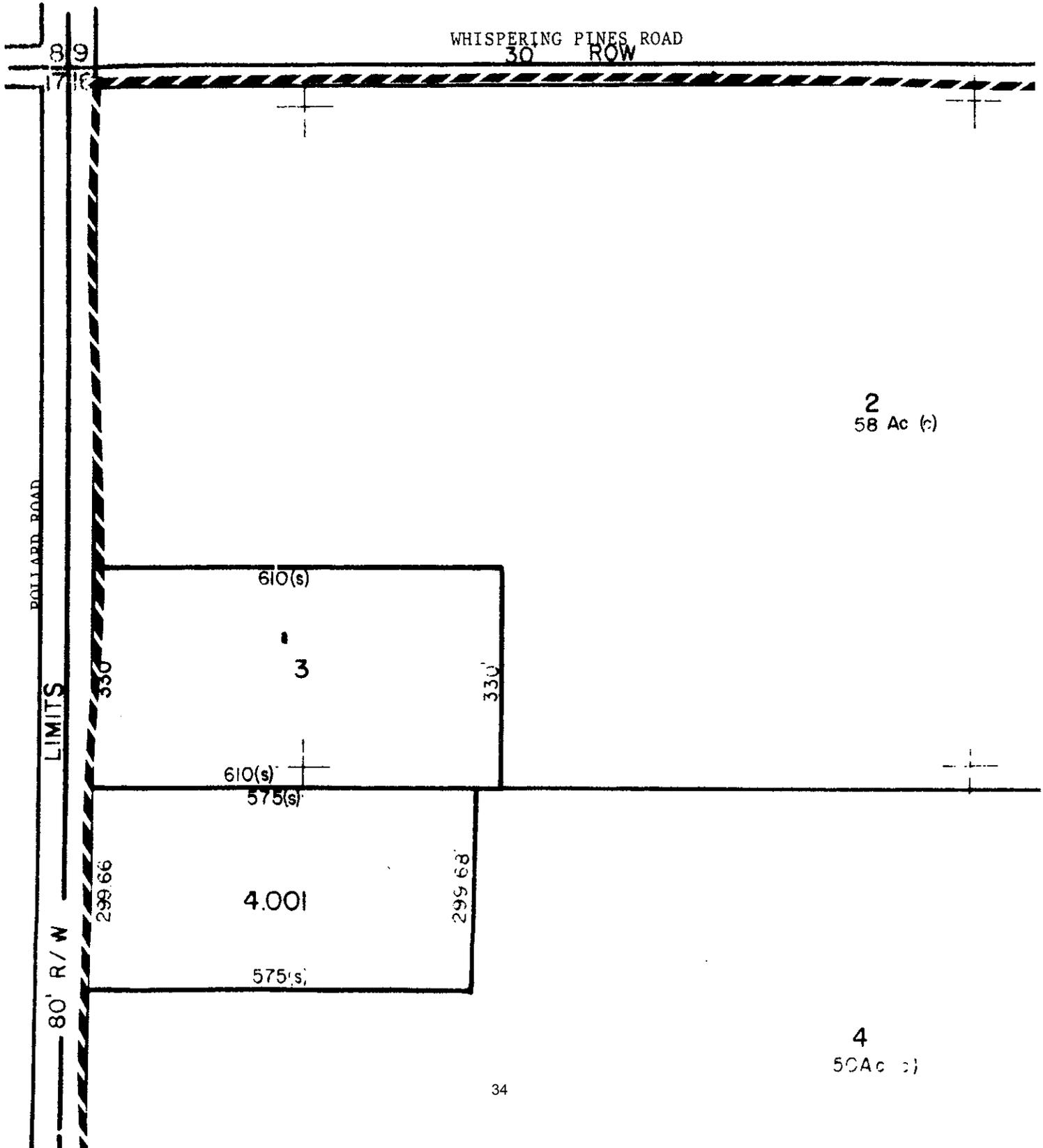
**Alabama 200 Investment Group LLC**  
ANNEXATION OF 4.87 ACRES  
AS R-4 MULTI FAMILY

**“Exhibit A”**

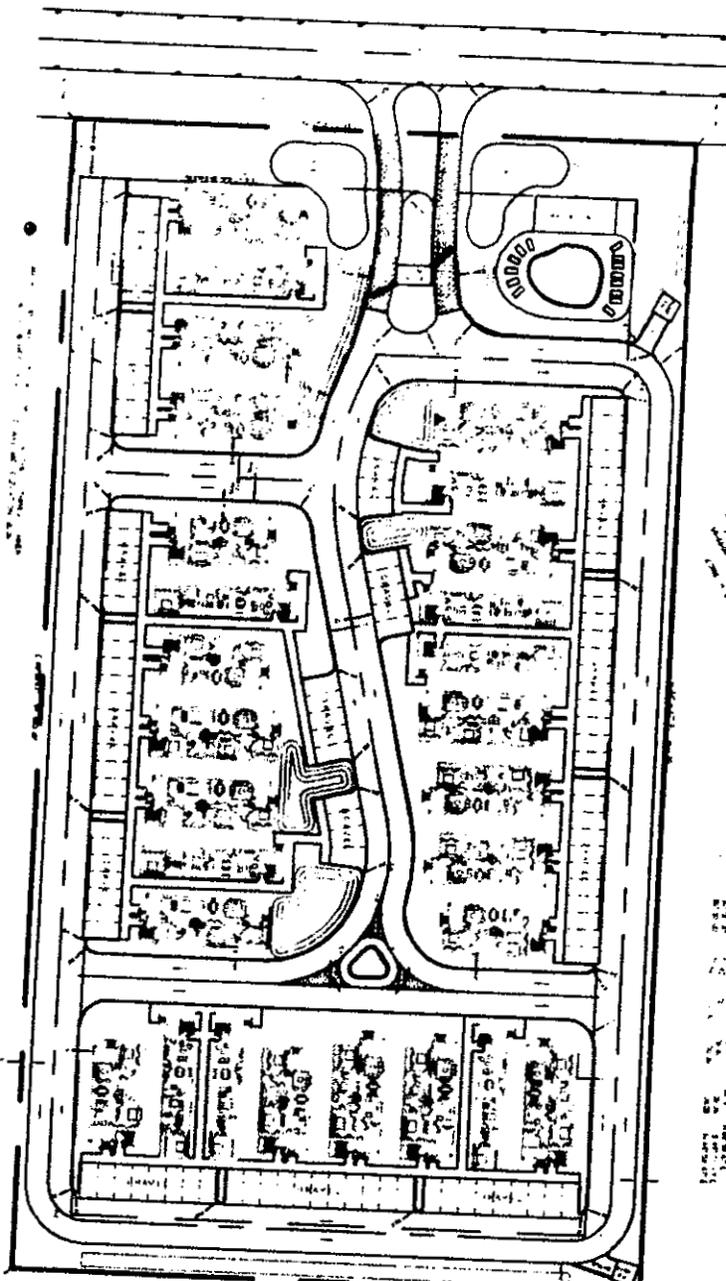
**DESCRIPTION TO ACCOMPANY SKETCH OF 4.87 ACRES TO-WIT:**

Commencing at the Northwest corner of Section 16, Township 5 South, Range 2 East, thence South  $00^{\circ}05'12''$  East along the West line of Section 16 a distance of 768.97 feet to the point of beginning, then North  $89^{\circ}58'47''$  East 40.00 feet to an iron pin, thence continue North  $89^{\circ}58'47''$  East 603 feet to an iron pin, thence South  $89^{\circ}58'47''$  West 603 feet to an iron pipe, thence continuing South  $89^{\circ}58'47''$  West 40 feet to the West line of Section 16, thence North  $00^{\circ}05'12''$  West along the West Section line 330 feet to the point of beginning, containing 4.87 acres more or less. Less and except any portion lying within road rights-of-way.

ALABAMA 200 INVESTMENTS GROUP  
ANNEXATION  
EXHIBIT "B"







1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

*John Borden*  
 06/13/07



ORLEANS COMMONS  
Site Plan

- 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
- 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

CIVIL PLAN									
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**Borden Engineering & Surveying Company, Inc.**

8275 Hwy 59 South, Suite 1  
 Foley, Alabama 36535  
 Phone: (251) 943-1424  
 Fax: (251) 943-1427



REVISIONS									
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PLEASE Publish in the Bulletin Legal Section on Wednesday,  
July 18, 2007

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance 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. 2007-**

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

**ALABAMA 200 INVESTMENTS GROUP**

**(Property located off the corner of Pollard Road and Whispering Pines Road 4.87 Acres)**

**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 28, 2007 and the *motion failed for an affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, Multi - Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 20, 2007 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.

ORDINANCE 2007-

PAGE 2

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 4.87 ACRES TO-WIT:**

Commencing at the Northwest corner of Section 16, Township 5 South, Range 2 East, thence South 00°05'12" East along the West line of Section 16 a distance of 768.97 feet to the point of beginning, then North 89°58'47" East 40.00 feet to an iron pin, thence continue North 89°58'47" East 603 feet to an iron pin, thence South 89°58'47" West 603 feet to an iron pipe, thence continuing South 89°58'47" West 40 feet to the West line of Section 16, thence North 00°05'12" West along the West Section line 330 feet to the point of beginning, containing 4.87 acres more or less. Less and except any portion lying within road rights-of-way.

Reference: Orleans Commons

**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        ,2007.

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section on Wednesday, July 25, 2007.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on July 18, 2007 that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance 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. 2007-**

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

**ALABAMA 200 INVESTMENTS GROUP**

**(Property located off the corner of Pollard Road and Whispering Pines Road 4.87 Acres)**

**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 28, 2007 and the *motion failed for an affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, Multi - Family Residential, zone**; and,

**/END SYNOPSIS**

To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: Grande Pointe Apartments -  
Zoning Amendment

## MEMORANDUM

Date: June 29, 2007

At the regular meeting of the City of Daphne Planning Commission on June 28, 2007, eight members were present and the motion carried for the affirmative recommendation of the above-mentioned ordinance.

Upon receipt thereof, please prepare an ordinance for placement on the agenda in order to set a public hearing and for subsequent action by the City Council.

The owner is requesting a zoning amendment from R-3, High Density Single Family Residential, to R-4, High Density Multi-Family Residential, zoning.

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

Thank you,

WHE/jd

cc: file

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

Application Number: 207-06      Date Plat Submitted: June 28, 2007  
Date Presented: May 29, 2007

Name of Owner: Grande Pointe Apartments, L.L.C.

Address: Post Office Box 241402 Montgomery, AL 36124      Telephone# \_\_\_\_\_  
(Street or P.O. Box)    (City)    (State)    (Zip Code)

Name of Authorized Agent, if other than owner: Richard Davis, Meredith Turpin, John Pet

Address: Post Office Box 2925 Daphne, Alabama 36526      Telephone# 251-621-1555 ext 30  
(Street or P.O. Box)    (City)    (State)    (Zip Code)

Subdivision: Lake Forest

Lot(s): NA      Unit NA

- 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: May 29, 2007).

Meeting Dates:

Planning Commission: June 28, 2007

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

Reason(s) for requesting the Zoning Amendment:

Owner wishes to have the property rezoned in order to construct the apartments as an addition to the existing Grande Pointe Apartments.

By:

Meredith L. Turpin, as Representative for Grande Pointe Apartments, L.L.C.  
**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 133 Lake Front Drive
Daphne, Alabama 36526
b) Name of Subdivision NA
c) Lot numbers involved in change NA
d) Total acreage of change 9.6
e) Recorded in Map Book 7 Page 94
f) Owned in whole by the undersigned? yes
g) If owned in part, name(s) of co-owner(s):
NA

2) Zoning change requested:

- a) Present classification of property R-3
b) Reclassification desired R-4
c) Character of neighborhood mix of single family residents with an existing apartment complex

3) Certifications:

- a) Owner's Name Grande Pointe Apartments, L.L.C.
b) Address
c) Telephone Number
d) Date May 29, 2007

By: Meredith L. Tappin, as Representa
Signature of Property Owner for Grande Pointe
Apartments, L.L.C.

Signature of Property Owner

**AGREEMENT**

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

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

May 29, 2006  
Date

Meredith L. Turpin, as Repres  
Signature of Property Owner

**NAMES AND ADDRESSES OF OWNERS OF  
PROPERTIES LYING WITHIN 100 FEET  
OF PROPERTY PROPOSED FOR REZONING**

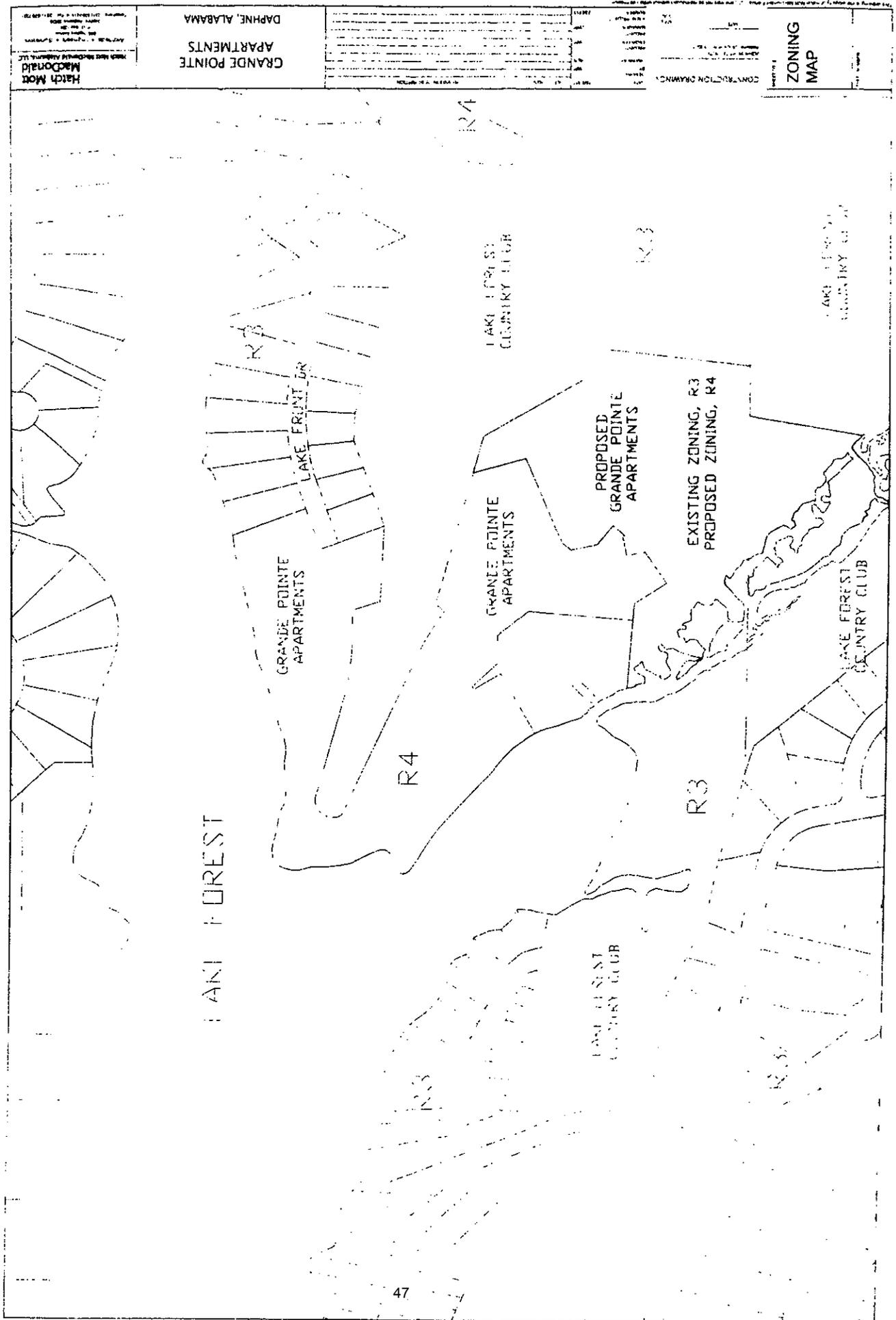
1. Lake Forest Property Owners Association  
One Golf Terrace  
Post Office Box 1087  
Daphne, Alabama 36526
  
2. Grande Pointe Apartments, L.L.C.  
Post Office Box 241402  
Montgomery, Alabama 36124

**GRANDE POINTE APARTMENTS, L.L.C.  
REZONING OF 9.6 ACRES FROM R-3 TO R-4  
"EXHIBIT A"**

**LEGAL DESCRIPTION OF PROPERTY**

Commencing at the Southwest corner of Lot 82, Lake Forest, Unit 7 as recorded in Map Book 7, Page 94 of the Probate Courts Records, Baldwin County, Alabama, run North 88 Degrees, 32 Minutes, 30 Seconds West, 197.64 feet to a point; thence run North 13 Degrees, 24 Minutes, 59 Seconds West, 61.40 feet to a point on the arc of a 500 foot radius curve concave Northwardly; thence run Westwardly along said arc of curve 236.05 feet to the P.T. of said curve; thence run North 76 Degrees, 22 Minutes West, 207.48 feet to the P.C. of a curve to the left having a radius of 37.48; thence run Southwestwardly and Southeastwardly along the arc of said curve 110.94 feet to the P.T. of said curve; thence run South 65 Degrees, 57 Minutes, 50 Seconds East 378.48 feet to the P.C. of a curve to the right having a radius of 500 feet; thence run Southeastwardly along the arc of said curve 162.18 feet to a point; thence run North 42 Degrees, 37 Minutes, 16 Seconds East, 35.52 feet to a point; thence run South 72 Degrees, 55 Minutes, 30 Seconds East, 202.70 feet to a point; thence run South 75 Degrees, 59 Minutes 30 Seconds East, 110.0 feet to the POINT OF BEGINNING of the property herein described; thence continuing South 75 Degrees, 59 Minutes, 30 Seconds East, 110.0 feet to a point; thence run South 29 Degrees, 16 Minutes, 30 Seconds, East, 305 feet to a point; thence run South 67 Degrees, 36 Minutes, 30 Seconds East, 94.5 feet to a point; thence run South 06 Degrees, 05 Minutes West, 309.08 feet to a point; thence run South 11 Degrees, 49 Minutes West 453.3 feet, more or less, to the 20 foot contour, U.S.C. and G. S. Datum; thence along said 20 foot contour run Northwestwardly 875 feet, more or less, to a point; thence run North 38 Degrees, 05 Minutes, 16 Seconds East, 2 feet, more or less, to a point; thence run North 04 Degrees, 01 Minutes, 30 Seconds East, 75 feet to a point, thence run South 85 Degrees, 58 Minutes, 30 Seconds East, 39 feet to a point; thence run South 32 Degrees, 58 Minutes, 30 Seconds East, 97 feet to a point; thence run North 57 Degrees, 01 Minutes, 30 Seconds East, 106 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 54 feet to a point; thence run North 78 Degrees, 34 Minutes, 30 Seconds East, 57 feet to a point; thence run South 50 Degrees, 20 Minutes, 48 Seconds East, 10 feet to a point; thence run North 39 Degrees, 39 Minutes, 12 Seconds, East 37 feet to a point; thence run North 50 Degrees, 20 Minutes, 48 Seconds West, 70.95 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 69 feet to a point; thence run North 38 Degrees, 05 Minutes, 16 Seconds East, 27 feet to a point; thence run North 66 Degrees, 49 Minutes, 18 Seconds East, 234 feet to a point; thence run North 19 Degrees, 40 Minutes, 18 Seconds West, 133 feet to the POINT OF BEGINNING.

GRANDE POINTE APARTMENTS  
 ZONING AMENDMENT  
 EXHIBIT "B"



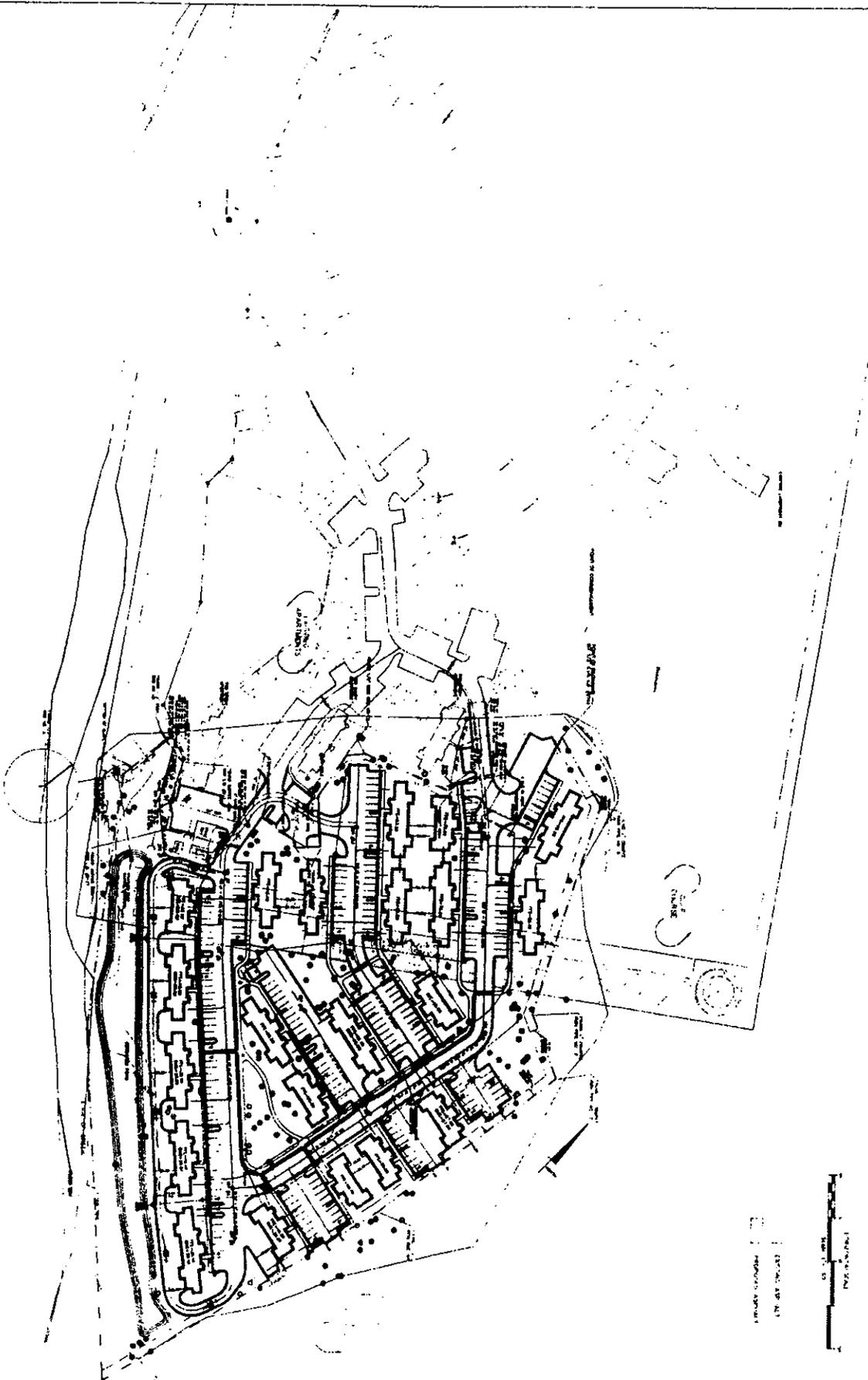
Hardy Mob  
 MacDonald  
 ARCHITECTS & ENGINEERS  
 1000 N. UNIVERSITY BLVD.  
 SUITE 100  
 DAPHNE, ALABAMA 36528  
 PHONE: (205) 261-1111  
 FAX: (205) 261-1112

GRANDE POINTE  
 APARTMENTS  
 DAPHNE, ALABAMA

NO.	DESCRIPTION	DATE
1	PRELIMINARY	11/15/00
2	REVISED	12/15/00
3	REVISED	1/15/01
4	REVISED	2/15/01
5	REVISED	3/15/01
6	REVISED	4/15/01
7	REVISED	5/15/01
8	REVISED	6/15/01
9	REVISED	7/15/01
10	REVISED	8/15/01
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37	REVISED	11/15/03
38	REVISED	12/15/03
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40	REVISED	2/15/04
41	REVISED	3/15/04
42	REVISED	4/15/04
43	REVISED	5/15/04
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45	REVISED	7/15/04
46	REVISED	8/15/04
47	REVISED	9/15/04
48	REVISED	10/15/04
49	REVISED	11/15/04
50	REVISED	12/15/04

CONSTRUCTION DRAWINGS  
 SHEET NO. 1  
 ZONING MAP

LAKE FOREST COUNTRY CLUB  
 LAKE FOREST COUNTRY CLUB



ACCESS ROUTE

CONSTRUCTION DRAWINGS  
 SHEET NO. 210-001  
 PROJECT NO. 210-000

NO.	DATE	DESCRIPTION
1	08/20/13	ISSUED FOR PERMIT
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**GRANDE POINTE  
 APARTMENTS**  
 DAPHNE, ALABAMA



**Hatch Mott  
 MacDonald**  
 ARCHITECTS & ENGINEERS  
 1000 NORTH BRIDGES BLVD  
 SUITE 1000  
 DAPHNE, ALABAMA 36617  
 PHONE: 256-344-1100 FAX: 256-344-1101



PLEASE Publish in the Bulletin Legal Section on Wednesday,  
July 18, 2007

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance rezoning certain properties as presented below from R-3, High Density Single Family Residential District to R-4, High Density Multi-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. 2007 -**

**Ordinance to Rezone Property Located on Lake Front Drive (9.6 Acres)  
Grande Pointe Apartments, L.L.C.**

**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 Multi-Family Residential District, to said property is located on Lake Front Drive, Alabama, being more particularly described as follows:

**Legal Description:**

Commencing at the Southwest corner of Lot 82, Lake Forest, Unit 7 as recorded in Map Book 7, Page 94 of the Probate Courts Records, Baldwin County, Alabama, run North 88 Degrees, 32 Minutes, 30 Seconds West, 197.64 feet to a Point; thence run North 13 Degrees, 24 Minutes, 59 Seconds West, 61.40 feet to a Point on the arc of a 500 foot radius curve concave Northwardly; thence run Westwardly along said arc of curve 236.05 feet to the P.T. of said curve; thence Run North 76 Degrees, 22 Minutes West, 207.48 feet to the P.C. of a curve to the Left having a radius of 37.48; thence run Southwestwardly and Southeastwardly along the arc of said curve 110.94 feet to the P.T. of said curve; thence run South 65 Degrees, 57 Minutes, 50 Seconds East 378.48 feet to the P.C. of a curve to the right having a radius of 500 feet; thence run Southeastwardly along the arc of said Curve 162.18 feet to a point; thence run North 42 Degrees, 37 Minutes, 16 Seconds East, 35.52 feet to a point; thence run South 72 Degrees, 55 Minutes, 30 Seconds East, 202.70 feet to a point; thence run South 75 Degrees, 59 Minutes 30 Seconds East, 110.0 feet to the POINT OF BEGINNING of the property herein Described; thence continuing South 75 Degrees, 59 Minutes, 30 Seconds East, 110.0 feet to a point; thence run South 29 Degrees, 16 Minutes, 30 Seconds, East, 305 feet to a point; thence run South 67 Degrees, 36 Minutes, 30 Seconds East, 94.5 feet to a point thence run South 06 Degrees, 05 Minutes West, 309.08 feet to a point; thence run South 11 Degrees, 49

Minutes, West 453.3 feet, more or less, to the 20 foot contour, U.S.C. and G.S. Datum; thence along said 20 foot contour run Northwestwardly 875 feet, more or less, to a point; thence run North 38 Degrees, 05minutes, 16 Seconds East, 2 feet, more or less, to a point; thence run North 04 Degrees, 01 Minutes, 30 Seconds East, 75 feet to a point, thence run South 85 Degrees, 58 Minutes, 30 Seconds East, 39 feet to a point; thence run South 32 Degrees, 58 Minutes, 30 Seconds East, 97 feet to a point; thence run North 57 Degrees, 01 Minutes, 30 Seconds East, 106 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 54 feet to a point; thence run North 78 Degrees, 34 Minutes, 30 Seconds East, 57 feet to a point; thence run South 50 Degrees, 20 Minutes, 48 Seconds East, 10 feet to a point; thence run North 39 Degrees, 39 Minutes, 12 Seconds East 37 feet to a point; thence run North 50 Degrees, 20 Minutes, 48 Seconds West, 70.95 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 69 feet to a point; thence run North 38 Degrees, 05 Minutes, 16 Seconds East, 27 feet to a point; thence run North 66 Degrees, 49 Minutes, 18 Seconds East, 234 feet to a point; thence run North 19 Degrees, 40 Minutes, 18 Seconds West, 133 feet to the POINT OF BEGINNING.

**WHEREAS**, the Planning Commission of the City of Daphne on June 28, 2007 has considered said request and set forth a 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, August 20, 2007 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 Multi-Family Residential District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

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

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

**ATTEST:**

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

PLEASE Publish in the Bulletin Legal Section on Wednesday, July 25, 2007.

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was published on July 18, 2007, that the City Council of the City of Daphne will hold a Public Hearing on August 20, 2007 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance rezoning certain properties from R-3, High Density Single Family Residential District to R-4, High Density Multi-Family Residential District, as presented below from. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

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**WHEREAS**, the Planning Commission of the City of Daphne on June 28, 2007 has considered said request and set forth a affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**/END SYNOPSIS**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

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

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

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

**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**August 13, 2007**  
**4:00 P.M.**

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

The meeting was called to order at 4:08 pm. Present were Chairman Ron Scott, Councilwoman Regina Landry, Councilman Bailey Yelding, Finance Director Kim Briley, Senior Accountant Suz anne Henson and Accountant Donna Page.

Also in attendance were Planning Director Bill Eady, Public Works Superintendent Melvin McCarley, and Revenue Officer Cornell Smith.

**II. PUBLIC PARTICIPATION**

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

**A. Bids**

**1. 2007-V-Janitorial Supplies**

Bid tabulation results were presented for the Janitorial Supply contract. Seven bids were sent out, with five bids received. Mr. Melvin McCarley noted that Dade Paper Company was the low bidder.

***Motion by Mr. Yelding to recommend to Council to award the 2007-V-Janitorial Supplies contract for unit cost as bid to Dade Paper Company. Seconded by Ms. Landry.***

**2. 2007-BB-Automatic External Defibrillators**

The bid results for the Automatic External Defibrillators were presented. Six bids were sent out, with two bids and one no-bid received. It was noted that each department would be purchasing their own defibrillators based on their need. It was discussed that training by the company was included in the purchase price, and also our Fire Department currently has a defibrillator and will assist in the training.

***Motion by Ms. Landry to recommend to Council to award the 2007-BB-Automatic External Defibrillators contract to Turner Supply in the amount of \$1,599.00 per unit. Seconded by Mr. Yelding.***

**3. 2007-CC-Garbage Carts**

The bid results for garbage carts were presented. Six bids were sent out, with three sealed bids received. Mr. McCarley recommended that the bid from Toter, Inc. be accepted. He noted that the other two bidders did not meet all of the bid specifications. Mr. McCarley explained the differences in the construction of the carts, that the cart from Toter is made of a material that is more flexible and durable and the other vendor's carts do not maintain their shape when utilizing the truck to pick them up.

***Motion by Mr. Yelding to recommend to Council to award the 2007-CC-Garbage Cart contract to Toter, Inc. for unit cost as bid. Seconded by Ms. Landry.***

#### 4. 2007-DD-Parks Chemicals

The bid results for parks chemicals were presented. Six bids were sent out, with three sealed bids received. The low bid from Lesco, Inc. met all specifications and was recommended.

***Motion by Mr. Yelding to recommend to Council to award the 2007-DD-Parks Chemicals contract for unit cost as bid to Lesco, Inc. Seconded by Ms. Landry.***

#### B. Appropriation Request

##### SR-181 Development of Access Management Plan - \$35,000

The fee proposal by Sain Associates for the development of an Access Management Plan for SR-181 was presented along with a request from ALDOT that the City share in the cost of the study along with the City of Fairhope and ALDOT. Mr. Eady noted that he had received an amended proposal today, lowering the cost estimate from \$98,732.13 to \$89,984.00. It was discussed that approximately 7 miles of SR-181 is in the City's district. Ms. Briley stated that payment for the study could be made from the 2000 Construction Fund. This fund has approximately \$90,000 remaining in it which was to be the City's share of the "Malfunction Junction" project. However, the State has never billed the City for the project. The debt related to the 2000 Construction Fund has been paid off.

***Motion by Mr. Scott to recommend to Council to adopt an ordinance to appropriate the funds to pay for one-third of the cost of the SR-181 Access Management Plan to be developed by Sain Associates, not to exceed \$35,000.00, and the fee to be paid from the 2000 Construction Fund. Seconded by Mr. Yelding.***

#### C. Review FY 2008 Budget Draft

Mr. Scott recommended that each committee review their department's budget requests with the department head; then make suggestions and prioritize their requests at the next finance committee meeting.

***Motion by Mr. Scott to recommend to Council that each Committee meet with their department heads to summarize and prioritize their budget requests for presentation at the September 10, 2007, Finance Committee meeting. Seconded by Ms. Landry.***

### IV. Current Business

Mr. Scott discussed beginning a study of the fees charged by the City, such those charged by Recreation for youth softball, football, etc.; taking into consideration that current fees are the same for city residents and non-residents. It was recommended that this be discussed in a work session of the Council.

### V. FINANCIAL REPORTS

#### A. Treasurer's Report: July 31, 2007

The Treasurer's Report totaling \$23,187,218.33 was presented. Ms. Briley noted cash is down \$ 1,010,000 due in large to payments for City Hall construction and debt service.

***Motion by Mr. Scott to accept the Treasurer's Report as of July 31, 2007, in the amount of \$23,187,218.33. Seconded by Mr. Yelding.***

**B. Sales and Use Taxes: June 30, 2007**

Sales and Use Tax collected for June, 2007 - \$1,066,434  
Sales and Use Tax Budgeted for June, 2007 - \$1,040,098  
Over Budget (for June) - \$ 26,336

YTD Budget Collections Variance- Over Budget - \$11,967

Mr. Scott stated that Ms. Briley has done an excellent job budgeting tax revenues.

**C. Lodging Tax Collections, June 30, 2007**

The Lodging Tax Collections report shows \$55,924.22 collected for June, 2007.

**D. Report of New Business Licenses – July 2007**

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

**E. General Fund Summary Statement of Revenues, Expenditures and Changes in Fund Balance – June 30, 2007**

The General Fund Summary Statement of Revenues, Expenditures, and Changes in Fund Balance as of June 30, 2007, was presented. It was noted that at June 30, Revenues exceed Expenditures by \$1,654,813 and it was noted that all capital appropriations have not yet been paid, particularly the \$ 500,000 for paving.

**F. Bills Paid Reports – July 2007**

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

**VI. ADJOURN**

The meeting was adjourned at 4:50 p.m.

---

**PUBLIC**

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**WORKS**

# MEMO

---

**To:** Finance Committee  
Kim Briley, Finance Director  
**From:** Melvin McCarley, Public Works Superintendent  
**Subject:** BID DOCUMENT-2007-V- Janitorial  
**Date:** August 14, 2007

The above subject annual bid opened in the Council Chambers of City Hall, Wednesday, August 1, 2007.

Five bids were received and overall, Dade Paper was low bidder on the janitorial items we most frequently purchase.

We recommend that you award the contract for BID DOCUMENT-2007-V-Janitorial to Dade Paper.

**CITY OF DAPHNE  
 BID OPENING MINUTES BID DOCUMENT NO: 2007-V-JANITORIAL SUPPLIES  
 August 1, 2007  
 11:30 A.M.**

Those present were as follows:

- Ms. Suzanne Henson  
 Sr. Accountant
- Mr. Melvin McCarley  
 PW Superintendent
- Mr. Dwayne Coley  
 Parks Supervisor

7 bid invitations were mailed/picked up/e-mailed, 2 sealed bids were received.

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

**COMPARISON FOR ITEMS BID ON BY THREE (3) QUALIFIED BIDDERS - BID ON > 80% -COST FOR ITEMS NOT BID ON BY THESE BIDDERS WERE REMOVED**

PRODUCT DESCRIPTION	UNIT	DADE PAPER	BAY PAPER	JANITORIAL & PAPER	DEES PAPER	PR CLEANING	STANDARD EQUIP.
---------------------	------	------------	-----------	--------------------	------------	-------------	-----------------

**PAPER PRODUCTS**

Toilet Tissue Soft - White 2-ply	96/case	31.78	28.24	29.00	31.51	34.50	NO BID
Toilet Tissue Procter & Gamble Charmin Double Roll - White 2-ply/340 sheets	48/case	33.75	39.50	30.10	34.69		
Toilet Tissue Kimberly Clark Cottonelle - White 2-ply/400 sheets	96/case						
Toilet Tissue Kimberly Clark Jr. Jumbo - White 2-ply/1000'	12/case	19.95	20.50	22.96	35.51	25.06	
Jr. Jumbo Dispenser (2 Roll)	Each	16.00	23.00	29.94	53.69	16.88	
Facial Tissue Kimberly Clark KieneX Boutique - White 2-ply/95 sheets	30/case						
Facial Tissue Marcal Fluff Out - White 2-ply/100 sheets	30/case	13.98	18.79	13.55	15.44	16.09	
Roll Towel Kimberly Clark Premiere - White 1-ply/75 sheets	20/case						
Roll Towel Procter & Gamble Bounty - White 2-ply/64 sheets	30/case	18.70	37.50	44.00	42.00	22.80	
Roll Towel - White 2-ply/90 sheets	30/case	18.70	22.50	20.70	20.48		
Roll Towel Kimber Clark Wypall L30	30/case	32.90	59.55	55.38	42.00	57.38	
Hardwound Roll Towel - Natural 8" x 350'	12/case	17.32	16.90	17.95	17.25	16.23	
Hardwound Roll Towel Dispenser	Each	3.00	29.15	29.00	26.25		
Multi-fold Paper Towel - White/250 sheets 9.125" x 9.5"	16/case	15.38	19.46	20.61	19.99	20.21	
Multi-fold Paper Towel Dispenser	Each	16.10	15.52	16.00	15.50		
Centerpull Towels - White 2-ply/600'	6/case	21.35	20.95	28.00	23.29	22.36	
Centerpull Towel Dispenser	Each	11.75	19.38	10.00	16.50		

		DADE PAPER	BAY PAPER	JANITORIAL & PAPER	DEES PAPER	PR CLEANING	STANDARD EQUIP.
PRODUCT DESCRIPTION	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Napkin - Beverage	4,000/case	11.75	12.50	12.40	16.25	14.50	
Napkin - Lunch/Dinner	1,000/case	23.70	29.50	33.48	37.75	38.00	
Cup Plastic Sweetheart Clarity - Clear 10 oz.	1,000/case	57.25		59.05	87.38	68.07	
Cup Plastic Sweetheart Clarity - Clear 12 oz.	1,000/case	57.90	47.43	33.95	100.25	28.94	
Cup Plastic Sweetheart Clarity - Clear 16 oz.	1,000/case	63.50	56.44	39.91	108.75	45.16	
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 8 oz.	1,000/case						
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 12 oz.	1,000/case						
Cup Paper (Hot Beverage) Sweetheart - 12 oz.	1,000/case						
Cup Paper Portion 1 oz.	5,000/case	32.04	35.02	40.00	55.75	59.94	
Cup Paper Portion 2 oz.	5,000/case	40.55	38.92	43.00	47.41	34.83	
Fork Plastic Extra Heavy - Clear	1,000/case	31.95	26.70	37.50	44.68	35.00	
Spoon Plastic Extra Heavy - Clear	1,000/case	31.95	26.70	37.50	44.68	35.00	
Knife Plastic Extra Heavy - Clear	1,000/case	31.95	26.70	37.50	44.68	35.00	
Fork Plastic Extra Heavy - White Wrapped	1,000/case						
Spoon Plastic Extra Heavy - White Wrapped	1,000/case						
Plate Foam 3 Compartment 10¼"	500/case	24.65	23.50	29.90	25.75	27.05	
Plate Foam 6"	1,000/case	14.65	23.50	16.90	17.29	16.55	
Plate Foam 9"	500/case	14.71	18.50	17.84	17.50	15.76	
Plate Plastic 6"	1,000/case	16.67	28.62	26.00	29.75	40.09	
Plate Plastic 9"	500/case	18.25	27.50	28.50	32.99	41.41	
Table Skirting Pleated Plastic Self-Adhesive - White	25/case						
Aluminum Foil Heavy Duty Reynolds 18" x 500'	Each	28.82	23.89	27.00	29.50	30.60	
Plastic Wrap Reynolds 18" x 2000'	Each	13.10	12.95	13.71	15.10	14.65	
Ziploc Storage Bags - Quart	500/box	26.70	19.30	27.31	22.50	24.59	
Ziploc Storage Bags - Gallon	250/box	21.81	33.40	24.42	38.99	52.87	-
<b>TOTAL PAPER PRODUCTS</b>		<b>1,025.24</b>	<b>882.01</b>	<b>953.06</b>	<b>1,097.63</b>	<b>1,002.94</b>	<b>-</b>
<b>SUPPLIES</b>							
Broom Standard Janitor, 24 lb. Corn	Each	4.75	6.65	7.00	5.50	4.50	
Gloves Latex w/Powder - Med., Lg., X-Lg.	100/box	3.18	2.98	3.00	4.25	2.94	

		DADE PAPER	BAY PAPER	JANITORIAL & PAPER	DEES PAPER	PR CLEANING	STANDARD EQUIP.
PRODUCT DESCRIPTION	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Gloves Latex Powder Free - Med., Lg., X-Lg.	100/box	3.94	3.10	3.20	4.85	3.59	
Gloves Poly Food Service - Med., Lg., X-Lg.	100/box	0.48	3.95	5.80	7.99	0.59	
Gloves Nitrile - Med., Lg., X-Lg.	100/box	5.91	4.95	6.80	9.99	4.95	
Mop Handle Fiberglass Quick Change Saddle Head	Each	4.95	4.95	9.00	8.75	5.61	
Mop Head Cotton - Quick Change Saddle - 24 oz.	12/case	1.94	2.50	32.16	3.25	2.83	
Wet Floor Sign	Each	8.74	7.50	8.25	12.99	7.22	-
<b>TOTAL SUPPLIES</b>		<b>33.89</b>	<b>36.58</b>	<b>75.21</b>	<b>57.57</b>	<b>32.23</b>	<b>-</b>
<b>TOILETRIES</b>							
Sanitary Napkin Gards Feminine Pads - Regular	250/case	29.94	39.57	34.12	32.50	35.06	
Tampon Tampax w/Cardboard Applicator - Regular	500/case	58.50	59.99	65.00	63.50	63.09	
Toothpaste w/ Fluoride Crest .85 oz.	240/case						
Toothbrush Standard Individual Wrapped	144/case						
Hair and Body Shampoo - 1000 ml.	10/case	32.75	29.95	58.40	33.50	65.98	
Dispenser for Hair and Body Shampoo	Each						
Blood & Body Fluid Cleanup Kit	6/case	-	-				-
<b>TOTAL TOILETRIES</b>		<b>121.19</b>	<b>129.51</b>	<b>157.52</b>	<b>129.50</b>	<b>164.13</b>	<b>-</b>
<b>CLEANERS/DEODORIZERS</b>							
Absorbing Agent/Deodorizer - 16 oz. Lemon	6/case						
All Purpose Cleaner Pine-Sol Lemon Scent - 144 oz.	3/case	26.50	22.76	23.90		4.25	
Bathroom Cleaner Lysol 94201 - Heavy Duty Disinfectant	Gallon	5.52	46.30		13.50	6.78	
Bleach Industrial Ultra Clorox - Gallon	6/case	8.50	12.19	11.23	12.50	11.22	
Brass Polish/Cleaner Wipes 36/box	6/case						
Cleaner Fantastik Liquid Spray Bottle - 32 oz.	12/ case	23.04	26.06	42.74	34.75	26.85	
Clorox Cleanup Spray Bottle - 32 oz.	12/case	27.11	24.95	31.00	31.99	31.95	
Clorox Disinfecting Wipes	12/case	31.57	31.00	33.37	36.10	32.25	
Deodorizer Metered Aerosol Cans (All Scents) - 7 oz.	12/case	32.92	29.40	37.20	21.99	49.32	
Dishwashing Liquid	Gallon	7.31		7.60		6.50	
Dishwashing Liquid Dawn - 50 oz.	6/case	29.24	26.80	32.00	32.50	32.80	

		DADE PAPER	BAY PAPER	JANITORIAL & PAPER	DEES PAPER	PR CLEANING	STANDARD EQUIP.
PRODUCT DESCRIPTION	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Dishwashing Liquid Joy - 12.6 oz.	24/case	34.84	22.50		30.99	33.35	
Dishwasher Powder Cascade 34034 - 85 oz.	6/case	33.54		38.14	37.50	34.13	
Hand Soap Liquid Antibacterial 7.5 oz. Pump	12/case	13.80	19.85	23.50	28.75	32.70	
Hand Soap Liquid - Gallon	Gallon	5.68	3.95	7.25	6.50	5.38	
Hand Sanitizer Purell 8 oz.	12/case	37.18		38.20	42.50	38.40	
Hand Soap Foaming 1,000 ml.	4/case	47.10	39.18	39.00	31.06	33.00	
Boxed Almond Hand Soap	12/case						
Foaming Soap Dispenser	Each						
Hand Cleaner Heavy Duty Lime w/cornmeal 2,00 ml.	4/case		39.90				
Hand Cleaner Dispenser	Each						
Laundry Detergent - 50 lb. Container	Each	22.95	14.88	15.00	38.72	16.43	
SOS Steel Wool Soap Pads - Heavy Duty	15/box						
SOS Heavy Duty Scrubber Sponges	24/box						
Stainless Steel Polish/Cleaner Aerosol Cans - Twinkle 17 oz.	12/case	25.63	35.50	33.78	74.05	41.70	
Toilet Bowl Deodorizer w/Hanger	12/case	6.80	7.25	8.00	9.50	12.80	
Urinal Screen Deodorizer	12/case	7.55	9.85	20.70	15.50	7.68	
Window Cleaner w/sprayer 32 oz.	12/case	17.75	64.11	44.50	19.50	23.00	
Window Cleaner Windex Outdoor w/Hose Attachment 32 oz.	8/case						
Metered Spray Dispenser	Each	19.50	20.00	21.40	-	22.50	-
<b>TOTAL CLEANERS/DEODORIZERS</b>		<b>464.03</b>	<b>496.43</b>	<b>508.51</b>	<b>517.90</b>	<b>502.99</b>	<b>-</b>
<b>TRASH BAGS/SUPPLIES</b>							
Trash Liner 12 x 17 - 6 mic. 4 Gal. Natural	1000/case						
Trash Liner 20 x 22 - 6 mic. 7 Gal. Natural	1000/case	23.22		17.59	25.00	18.72	
Trash Liner 15 x 9 x 23 - .9 mil. 10 Gal. Black	1000/case	22.92	18.50	24.90	10.45	21.27	
Trash Liner 33 x 39 - 1.3 mil. 30 Gal. Black	100/case						
Trash Liner 33 x 39 - .9 mil. 30 Gal. Black	100/case	18.33	15.86	17.85	15.44	23.59	
Trash Liner 40 x 46 - 1.3 mil. 45 Gal. Black	100/case	18.25	18.18	29.60	12.99	16.28	
Trash Liner 40 x 46 - .9 mil. 45 Gal. Black	100/case	12.36		14.56	23.00	14.49	
Trash Liner 38 x 60 - 1.3 mil. 65 Gal. Black	100/case	18.20	22.70	24.80	24.99	19.47	
Trash Liner 23 x 10 x 40 - 1.5 mil. Grey	200/case	22.95	14.95	20.60	13.99	23.59	

		DADE PAPER	BAY PAPER	JANITORIAL & PAPER	DEES PAPER	PR CLEANING	STANDARD EQUIP.
PRODUCT DESCRIPTION	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
Trash Liner 38 x 60 - 2 mil. 65 Gal. Grey	100/case	22.75	29.95	33.90	23.99	26.94	
Trash Liner 15 x 9 x 32 - 1.3 mil. 30 Gal. White	500/case						
Trash Liner 23 x 17 x 47 - 1.3 mil. 45 Gal. White	100/case	18.25	19.85	29.60	13.25	16.28	
Trash Liner 22 x 14 x 58 - 3 mil. 65 Gal. Clear	100/case						
Poly Bag 1.75 mil. 10 x 8 x 24	500/case	45.90	42.58	63.00	-	34.67	-
<b>TOTAL TRASH BAGS/SUPLIES</b>		<b>223.13</b>	<b>182.57</b>	<b>276.40</b>	<b>163.10</b>	<b>215.30</b>	<b>-</b>
<b>GRAND TOTAL</b>		<b>1,867.48</b>	<b>1,727.10</b>	<b>1,970.70</b>	<b>1,965.70</b>	<b>1,917.59</b>	<b>-</b>
		Bid on 84% Bid Cost good 1 Yr - through 08-20-08 - Does not meet 2 Yr Bid Requirement	Only Bid on 78% 80% Required	Bid on 85% Bid Cost good through 08-20-09 - 2 Yrs per Bid Requirement	Only Bid on 79% - 80% Required	Bid on 97%	
		Loxley, AL		Mobile, AL		Pensacola, FL	

**City of Daphne Fire Department**  
**MEMORANDUM**

**Date:** August 2, 2007

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

**From:** Chip Martin, Fire Marshal   
Safety Committee Member

**Subject:** 2007-BB- Automatic External Defibrillators

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The above subject bid opened in the Council Chambers of City Hall, July 25, 2007. Turner Supply was the low bidder and they met all bid specifications. Therefore, I recommend that Turner Supply be awarded the bid.

Each department will be purchasing their own defibrillators out of their own budget.

**CITY OF DAPHNE**  
**2007-BB-AUTOMATIC EXTERNAL DEFIBRILLATOR**  
**JULY 25, 2007**  
**11:30 A.M.**

**PRESENT WERE:**

**MS. SUZANNE HENSON**  
**CHIP MARTIN**

**TITLE SR ACCOUNTANT**  
**TITLE FIRE MARSHALL**

<u>BIDDER</u>	<u>BID BOND</u>	<u>AMOUNT</u>	<u>5 UNITS</u>
SAFETY SOURCE, INC.		NO BID	
ZEE MEDICAL	X	1,713.53	8,567.65
TURNER SUPPLY	X	1599.00	7,995.00

6 INVITAIONS TO BID WERE MAILED, PICKED-UP, E-MAILED, OR FAXED, 3 SEALED BIDS WERE RECEIVED.



SUZANNE HENSON, SR. ACCOUNTANT

I N T E R

O F F I C E

MEMO

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

**From:** Melvin McCarley, Superintendent of Public Works and Maintenance *M. McCarley*

**Subject:** BID DOCUMENT 2007-CC GARBAGE CARTS

**Date:** August 7, 2007

The bidder Public Works accepted was Toter, Inc. They have met all bid specifications and I recommend that Toter, Inc be awarded the bid and the alternate bid. The increase is due to fuel and market price increases. Therefore I recommend that Toter Inc. be awarded the bid.

# CITY OF DAPHNE

## BID OPENING MINUTES BID DOCUMENT NO: 2007-CC-GARBAGE CARTS AUGUST 1, 2007 11:30 A.M. CITY HALL

Those present were as follows:

Ms. Suzanne Henson	Sr. Accountant
Mr. Melvin McCarley	PW Superintendent
Mr. Dewayne Coley	Parks Supervisor

6 bid invitations were mailed/picked up , 3 sealed bids were received.

### VENDOR

### UNIT COST PER CONTAINER

	<u>GAL</u>	<u>AMOUNT</u>	<u>QTY</u>	<u>Additional purchases</u>
Toter , Inc.	96	48.81	400	48.81
	64	44.77	50	44.77

*\*Option to increase if market increases – City has right of refusal – Minimum order of 100 carts – Add \$1.25/cart for special Granite Color w/Black Lid*

Truck Equipment	96	47.50	400	47.50
	64	45.00	50	45.00

*\*Prices based on minimum order of 100 - 96/Gal and 50 - 64/Gal*

Otto Environmental	96	47.39	400	49.39
	64	44.35	50	46.35

*\*Minimum purchase is 54 carts*

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

**Fred Small**  
Mayor

**David McKelroy**  
Recreation Director



**Mary Jensen**  
Seniors Program Coordinator

**Charlie McDavid**  
Athletic Coordinator

**Dwayne Coley**  
Park Supervisor

# MEMO

August 7, 2007

Bids were received from the following three (3) companies for Bid 2007-DD-Parks Chemicals:

Agriliance-AFC,LLC  
Lesco, Inc  
Southern Turfcare, Inc

Enclosed is a comparison spreadsheet of all three bids and the 2006 bid prices. Also enclosed is a comparison of all purchases by Parks in 2006 at the proposed 2007 bid quotes.

It is my recommendation that the city accept the bid of Lesco, Inc.

David McKelroy  
Recreation Director

PARKS CHEMICALS  
2006 Purchases @ 2007 Bid Prices

	Agrilience	Lesco	Southern Turfcare
Rye	\$308.00	\$374.50	\$378.00
24-2-11 35%	\$825.00	\$667.00	\$924.50
Soil Conditioner	\$1,800.00	\$900.00	\$1,104.00
Quick Dry	\$600.00	\$320.00	\$378.00
Soil Conditioner	\$600.00	\$300.00	\$368.00
24-2-11 35%	\$891.00	\$720.36	\$998.46
Soil Conditioner	\$6,000.00	\$3,000.00	\$3,680.00
Quick Dry	\$1,800.00	\$960.00	\$1,134.00
Monument	\$1,770.00	\$2,890.24	\$1,760.00
Honcho	\$55.00	\$75.00	\$75.99
MSMA 6.6	\$42.50	\$50.25	\$58.00
18-0-18 50%	\$180.00	\$183.60	\$231.45
Quick Dry	\$600.00	\$320.00	\$378.00
Quick Dry	\$600.00	\$320.00	\$378.00
21-3-21		\$1,861.16	\$2,588.25
Top Choice	\$7,344.00	\$6,960.00	\$7,872.00
MSMA 6.6	\$127.50	\$150.75	\$174.00
Honcho	\$220.00	\$300.00	\$303.96
	<b>\$23,763.00</b>	<b>\$20,352.86</b>	<b>\$22,784.61</b>

**CITY OF DAPHNE**

**BID OPENING MINUTES BID DOCUMENT NO: 2007-DD-PARKS CHEMICALS**

**August 1, 2007**

**11:30 A.M.**

Those present were as follows:

<b>Ms. Suzanne Henson</b>	<b>Sr. Accountant</b>
<b>Mr. Melvin McCarley</b>	<b>PW Superintendent</b>
<b>Mr. Dwayne Coley</b>	<b>Parks Supervisor</b>

6 bid invitations were mailed/picked up/e-mailed, 3 sealed bids were received.

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

**BID COMPARISON FOR ITEMS ALL BIDDERS BID ON-COST FOR ITEMS NOT BID ON BY ANY BIDDER WERE REMOVED**

PRODUCT	EST QTY	UNIT	AGRILIANCE-AFC		LESCO, INC.		SOUTHERN TURFCARE	
			UNIT PRICE		UNIT PRICE		UNIT PRICE	
<b>Fertilizer</b>								
18-0-18 50%PPSCU	15	50 pound	\$ 12.00		\$ 12.24		\$ 15.43	
18-24-12 50%MOP		50 pound	\$ 15.50		\$ 12.75		\$ 16.94	
21-3-21 TCRN 65%	119	50 pound						
21-0-0 Ammonium Sulfate		50 pound	\$ 9.00		\$ 8.25		\$ 11.64	
24-2-11 40% PPSCU 6FE	104	50 pound	\$ 16.50		\$ 13.34		\$ 18.49	
33-0-17Sprayable		50 pound						
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer)		50 pound	\$ 19.00		\$ 16.15		\$ 18.89	
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer)		50 pound	\$ 17.00		\$ 14.25		\$ 13.50	
18-1-8		50 pound	\$ 13.00		\$ 27.51		\$ 27.30	
18-2-18 Bio Solids		50 pound	\$		\$		\$	
			<b>TOTAL</b>	<b>\$ 102.00</b>	<b>\$ 104.49</b>		<b>\$ 122.19</b>	
<b>Insecticide</b>								
Dylox		30 pound	\$ 27.55		\$ 29.52		\$ 35.40	
Lesco Fate		1 pound	\$ 11.20		\$ 9.97		\$ 19.50	
Lesco Fate		10 pound	\$ 106.00		\$ 84.77		\$ 195.00	
Talstar Flowable		1 quart	\$ 30.25		\$ 35.00		\$ 62.67	
Top Choice	48	50 pound	\$ 153.00		\$ 145.00		\$ 164.00	
Varsity Ant Bait		25 pound	\$ 163.25		\$ 160.00		\$ 211.60	
Orthene T&O		WSP packets	\$ 11.20		\$ 9.97		\$ 14.43	
Orthene T&O		25 pound	\$ 106.00		\$ 84.77		\$ 428.50	
Merit 75 WP		2 oz	\$ 44.25		\$ 39.84		\$ 57.07	
Sevin		2.5 gallons	\$ 88.00		\$ 71.00		\$ 107.10	

PRODUCT	EST QTY	UNIT	AGRILIANE-AFC	LESCO, INC.	SOUTHERN TURFCARE
			UNIT PRICE	UNIT PRICE	UNIT PRICE
			TOTAL \$ 740.70	\$ 669.84	\$ 1,295.27
<b>Herbicide</b>					
Revolver		1 quart	\$ 183.50	\$ 176.82	\$ 196.00
Monument	8	5 X 5 packets	\$ 221.25	\$ 361.28	\$ 220.00
Simazine		2.5 gallon	\$ 35.00	\$ 40.63	\$ 48.60
Drive 75DF		1 pound	\$ 78.40	\$ 91.50	\$ 118.26
Sedgehammer		1.3 ounce	\$ 80.00	\$ 92.66	\$ 104.40
Manage		1.3 ounce	\$	\$	\$
Manor		2 ounce	\$ 125.00	\$ 116.12	\$ 155.00
Momentum Premium		2.5 gallon	\$ 112.75	\$ 99.50	\$ 84.50
MSMA 6.6	4	2.5 gallon	\$ 42.50	\$ 50.25	\$ 58.00
Prosecutor Pro		30 gallon	\$ 525.00	\$ 750.00	\$ 465.00
Prosecutor Pro		2.5 gallon	\$ 55.00	\$ 75.00	\$ 75.99
Weed Plex		1 gallon	\$	\$	\$
Reward		1 gallon	\$ 116.00	\$ 140.00	\$ 140.00
Scythe		2.5 gallon	\$ 92.00	\$ 96.21	\$ 128.70
Snapshot		50 pound	\$ 87.00	\$ 85.00	\$ 112.20
Three Way Selective		2.5 gallon	\$ 55.00	\$ 57.75	\$ 122.19
Sethoxydim		1 gallon	\$ 92.95	\$ 96.61	\$ 121.87
Quick Silver		8 ounces	\$	\$	\$
Basegran		1 gallon	\$ 94.00	\$ 100.42	\$ 94.93
Vantage		1 gallon	\$	\$	\$
Image Herbicide		1 pint	\$ 76.50	\$ 85.36	\$ 94.25
Dismiss		1.6 ounce	\$ 45.00	\$ 18.30	\$ 157.50
Certainty		1.25 ounce	\$ 90.75	\$ 91.76	\$ 85.00
			TOTAL \$ 2,207.60	\$ 2,625.17	\$ 2,582.39
<b>Fungicide</b>					
Banol		1 gallon	\$ 392.50	\$ 318.47	\$ 425.00
T-Storm		2.5 gallon	\$ 391.00	\$ 262.00	\$ 475.00
Mancozeb		12 pound	\$ 42.00	\$ 38.50	\$ 58.35
Heritage		1 pound	\$ 385.00	\$ 270.00	\$ 455.40
Manicure Ultrex		5 pound	\$ 38.50	\$ 43.75	\$ 55.36
Subdue		1 gallon	\$ 618.00	\$ 434.00	\$ 786.50
			TOTAL \$ 1,867.00	\$ 1,366.72	\$ 2,255.61

PRODUCT	EST QTY	UNIT	AGRILIANCE-AFC	LESCO, INC.	SOUTHERN TURFCARE
			UNIT PRICE	UNIT PRICE	UNIT PRICE
<b>Miscellaneous</b>					
Double Eagle Blend Rye Grass Seed		50 pound	\$ 44.00	\$ 53.50	\$ 54.00
Pro-Choice Soil Master		50 pound	\$ 15.00	\$ 7.50	\$ 9.20
ProChoice Quick Dry	240	50 pound	\$ 15.00	\$ 8.00	\$ 9.45
Pro Max		2 pound	\$		\$
Regi-Max		2.5 gallon	\$		
Spreader Sticker, Non-ionic		2.5 gallon	\$ 43.75	\$ 46.36	\$ 35.00
Spreader Sticker		1 gallon	\$ 18.00	\$ 22.70	\$ 14.30
Tracker Dye		1 quart (soluble packets)	\$		
Tracker Dye		2.5 gallon	\$ 55.00	\$ 58.00	\$ 96.88
Boister		2.5 gallon	\$		
Chelated Iron Liquid		2.5 gallon	\$ 37.50	\$ 18.30	\$ 49.68
Dolomitic Lime (pelletized)		50 pound	\$ 7.00	\$ 4.90	\$ 6.58
Wasp & Hornet Spray		17.5 ounce can	\$		\$
Recede		1 pint	\$ 12.00	\$ 9.95	\$ 16.10
Lesco Green		2.5 gallon	\$ 80.00	\$ 98.00	\$ 121.88
Recede Antifoam		1 gallon	\$ 20.00	\$ 119.40	\$ 17.00
Rye Grass Seed Perennial - Eagle Blend		50 pounds	\$ 44.00	\$ 52.50	\$ 52.50
Ecogentral Moisture Manager		2.5 gallon	\$ 140.00	\$ 89.75	\$ 56.00
Athletic Field Marking Chalk		50 lb			
		<b>TOTAL</b>	\$ 531.25	\$ 588.86	\$ 538.57
		<b>GRAND TOTAL</b>	\$ 5,448.55	\$ 5,355.08	\$ 6,794.03

Signature

Date

**INTEROFFICE MEMORANDUM**

**TO:** KIM BRILEY, FINANCE DIRECTOR  
**FROM:** MR. WILLIAM WEADY, SR., CD DIRECTOR  
**SUBJECT:** ST-002-181-002 DEVELOPMENT OF ACCESS MANAGEMENT  
PLAN SR-181 BALDWIN COUNTY  
**DATE:** JULY 30, 2007

Attached please find a copy of the fee proposal submitted by Sain Associated for the above referenced project.

The total fee is for \$98, 732.13, which is to be divided equally between ALDOT, Fairhope, and Daphne. This would amount to \$32,910.71 each.

Also attached is a copy of Resolution No. 2007-34 passed by the Council on April 16, 2007.

At that time I stated that the cost would be approximately one \$100,000.00.

I am requesting that this be placed on the Finance Committee agenda for August 13, 2007.

I also request that the Finance Committee recommend to the City Council that an amount not to exceed \$35,000.00 be approved for the project.

If any additional information is needed, please advise.

Cc: Mayor Small



BOB RILEY  
GOVERNOR  
July 18, 2007

## ALABAMA DEPARTMENT OF TRANSPORTATION

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



JOE MCINNES  
TRANSPORTATION DIRECTOR

Mr. William H. Eady, Sr.  
Community Development Director  
City of Daphne  
1705 Main Street  
Daphne, Al 36526

Dear Mr. Eady:

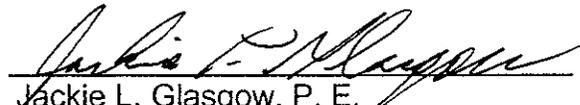
Re: ST-002-181-002  
Development of Access Management Plan for Sr-181  
Baldwin County

Attached for your review and comment please find a copy of the fee proposal submitted by Sain Associates for the above-referenced project. Please forward your comments to this office at your earliest possible convenience, if a response is not received ALDOT will assume that you agree with the fees as submitted.

Should you have any questions or need additional information regarding this matter, please contact Mr. Don Powell at 470-8243.

Sincerely,

R. F. Poiroux, P. E., Division Engineer

By:   
Jackie L. Glasgow, P. E.  
Division Pre-Construction Engineer

RFP/JLG/dcp

Attachment

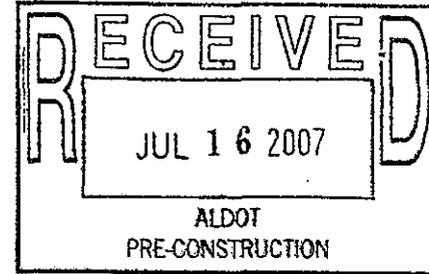
c: Nick Amberger, w/out attachment  
File w/ attachment

# sain associates

244 West Valley Avenue, Suite 200 Birmingham, Alabama 35209

July 12, 2007

Mr. Donald C. Powell, P.E.  
Division Consultant Management Engineer  
Alabama Department of Transportation  
1701 I-65 West Service Road N  
Mobile, AL 36618-1109



**SUBJECT: ST-002-181-002**  
**Development of Access Management Plan for SR-181, Baldwin County**  
**SA #070355**

Dear Mr. Powell,

Attached is a fee proposal to provide traffic engineering services associated with ALDOT project ST-002-181-002. Our understanding of the assignment is based on the scope meeting held at your office on June 27, 2007.

The project limits include SR-181 from approximately 1 mile south of US-90 in Malbis to US-98. The purpose of this project is to develop a plan for implementing access management along SR-181 to be incorporated into ALDOT's highway widening project. The proposed scope of services has been divided into three (3) tasks, and consists of the following:

<b>Task A.</b>	<b>Initial Data Collection and Assessment</b>
A-1	We will obtain and study available maps, aerial photography, and design plans for the SR-181 corridor. We have received your package containing design plans and public involvement mapping from the ALDOT and consultant design projects. We have also requested mapping from the City of Daphne's GIS database. We will study these documents and, if needed, we will investigate other sources of mapping to construct the base maps for the project.
A-2	We will prepare scaled corridor base map(s) at 1" = 200' in U.S. Customary Units. We will identify and label significant geographic features and major traffic generators.
A-3 & A-4	We will conduct a kickoff meeting in Mobile to review the scope of work, present the base mapping, discuss other data needs, and review the project schedule and deliverables. We will prepare and distribute meeting minutes.
A-5 - A-8	We will coordinate with the Cities of Daphne and Fairhope, the South Alabama Regional Planning Commission, and ALDOT to obtain data needed for completion of the study. At a minimum, we anticipate this data will include previously collected traffic volume data, planned area developments, population and employment forecasts, traffic volume forecasts from the SARPC's regional travel demand model, and traffic crash data from SR-181. We will review and analyze the collected information in order to establish existing traffic patterns, crash rates and high crash locations, development trends, and future growth rates.
A-9	Using the data obtained in the previous tasks, we will develop 20-year traffic forecasts for the corridor.
A-10	We will conduct a detailed field review of the corridor to identify access opportunities and constraints, verify the accuracy of our base map, collect measurements, take photos, note visible deficiencies, and observe peak hour traffic operations. If needed, we are prepared to collect turning movement traffic count data at up to three intersections while in the field.

p (205) 940-6420

f (205) 940-6433

www.sain.com

<b>Task B.</b>	<b>Access Management Plan Development</b>
B-1	Using accepted access management principles, we will develop guidelines to be used for the SR-181 access management plan. We will submit these general guidelines to ALDOT for review and concurrence prior to proceeding with the detailed access management plan.
B-2	We will prepare a concept plan on 1" = 200' scale aerial photography. The plan will identify locations for median openings, access points, and acceptable locations for future signalization. Where adjacent parcels are especially large, we will suggest minimum spacing for multiple access points. In some areas there may be a need to close existing driveways and, if so, these will be indicated on the plan.
B-3 & B-4	We will review our concept plan in the field to assure that the recommendations are feasible and prudent given the geometry and topography of the corridor. The plan and profile sheets from the ALDOT widening project will also be used to verify our recommendations. If needed, we will adjust the concept plan based upon the findings of the field review.
B-5	It is anticipated that there will be some large undeveloped tracts of land for which it will be difficult at this time to envision a proposed development plan or access scheme. These large tracts could be subdivided in the future into small parcels that do not meet the requirements for access spacing. For these areas we will develop generic concepts for shared parcel access that can be utilized by the governing jurisdictions to guide the future site plan review process.
B-6 - B-8	We will meet with ALDOT and the Cities of Daphne and Fairhope in Mobile to present the concept plan and recommendations. We will prepare and distribute meeting minutes. We will revise and/or refine the concept plan based upon comments received from each agency.
B-9 - B-11	We will document our study and recommendations in a report format with 11"x17" reproductions of the concept plan. We will meet with ALDOT and the Cities to present the report and final concept plan for review and comment. We will prepared and distribute meeting minutes and will make necessary revisions to the report and/or concept plan and resubmit to you in a final format. We will provide three (3) copies of the final report and three (3) copies of the concept plan in a color roll plot format.

<b>Task C.</b>	<b>Development Request Consultation</b>
C-1	We will be available as needed to consult with the Cities of Fairhope and Daphne to assist with review of development requests while the access management plan is under development. The intent of this consultation is the assure that any development approvals granted by the Cities prior to completion of the access management plan will be consistent with the overall goals of the plan.

We have attached a man-day estimate for your review that corresponds to the above-described scope of work. We will be available to begin work as soon as we receive a signed CPO from you. We anticipate that the above described scope of work can be accomplished within 90-120 days after receipt of a contract.

Mr. Donald Powell  
July 12, 2007  
Page 3

Thank you for considering Sain Associates for this important assignment. We look forward to working with you and your staff on this project.

Sincerely,

SAIN ASSOCIATES, INC.



Rebecca D. White  
Assistant Vice-President



James A. Meads, P.E.  
Executive Vice-President

Attachments: Fee Proposal



<b>Project No.</b> ST-002-181-002 <b>County</b> Baldwin <b>Description</b> Access Management Study for SR-181 <b>Scope of Work</b> SR-181 from approx 1 mile south of US 90 to US 98 <b>Project Length</b> approx 16 Miles <b>Consultant</b> Sain Associates, Inc.					
<b>CORRIDOR STUDY</b>					
	Engineer	Engineer Tech.	Environment	Environ. Tech.	Clerical
<b>Task A: Initial Data Collection &amp; Assessment</b>					
A-1 Obtain & Study State Supplied Maps, Aerial Photography, and Design Plans	1.00	2.00	0.00	0.00	0.25
A-2 Prepare Corridor Base Maps, Identify Features & Major Traffic Generators	4.00	12.00	0.00	0.00	0.00
A-3 Kickoff Meeting (1 engineer & 1 planner attend)	3.00	0.00	0.00	0.00	0.00
A-4 Document Meeting Minutes	0.25	0.00	0.00	0.00	0.13
A-5 Consult With Cities & Regional Planning Commission for Background Information	1.00	0.50	0.00	0.00	0.25
A-6 Obtain & Evaluate Existing Traffic Volume Data	2.00	4.00	0.00	0.00	0.00
A-7 Obtain & Study CARE Traffic Crash Data	1.00	3.00	0.00	0.00	0.00
A-8 Obtain & Study Data on Planned Area Developments	1.00	3.00	0.00	0.00	0.00
A-9 Prepare Traffic Forecasts for the Corridor	1.00	2.00	0.00	0.00	0.00
A-10 Conduct a Field Review of the Corridor with Peak Period Traffic Observations	4.00	4.00	0.00	0.00	0.00
<b>Task A Totals</b>	<b>18.25</b>	<b>30.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.63</b>
<b>Task B: Access Management Plan Development</b>					
B-1 Develop General Access Spacing Guidance & Obtain ALDOT Concurrence	3.00	0.00	0.00	0.00	0.00
B-2 Prepare Concept Plan Drawings of Proposed Access Points	8.00	12.00	0.00	0.00	0.00
B-3 Field Check Recommendations for Reasonableness	2.00	2.00	0.00	0.00	0.00
B-4 Make Plan Adjustments Based on Field Check	0.25	1.00	0.00	0.00	0.00
B-5 Prepare Generic Concepts for Shared Parcel Access	2.00	3.00	0.00	0.00	0.00
B-6 Meet with ALDOT / Cities to Present Draft Concept Plan for Review and Concurrence	3.00	0.00	0.00	0.00	0.00
B-7 Document Meeting Minutes	0.25	0.00	0.00	0.00	0.13
B-8 Revise and Refine Plan Drawings	2.00	5.00	0.00	0.00	0.00
B-9 Prepare Report Documentation	3.00	5.00	0.00	0.00	1.00
B-10 Meet with ALDOT / Cities to Present Final Concept Plan and Report	3.00	0.00	0.00	0.00	0.00
B-11 Prepare Meeting Minutes, Revise Report & Plans per ALDOT / City Comments, & Submit	0.75	1.00	0.00	0.00	0.50
<b>Task B Totals</b>	<b>27.25</b>	<b>29.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.63</b>
<b>Task C: Development Request Consultation</b>					
C-1 Review existing development requests and provide guidance to Cities / ALDOT	4.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
<b>Task C Totals</b>	<b>4.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTALS</b>	<b>49.50</b>	<b>59.50</b>	<b>0.00</b>	<b>0.00</b>	<b>2.26</b>

<b>Project No.</b> ST-002-181-002			
<b>County</b> Baldwin			
<b>Description</b> Access Management Study for SR-181			
<b>Scope of Work</b> SR-181 from approx 1 mile south of US 90 to US 98			
<b>Project Length</b> approx 16 Miles			
<b>Consultant</b> Sain Associates, Inc.			
<b>Fee Proposal (Corridor Study)</b>			
<b>PERSONNEL COST</b>			
	Man-days x Daily Rate		
Principal (10% of Eng., Eng.Tech., Env. & Env.Tech)	10.90	\$ 490.40	\$ 5,345.36
Engineer	49.50	\$ 292.29	\$ 14,468.36
Engineering Technician/CADD	59.50	\$ 200.83	\$ 11,949.39
Environmental	0.00	\$ -	\$ -
Environmental Technician	0.00	\$ -	\$ -
Clerical	2.26	\$ 131.76	\$ 297.78
	<b>Total Direct Labor</b>		\$ 32,060.89
Combined Overhead (%)	159.11		\$ 51,012.08
Out-of-Pocket Expenses**			\$ 3,285.62
	<b>Sub-Total</b>		\$ 86,358.59
Operating Margin (10%)			\$ 8,635.86
	<b>Sub-Total</b>		\$ 94,994.45
<b>SUB-CONSULTANTS (attach man-day &amp; fee FROM each sub-consultant; show total fee for each here)</b>			
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Subconsultant Administration Expense (5%)			\$ -
	<b>Sub-Total</b>		\$ 94,994.45
Facilities Capital Cost of Money (% of Direct Labor)	1.41		\$ 452.06
	<b>TOTAL FEE</b>		\$ 95,446.51

\*\*See Grand Total Fee sheet

Project No. ST-002-181-002County BaldwinDescription Access Management Study for SR-181Scope of Work SR-181 from approx 1 mile south of US 90 to US 98Project Length approx 16 MilesConsultant Sain Associates, Inc.**Out-of-pocket Expenses (Corridor Study)****TRAVEL COST**

Mileage Cost	Trips	Miles/Trip	\$/Mile	Total
Kickoff Meeting (to/from Mobile)	1	500	\$0.485	\$ 242.50
Field Review (to/from Malbis plus three roundtrips on project)	1	586	\$0.485	\$ 284.21
Field Check Recommendations (to/from Malbis plus project)	1	586	\$0.485	\$ 284.21
Meeting to Present Draft Concept Plan (to/from Mobile)	1	500	\$0.485	\$ 242.50
Meeting to Present Final Plan & Report (to/from Mobile)	1	500	\$0.485	\$ 242.50
<b>Total Mileage Cost</b>				<b>\$ 1,053.42</b>

Subsistence Cost	Days	# People	\$/Day	Total
Travel allowance (6 hour trips)	0	0	\$11.25	\$ -
Travel allowance (12 hour trips - meal provided by others)	0	0	\$20.00	\$ -
Travel allowance (12 hour trips)	3	2	\$30.00	\$ 180.00
Travel allowance (overnight)***	4	2	\$75.00	\$ 600.00
<b>Total Subsistence Cost</b>				<b>\$ 780.00</b>
<b>Total Travel Cost</b>				<b>\$ 1,833.42</b>

**PRINTING / REPRODUCTION COST**

Type of printing/reproduction	# of Sets	Sheets/Set	Total Sheets	Cost/Sheet	Total
1 draft color roll plot (35' x 3' = 105 sq ft each)	1	1	1	\$ 204.75	\$ 204.75
11 x 17 color (4 draft reports + 3 final reports)	7	25	175	\$ 2.54	\$ 444.50
8.5 x 11 black/white (4 draft reports + 3 final reports)	7	30	210	\$ 0.27	\$ 56.70
1 b/w roll plot (35' x 3' = 105 sq ft)	1	1	1	\$ 42.00	\$ 42.00
3 final color roll plots (35' x 3' = 105 sq ft each)	3	1	3	\$ 204.75	\$ 614.25
	0	0	0	\$ -	\$ -
<b>Total Printing/Reproduction Cost</b>					<b>\$ 1,362.20</b>

<b>Communication Cost (telephone, fax, etc.)</b>	<b>Total</b>
	<b>\$ -</b>

<b>Postage Cost (overnight, stamps, etc.)</b>	<b>Total</b>
Shipping (assume 5 packages @ \$18.00 each)	<b>\$ 90.00</b>

<b>Other (provide description on next line)</b>	<b>Total</b>
	<b>\$ -</b>

<b>Total Out-of-pocket Expenses</b>	<b>\$ 3,285.62</b>
-------------------------------------	--------------------

Comments:

# CITY OF DAPHNE

## RESOLUTION 2007-34

### Support a Request for Proposal for the Completion of an Access Management Plan for Alabama State Highway 181

**WHEREAS**, the City of Daphne, City Council recognizes the need for a access management plan for Alabama State Highway 181, and;

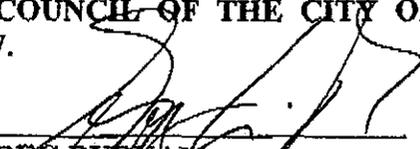
**WHEREAS**, the City of Daphne is committed to the health and welfare of its citizens, and;

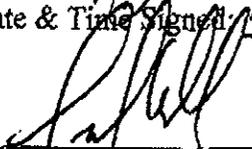
**WHEREAS**, the goal of the corridor study is to enhance safety and preserve capacity of Alabama State Highway 181, and;

**WHEREAS**, in addition, the study will develop and recommend policies that are consistent with smart growth strategies and promote access management.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the City of Daphne gives its backing that a request for proposal for the completion of an access management plan for Alabama State Highway 181 be conducted with the understanding that if the cost is acceptable a prorated share of the cost would be divided among the City of Daphne, City of Fairhope, Baldwin County and the Alabama Department of Transportation.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS 16<sup>th</sup> day of April, 2007.**

  
\_\_\_\_\_  
**GREG BUENAM,**  
**COUNCIL PRESIDENT**  
Date & Time Signed: 4-16-07 3:20 P.m.

  
\_\_\_\_\_  
**FRED SMALL,**  
**MAYOR**  
Date & Time Signed: 4-23-07 13:30

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

# TREASURER'S REPORT

As of July 31, 2007

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>		
MMA ACCT	COMPASS	\$9,061,996.41
OPERATING ACCT	COMPASS	(\$355,933.05)
PAYROLL ACCT	COMPASS	(\$8,602.77)
MUNICIPAL COURT	COMPASS	\$222,499.46
		<u>\$8,919,960.05</u>
<b>SPECIAL REVENUES FUND</b>		
SAIL SITE	FIRST GULF	\$6,321.52
4 CENT GAS TAX	FIRST GULF	\$136,719.58
7 CENT GAS TAX	FIRST GULF	\$240,752.76
		<u>\$383,793.86</u>
<b>CAPITAL PROJECTS FUND</b>		
CDBG LOAN REPAY	COMPASS	\$737.23
CAPITAL RESERVE	WACHOVIA	\$3,435,102.93
97 WARRANT CONS	WACHOVIA	\$5,158.73
99 WARRANT CONS	REGIONS	\$18,337.30
2000 CONSTRUCTION	REGIONS	\$91,262.53
2006 CONSTRUCTION	WACHOVIA	\$8,952,043.28
		<u>\$12,502,642.00</u>
<b>DEBT SERVICE FUND</b>		
DEBT SERVICE	WACHOVIA/FIRST GULF	\$1,380,822.42
		<u>\$23,187,218.33</u>

## SALES & USE TAXES

### ACTUAL COLLECTIONS

	2001	2002	2003	2004	2005	2006	2007
October	565,075.77	671,699.04	636,482.64	697,830.58	833,700.71	932,634.66	944,542.36
November	591,377.80	650,308.98	646,534.10	710,788.74	814,666.03	901,512.38	918,837.95
December	803,488.81	858,086.66	892,208.68	941,151.87	1,091,073.78	1,168,443.68	1,182,584.39
January	557,344.42	639,638.85	590,727.65	697,083.68	771,837.83	887,468.11	914,876.33
February	587,990.90	602,215.06	632,654.31	688,421.54	788,825.08	878,123.66	877,975.60
March	682,504.29	710,960.77	705,390.20	848,156.86	917,832.17	1,081,774.83	1,071,598.38
April	649,639.77	629,853.17	692,148.44	752,039.55	863,144.81	968,760.72	960,140.54
May	684,188.67	668,867.28	702,692.15	757,610.49	867,446.44	1,000,424.48	1,021,498.14
June	693,747.71	731,684.73	752,668.04	818,209.20	982,863.46	1,024,091.07	1,066,433.92
July	622,924.98	679,602.58	721,790.90	803,051.14	908,576.13	941,407.68	
August	652,404.99	657,027.91	739,993.63	745,320.33	869,818.11	950,539.01	
September	660,492.09	644,827.41	715,641.36	830,260.80	998,476.08	967,616.16	
<b>Totals</b>	<b>7,751,180.20</b>	<b>8,144,772.44</b>	<b>8,428,932.10</b>	<b>9,289,924.78</b>	<b>10,708,260.63</b>	<b>11,702,796.44</b>	<b>8,958,487.61</b>

### FY 2007 BUDGET/ACTUAL COMPARISONS

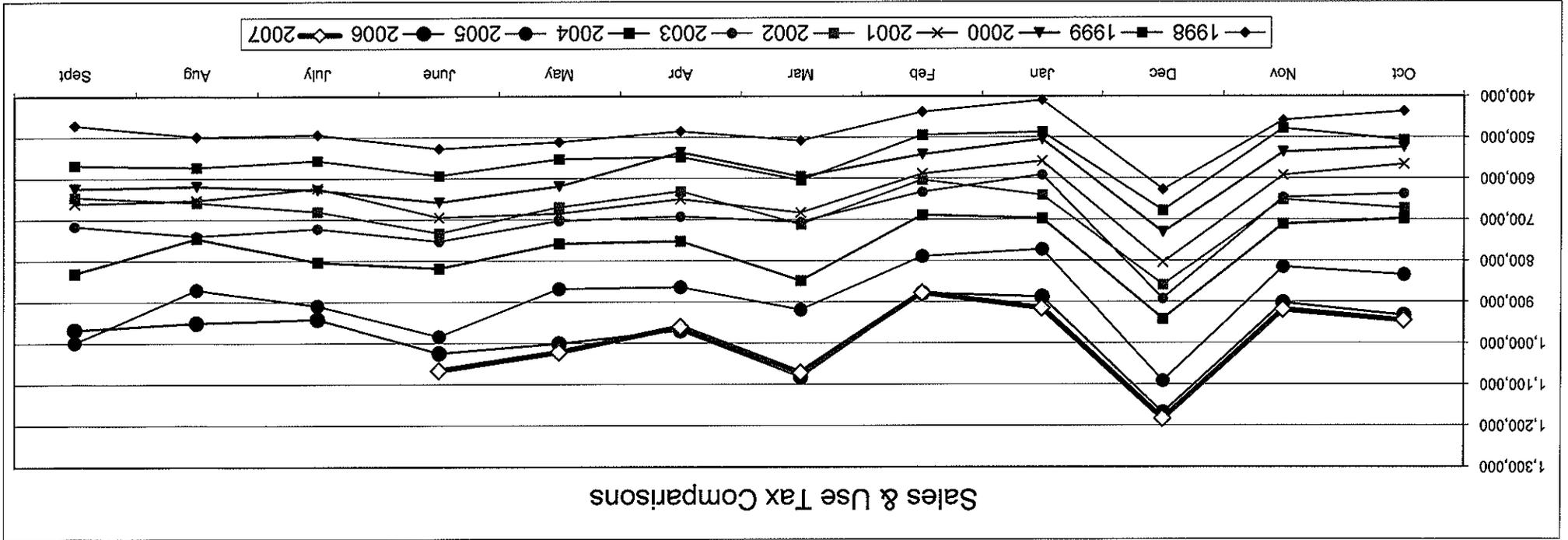
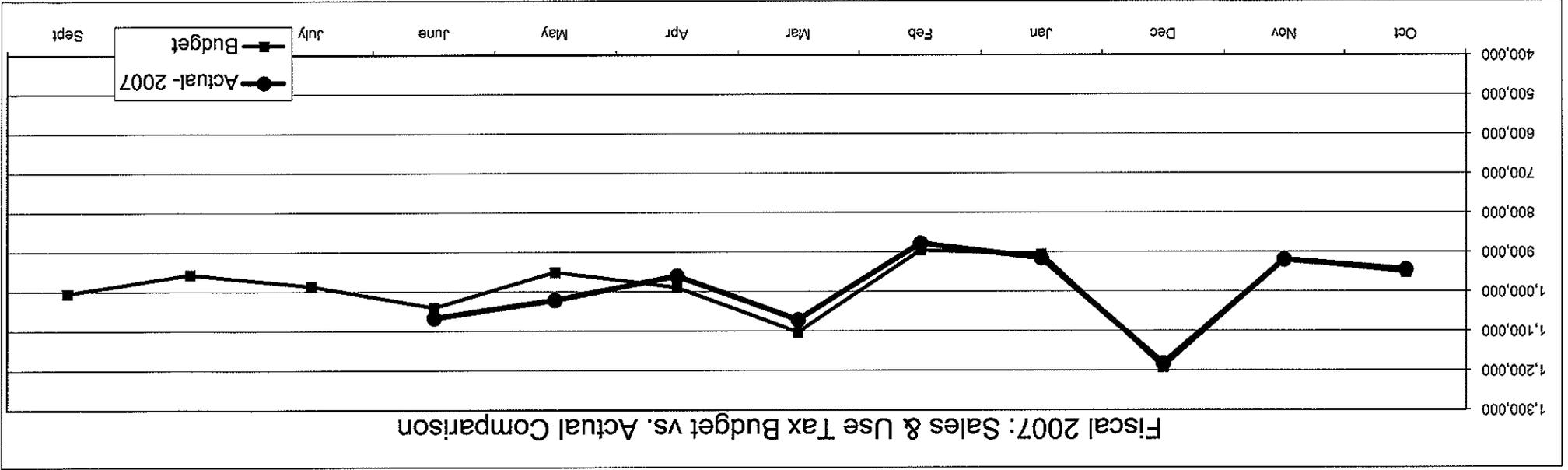
	Actual-2007	Budget	Monthly Variance	YTD Variance	% of Budget
October	944,542.36	951,287	(6,744.64)	(6,744.64)	-0.71%
November	918,837.95	919,543	(705.05)	(7,449.69)	-0.08%
December	1,182,584.39	1,191,813	(9,228.61)	(16,678.30)	-0.77%
January	914,876.33	905,217	9,659.33	(7,018.97)	1.07%
February	877,975.60	895,686	(17,710.40)	(24,729.37)	-1.98%
March	1,071,598.38	1,103,410	(31,811.62)	(56,540.99)	-2.88%
April	960,140.54	989,020	(28,879.46)	(85,420.45)	-2.92%
May	1,021,498.14	950,447	71,051.14	(14,369.31)	7.48%
June	1,066,433.92	1,040,098	26,335.92	11,966.61	2.53%
July		986,131			0.00%
August		955,866			0.00%
September		1,004,457			0.00%
<b>Totals</b>	<b>8,958,487.61</b>	<b>11,892,975</b>	<b>11,966.61</b>		

### FISCAL YEAR COMPARISONS

	<u>\$ Change</u>						<u>Percent Change</u>					
	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
October	106,623.27	(35,216.40)	61,347.94	135,870.13	98,933.95	11,907.70	18.87%	-5.24%	9.64%	19.47%	11.87%	1.28%
November	58,931.18	(3,774.88)	64,254.64	103,877.29	86,846.35	17,325.57	9.97%	-0.58%	9.94%	14.61%	10.66%	1.92%
December	54,597.85	34,122.02	48,943.19	149,921.91	77,369.90	14,140.71	6.80%	3.98%	5.49%	15.93%	7.09%	1.21%
January	82,294.43	(48,911.20)	106,356.03	74,754.15	115,630.28	27,408.22	14.77%	-7.65%	18.00%	10.72%	14.98%	3.09%
February	14,224.16	30,439.25	55,767.23	100,403.54	89,298.58	(148.06)	8.81%	5.05%	8.81%	14.58%	11.32%	-0.02%
March	28,456.48	(5,570.57)	142,766.66	69,675.31	163,942.66	(10,176.45)	4.17%	-0.78%	20.24%	8.21%	17.86%	-0.94%
April	(19,786.60)	62,295.27	59,891.11	111,105.26	105,615.91	(8,620.18)	-3.05%	9.89%	8.65%	14.77%	12.24%	-0.89%
May	(15,321.39)	33,824.87	54,918.34	109,835.95	132,978.04	21,073.66	-2.24%	5.06%	7.82%	14.50%	15.33%	2.11%
June	37,937.02	20,983.31	65,541.16	164,654.26	41,227.61	42,342.85	5.47%	2.87%	8.71%	20.12%	4.19%	4.13%
July	56,677.60	42,188.32	81,260.24	105,524.99	32,831.55		9.10%	6.21%	11.26%	13.14%	3.61%	
August	4,622.92	82,965.72	5,326.70	124,497.78	80,720.90		0.71%	12.63%	0.72%	16.70%	9.28%	
September	(15,664.68)	70,813.95	114,619.44	168,215.28	(30,859.92)		-2.37%	10.98%	16.02%	20.26%	-3.09%	
<b>Annual \$ Change</b>	<b>393,592.24</b>	<b>284,159.66</b>	<b>860,992.68</b>	<b>1,418,335.85</b>	<b>994,535.81</b>	<b>115,254.02</b>	<b>Annual % Change</b>	<b>5.08%</b>	<b>3.49%</b>	<b>10.21%</b>	<b>15.27%</b>	<b>9.29%</b>

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

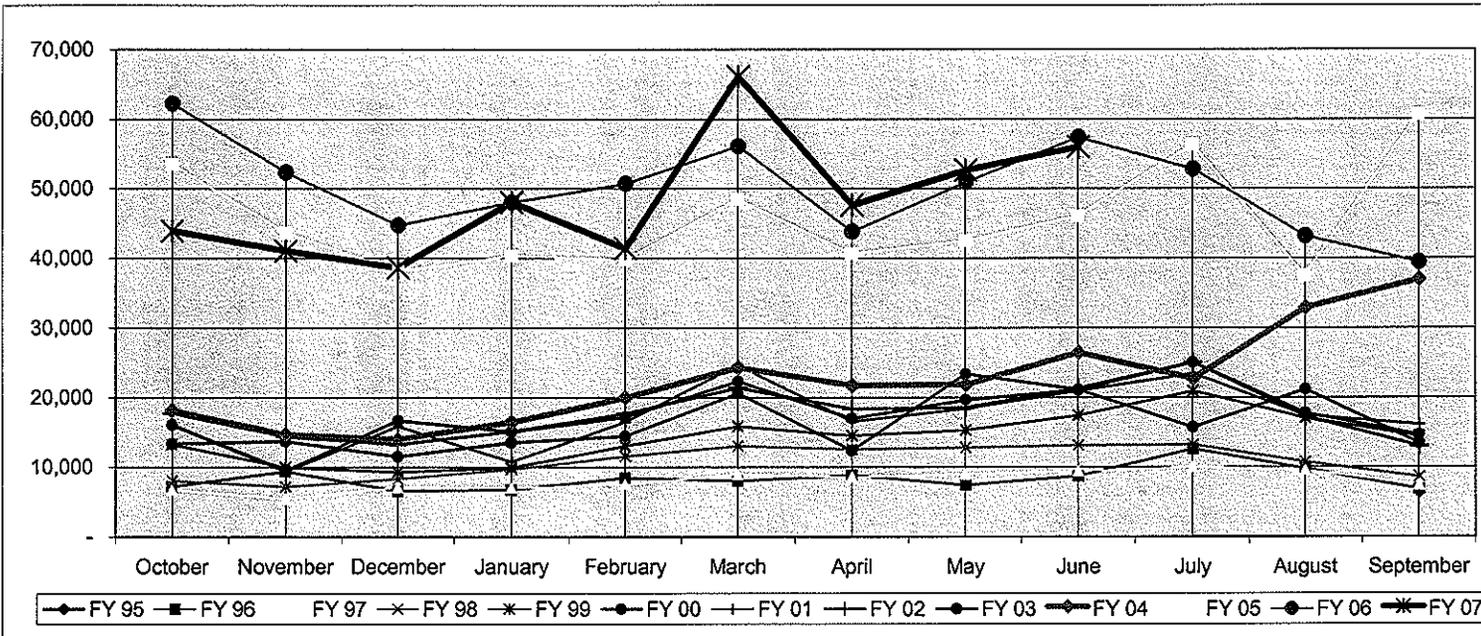
TOTAL collections: 6-30-07	8,958,488
Budgeted: 10-1-06 to 6-30-07	8,946,521
Actual Coll > (<) Budget, 6-30-07	11,967
% Over/(Under) Budget, 6-30-07	0.13%



### Monthly Lodging Tax Collections

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
October		7,228.60	6,701.69	8,042.55	13,241.96	13,344.97	16,021.98	17,757.16	16,103.81	18,110.90	53,490.95	62,191.49	43,874.01
November		9,371.57	5,419.99	7,156.30	9,963.87	13,712.88	9,378.73	14,346.00	9,488.82	14,652.46	43,652.17	52,326.23	41,028.15
December		6,580.10	7,076.44	8,327.51	9,303.23	11,505.34	15,885.37	13,257.40	16,693.64	13,940.92	38,197.96	44,694.55	38,605.47
January		6,765.39	6,990.72	9,704.80	9,934.03	13,517.89	10,802.39	15,150.55	15,089.26	16,416.20	40,334.81	48,014.80	48,012.19
February		8,466.36	7,536.69	11,579.98	13,024.87	14,425.61	16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78
March		8,017.74	8,902.63	13,048.18	15,837.90	20,536.51	24,601.77	21,371.61	22,248.25	24,206.01	48,474.92	56,076.62	66,060.49
April		8,802.85	8,533.40	12,559.65	14,513.45	12,327.50	16,532.24	18,354.06	16,974.57	21,626.29	40,666.33	43,813.91	47,594.84
May		7,427.26	8,958.97	12,786.85	15,280.40	23,309.92	18,386.51	18,526.24	19,610.83	21,785.09	42,479.97	50,871.74	52,564.61
June		8,672.68	9,359.82	13,101.68	17,379.01	21,073.57	20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22
July		12,568.56	9,975.46	13,200.77	20,840.98	15,680.49	23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	
August		9,721.13	9,549.66	10,730.24	17,009.26	21,117.00	17,432.39	17,223.03	17,749.12	32,788.35	37,501.21	43,139.77	
September	<u>6,371.27</u>	<u>6,806.02</u>	<u>7,400.70</u>	<u>8,586.97</u>	<u>14,397.17</u>	<u>13,393.86</u>	<u>16,116.04</u>	<u>12,997.60</u>	<u>14,563.86</u>	<u>36,847.13</u>	<u>60,635.33</u>	<u>39,398.90</u>	
<b>Total</b>	<b>6,371.27</b>	<b>100,428.26</b>	<b>96,406.17</b>	<b>128,825.48</b>	<b>170,726.13</b>	<b>193,945.54</b>	<b>205,978.62</b>	<b>212,999.73</b>	<b>211,754.69</b>	<b>269,317.22</b>	<b>547,535.15</b>	<b>601,302.68</b>	<b>435,045.76</b>

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



<b>FY 2007 Budget</b>
620,000
<b>% Budget Collected,</b>
<b>6/30/2007</b>
70%



**CONTRACTORS**

GARZA'S HEATING & AIR SERVICE	1
BEASLEY PLUMBING	1
CORNERSTONE CONSTRUCTION	1
NEWLIFE BUILDERS	1
KEITH'S QUALITY POOLS	1
MOORE'S DOZIER SERVICE INC	1
HADLEY CONSTRUCTION SPECIALTY	1
PINNACLE LIGHTING GROUP LLC	1
ALCHEMY RENOVATIONS	1
GULF COAST JUNK REMOVAL	1
CYPRESS CONSTRUCTION SERVICE	1
<b>TOTAL NEW CONTRACTORS</b>	<b>34</b>

**TOTAL NEW BUSINESSES 85**

**GENERAL FUND**

Summary Statement of Revenues, Expenditures, and  
Changes in Fund Balance- Budgetary Basis  
For the Month Ended June 30, 2007  
with comparatives: 6-30-02; 6-30-03; 6-30-04; 6-30-05; and 6-30-06

	6/30/2002	6/30/2003	6/30/2004	6/30/2005	6/30/2006	6/30/2007	Amended Budget	Budgetary Variance Over/(Under)	% Budget
<b>Revenues</b>									
Sales, Use, & luxury Taxes	5,739,117	5,814,251	6,427,771	7,314,627	8,204,591	8,284,395	12,454,975	(4,170,580)	-33%
Payment in Lieu of Taxes	176,682	128,711	187,510	146,566	211,687	281,695	1,345,000	(1,063,305)	-79%
Ad Valorem Taxes	2,346,877	2,511,925	2,761,569	2,807,699	3,100,723	3,611,550	3,331,000	280,550	8%
Licenses & Permits	615,392	1,475,487	1,597,896	1,643,944	1,868,206	2,199,902	1,884,300	315,602	17%
Other Revenues	837,555	881,971	934,879	848,080	1,451,793	1,181,758	1,220,189	(38,431)	-3%
<b>Total Revenues</b>	<b>9,715,623</b>	<b>10,812,345</b>	<b>11,909,625</b>	<b>12,760,916</b>	<b>14,837,000</b>	<b>15,559,300</b>	<b>20,235,464</b>	<b>(4,676,164)</b>	<b>-23%</b>
<b>Expenditures</b>									
<b>General Government</b>									
Personnel	904,217	890,903	1,008,466	1,071,419	1,134,279	1,249,754	1,903,220	(653,466)	-34%
Operating	532,034	581,039	597,993	633,166	665,819	781,797	1,244,500	(462,703)	-37%
Capital	131,618	45,070	36,477	6,920	127,160	32,266	62,000	(29,734)	-48%
	1,567,869	1,517,012	1,642,936	1,711,505	1,927,258	2,063,817	3,209,720	(1,145,903)	-36%
<b>Public Safety</b>									
Personnel	2,712,073	2,608,769	2,868,823	3,052,133	3,378,041	3,982,793	5,989,064	(2,006,271)	-33%
Operating	523,649	563,361	588,201	611,740	809,347	899,891	1,335,540	(435,649)	-33%
Capital	74,396	261,607	188,061	83,051	234,070	236,113	278,514	(42,401)	-15%
	3,310,118	3,433,737	3,645,085	3,746,924	4,421,458	5,118,796	7,603,118	(2,484,322)	-33%
<b>Public Works</b>									
Personnel	1,287,538	1,222,266	1,333,948	1,422,043	1,458,663	1,663,679	2,428,537	(764,858)	-31%
Operating	783,720	657,025	730,720	801,861	955,015	907,263	1,420,493	(513,230)	-36%
Capital	9,261	84,369	170,094	112,715	516,079	148,025	834,639	(686,614)	-82%
	2,080,519	1,963,660	2,234,762	2,336,619	2,929,757	2,718,968	4,683,669	(1,964,701)	-42%
<b>Parks &amp; Recreation</b>									
Personnel	581,859	549,880	628,880	684,142	697,300	741,769	1,117,242	(375,473)	-34%
Operating	331,346	359,293	411,560	475,239	451,020	428,278	597,953	(169,675)	-28%
Capital	5,680	25,091	25,191	46,767	10,500	256,357	261,049	(4,692)	-2%
	918,885	934,264	1,065,631	1,206,148	1,158,820	1,426,404	1,976,244	(549,840)	-28%
<b>Total Departmental</b>									
Personnel	5,485,687	5,271,818	5,840,117	6,229,737	6,668,283	7,637,995	11,438,063	(3,800,068)	-33%
Operating	2,170,749	2,160,718	2,328,474	2,522,006	2,881,201	3,017,230	4,598,486	(1,581,256)	-34%
Capital	220,955	416,137	419,823	249,453	887,809	672,761	1,436,202	(763,441)	-53%
	7,877,391	7,848,673	8,588,414	9,001,196	10,437,293	11,327,986	17,472,751	(6,144,765)	-35%
<b>Other Financing Sources &amp; Uses</b>									
Debt Proceeds	126,930	278,591	-	-	-	-	-	-	-
Transfers to Debt Service	(2,012,275)	(1,967,938)	(1,484,438)	(1,669,509)	(2,054,151)	(2,246,496)	(2,668,795)	(422,299)	16%
Other Transfers & Uses	(440,556)	(361,006)	(490,857)	(376,466)	(690,743)	(761,642)	(1,256,114)	(494,472)	39%
<b>Total Other Financing Sources/Uses</b>	<b>(2,325,901)</b>	<b>(2,050,353)</b>	<b>(1,975,295)</b>	<b>(2,045,975)</b>	<b>(2,744,894)</b>	<b>(3,008,138)</b>	<b>(3,924,909)</b>	<b>(916,771)</b>	<b>23%</b>
<b>Total Revenues Over Expenditures</b>									
	<b>(487,669)</b>	<b>913,319</b>	<b>1,345,916</b>	<b>1,713,745</b>	<b>1,654,813</b>	<b>1,223,176</b>	<b>(1,162,196)</b>	<b>2,385,372</b>	
Unreserved Fund Balance, 10-01	2,381,054	2,386,488	3,825,172	4,106,801	5,968,130	8,298,623			
Unreserved Fund Balance, 6-30	1,893,385	3,299,807	5,171,088	5,820,546	7,622,943	9,521,799			

## Buildings and Property Committee Minutes

August 3, 2007

10:00 a.m.

City of Daphne

Council Chambers

Committee

Councilman John Lake, Chairman

Mayor Fred Small-Absent

Councilman August A. Palumbo

Sandra Morse, Director Daphne Civic Center

Richard Merchant, Buildings Inspector-Absent

Minutes

**Electronic Signage Review:** Councilman Palumbo discussed the need to amend the electronic signage ordinance for public buildings to change from 30 sq. ft in electronics and 20 sq. ft. in signage to 50 sq. ft. in electronics and 30 sq. ft. in signage with all other rules applying. The committee stated that this is a minimal increase in size so as to provide a proper size sign for the Daphne Civic Center, Recreation Department, and Library. **Motion** by Councilman Palumbo to have the city attorney to prepare the ordinance change and present the ordinance change to the full Council. **Seconded** by Chairman Lake. **Motion** approved.

**Use of Nicholson Center for dance.** Chairman Lake discussed a request from Mr. Willie Williams to use the Nicholson Center for a fundraiser dance to raise funds for a scholarship program. The Committee discussed the need to recommend this request be reviewed by the Recreation Board as they were unsure about the rules for rental of the Nicholson Center.

Ms. Morse discussed the damage that has occurred to the Civic Center floor in the main arena. The floor has had eleven years of usage and will soon need to be replaced. Councilman Lake stated that they were aware that the Civic Center staff has been keeping the floor up however, it is time to look at what the costs would be to repair the floor. Councilman Palumbo requested that Ms. Morse begin to look at possible floor replacements and costs. Ms. Morse is to present her findings at the next Buildings and Property Committee meeting.

**Eastern Star Building.** Councilman Palumbo presented the highlights of the engineers report as to the structural soundness of the Eastern Star Building. The Eastern Star Building will be used to house Huntington College. The report found that the building is structurally sound. **Motion** by Councilman Palumbo to send the report and building costs to the Mayor to be included in the Capital Budget for review

and appropriation by the full Council. **Seconded** by Chairman Lake. **Motion approved.**

The Committee requested that Mr. Frank Barnette in the Public Works Department provide them with an update on the roof at the art building, the fence repair at the overlook, and the stage floor at the Daphne Civic Center. (The following is a reply from Mr. Barnette)

Mr. Barnette has gotten an estimate for the roof at the art building. Some work needs to be done now and some can wait. Part of the roof is covered in plastic sheeting to stop leaks. The estimate to make those repairs is \$1,800. This will take care of the worst leak. To repair the rest of the roof is \$3,580.00. Mr. Barnette stated that it would be best to repair the entire roof at \$5,380 with a 30 year roof system.

Funds for the repair of the fence at the Overlook were passed at the last Council meeting of August 6, 2007 in the amount of \$2,742.00. Mr. Barnette stated that he will begin the repair soon.

Mr. Barnette stated that he has been in contact with the floor company that will install the new stage floor at the Civic Center. This repair should begin soon.

Attached is the Building Department Report.

## Public Safety Committee

*Tuesday, August 7, 2007*

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

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

### **Committee Members Attending:**

Councilwoman Regina Landry, Councilman Greg Burnam, Chief David Carpenter, Lt. Jud Beedy, Interim Fire Chief Kenny Hanak, and PW Sup. Melvin McCarley.

### **CALL TO ORDER**

Councilman Burnam **convened** the meeting at 4:32 p.m.

**PUBLIC PARTICIPATION** – Councilman Burnam asked if Mr. Locke was present at the meeting and he was not.

He then called on Michelle Shelley. She was present to hear the results of the traffic count and “D” runs in Historic Malbis. Melvin explained that one of his traffic counters was broken so he was not able to get a traffic count at the four way stop in Historic Malbis. He did however conduct one on Papa George Street. Ms. Shelley asked if the speed limit in her subdivision was 20 mph and Melvin told her it was. Councilwoman Landry, after reading the traffic count, advised that the highest speed on the traffic count was 21 mph. We provided Ms. Shelley with a copy of the traffic count and copies of the “D” runs for her perusal. Melvin also read from the report that in 186 hours (one week’s time) 3,734 cars travelled on that street on one side and 3,342 cars travelled on the other side. Councilwoman Landry asked Ms. Shelley what exactly was the issue, speeding or cutting through the subdivision? Ms. Shelley said using the subdivision for a cut through to avoid the lights. Melvin agreed to put the counters down the first week of school to see if traffic increased. Basically Ms. Shelley was told that there is nothing we can do about vehicles taking a short cut through a neighborhood. If they are speeding, or any other infraction our officers can write a ticket for but not for cutting through the neighborhood. If it were on private property we could put a stop to that. Chief told Ms. Shelley that we would try to be very visible in her neighborhood.

Cheri Forte represented Potters Mill Subdivision. She complained of an increase in traffic through her neighborhood. People use their streets to cut through to Captain O’Neal Dr. She suggested reducing the speed limit, putting up stop signs at Potters Mill Avenue and Patrick, making Captain O’Neal and McMillan Avenue a four way stop, constructing a sidewalk on McMillan Avenue to the Captain O’Neal Dr. sidewalk, cutting the overgrown bushes down at Captain O’Neal Drive and McMillan Avenue, and putting down a traffic calmer device on Captain O’Neal Dr. She also addressed the underage drinking at the McMillan Overlook Park. She was told by the committee that the four way stop on Captain O’Neal Dr. was done years ago and made that situation worse so they took it up. Councilman Burnam said they would bring up to the council to reduce the speed limit in Potters Mill Subdivision to 25 mph. Ms. Forte said the traffic calmers would be a last resort. Melvin told her he would see that the overgrown trees blocking the stop sign at Captain O’Neal Dr and McMillan Avenue were cut back. Chief Carpenter told her that if she were at the McMillan Park and sees anyone with alcohol at the city park, to call the police department. Melvin told her that the three way stop at Patrick Street and McMillan Avenue could definitely be done.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**  
**Minutes from July 10, 2007 Meeting**

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

**FIRE DEPARTMENT**

**A. New Business**

**1. Statistics for June 2007**

Interim Chief Hanak reviewed the stats for June 2007 second. They opened up the grant period for the Safer Grant. It pays partial salaries for firefighters. Hanak submitted the pay breakdown. It is to make fire departments become compliant with NPA 1710 from the staffing from the grant. Nine firefighters will make Daphne compliant and will staff a new work station. They base the awards on making the department compliant. The deadline for the grant is August 30, 2007. Just by applying for the grant, doesn't mean we have to accept it. Councilwoman Landry and Councilman Burnam agreed to make the council aware of the grant request at the next work session. Talked to Homeland Security today on their assistance to firefighter grant, hopefully they will be making a decision within the next week. They make awards every Friday. The grant was for generators at all of the stations.

**B. Old Business**

**POLICE DEPARTMENT**

**A. New Business**

**1. Statistics for June 2007**

Chief Carpenter reviewed the stats for June 2007. Chief stated we made a lot of "D" runs. Councilman Burnam questioned whether 15 burglaries was high, Chief said definitely so. Councilman Burnam also voiced a concern about drug activity in the area of 2<sup>nd</sup> Street off of Pinehill Rd. He had a complaint from someone in that neighborhood. Chief explained that we have made quite a few arrests here recently for that and are continuing to patrol. He assured Greg that we are working in that area.

**B. Old Business**

**OTHER BUSINESS**

Councilman Burnam asked for a motion to ask the Mayor to contact ALDOT by letter about the light at Highway 64 and Highway 98. Regina made the motion for the Mayor to write a letter to ALDOT concerning the traffic concerns at Highway 98 and Highway 64. Councilman Burnam seconded the motion.

**ADJOURN**

There being no further business to discuss, Mr. Burnam **adjourned** the meeting at 5:30 p.m., after a motion by Regina Landry. The next meeting will be **Tuesday, September 4, 2007 at 4:30 p.m. at City**

**Hall Council Chambers.**

Respectfully submitted,

Daphne Public Safety Committee

**CITY OF DAPHNE  
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: **June 2007**

	Current:	FY to Date:
<b>Suppression:</b>		
<b>1-Fire/Explosion:</b>		
10-Fire, Other	0	2
11-Structure Fire/Commercial	0	6
11-Structure Fire/Residential	1	20
12-Fire in Mobile Property used as fixed structure	1	1
13-Mobile Property (vehicle) Fire	1	12
14-Natural Vegetation Fire	1	21
15-Outside Rubbish Fire	0	4
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	1
<b>2-Overpressure Rupture:</b>	2	4
<b>3-Rescue Call and Emergency Medical Service Incidents:</b>	102	1,052
<b>4-Hazardous Conditions (No fire):</b>	6	36
<b>5-Service Call:</b>	6	101
<b>6-Good Intent Call:</b>	16	119
<b>7-False Alarm &amp; False Call:</b>	15	88
<b>8-Severe Weather &amp; Natural Disaster:</b>	2	3
<b>9-Other Situation:</b>	1	6
<b>Total Emergency Calls:</b>	<b>135</b>	<b>1,291</b>
<b>Monthly Total Calls:</b>	<b>154</b>	<b>1,483</b>
<b>Response Time:</b>		
<b>Highest:</b>	29	29
<b>Lowest:</b>	1	1
<b>Average (Minutes/Seconds) :</b>	4/28	4/36
<b>Miscellaneous Reports:</b>		
<b>Training Hours</b>	521.55	2,689.25
<b>Property Loss - \$</b>	\$1,330	\$456,731
<b>Fire Personnel Injuries by Fire/Civilian Injuries by Fire</b>	0/0	0/0
<b>Advance Life Support Rescues</b>	53	420
<b>Child Passenger Safety Seat Inspections/Installations</b>	11	74
<b>Fire Prevention Awareness/Education:</b>		
<b>Classes</b>	6	39
<b>Persons Attending</b>	1,958	4,815
<b>Bureau of Fire Prevention:</b>		
<b>Plan Reviews</b>	7	69
<b>Final/Certificate of Occupancy</b>	0	11
<b>General/Annual Inspections</b>	197	1,465
<b>General/Re-Inspections (Violation Follow-up - Annual)</b>	41	369
<b>Business Licenses</b>	1	76
<b>Consultations</b>	0	0
<b>All Other/Misc. Activities</b>	1	14
<b>Total Activities:</b>	<b>247</b>	<b>1,991</b>

Authorized by:

*Kenneth Hanak*

Kenneth Hanak

Daphne Police Department		Monthly Report									
Patrol Division		Detective Division:		JAIL:			Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy )		(Capt. Taylor/Lt. Yelding)			(Capt. Taylor)				
						YTD					
# Complaints	1,369	# New Cases Received:	66	Total Arrestees Received & Processed:	142	1,603			Arson	0	
# Misd. Arrests	29	# Previous Unsolved Cases:	85	Arrestees by Agency:			#Complaints	77	Burglary – Commercial	15	
# Felony Arrests	13	# Cases Solved:	9	Daphne PD	107	1,011	#Follow-ups	112	Burglary – Residence	3	
# Citations	147	Resulting in Total Arrests:		BCSO	10	95	#Citations	5	Burglary - Vehicle	0	
# Close Patrols	210	Felonies:	2	Loxley PD	0	261	#Warnings	6	Criminal Mischief	11	
# Warnings	138	Misdemeanors:	0	Silverhill PD	0	60	#Felines Captured	45	Disorderly Conduct	0	
# Motorist Assist	202	Houses Searched	0	Spanish Fort PD	15	111	#Canines Captured	67	Domestic Disturbance	20	
# Alias Warrants	39			Troopers	3	33	#Other Captured	12	False Info to Police	4	
# Roadway Accidents	70			INS	1	1	#Returned to Owner	\$14	Felony Assault	0	
# Private Prop. Accidents	29	<b>Warrants:</b>		Other Agencies	6	31	#Adopted Out	25	Felony Theft	19	
# DUI's	12	Bettner Served	55				#Euthanized	46	Harassment	11	
Traffic Homicide	0	Agency Assists	26	Highest	42				Identity Theft	3	
		Recalls (Pd Fines)	30	Lowest	38				Indecent Exposure	0	
<b>DRUG REPORT</b>		Total Warrants Served	111						Kidnapping	0	
<b>ROUTINE PATROL/SPECIAL OPS</b>				Meals Served	2,605	25,267			Menacing	0	
		<b>Sex Offender:</b>		Medical Cost	3,506.50	\$29,937.35			Misdemeanor Assault	0	
# Misd. Marijuana Arrest	2	New Registration:	1	Worker Inmate Hours	995	7,822.25			Misdemeanor Theft	22	
# Felony Marijuana Arrest	0	Contact Verification	1						Murder	0	
# Controlled Substance Arrest:	2	Total # registered in Daphne	5						Other Death Investigations	0	
# Drug Paraphernalia Arrest	3	<b>DARE:</b>							Public Intoxication	1	
Vehicles Searched	3	# Hours Report Writing:							Public Lewdness	0	
		# Students Instructed SRO							Receiving Stolen Property	2	
Drugs Seized: Xanax, marijuana		# Students Instructed DARE							Reckless Endangerment	0	
Money Seized	0	# Police Reports by SRO							Resisting Arrest	0	
Vehicles Seized	0	# Arrest by SRO							Robbery	1	
									Sex Crime Investigations	0	
		<b>CODE ENFORCEMENT:</b>							Suicide	0	
		Warnings:	5						Suicide, attempted	1	
		Citations	0						Theft of Services	0	
		Warning							Unauthorized Use of Services		
		Compliance	10						Weapon Offenses	0	
		Follow – Up	21						White Collar Crimes	3	
<i>Approved by:</i>				<i>David Carpenter, Chief of Police</i>							

# Daphne Beautification Committee

## Civic Center Recreation Building, Daphne, AL

### Minutes

August 3, 2007 - 10:00 AM

**Meeting:** General Membership Meeting

**Invitees:**

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

**Members:**

Chair: Anne Talton (7)	Kay Wineman (7)	Selena Vaughn (4)
Vice Chair: Nancy Henderson (3)	Dorothy Morrison (2)	Audrey Rouire (6)
Secretary: Carollee Grindel (4)	Dorothy Rankins (5)	Patty Kearney (5)
Treasurer: Frieda Romanchuck (7)	Carolyn Coleman (2)	Bea Wilson (2)
Marilyn O'Connor Moore (2)	Tomasina Werner (4)	Jessia Prater (1)
Jodi Klugel (2)	Frances Harrell (1)	Sylvia Dowdle (6)
Judy Sholtis (2)	Jenni Vincent (2)	

**I. Call to order** – 10:01 a.m.

**II. Roll call** – Present were Anne Talton, Kay Wineman, Marilyn O'Connor Moore, Bea Wilson, Frances, Harrell, Nancy Henderson, Dorothy Morrison, Dorothy Rankins, Carolyn Coleman, Tomasina Werner, Jessia Prater, Selena Vaughn, Marshall Parsons, David McElroy, and one guest Charlie Sumner

**III. Approval of minutes** – The minutes were sent out by email and corrected by email. A motion was made, seconded and approved by majority to accept the minutes as posted.

**IV. Treasurers Report** – Nancy Henderson gave the treasurers report in Frieda's absence. We have \$17,021.76 for our balance. A motion was made, seconded, and approved by the majority to accept the report as read. Dorothy Morrison, Nancy and Frieda have given a 2008 budget draft to Marshall as requested. He informed us that he needs the final ASAP. Frieda will be back in town August 13 and will get that done.

**V. Sub-Committee Reports -**

- a. Beautification Awards – Bea Wilson reported that instead of a monthly award given to businesses the subcommittee decided to give it out quarterly so that each business will have the sign out for three months instead of one month. The September winner will be announced next month. A discussion was held on giving an award to businesses for being considered "Green" to follow the movement nationwide encouraging planting more trees, shrubs, etc. We decided that this is not our area of expertise and it was tabled.

- b. Butterfly Garden – Dorothy Morrison introduced Charlie Sumner who is a Scout from troop 177 and he presented his plan for Gator Ally. His plans include a trail, 3 picnic tables (built by him) and shrubs. The DBC voted to accept his project. He needs to raise \$1900 to begin. Dorothy’s report stated that the irrigation system has been installed. Robert Colville completed his project and was recognized by the Mayor and City Council on July 16<sup>th</sup>. A letter had been written to Dr. Barry Booth inviting him to donate funds for an art work of a family of Gators to be on permanent display in Gator Alley. He declined and we are still looking for artists or sculptures for this area. The parking lot and walkway projects should begin in the fall.
- c. Crape Myrtles – Marshall said that we are still waiting for the Mayor to approve our priority list. He is maintaining the ones planted last year.

**VI. Open Business** – Selena Vaughn showed us two versions of letterheads and one envelope. The committee voted to accept the stationary using the City of Daphne logo or seal depending on the version approved by the city.

**VII. New Business - Election of Vice Chairman** – Vincent Russo resigned due to health problems. Kay Wineman nominated Nancy Henderson. Dorothy Morrison seconded. There were no more nominations. The vote was unanimous. Nancy Henderson is the new Vice Chairman.

**VIII. Public Works** – Marshall reported that the “Welcome to Daphne” sign was held up as a bond of \$25,000 was required by the state. Also, he was in contact with Riviera about the power substations. He had attended a “Tree City, USA “ conference. Daphne has been participating for 19 years. Daphne is the only city in Alabama to receive continuous growth awards for 16 straight years. The award is given for volunteers going the extra mile. A tree academy will be held in November. We need to start a Tree Committee with volunteers who have studied trees. A motion was made, seconded and vote was unanimous to have the accounting department set up a fund for the sale of beautification surplus.

**IX. Announcements** – Selena talked about the Bay Front Park Foundation plans for Daphne. Several questions came up about the care of the water front parks. We could not understand why three different departments were responsible for taking care of one area. A question was raised about the boundless playground equipment that was supposed to be installed in Centennial Park. The Mayor had told DBC that it had been installed and now we find that there is only one swing that is for the handicapped children. Frances Harrell will head a subcommittee to see what can be done to provide more equipment.

**X. Adjournment** - 11:29

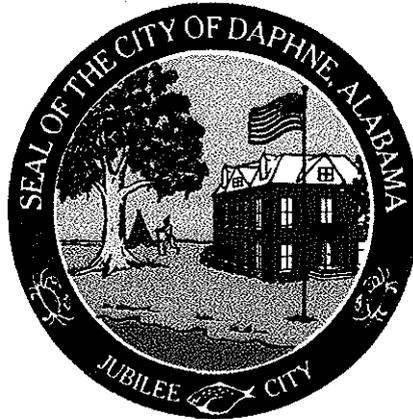
Respectfully, Anne Talton,

Chairman and acting Secretary

Fred Small  
Mayor

David Cohen  
City Clerk

Kimberly Briley  
Finance Director/Treasurer



Bailey Yelding, Jr.  
District 1

Cathy Barnette  
District 2

John L. Lake  
District 3

Greg W. Burnam  
District 4

Ronald Scott  
District 5

Regina Landry  
District 6

August Palumbo  
District 7

**TRAFFIC SIGNAL UP GRADE 2007  
MAIN STREET AT DAPHNE AVENUE AND BELROSE AVENUE**

1. The purpose of this up grade is to add permissive left turn capabilities to Main Street. This will allow a driver wishing to turn onto Belrose Ave or Daphne Ave from Main Street to yield on a green light instead of waiting on a protected left turn arrow.
2. The second purpose of this up grade will be to install an eight phase traffic control cabinet. This up grade will not be possible with out an eight phase cabinet. Because of the size of the cabinet and the amount of Right of Way on Main Street (Exhibit A) we are pursuing an easement with Mr. Larry Chason and Mr. Charlie Earle of "Daphne Land LLC" This agreement will grant the City of Daphne a permanent easement to place and maintain a Traffic Control Cabinet on the north side of the building located at 1716 Main St, Lot 2 Block 1, Mancini -Trione Subdivision.(Exhibit B1-B2-B3) This easement will allow for all electrical wiring and conduits to be placed underground from the utility pole to the Cabinet. This will require the City of Daphne to remove and replace a section of the six foot exposed aggregate side walk and place a 40" +/- forty inch by 26" +/- twenty six inch concrete pad in order to mount the Traffic Control Cabinet.
3. The Daphne Land LLC grants a permanent easement to place and maintain a Traffic Control Cabinet on the north side of the building located permanent at 1716 Main St, Lot 2 Block 1, Mancini -Trione Subdivision.(Exhibit B1-B2-B3) This easement will allow for all electrical wiring and conduits to be placed underground from the utility pole to the Traffic Control Cabinet. The City of Daphne will restore and or repair any and all damage to Daphne Land LLC property.
4. The Traffic Control Cabinet shall be painted to match the wall of the building at 1716 Main street.

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

Date \_\_\_\_\_

\_\_\_\_\_  
Mr. Charlie Earle

Date \_\_\_\_\_

\_\_\_\_\_  
Mr. Larry Chason

Date \_\_\_\_\_

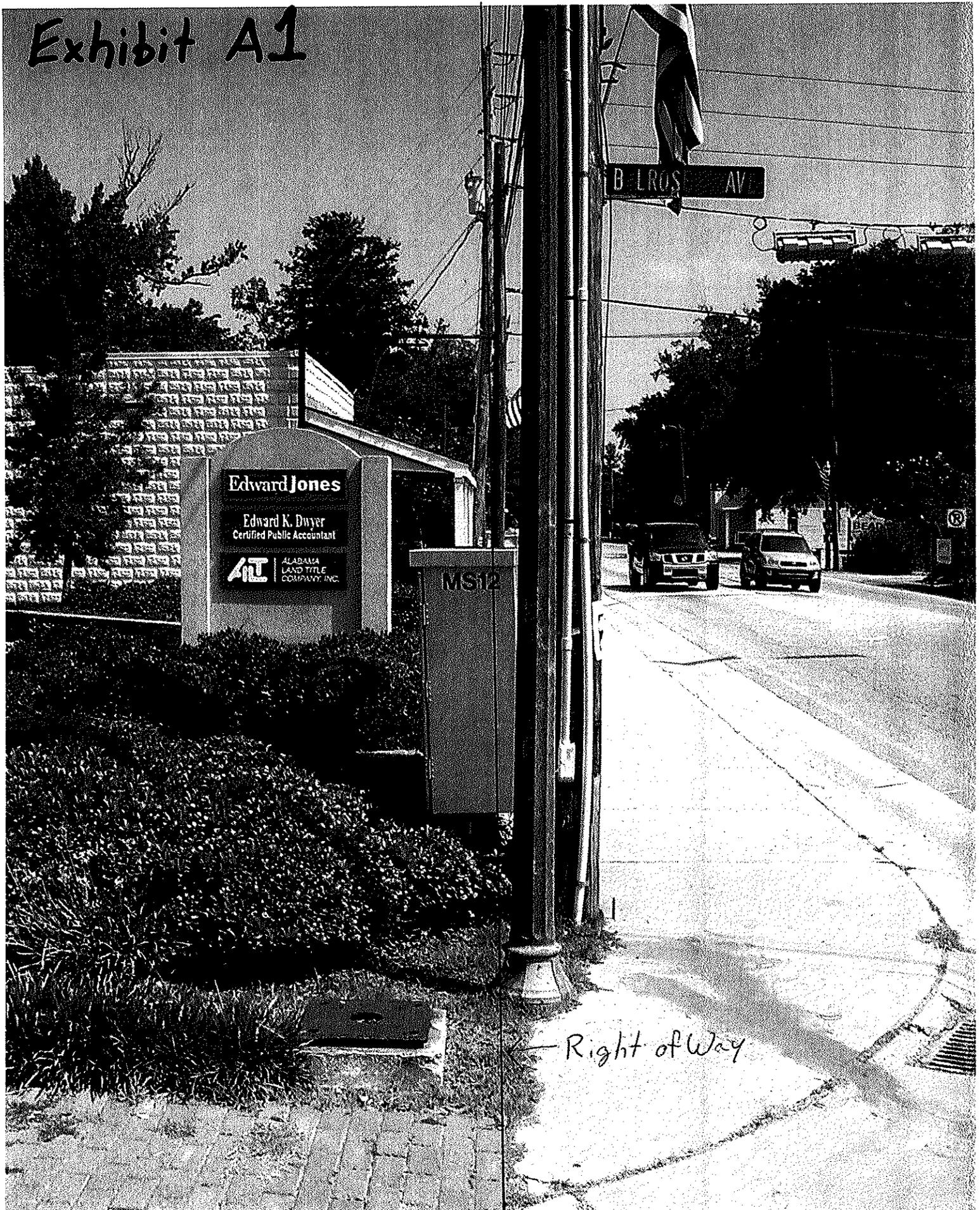
\_\_\_\_\_  
Mr. David Cohen Daphne City Clerk

Date \_\_\_\_\_

\_\_\_\_\_  
Mrs. Kimberly M Briley Finance Director

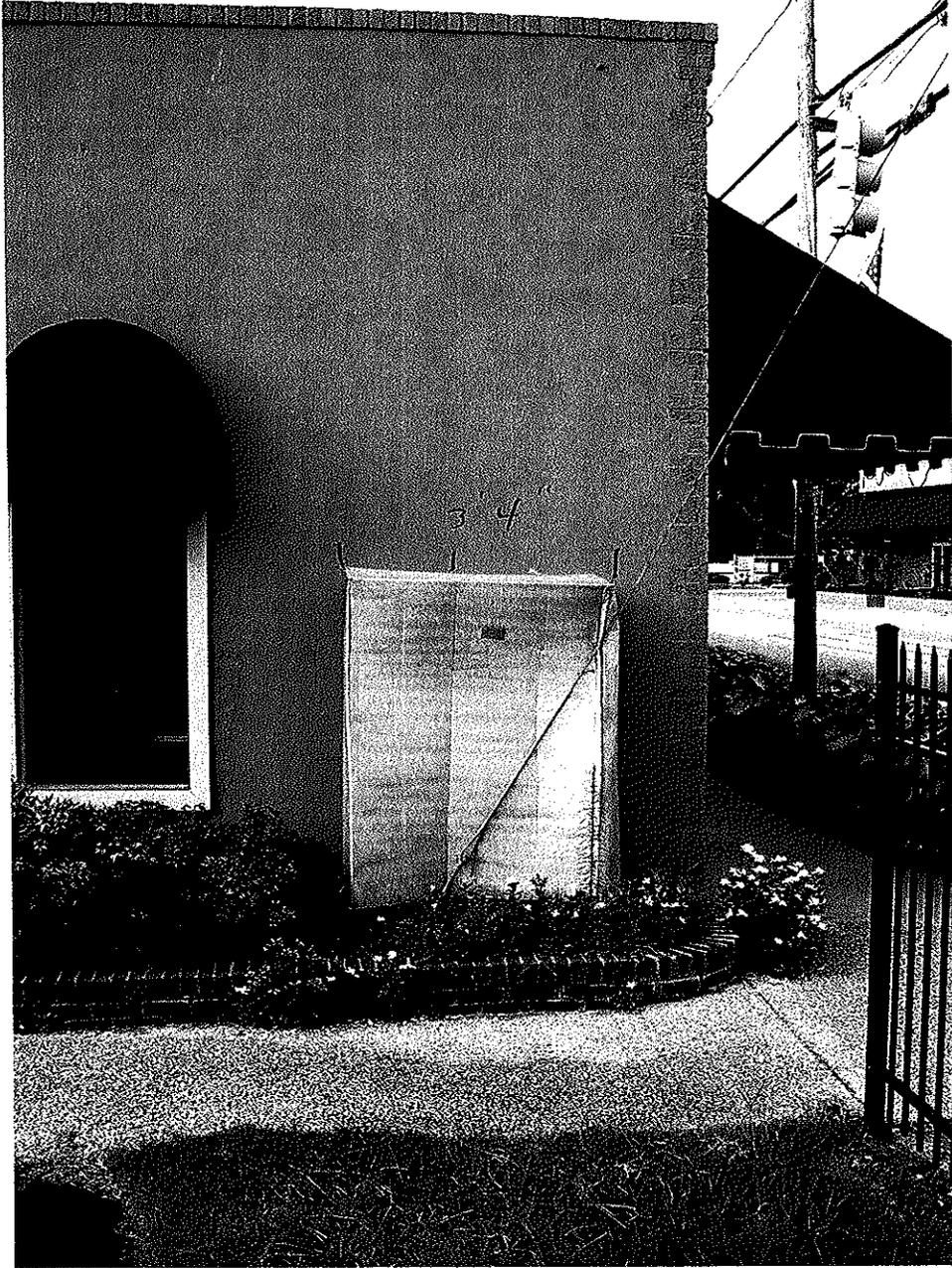
Date \_\_\_\_\_

Exhibit A1



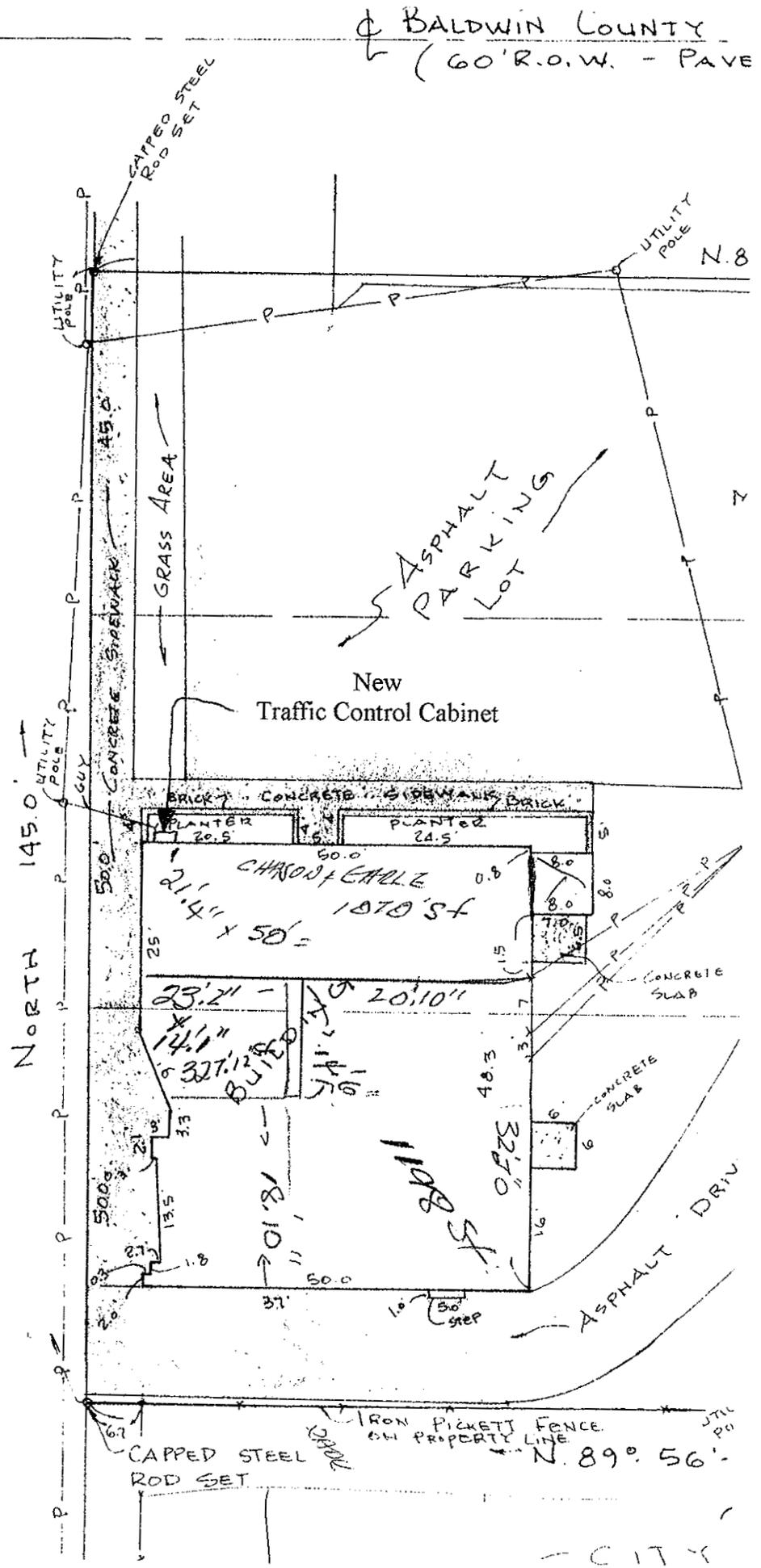
← Right of Way

# Exhibit B1

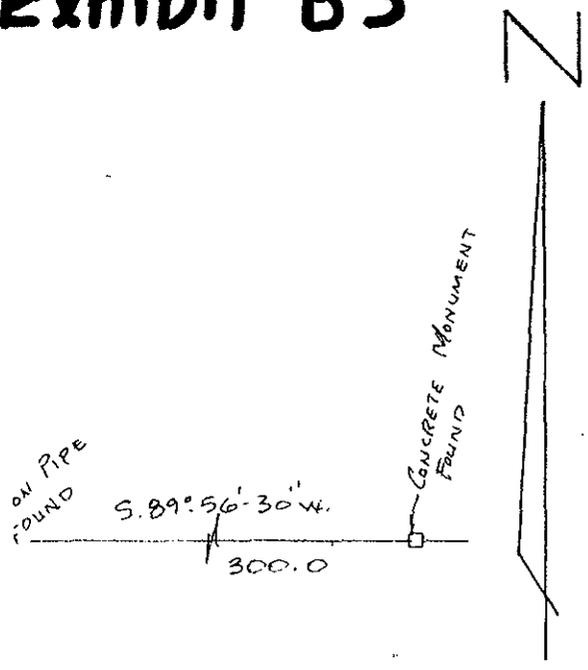


# Exhibit B2

MAIN STREET (50' R.O.W. - PAVED)



# Exhibit B3



ON PIPE FOUND

STATE OF ALABAMA  
 COUNTY OF BALDWIN

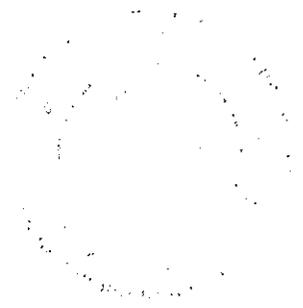
I, RICHARD J. WILLIAMS, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT PLAT OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

LOTS 1, 2 AND 3, BLOCK 1, MANCI-TRIONE SUBDIVISION

I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA. THE BUILDING NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES THERE ARE NO ENCROACHMENTS BY ADJOINING PROPERTY, EXCEPT AS SHOWN. THERE ARE NO RIGHT-OF-WAY, EASEMENTS OR JOINT DRIVEWAYS OVER OR ACROSS THE PROPERTY VISIBLE ON THE SURFACE, EXCEPT AS SHOWN; THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING WIRES WHICH SERVE THE PREMISES ONLY) OR STRUCTURAL SUPPORTS THEREFORE INCLUDING POLES, ANCHORS AND GUY WIRES ON OR CROSSING THE PREMISES, EXCEPT AS SHOWN:

ACCORDING TO MY SURVEY THIS, THE 22ND DAY OF FEBRUARY, 1996.

*[Handwritten Signature]*  
 RICHARD J. WILLIAMS, P.L.S.  
 ALA. REG. NO. 10675



CAPPED STEEL  
 ROD SET

**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

CASE NO. 2007-9

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/8/07 (initial) KS

DATE FORWARDED TO POLICE DEPT. \_\_\_\_\_

DATE RECEIVED BY POLICE DEPT. name change only

DATE: APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

POLICE DEPT SIGNATURE \_\_\_\_\_

DATE RETURNED TO REVENUE DIV. \_\_\_\_\_

DATE FORWARDED TO CITY CLERK 8/13/07 KS

DATE RECEIVED BY CITY CLERK 8/13/07 RH

SCHEDULED DATE ON AGENDA 8/20/07 RH

Council Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ TABLED

COMMENTS: \_\_\_\_\_

Rescheduled for Council Agenda Date: \_\_\_\_\_

Council Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ TABLED

COMMENTS: \_\_\_\_\_

DATE RETURNED TO REVENUE DIV.: \_\_\_\_\_

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

STATE OF ALABAMA, ALCOHOLIC BEVERAGE CONTROL BOARD, MONTGOMERY, ALABAMA

Date Refused \_\_\_\_\_ TYPE APPLICATION Date Approved \_\_\_\_\_  
 By: \_\_\_\_\_ 050 - Retail Beer - (Off Premises Only) By: \_\_\_\_\_

Name of Applicant (s) WINN DIXIE MONTGOMERY INC  
 Circle One: Ind. Part. Assoc. Corp. LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
JOHN J. JAMES	FL J520470493460 ASST. SECT	09/26/1949 EVANSVILLE, IN	2225 SOUTH BROOK FLEMING ISLAND FL 32003	4 YRS
BENITA KARR KICHLER	FL K246071549560 ASST. SECT	12/06/1954 NASHVILLE, TN	10378 CYPRESS LAKE JACKSONVILLE, FL 32256	8 YRS

Corporate Information: \_\_\_\_\_ Date 06/07/1968 County FLORIDA  
 (Enter book and page or document info.) (Incorporation or Authority)  
 Trade Name WINN DIXIE # 596  
 Location 3075 Hwy 98 Daphne, AL 36526 County Baldwin  
 Mailing Address P.O. BOX 2209 JACKSONVILLE, FL 32203  
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee  
 Licensee Name WINN DIXIE NEW ORLEANS, INC Type 050 Year 2006-2007  
 Trade Name WINN DIXIE # 596 License Number 279502  
 Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-14 regarding financial responsibility? Y N  
 Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N  
 Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N  
 Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N  
 Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N  
 These premises are located in the: Corporate Limits Police Jurisdiction of Daphne, Alabama (Enter N/A if not located in either)  
 Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N  
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N  
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N  
 What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)  
 Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of ANY law violation? Y N  
 (If Yes, explain in Investigation Section) Signature of applicant [Signature]

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

STATE OF ALABAMA  
 COUNTY OF Baldwin Signed [Signature]  
 e \_\_\_\_\_ Date 07/26/2007  
 POWER OF ATTORNEY

The undersigned DAVID LOGAN / POWER OF ATTORNEY FOR WINN DIXIE MONTGOMERY INC  
 (Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)  
 applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.  
 Sworn to and subscribed before me this 26th day of July 2007

[Signature] Signature of Notary Public  
 Notary Public, State of Alabama My commission expires \_\_\_\_\_  
[Signature] Signature of Affiant  
 Home Phone (904) 703-5578  
 Other (904) 783-5000  
 FAX (904) 370-7382

\* Effective 10-01-07

**GENERAL APPLICATION INFORMATION**

Contact Person: JUNE F. ROSS  
Phone Numbers: Home: (904) 703-5578 Business: 351-021-1060  
Fax: (904) 370-7382 Pager: \_\_\_\_\_ Other: (904) 783-5008  
Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen? Y N (NA)  
Does the establishment have restroom facilities? Y N (NA)  
Is place of business habitually and principally used for providing food to the public? Y (N) Snacks Only NA  
Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y (N)  
Will this business be operated PRIMARILY as a package store? Y (N)  
If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y N (NA)

**INVESTIGATION SECTION OF APPLICATION (To be completed by Investigating ABC Agent)**

Will applicant engage in the sale of tobacco products? (Y) N If yes, type of business: 42 - Supermarket  
Number of tobacco vending machines present: 0  
Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? (Y) N (Benadryl, Claritin, Moltin, Sudafed, etc.)  
Neighborhood investigation waived in accordance with Application Guidelines   
Building seating capacity NA License premises includes patio area Y (N)  
Building Dimensions: Length \_\_\_\_\_ Width \_\_\_\_\_ Square Footage 51,282 Sales and Display Square Footage \_\_\_\_\_  
License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other \_\_\_\_\_  
License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel  
Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other \_\_\_\_\_  
Is location within city limits? (Y) N Police Protection: County (City)  
Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: 2 feet  
Nearest:  School  Church  Private Residence  
 within 2 blocks  within 2 blocks  within 2 blocks  
 within 1/2 mile  within 1/2 mile  within 1/2 mile  
 Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify no member of this corporation has a criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

In reference to ACT NO. 80-929, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

Signature of Applicant: [Signature]

**TRANSFER AGREEMENT** License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_ This is not a License Transfer \_\_\_\_\_ as \_\_\_\_\_ holding current ABC License at \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

at this location, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee: \_\_\_\_\_ Date \_\_\_\_\_  
Applicant: \_\_\_\_\_ Date \_\_\_\_\_

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y (N)  
If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y (N)  
If applicant is LEASING the property, is a copy of the lease agreement attached? (Y) N

A: Name of Property Owner/Lessor: Richard A. Newman Agent For Kater Potkin Contact #: 202-857-6670  
B: What is the LESSOR'S primary business? Real Estate

C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y (N) (If yes, explain on an attached sheet)  
D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y (N) (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) [Initials]

Agent/ID [Signature] Supervisor \_\_\_\_\_ (Review includes complete application packet)

AGENT: Application taken: 07/26/2007 Application/Investigation completed: /// Forwarded to D.O.: ///

LOCAL GOVERNMENT: Submitted: /// Received from: ///

SUPERVISOR: Received in District Office: /// Reviewed: /// Forwarded to C.O.: ///





CASE NO. 2007-11

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8-14-07 (initial) KS  
 DATE FORWARDED TO POLICE DEPT. 8-14-07 KS  
 DATE RECEIVED BY POLICE DEPT. 8-14-07 MMA  
 DATE: 8/15/07 APPROVED [Signature] DISAPPROVED \_\_\_\_\_  
 POLICE DEPT SIGNATURE \_\_\_\_\_  
 DATE RETURNED TO REVENUE DIV. 8-15-07 KS  
 DATE FORWARDED TO CITY CLERK 8-15-07 KS  
 DATE RECEIVED BY CITY CLERK 8-15-07 RH  
 SCHEDULED DATE ON AGENDA 8/20/07 RH

Council Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ TABLED

COMMENTS: \_\_\_\_\_

Rescheduled for Council Agenda Date: \_\_\_\_\_

Council Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ TABLED

COMMENTS: \_\_\_\_\_

DATE RETURNED TO REVENUE DIV.: \_\_\_\_\_

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

Date Refused _____ By: _____	<b>TYPE APPLICATION</b> <b>011 - Lounge Retail Liquor - Class II - (Package)</b>	Date Approved _____ By: _____
---------------------------------	---	----------------------------------

Name of Applicant (s) Charles Wayne Philipp  
 Circle One:  Ind.  Part.  Assoc.  Corp.  LLC

Name and address of individual, partners and members, association, corporate officers, etc.:

Name	D.L. # Title	Date of Birth Place of Birth	Present Residence Address	Length at Residence
Charles Wayne Philipp	AL 4723458 Owner	03/15/62 Escambia, FL	7 Cannondale Blvd Spanish Fort, AL 36527	15 years

Corporate Information: N/A Date N/A County N/A  
(Enter book and page or document info.) (Incorporation or Authority)

Trade Name House of Dixie

Location 6882 Hwy 90 Suite 3, Daphne AL 36526 County Baldwin

Mailing Address P.O. Box 7458, Spanish Fort, AL 36577-7458  
(Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information  Transferee

Licensee Name N/A Type N/A Year N/A

Trade Name N/A License Number N/A

Location (location transfer only) N/A

Has applicant complied with ABC Regulation # 20-X-5-.14 regarding financial responsibility? Y N

Does the ABC Board have any actions pending against the current licensee? (If Yes, explain in Investigation Section) Y N

Has ANYONE, including manager or applicant, had a Federal/State permit or license suspended, revoked or declined? Y N

Has a liquor, wine, malt or brewed beverage license for these premises ever been denied, suspended or revoked? Y N

Are the applicant(s) named above, the only person(s), in any manner, interested in the business sought to be licensed? Y N

These premises are located in the: Corporate Limits Police Jurisdiction of \_\_\_\_\_, Alabama (Enter N/A if not located in either)

Are any of the applicants, whether individual, member of partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this Act? Y N

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage or distilled liquors permit or license issued under authority of this Act? Y N

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation operating under or regulated by the authority of this Act? Y N

What is the applicants' primary source of funding?  Loan  Inheritance  Individual(s)  Business  Other (explanation attached)

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

(If Yes, explain in Investigation Section) Signature of applicant Charles Philipp

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

STATE OF ALABAMA  
 COUNTY OF Baldwin Signed Charles Philipp  
 e Owner Date 08/14/2007

The undersigned Charles Wayne Philipp  
(Name of applicant or member if Partnership or Association of Name and Title of Officer, if a Corporation)

applicant for the Alcoholic Beverage license requested, hereby swears and affirms that he/she has read said application and all statements therein and the facts set forth are true and correct, and that the applicant is the only person interested in the business for which license is requested.

Sworn to and subscribed before me this 14th day of August 2007

Charles Philipp Signature of Notary Public  
 Notary Public, State at Large My commission expires 12/11/07  
Charles Philipp Signature of Affiant  
 Business Phone (251) 626-0009 Home Phone (251) 490-9892

(For Central Office Use Only) License No. \_\_\_\_\_ Date of Issue \_\_\_\_\_ Amount of fees \_\_\_\_\_ Total \_\_\_\_\_

**GENERAL APPLICATION INFORMATION**

Contact Person: Charles Wayne Philipp  
 Phone Numbers: Home: (251) 490-9892 Business: (251) 626-0009  
 Fax: \_\_\_\_\_ Pager: \_\_\_\_\_ Other: \_\_\_\_\_  
 Internet/Web Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Does the premises have a fully equipped and operational kitchen? Y  N  NA  
 Does the establishment have restroom facilities?  Y  N  
 Is place of business habitually and principally used for providing food to the public? Y  N  Snacks Only  NA  
 Are these premises equipped with services and facilities for on premise consumption of alcoholic beverages? Y  N   
 Will this business be operated PRIMARILY as a package store?  Y  N  
 If a COMMON CARRIER, does each vehicle seat 10 or more persons? Y  N  NA

**INVESTIGATION SECTION OF APPLICATION (To be completed by Investigating ABC Agent)**

Will applicant engage in the sale of tobacco products?  Y  N If yes, type of business: n/a  
 Number of tobacco vending machines present: 0  
 Will applicant engage in the sale of products containing ephedrine or pseudo-ephedrine? Y  N  (Benadryl, Claritin, Motrin, Sudafed, etc.)  
 Neighborhood Investigation waived in accordance with Application Guidelines   
 Building seating capacity: N/A License premises includes patio area Y  N   
 Building Dimensions: Length 50' Width 20' Square Footage 1000 Sales and Display Square Footage 800  
 License covers:  Entire structure  Portion of:  Top Floor  Bottom Floor  Other  
 License Structure:  One Story  Two Story  Multi-Story  Single Structure  Shopping Center  Motel/Hotel  
 Structure Material:  Wood  Brick/Block  Metal/Pre-Fab  Other  
 Is location within city limits?  Y  N Police Protection: County  City   
 Number of licenses issued in vicinity:  0  1-5  6-10  more than 10 Nearest: 25 ft.  
 Nearest:  School  Church  Private Residence  
 within 2 blocks  within 2 blocks  within 2 blocks  
 within 1/2 mile  within 1/2 mile  within 1/2 mile  
 Exceeds Above  Exceeds Above  Exceeds Above

**EXPLANATION OF LAW VIOLATIONS**

List below the court records for law violations, if any, of each person interested in this application, including manager whether as a sole applicant, partner, officer, or member. (Do not include traffic violations, except DUI and Reckless Driving)

Name	Date	Violation	Jurisdiction	Disposition
I certify I have no criminal record.				

**FILING FEE ACKNOWLEDGEMENT**

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

Signature of Applicant: *Charles Philipp*

**TRANSFER AGREEMENT** License Type: \_\_\_\_\_ License # \_\_\_\_\_

I, \_\_\_\_\_ (Name), as \_\_\_\_\_ (Title) holding current ABC License at \_\_\_\_\_, hereby authorize the ABC Board to transfer the license(s) to APPLICANT as appears on front of application, provided that this applicant obtains approval from the appropriate local governing body and meets all requirements of the ABC Board. I understand that I am responsible for the operation of this licensed establishment until the applicant obtains a re-issued license from the ABC Board. I also understand that if for any reason this transfer is not approved by the local governing body or the ABC Board, I must take over complete control, operation, and responsibility of these licensed premises. If I do not continue operation of this licensed establishment, I will relinquish my ABC License to the local ABC Board office, or local Agent.

Licensee	Date
Applicant	Date

(Note: If applicant or licensee is a partnership, ALL partners must sign this agreement)

**LEASE/PROPERTY OWNERSHIP**

If applicant OWNS property, is copy of recorded deed attached? Y  N   
 If applicant has CONTRACT TO PURCHASE, is a copy of the recorded sales contract attached? Y  N   
 If applicant is LEASING the property, is a copy of the lease agreement attached?  Y  N  
 A: Name of Property Owner/Lessor: AIG Baker Daphne, L.L.C. Contact #: (251) 969-1000  
 B: What is the LESSOR'S primary business? Realty Company  
 C: Is LESSOR involved in any way with the Alcoholic Beverage business? Y  N  (If yes, explain on an attached sheet)  
 D: Is there any further interest in, or connection with, the licensee's business by the LESSOR? Y  N  (If yes, explain on an attached sheet)

Applicant attests to the truthfulness of the above responses. (Applicant's Initials) *CLP*  
 Agent/ID: *Casey M. Cole* Supervisor: \_\_\_\_\_ (Review includes complete application packet)

AGENT: Application taken: 08/14/2007	Application/Investigation completed: / /	Forwarded to D.O.: / /
LOCAL GOVERNMENT: Submitted: / /	Received from: / /	
SUPERVISOR: Received in District Office: / /	Reviewed: / /	Forwarded to C.O.: / /

**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

# RESOLUTION 2007- 66

## ESTABLISHING AN ENVIRONMENTAL ADVISORY COMMITTEE

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

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

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

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

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

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

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

**ATTEST:**

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

**Resolution 2007- 71**

**Dauphin Island Sea Lab/  
Mobile Bay National Estuary Program:  
Village Point Park Invasive Species Control Grant**

**WHEREAS**, the City of Daphne did heretofore make application to the Dauphin Island Sea Lab (DISL) and the Mobile Bay National Estuary Program (MBNEP) for the funding of a Village Point Park (Park) Invasive Species Control Project; and

**WHEREAS**, the goal of such project is aid in the restoration of ecological relationships within the Park; and

**WHEREAS**, the City of Daphne has received notification that such grant application has been approved and funded.

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

- 1) The City of Daphne hereby accepts the contract attached hereto and made a part hereof with the Dauphin Island Sea Lab and the Mobile Bay National Estuary Program for an Invasive Species Control Project; AND
- 2) The Mayor and City Clerk are hereby authorized to execute and affix the city seal to such grant contract for and on behalf of the City of Daphne.

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

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

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

**ATTEST:**

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

**RESOLUTION NO. 2007- 72  
2007-V-JANITORIAL SUPPLIES**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the JANITORIAL SUPPLIES will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the JANITORIAL SUPPLIES and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the JANITORIAL SUPPLIES be awarded to Dade Paper Company, Inc..

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Dade Paper Company, Inc. for unit cost as bid herein and made a part hereof for BID SPECIFICATION NO. 2007-V-JANITORIAL SUPPLIES.

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

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

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

**ATTEST:**

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

# CITY OF DAPHNE - BID: 2007-V-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
			PRODUCT NAME	NUMBER	
<b>PAPER PRODUCTS</b>					
Toilet Tissue Soft - White 2-ply	96/case	31.78	Cellynne	374015	
Toilet Tissue Procter & Gamble Charmin Double Roll - White 2-ply/340 sheets	48/case <sup>60</sup>	33.75	Kimberly	374071	KC Cottonelle
Toilet Tissue Kimberly Clark Cottonelle - White 2-ply/400 sheets	96/case <sup>60</sup>	33.75	KC	374071	
Toilet Tissue Kimberly Clark Jr. Jumbo - White 2-ply/1000'	12/case	19.95	Cellynne	376016	Victoria Bay
Jr. Jumbo Dispenser (2 Roll)	Each	16.00	Cellynne	376053	
Facial Tissue Kimberly Clark Kleenex Boutique - White 2-ply/95 sheets	30/case	13.98	Marcal	356033	Marcal
Facial Tissue Marcal Fluff Out - White 2-ply/100 sheets	30/case	13.98	Marcal	356033	
Roll Towel Kimberly Clark Premiere - White 2-ply/76 sheets	30/case <sup>2 95</sup>	18.70	Cellynne	349012	Victoria Bay
Roll Towel Procter & Gamble Bounty - White 2-ply/64 sheets	30/case <sup>85</sup>	18.70	Cellynne	349012	Victoria Bay
Roll Towel - White 2-ply/60 sheets	30/case <sup>85</sup>	18.70	Cellynne	349012	
Roll Towel Kimber Clark Wypall L30	30/case	32.90	KE	349035	
Hardwound Roll Towel - Natural 8" x 350'	12/case	17.32	SCA	346105	
Hardwound Roll Towel Dispenser	Each	3.00	SCA	370051	
Multi-fold Paper Towel - White/250 sheets 9.125" x 9.5"	16/case	15.38	SCA	3410019	
Multi-fold Paper Towel Dispenser	Each	16.10	SCA	369008	
Centerpull Towels - White 2-ply/600' <sup>600 sheets</sup>	6/case	21.35	Cellynne	338202	
Centerpull Towel Dispenser	Each	11.75	Cellynne	338211	
Napkin - Beverage	4,000/case	11.75	Marcal	184006	
Napkin - Lunch/Dinner	4,000/case <sup>6000</sup>	23.70	Softex	180027	
Cup Plastic Sweetheart Clarity - Clear 10 oz.	1,000/case	57.25	SOLO	292040	
Cup Plastic Sweetheart Clarity - Clear 12 oz.	1,000/case	57.90	SOLO	29057	
Cup Plastic Sweetheart Clarity - Clear 16 oz.	1,000/case	63.50	SOLO	292071	
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 8 oz.	1,000/case	14.95	Dart	080097	8J8 Dart
Cup Foam Sweetheart Thin Walled/Super Insulating Trophy 12 oz.	1,000/case	20.40	Dart	081096	12J12 Dart
Cup Paper (Hot Beverage) Sweetheart - 12 oz.	1,000/case	55.00	SOLO	083080	SOLO

# CITY OF DAPHNE - BID: 2007-V-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
			PRODUCT NAME	NUMBER	
Cup Paper Portion 1 oz.	5,000/case	32.04	Genpak	320104	
Cup Paper Portion 2 oz.	5,000/case	40.55	Genpak	320107	
Fork Plastic Extra Heavy - Clear	1,000/case	31.95	SOLO	311106	
Spoon Plastic Extra Heavy - Clear	1,000/case	31.95	SOLO	311108	
Knife Plastic Extra Heavy - Clear	1,000/case	31.95	SOLO	311107	
Fork Plastic Extra Heavy - White Wrapped	1,000/case	17.40	Banyan	309920	
Spoon Plastic Extra Heavy - White Wrapped	1,000/case	17.40	Banyan	309923	
Plate Foam 3 Compartment 10 1/2"	500/case	24.65	SOLO	283919	
Plate Foam 6"	1,000/case	14.65	SOLO	283900	
Plate Foam 9"	500/case	14.71	SOLO	283910	
Plate Plastic 6"	1,000/case	10.67	SOLO	284043	
Plate Plastic 9"	500/case	18.25	SOLO	285078	
Table Skirting Pleated Plastic Self-Adhesive - White	25/case	NB			
Aluminum Foil Heavy Duty Reynolds 18" x 500'	Each	28.82	Dactiv	003035	
Plastic Wrap Reynolds 18" x 2000'	Each	13.10	AEP	307006	
Ziploc Storage Bags - Quart	500/box	26.70	Ziplok	053041	
Ziploc Storage Bags - Gallon	250/box	21.81	Ziplok	053047	
<b>TOTAL PAPER PRODUCTS</b>		<b>\$1025.24</b>			
<b>SUPPLIES</b>					
Broom Standard Janitor, 24 lb. Corn	Each	4.75	Abco	D05041	
Gloves Latex w/Powder - Med., Lg., X-Lg.	100/box	3.18	tradex	VARIOUS	
Gloves Latex Powder Free - Med., Lg., X-Lg.	100/box	3.94	tradex	VARIOUS	
Gloves Poly Food Service - Med., Lg., X-Lg.	100/box	0.48	tradex	VARIOUS	148956
Gloves Nitrile - Med., Lg., X-Lg.	100/box	5.91	tradex	K05066	

# CITY OF DAPHNE - BID: 2007-V-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
			PRODUCT NAME	NUMBER	
Mop Handle Fiberglass Quick Change Saddle Head	Each	4.95	Abco	D06210	WOOD
Mop Head Cotton - Quick Change Saddle - 24 oz.	12/case	1.94	Abco	D07250	
Wet Floor Sign	Each	8.74	Rubbermaid	D11147	
<b>TOTAL SUPPLIES</b>		\$ 33.89			
<b>TOILETRIES</b>					
Sanitary Napkin Gards Feminine Pads - Regular	250/case	29.94	Hospital	1104020	
Tampon Tampax w/Cardboard Applicator - Regular	500/case	58.50	" "	specialties 1104015	
Toothpaste w/ Fluoride Crest .85 oz.	240/case	NB			
Toothbrush Standard Individual Wrapped	144/case	NB			
Hair and Body Shampoo - <del>1000</del> ml. 800ML	10/case	32.75	KC	L05112	
Dispenser for Hair and Body Shampoo	Each	N/C	KC		
Blood & Body Fluid Cleanup Kit	6/case	NB			
<b>TOTAL TOILETRIES</b>		\$ 121.19			
<b>CLEANERS/DEODORIZERS</b>					
Absorbing Agent/Deodorizer - 16 oz. Lemon	6/case	NB			
All Purpose Cleaner Pine-Sol Lemon Scent - 144 oz.	3/case	20.50	Midlab	C00159	4/1 G
Bathroom Cleaner Lysol 94201 - Heavy Duty Disinfectant	Gallon	5.52	Midlab	L01218	Non-acid bathroom
Bleach Industrial Ultra Clorox - Gallon	6/case	8.50	Austin	G00010	
Brass Polish/Cleaner Wipes 36/box	6/case	NB			
Cleaner Fantastik Liquid Spray Bottle - 32 oz.	12/ case	23.04	Midlab	D01016	Buildozer
Clorox Cleanup Spray Bottle - 32 oz.	12/case	27.11	Clorox	G00001	
Clorox Disinfecting Wipes	12/case	31.57	Clorox	G00019	
Deodorizer Metered Aerosol Cans (All Scents) - 7oz. 60Z	12/case	32.92	Technical	C00118	
Dishwashing Liquid	Gallon	7.31	concept Midlab	K0103A	

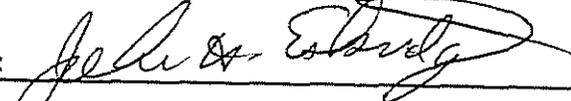
# CITY OF DAPHNE - BID: 2007-V-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
Dishwashing Liquid Dawn - 50 oz.	6/case	29.24	PA G	T00145	
Dishwashing Liquid Joy - 12.6 oz.	24/case	34.84	PA G	J00123	IVORY
Dishwasher Powder Cascade 34034 - 85 oz.	6/case	33.54	PA G	J00131	
Hand Soap Liquid Antibacterial 7.5 oz. Pump	12/case	13.80	Colgate	L00001	
Hand Soap Liquid - Gallon	Gallon	5.08	Midlab	L00028	
Hand Sanitizer Purell 8 oz.	12/case	37.18	GOJO	L05101	
Hand Soap Foaming 1,000 ml.	60/case	47.10	KCV	L05002	
Boxed Almond Hand Soap	12/case	NB			
Foaming Soap Dispenser	Each	N/C	KC	L0500	
Hand Cleaner Heavy Duty Lime w/cornmeal 2,00 ml.	4/case	NB			
Hand Cleaner Dispenser	Each	NB			
Laundry Detergent - 50 lb. Container	Each	22.95	Midlab	S00046	
SOS Steel Wool Soap Pads - Heavy Duty	15/box	NB			
SOS Heavy Duty Scrubber Sponges	24/box	NB			
Stainless Steel Polish/Cleaner Aerosol Cans - Twinkle 17 oz.	12/case	25.03	Midlab	K01010	
Toilet Bowl Deodorizer w/Hanger	12/case	0.80	HOSPITAL	L02088	
Urinal Screen Deodorizer	12/case	7.55	HOSPITAL	L01311	
Window Cleaner w/sprayer 32 oz.	12/case	17.75	Midlab	F00015	
Window Cleaner Windex Outdoor w/Hose Attachment 32 oz.	8/case	NB			
Metered Spray Dispenser	Each	19.50	TC	C00129	
<b>TOTAL CLEANERS/DEODORIZERS</b>					
<b>TRASH/BAGS/SUPPLIES</b>					
Trash Liner 12 x 17 - 6 mic. 4 Gal. Natural	1000/case	NB			
Trash Liner 20 x 22 - 6 mic. 7 Gal. Natural	1000/case	23.22	Heritage	D01700	clear
Trash Liner 15 x 9 x 23 - .9 mil. 10 Gal. Black	1000/case	22.92	Heritage	C05910	
Trash Liner 33 x 39 - 1.3 mil. 30 Gal. Black	100/case	9.99	JR plastic	L061007	1.2 mil

# CITY OF DAPHNE - BID: 2007-V-JANITORIAL SUPPLIES

PRODUCT DESCRIPTION	UNIT	UNIT PRICE	MANUFACTURER	ITEM	EXCEPTIONS
			PRODUCT NAME	NUMBER	
Trash Liner 33 x 39 - .9 mil. 30 Gal. Black	100/case	18.33	JR plast	059179	
Trash Liner 40 x 46 - 1.3 mil. 45 Gal. Black	100/case	18.25	JR plast	061008	
Trash Liner 40 x 46 - .9 mil. 45 Gal. <del>Black</del> White	100/case	12.36	GP plast	060098	
Trash Liner 38 x 60 - 1.3 mil. 65 Gal. Black	100/case	18.20	JR plast	061057	
Trash Liner 23 x 10 x 40 - 1.5 mil. Grey	200/case	22.95	Heritage	059178	
Trash Liner 38 x 60 - 2 mil. 65 Gal. Grey	100/case	22.75	GP Plast	061030	
Trash Liner 15 x 9 x 32 - 1.3 mil. 30 Gal. White	500/case	NB			
Trash Liner 23 x 17 x 47 - 1.3 mil. 45 Gal. White	100/case	18.25	JR plast	061008	
Trash Liner 22 x 14 x 58 - 3 mil. 65 Gal. Clear	100/case	27.75	AEP	061037	
Poly Bag 1.75 mil. 10 x 8 x 24	500/case	45.90	Putnam	055095	
TOTAL TRASH BAGS/SUPLIES		\$ 260.87			
GRAND TOTAL		\$ 1905.22			

COMPANY NAME: DADE PAPER CO.

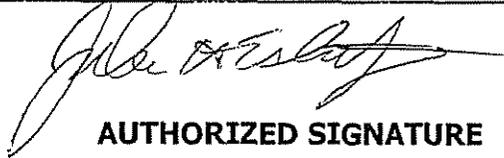
SIGNATURE: 

THESE PRICES ARE FIRM UNTIL 8-20-08. THEREAFTER, PRICES ARE SUBJECT TO INDUSTRY WIDE INCREASES WITH A 30 DAY WRITTEN NOTICE.

# BID DOCUMENT 2007-V-JANITORIAL SUPPLIES

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

COMPANY NAME DADE PAPER CO.  
ADDRESS P.O. Box 1180  
FEDERAL ID# 59-0784248  
PHONE NUMBER 251-964-1500  
FAX NUMBER 251-964-6010



AUTHORIZED SIGNATURE

JOHN H. ESKRIDGE

PRINT NAME

Sworn to and subscribed before me this 31<sup>st</sup> day of July, 2007.

  
Notary Public

## ALL BIDS MUST BE RECEIVED IN PERSON OR BY MAIL

### IN PERSON :

CITY OF DAPHNE  
FINANCE DEPARTMENT  
ATTENTION: SUZANNE HENSON  
1705 MAIN STREET  
DAPHNE, ALABAMA 36526

### BY MAIL :

CITY OF DAPHNE  
FINANCE DEPARTMENT  
ATTENTION: SUZANNE HENSON  
P.O. BOX 400  
DAPHNE, ALABAMA 36526

**RESOLUTION NO. 2007 - 73**  
**2007-BB-AUTOMATIC EXTERNAL DEFIBRILLATORS**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the EXTRACATION EQUIPMENT will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the AUTOMATIC EXTERNAL DEFIBRILLATORS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the AUTOMATIC EXTERNAL DEFIBRILLATORS be awarded to Turner Supply Company, Inc.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Turner Supply Company, Inc. for unit cost of \$1,599.00 as specified in BID SPECIFICATION NO: 2007-BB-AUTOMATIC EXTERNAL DEFIBRILLATORS.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007**

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

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

**ATTEST:**

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

**RESOLUTION NO. 2007- 74  
2007-CC-GARBAGE CARTS**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the GARBAGE CARTS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the GARBAGE CARTS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the GARBAGE CARTS be awarded to Toter, Inc..

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Toter, Inc.. for unit cost as follows:

96	48.81	400	48.81
64	44.77	50	44.77

*\* Minimum order of 100 carts – Add \$1.25/cart for special Granite Color w/Black Lid*

as specified in BID SPECIFICATION NO. 2007-CC-GARBAGE CARTS.

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

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

Date & Time Signed:\_\_\_\_\_

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

Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**RESOLUTION NO. 2007- 75**  
**2007-DD-PARK CHEMICALS**

**WHEREAS**, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$7,500; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the PARK CHEMICALS will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the PARK CHEMICALS and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the PARK CHEMICALS be awarded to Lesco, Inc..

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Lesco, Inc. for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2007-DD-PARK CHEMICALS.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_day of \_\_\_\_\_, 2007.**

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

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

**ATTEST:**

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

# Bid Document 2007-DD-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
<b>Fertilizer</b>			
18-0-18 50%PPSCU #080086	50 pound	\$ 12.24/50* BAG	
18-24-12 50%MOP# 016420	50 pound	\$ 12.75/50* BAG	
21-3-21 TCRN 65% # 068800	50 pound	\$ 15.44/50* BAG	
21-0-0 Ammonium Sulfate # 015186	50 pound	\$ 8.25/50* BAG	
24-2-11 40% PPSCU 6FE # 082918	50 pound	\$ 13.34/50* BAG	
33-0-17 Sprayable # 001774	50 pound	\$ 13.20/50* BAG	
Pre-M 25-2-5 (Herbicide: Pre-emerge with fertilizer) # 088575	50 pound	\$ 16.15/50* BAG	
Pre-m 0-0-8 (Herbicide: Pre-emerge with fertilizer) # 069278	50 pound	\$ 14.25/50* BAG	
18-1-8 # 080269	50 pound	\$ 27.51/50* BAG	
18-2-18 Bio Solids # 026640	50 pound	\$ 11.01/50* BAG	
		\$	
		<b>TOTAL</b>	\$ 144.34
<b>Insecticide</b>			
Dylox # 081262	30 pound	\$ 29.52/30* BAG	
* Lesco Fate # 088846	1 pound	\$ 9.97/LB	ACEPHATE PRO 75
Lesco Fate # 081174	10 pound	\$ 84.77/10*	
* Falstar Flowable # 090526	1 quart	\$ 35.00/1QT	RIFEN XTS
Top Choice # 081182	50 pound	\$ 145.00/50* BAG	
* Varsity Ant Bait # 061710	25 pound	\$ 160.00/25* BAG	MAYFORCE FIRE ANT
* Orthene T&O # 0888466	WSP packets	\$ 9.97/LB	ACEPHATE PRO 75
Orthene T&O # 081174	25-pound 5x24	\$ 84.77/10*	
Merit 75 WP # 086197	2 oz	\$ 39.84/2 oz.	
Sevin # 082607	2.5 gallons	\$ 71.00/2.5 GAL	
		<b>TOTAL</b>	\$ 669.84

\* SPECIFICATIONS ENCLOSED

# Bid Document 2007-DD-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Revolver #069501	1 quart	\$176.82/QT	
Monument #084907	5 X 5 packets	\$361.28/502. LEAFTRILITY	
Simazine #055321	2.5 gallon	\$40.13/2.5 GAL	
Drive 75DF #063899	1 pound	\$91.50/1#	
Sedgehammer #088461	1.3 ounce	\$92.64/1.3oz	
*Manage #088461	1.3 ounce	\$92.64/1.3oz	SEdgeHAMMER
Manor #069201	2 ounce	\$116.13/2oz.	
Momentum Premium #084747	2.5 gallon	\$99.50/2.5 GAL	
MSMA 6.6 #069087	2.5 gallon	\$50.25/2.5 GAL	
Prosecutor Pro #069291	30 gallon	\$750.00/30 GAL	
Prosecutor Pro #069289	2.5 gallon	\$75.00/2.5 GAL	
Weed Flex #089202	1 gallon	\$140.00/GAL	
Reward #089202	1 gallon	\$140.00/GAL	
Scythe #023774	2.5 gallon	\$96.21/2.5 GAL	
Snapshot #035012	50 pound	\$85.00/50#	
Three Way Selective #069372	2.5 gallon	\$57.75/2.5 GAL	
Sethoxydim #030538	1 gallon	\$96.61/GAL	
Quick Silver #069454	8 ounces	\$120.09/8oz.	
*Basegran #035039	1 gallon	\$100.42/GAL	LESSCOGRAN
*Vantage #096538	1 gallon	\$92.61/GAL	SETHOXYDIM
Image Herbicide #09204	1 pint 11.43oz	\$85.36/11.43oz	
Dismiss #088739	1.6 ounce 16 ounce	\$146.45/16oz.	
Certainly #088732	1.25 ounce	\$91.76/1.25oz	
<b>TOTAL</b>		<b>\$3202.41</b>	

\* SPECIFICATIONS ENCLOSED

# Bid Document 2007-DD-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
Banol #031831	1 gallon	\$ 318.47/GAL	
T-Storm #081854	2.5 gallon	\$ 262.00/2.5 GAL	
Mancozeb #084029	12 pound	\$ 38.50/12 #	
Heritage #090779	1 pound	\$ 270.00/16.02	DISARM 4805C
Manicure Ultrex #084897	5 pound	\$ 43.75/5 #	
Subdue #084908	1 gallon	\$ 434.00/GAL	MFFEAD0X4M 240
<b>TOTAL</b>		<b>\$ 1344.92</b>	

\* SPECIFICATIONS ENCLOSED

\* \*

# Bid Document 2007-DD-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
<b>Miscellaneous</b>			
Double Eagle Blend Rye Grass Seed #011663	50 pound	\$ 53.50 / 50 # BAG	
Pro-Choice Soil Master # 080310	50 pound	\$ 7.50 / 50 # BAG	
ProChoice Quick Dry # 083291	50 pound	\$ 8.00 / 50 # BAG	
Pro Max # 069440	2 pound	\$ 70.00 / 2 #	
Regi-Max # 090857	2.5 gallon	\$ 850.00 / 2.5 GAL	
Spreader Sticker, Non-ionic # 019255	2.5 gallon	\$ 46.36 / 2.5 GAL	
Spreader Sticker # 005182	1 gallon	\$ 22.70 / 1 GAL	
Tracker Dye # 069399	1 quart (soluble packets)	\$ 20.75 / 1 QT	
Tracker Dye # 008820	2.5 gallon	\$ 58.00 / 2.5 GAL	
Bolster # 032373	2.5 gallon	\$ 123.83 / 2.5 GAL	
Chelated Iron Liquid # 084043	2.5 gallon	\$ 18.30 / 2.5 GAL	
Dolomitic Lime (pelletized) # 008979	50 pound	\$ 4.90 / 50 #	
Wasp & Hornet Spray # 084193	17.5 ounce can	\$ 4.87 / 17.5 oz	
Recede # 060727	1 pint	\$ 9.95 / 1 PINT	
Lesco Green # 008423	2.5 gallon	\$ 98.00 / 2.5 GAL	
Recede Antifoam # 060730	1 gallon 12 x 16 oz cs	\$ 119.40 / CS	
Rye Grass Seed Perennial - Eagle Blend # 061638	50 pounds	\$ 52.50 / 50 # BAG	
Ecogentral Moisture Manager # 084855	2.5 gallon	\$ 89.75 / 2.5 GAL	
Athletic Field Marking Chalk # 863472	50 lb	\$ 4.75 / 50 # BAG	
		<b>TOTAL</b>	\$ 1663.04

# Bid Document 2007-DD-PARKS CHEMICALS

PRODUCT	UNIT	UNIT PRICE	EXCEPTION
COMPANY NAME: <i>LESCO, INC.</i> SIGNATURE: <i>[Handwritten Signature]</i>			

**BID DOCUMENT: 2007-DD-PARKS CHEMICALS**

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM. BID SHEETS MUST BE SIGNED BY COMPANY OWNER OR AUTHORIZED PERSONNEL AND NOTARIZED.

**COMPANY NAME** LESCO, INC.  
**ADDRESS** 1301 EAST 9TH STREET  
SUITE 1300  
CLEVELAND, OHIO 44114-1849

**FEDERAL ID#** 34-0904517  
**PHONE NUMBER** 800-321-5325 X6550  
**FAX NUMBER** 216-706-1612

  
\_\_\_\_\_  
**AUTHORIZED SIGNATURE**

KEITH O. MCGINTY  
\_\_\_\_\_  
**PRINT NAME**

Sworn to and subscribed before me this 30<sup>TH</sup> day of JULY, 2007.

  
\_\_\_\_\_  
Notary Public

**MARGARET DWORZAK**  
Notary Public, State of Ohio  
My Commission Expires 9-26-10

**ALL BIDS MUST BE RECEIVED**

**IN PERSON :**  
CITY OF DAPHNE  
FINANCE DEPARTMENT  
ATTENTION: SUZANNE HENSON  
1705 MAIN STREET  
DAPHNE, ALABAMA 36526

**BY MAIL :**  
CITY OF DAPHNE  
FINANCE DEPARTMENT  
ATTENTION: SUZANNE HENSON  
P.O. BOX 400  
DAPHNE, ALABAMA 36526

**ORDINANCE 2007 - 35**

**FENCE @ WELCOME STATION APPROPRIATION**

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

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

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

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

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

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

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

**ATTEST:**

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

# **CITY OF DAPHNE ORDINANCE NO. 2007- 37**

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## **AN ORDINANCE PROMULGATING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

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

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

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

### **SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS**

1. City parks will open at sunrise and close at sunset, with the exception of parks which have field lighting designed for athletic events or night fishing.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.
6. Fires are allowed in cooking grills in designated areas only, Open "camp" fires are prohibited, unless permitted by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon<sup>186</sup> prior written consent of the City. No

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

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

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

**SECTION III: REPEALER**

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

**SECTION VIII: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

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

\_\_\_\_\_  
**FRED SMALL,**  
**MAYOR**  
Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

**CITY OF DAPHNE  
ORDINANCE NO. 2007- 38**

**AN ORDINANCE PROMULGATING THE RULES  
AND REGULATIONS FOR THE DAPHNE DOG PARK**

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

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

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

**SECTION I: DAPHNE DOG PARK RULES AND REGULATIONS**

1. The hours of the Park shall be from sunrise to sunset.
2. All dogs must be under the control and within sight of owners/custodians at all times.
3. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
4. All dogs must be on a leash until inside the Park and upon leaving the Park.
5. There will absolutely be no female dogs in heat allowed inside the Park.
6. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
7. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
8. A dog must be removed from the Park at the first sign of aggression.
9. All dogs must wear a collar displaying current vaccination tags and current registration.
10. All choke chains, pronged training collars and studded collars are prohibited.
11. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.
12. No dogs under the age of four (4) months are allowed in the Park.
13. No food or treats - human or pet - shall be allowed inside the Park.
14. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).

- 15. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.
- 16. No smoking is allowed inside the Park.
- 17. Any and all Rules and Regulations governing City of Daphne Parks shall also apply to the City of Daphne Dog Park.

**SECTION II: SEVERABILITY**

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

**SECTION III: REPEALER**

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

**SECTION 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 the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS 6<sup>TH</sup> DAY OF AUGUST, 2007.**

\_\_\_\_\_  
**GREG BURNAM,**  
**COUNCIL PRESIDENT**  
 Date and Time Signed: \_\_\_\_\_

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

**ATTEST:**

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

**ORDINANCE 2007- 39**

**Access Management Plan for  
Alabama State Highway 181**

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

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2007 budget, the City Council adopted Resolution 2007-34 whereby the City of Daphne gave its support for the Alabama Department of Transportation (ALDOT) to effect Requests for Proposal for the completion of an Access Management Plan for the Alabama State Highway 181 (project); and

**WHEREAS**, such Requests for Proposal were submitted to ALDOT and evaluated by ALDOT; and

**WHEREAS**, ALDOT has determined that the fee proposal submitted by Sein Associates meets the objectives of the project; and

**WHEREAS**, the City of Daphne finds the pro-rated cost of the Access Management Plan to be reasonable.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that an appropriation from the 2000 Construction Fund in an amount not to exceed \$ 35,000 is hereby approved for the Alabama State Highway 181 Access Management Plan.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

Date & Time Signed:\_\_\_\_\_

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

Date & Time Signed:\_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2007- 40**

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

**GATES VI, L.L.C.**

**(Property located off County Road 64 and adjacent to Pollard Road 7.26 Acres)**

**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 28, 2007 and *the motion failed for the affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, Multi-Family Residential, District**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 20, 2007 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 DESCRIPTION:**

DESCRIPTION OF WEST PORTION OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3:

THAT PART OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3 AS PER PLAT RECORDED ON SLIDE NO. 2040-B OF THE PROBATE COURT RECORDS AT BALDWIN COUNTY Y, ALABAMA DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 RUN EAST ALONG THE NORTH BOUNDARY OF SAID LOT 2 A DISTANCE OF 373.92 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN NORTH 36.00 FFET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN EAST 201.36 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LOT 2 RUN SOUTH 36.00 FEET TO A POINT; THENCE RUN WEST 5.08 FEET TO A POINT; THENCE RUN SOUTH 394.00 FEET TO A POINT; THENCE RUN WEST 42.00 FEET TO A POINT; THENCE RUN SOUTH 346.00 FEET TO A POINT; THENCE RUN EAST 87.00 FEET TO A POINT; THENCE RUN SOUTH 179.52 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION OF LOTS 1, 2, AND 3;THENCE ALONG SAID SOUTHERN BOUNDARY RUN N 61° 56' 55" W117.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE WESTERN BOUNDARY OF SAID LOT 2 RUN N 36 ° 23' 12"W 864.13 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF POLLARD ROAD; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY OF LOT 2 AND ALONG SAID EAST RIGHT OF WAY LINE OF POLLARD ROAD RUN N 00° 30' 41" E 168.42 FEET TO THE POINT OF BEGINNING. CONTAINING 7.2714 ACRES.

**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 \_\_\_\_\_ 2007.

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

---

**Fred Small**

**Mayor**

Date & Time Signed: \_\_\_\_\_

**ATTEST:**

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

**ORDINANCE NO. 2007- 41**

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

**ALABAMA 200 INVESTMENTS GROUP**

**(Property located off the corner of Pollard Road and Whispering Pines Road 4.87 Acres)**

**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 28, 2007 and the *motion failed for an affirmative recommendation* for the City Council to consider said request for annexation and said property **shall be zoned R-4, Multi - Family Residential, zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 20, 2007 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 DESCRIPTION:**

**DESCRIPTION TO ACCOMPANY SKETCH OF 4.87 ACRES TO-WIT:**

Commencing at the Northwest corner of Section 16, Township 5 South, Range 2 East, thence South 00°05'12" East along the West line of Section 16 a distance of 768.97 feet to the point of beginning, then North 89°58'47" East 40.00 feet to an iron pin, thence continue North 89°58'47" East 603 feet to an iron pin, thence South 89°58'47" West 603 feet to an iron pipe, thence continuing South 89°58'47" West 40 feet to the West line of Section 16, thence North 00°05'12" West along the West Section line 330 feet to the point of beginning, containing 4.87 acres more or less. Less and except any portion lying within road rights-of-way.

Reference: Orleans Commons

**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 \_\_\_\_\_ 2007.

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

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

**ATTEST:**

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

**ORDINANCE NO. 2007 - 42**

**Ordinance to Rezone Property Located on Lake Front Drive (9.6 Acres)  
Grande Pointe Apartments, L.L.C.**

**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 Multi-Family Residential District, to said property is located on Lake Front Drive, Alabama, being more particularly described as follows:

**Legal Description:**

Commencing at the Southwest corner of Lot 82, Lake Forest, Unit 7 as recorded in Map Book 7, Page 94 of the Probate Courts Records, Baldwin County, Alabama, run North 88 Degrees, 32 Minutes, 30 Seconds West, 197.64 feet to a Point; thence run North 13 Degrees, 24 Minutes, 59 Seconds West, 61.40 feet to a Point on the arc of a 500 foot radius curve concave Northwardly; thence run Westwardly along said arc of curve 236.05 feet to the P.T. of said curve; thence Run North 76 Degrees, 22 Minutes West, 207.48 feet to the P.C. of a curve to theLeft having a radius of 37.48; thence run Southwestwardly and Southeastwardly along the arc of said curve 110.94 feet to the P.T. of said curve; thence run South 65 Degrees, 57 Minutes, 50 Seconds East 378.48 feet to the P.C. of a curve to the right having a radius of 500 feet; thence run Southeastwardly along the arc of said Curve 162.18 feet to a point; thence run North 42 Degrees, 37 Minutes, 16 Seconds East, 35.52 feet to a point; thence run South 72 Degrees, 55 Minutes, 30 Seconds East, 202.70 feet to a point; thence run South 75 Degrees, 59 Minutes 30 Seconds East, 110.0 feet to the POINT OF BEGINNING of the property herein Described; thence continuing South 75 Degrees, 59 Minutes, 30 Seconds East, 110.0 feet to a point; thence run South 29 Degrees, 16 Minutes, 30 Seconds, East, 305 feet to a point; thence run South 67 Degrees, 36 Minutes, 30 Seconds East, 94.5 feet to a point thence run South 06 Degrees, 05 Minutes West, 309.08 feet to a point; thence run South 11 Degrees, 49 Minutes, West 453.3 feet, more or less, to the 20 foot contour, U.S.C. and G.S. Datun; thence along said 20 foot contour run Northwestwardly 875 feet, more or less, to a point; thence run North 38 Degrees, 05minutes, 16 Seconds East, 2 feet, more or less, to a point; thence run North 04 Degrees, 01 Minutes, 30 Seconds East, 75 feet to a point, thence run South 85 Degrees, 58 Minutes, 30 Seconds East, 39 feet to a point; thence run South 32 Degrees, 58 Minutes, 30 Seconds East, 97 feet to a point; thence run North 57 Degrees, 01 Minutes, 30 Seconds East, 106 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 54 feet to a point; thence run North 78 Degrees, 34 Minutes, 30 Seconds East, 57 feet to a point; thence run South 50 Degrees, 20 Minutes, 48 Seconds East, 10 feet to a point; thence run North 39 Degrees, 39 Minutes, 12 Seconds East 37 feet to a point; thence run North 50 Degrees, 20 Minutes, 48 Seconds West, 70.95 feet to a point; thence run North 11 Degrees, 25 Minutes, 30 Seconds West, 69 feet to a point; thence run North 38 Degrees, 05 Minutes, 16 Seconds East, 27 feet to a point; thence run North 66 Degrees, 49 Minutes, 18 Seconds East, 234 feet to a point; thence run North 19 Degrees, 40 Minutes, 18 Seconds West, 133 feet to the POINT OF BEGINNING.

**WHEREAS**, the Planning Commission of the City of Daphne on June 28, 2007 has considered said request and set forth a 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, August 20, 2007 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 Multi-Family Residential District and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

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

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

**ATTEST:**

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