

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 4, 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
Work Session Minutes meeting held August 16, 2007

PRESENTATION: Eastern Shore Chamber of Commerce / Update Blue Print for Tomorrow / Jim Byrd

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Scott**
- B. BUILDINGS & PROPERTY - Lake**
- C. PUBLIC SAFETY - Burnam**
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Landry**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**
Review minutes meeting held August 24th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments - Eady**
Review minutes meeting held August 2nd
- B. Downtown Redevelopment Authority – Barnette**
Review minutes meeting held August 13th
- C. Industrial Development Board - Yelding**
- D. Library Board - Lake**
Review minutes meeting held August 12th
- E. Planning Commission – Barnette**
- F. Recreation Board - Palumbo**
Review minutes meeting held August 22nd
- G. Utility Board - Scott**

6. REPORTS OF OFFICERS:

- A. Mayors Report**
 - a.) *ABC License/ Grand Buffet / (New Owner) / 040 – Retail Beer – (On or Off Premises) & 060 – Retail Table Wine – (On or Of Premises)*
 - b.) *Agreement with ALDOT for Maintenance of Traffic Signals at the Intersection of the I-10 East Bound Ramp at Hwy 90 and at the Intersection of the I-10 West Bound Ramp at Hwy 90 / Resolution 2007-77*
 - c.) *Wooster Settlement: FEMA Hazardous Mitigation Grant / Ordinance 2007-44*
- B. City Attorney’s Report**
- C. Department Head Comments**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Authorize Application for a ADECA, Law Enforcement / Traffic Safety Division Grant/Resolution 2007-76
- b.) Agreement with ALDOT / Maintenance of Traffic Lights/Resolution 2007-77

ORDINANCES:

2nd READ

- a.) Annexation: Gates VI, LLC / Property Located off County Road 64 and Adjacent to Pollard Road / 7.26 Acres/Ordinance 2007-40
- b.) Annexation: Alabama 200 Investment Group / Property Located off the Corner of Pollard Road and Whispering Pines / 4.87 Acres...../Ordinance 2007-41

PULLED FROM AGENDA PER PROPERTY OWNER

- c.) 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

1ST READ

- d.) Amending the Personnel Policies & Procedures Handbook / Related to Performance Appraisals and Probationary Periods. /Ordinance 2007-43
- e.) Wooster Settlement: FEMA Hazardous Mitigation Grant. /Ordinance 2007-44

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

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Eady gave the invocation.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake arrived at 6:36 p.m.; Greg Burnam; Ron Scott; Regina Landry; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Bill Eady, Planning Department Director; Melvin McCarley, Public Works Supervisor; Sandra Morse, Civic Center Director; Kenneth Hanak, Interim-Fire Chief; David Carpenter, Police Chief; Kim Briley, Finance Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Sharon Cureton, Human Resource Director; Richard Merchant, Building Official; James White; Incoming Fire Chief; Ashley Campbell, Erosion Control Official; Rob McElroy, General Manager of Utilities; Ronald Allen, Library Board; Bob Segalla, Utility Board; Willie Robison, BZA; Ron Allen, Library Board; Representative Randy Davis.

Absent: Mayor Small.

3. APPROVE MINUTES:

MOTION BY Mrs. Barnette to approve the Council meeting minutes meeting held August 6, 2007. *Seconded by Ms. Landry.*

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

NAY NONE OPPOSED

MOTION CARRIED

PRESENTATION: Frances Harrell / ADA Compliant Playground Equipment

Mrs. Harrell stated that the city needs handicapped accessible playground equipment. She stated that this was supposed to happen at Centennial Park when new equipment was purchased for the park. She said that she was assured that the equipment would be boundless equipment, but there are only two (2) swings at the park that are handicap accessible. She wanted to know what the Council plans to do about this situation.

NOTE: Mr. Lake arrived at 6:36 p.m.

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

Mr. Dan Dealy, Board of Directors, thanked the Council for their support and introduced Mrs. D'Oliviera, Mrs. Ruth Seawell and Representative Randy Davis who presented the awards to Daphne East, Daphne Middle, W.J. Carroll Intermediate and Christ the King schools. Each school that applied received an additional block grant of \$3,000. There were a total of 28 grants given with a combined total of \$28,500. The funds were raised through fund raisers and a grant through Representative Randy Davis.

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**

1. Annexation: Gate VI

Mr. Richard Davis gave a presentation representing BMG Property Management which is the present owner of Audobon Park apartments. The company entered into a contract to purchase the 7.2 acres from Gates VI, Phase II of Audobon Park and bring this acreage into the city requesting a R-4, Multi-Family zoning. The Planning Commission had an issue with Phase I not being brought into the city. Mr. Davis said that if they brought Phase I into the city it would increase the assessment some \$60,000. The Commission was also concerned with traffic flow. Mr. Davis said that as of today the entrance is on Pollard Road, which would help the flow of traffic.

Mr. Davis answered questions from the Council.

Council President Burnam opened the Public Hearing at 7:25 p.m.

Ms. Cheryl Smith – 103 Dewitt Loop – said that it did not make senses to have Phase I in the County and Phase II in the city.

Council President Burnam closed the Public Hearing at 7:27 p.m.

Ordinance 2007-40 w was made a 1st Read.

2. Annexation: Alabama 200 Investment Group

Mr. Justin Clements gave a presentation stating that they are asking to annex 4.87 acres on Pollard Road south of Whispering Pines and are requesting R-4 Multi-Family zoning. They are proposing to build 56 gated condominium units with a pool and clubhouse. The site plan was approved at the July 26th Planning Commission meeting, and they are adding some more green space to the site plan. The Planning Commission had an issue with the traffic impact on the area by this development and another 150 unit apartment complex coming across from the YMCA. Mr. Clements said that one thing that they are doing to help alleviate some of the traffic is add a deceleration lane and as well contribute a third of the cost of a traffic light for the intersection.

Mrs. Barnette stated that this was not a favorable recommendation from the Planning Commission, and that it was a 4/4 vote. She said that the primary issue was the traffic, and the Commission had asked Mr. Clements and his clients to go to the Mayor's office and try to work out an arrangement so that they could deal with the traffic issue, and she confirmed with the Mayor before the meeting that it has been settled and resolved. The Mayor is pleased with it now, and would like the city to annex this property, and he asked her to convey this to Council.

Council President Burnam opened the Public Hearing at 7:35 p.m.

Mr. Richard Johnson - 27120 Bit & Spur Drive - spoke against the annexation.

Mr. Justin Clements – spoke in favor of the annexation.

Mr. Bob Segalla – 8100 Palmetto – said he does not oppose the annexation, but asked Council to take a hard look at traffic, he thinks it is worse than is purported.

Council President Burnam closed the public hearing at 7:49 p.m.

Ordinance 2007-41 was made a 1st Read.

3. Rezoning: Grande Pointe Apartments

Mr. John Peterson and Mr. Richard Davis gave a presentation stating that this is Phase II of Grande Pointe Apartments, it is a continuation.

Council asked questions of Mr. Davis.

Mrs. Barnette stated that this rezoning was given an affirmative recommendation with the understanding that the Lake Forest Property Owners Association endorsed the project. What she understands is that does not appear to be the case. She said that as far as where to go, there is R-4 there right now, in theory, it is a planning question that could be contiguous, but there are also other single families, so it is a sort of you could pick one or the other, personally she feels that with

the out turn of the community that it is something that they are opposed to, and they are working very hard for their community, and Council needs to listen to their voice.

Mr. Peterson stated that the project only adjoins property that is already zoned R-4, and there is not any single residence near the property.

Council President Burnam opened the Public Hearing at 8:30 p.m.

Mr. Henry Lawson – 104 Bookseuth – spoke against the rezoning.

Mrs. Pam Oberkirch – 244 Rolling Hills Drive – spoke against the rezoning.

Mr. George Lee – Country Club Drive – spoke against the rezoning.

Ms. Cheryl Smith – 103 Dewitt Loop – spoke against the rezoning.

Mrs. Nadine Andrews – 119 Lake Front Drive – spoke against the rezoning.

Ms. Niki Long - 118 Lake Front Drive – spoke against the rezoning

Mr. Jimmy Ward - 104 Briarcliff Circle – spoke against the rezoning.

Mr. Clint Martin – 453 Ridgewood Drive – spoke against the rezoning.

Mr. Willie Robison – 560 Stuart Street – spoke against the rezoning.

Mr. Rod Drummond – Ridgewood Drive – stated that about two (2) months ago another project was before Council to approve rezoning for housing for the elderly, inexpensive for people over 55, and he thought it was wonderful, but because it was in a residential area and a large group of people were here to fight against it, mainly because they were a single family community and they did not want any kind of apartments, and the same thing is happening tonight, only worse.

Mr. Henry Lawson – 104 Bookseuth – wanted Council to know that the community was gathering petitions.

Council President Burnam asked Mr. Davis if he had any rebuttal.

Mr. Davis said that he wanted everyone here to know that he never mentioned anything about court, and he was concerned about the aspersions that were being cast not only on the property, but also on the residents of the property. He said he is not sure the objections were as much about apartments as it is about the people who live in the apartments. He said that that concerns him greatly. He said that what concerned him most was the mentioned of an alleged rape. He said that he looked into this and that it was consensual between two (2) minors who were residents in the complex, and that it did not happen on the apartment grounds. He did not want it to appear that this is out of control, because it is not.

Mr. John Jost – 100 Ravenwood Circle – spoke against the rezoning.

Ms. Crystal Bennett – 105 Ridgewood Drive – spoke against the rezoning.

Council President Burnam closed the Public Hearing at 9:17 p.m.

Ordinance 2007-42 was made a 1st Read

4. REPORT OF STANDING COMMITTEES:

The Finance report was made after the Code Enforcement report.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake
No report.

C. PUBLIC SAFETY COMMITTEE – Burnam
The minutes for the August 7th meeting are in the packet.

MOTION BY Mr. Lake to establish the salary for the newly appointed Fire Chief, James White, at Public Safety Pay Grade 37 - Step 10. Seconded by Ms. Landry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Landry
No report. Council President Burnam stated that he would like an ordinance on swimming pools on the next committee agenda.

A. FINANCE COMMITTEE – Scott
The minutes for the August 10th meeting are in the packet.

Financial Reports

Treasurers Report / July 31, 2007

MOTION BY Mr. Scott to accept the Treasurers Report with an ending balance of \$23,187,218.33. Seconded by Mr. Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales Tax Collection / May 31, 2007

For the month of June the budget was exceeded for the second month in a row, and year-to-date sales tax collections are ahead of budget.

Lodging Tax Collections / May 31, 2007

\$55,924 was collected in June, which is down from last year, which is a little unusual, the Committee is not quite sure what the aberration was, but the hotels were not quite full. Year-to-date 70% of the budget has been collected, the total budget for the year is \$620,000.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

MOTION BY Mr. Yelding to authorize the obtaining of easements for the traffic signal upgrade on Main Street at Daphne Avenue and Belrose Avenue. *Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Eady

The board will meet September 6th to consider two (2) exceptions for a day care and a church.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

The Commission will meet Thursday at 6:00 p.m.

F. Recreation Board – Palumbo

The board did not meet due to a lack of a quorum. That seems to be an ongoing problem. The chairman will draw up by-laws that state if you miss so many meetings you are off the board. The next meeting will be September 12th at 6:00 p.m.

G. Utility Board – Scott

The board will meet the last Wednesday of the month at 5:00 p.m. Mr. Scott said that James White serves on the Utility Board and since his appointment as Fire Chief it would not be a good thing for him to continue to serve on the board, so the board has asked for his resignation. The Council will need to appoint someone to fill his term at the September 4th meeting. The resume of nominees will be in the Council packet.

6. REPORTS OF THE OFFICERS:

A. *Mayor's Report*

- a.) *ABC License / Winn Dixie Montgomery / 050 – Retail Beer (Off Premises Only) & 070 – Retail Table Wine – (Off Premises Only)*

MOTION BY Mrs. Barnette to approve the ABC License for Winn Dixie Montgomery, 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only). *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- b.) *ABC License / House of Dixie / 011 – Lounge Retail Liquor – Class II (Package)*

MOTION BY Mrs. Barnette to approve the ABC License for House of Dixie, 011 – Lounge Retail Liquor – Class II (Package) . *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

- c.) *Village Point Park Invasive Species Control Grant*

This will be covered under resolutions.

B. *City Attorney's Report*

No report.

C. *Department Head Comments*

David McKelroy – Recreation Director – reported that the Dog Park is ready to open. He suggested that Council might think about having a grand opening.

7. PUBLIC PARTICIPATION

Mr. Bob Segalla – Creekwood Subdivision – spoke regarding the response to all the calls received from Lake Forest and commended the Police Department.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS

- a.) **Establishing an Environment 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

MOTION BY Mrs. Barnette to waive the reading of Resolutions 2007-66, 2007-71, 2007-72, 2007-73, 2007-74 and 2007-75. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2006-66, 2007-71, 2007-72, 2007-73, 2007-74 and 2007-75. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: Fence @ Welcome Station/Ordinance 2007-35
- b.) Establishing Rules and Regulations for Daphne City Parks/Ordinance 2007-37
- c.) Establishing Rules and Regulations for the Dog Park/Ordinance 2007-38

1ST READ

- 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 200 Investment Group / Property located off the
corner of Pollard Road and Whispering Pines Road/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

MOTION BY Mrs. Barnette to waive the reading of Ordinances 2007-35, 2007-37 and 2007-38. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinance 2007-35. *Seconded by Mr. Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mr. Scott to adopt Ordinances 2007-37 and 2007-38. *Seconded by Ms. Landry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to suspend the rules to consider Ordinances 2007-39. *Seconded by Mr. Lake.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to waive the reading of Ordinance 2007-39. *Seconded by Mr. Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Mrs. Barnette to adopt Ordinances 2007-39. *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2007-40, 2007-41, 2007-42 WERE MADE A FIRST READ EARLIER IN THE MEETING.

8. COUNCIL COMMENTS

Mrs. Barnette stated that they talked a lot about planning tonight, and in the budget books there is not a traffic study proposed in Mr. Eady's budget, and traffic was discussed a lot tonight. She said that there is going to be a request coming from planning for about \$250,000 for a master traffic plan for the city. She also said that it is exciting to have the Environment Advisory Committee, and the Village Point invasive species project is just one of the many things that they can work on, and she is looking forward to the new group getting involved with the city.

Mr. Lake stated that he hoped that the Council recognized that there is another issue coming up for Lake Forest, and that is the church.

Council began objecting to Mr. Lakes comments.

Mr. Willie Robison excused himself from the meeting, as he is a member of the BZA which will hear this request.

Mr. Lake continued saying that he was bringing this up because this is going before the BZA, and he would hope that everybody would recognize that it is an important issue, and that the BZA needs to know the whole city's opinion on, and hopefully, they will listen to the Council members present. Because in the past the BZA has voted things in, or allowed certain things and has gone to circuit court without an attorney and it has been upheld because the council did not make a presence during the vote, and their vote took precedent over Council's vote. He said that it is something that they all need to pay attention to.

Mr. Scott apologized for trying to interrupt Mr. Lake, but the BZA is a quasi-judicial board, and as such they are not supposed to be lobbied. The reason Mr. Robison left is because he was about to have to declare himself ineligible to vote, so he encouraged, as he has encouraged the people in Lake Forest to please not contact these gentlemen. There will be a public hearing on September 6th in the Council Chambers, and if a Council member wants to come and speak at that time it is perfectly fine. He said do not lobby these people they will have to recuse themselves for exparte contact. He said it was exciting to see Lake Forest energized, and those still here have to feel good about the meeting tonight. He said regardless of what comes, or what this body will vote they have to be excited about having that many people with that much interest. He said it was exciting for him.

David Carpenter – Police Chief – stated that the bank robbery that happened last week was solved within 24 hours.

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

9. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:45 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam
Date & Time Signed: _____

AUGUST 16, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

COUNCIL MEMBERS PRESENT: Cathy Barnette; Greg Burnam; Ron Scott.

ABSENT: Bailey Yelding, John Lake; Regina Landry; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Kim Briley, Finance Director; Bill Eady, Planning Director; Sharon Cureton, Human Resource Director; Kenny Hanak, Interim-Fire Chief; James White, newly appointed Fire Chief.

Absent: Mayor Fred Small.

1. CALL TO ORDER

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

2. Access Management Plan for Highway 181 / Mr. Eady

The state has lowered the fee proposal from \$95,447 to \$89,989. ALDOT will pay a third, Daphne a third and Fairhope a third. Mr. Eady presented this to the Finance Committee and they recommended that the amount not exceed \$35,000. ALDOT will bill this upfront before they start the work. There will be a Public Hearing on September 13, 2007 at Daphne High School from 5:00 p.m. to 7:00 p.m.

3. ENVIRONMENTAL ADVISORY COMMITTEE

The purpose of the committee will be to look at environmental issues and report to the Public Works Committee. This will be a standing committee like the Beautification Committee. Council members present did not have a problem with the committee. They said it will be good thing so that the city can avoid another Yancey Branch fiasco.

Council President Burnam asked that this Resolution be placed on the agenda for Monday.

4. SALARY FOR NEW FIRE CHIEF

Council considered the salary of other Department Heads, and what the former Fire Chief was making. They considered Mr. White's experience and set the pay scale at the Public Safety Grade 37 - Step 10.

Mr. White mentioned that he and Kenny had gone over the budget and that he has made some changes, and one of the changes is to add the position of Assistant Chief.

Council President Burnam stated that this year each department will consider their budgets, and he should present this to the Public Safety Committee.

AUGUST 16, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

5. IMPACT FEES

The Mayor would like the Council to form a committee to look at the study and make recommendations. Council wanted to see what the time table is and will the figures hold up. They felt this might not be a good time to implement the fees since housing market was down. They feel that they should wait to see what the county will do about impact fees first. They also feel that the impact fee study merits more studying.

Council President Burnam thought that TischlerBise was supposed to come to one meeting to explain the study. Council asked that Mayor Small look at the agreement to see what it says, and call them to set up a time for them to come before Council.

5. SAFER GRANT

The scope of the grant is to bring the department into compliance with the National Fire Protection Association standards. They will only award the grant to those who will become compliant with the grant. They are requesting nine (9) firemen, which will bring them into compliance. They will be contacting Senators Shelby, Sessions and Congressman Bonner for support.

6. GRANT FOR RECREATION PROPERTY

Mr. Cohen stated that there is a grant available that the city can get to help with developing the property, but the property has to have roads and infrastructure or show intent to build infrastructure in order to get the grant. He said that Council needs to give direction.

Council instructed Mr. Cohen to apply for the grant.

7. ADJOURN

There being no further business to discuss the meeting adjourned at 7:30 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification of Presiding Officer:

Greg Burnam,

**AUGUST 16, 2007
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 8:00 AM on August 24, 2007
Location: City Hall Council Chambers

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

I. CALL TO ORDER

The May meeting of the Public Works Committee was called to order at 8:08 a.m.

Present: Councilman John Lake, Councilwoman Cathy Barnette, Melvin McCarley, Sandi Cushway and Scott (HMR), Victoria Phelps (Public Participation)

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report – July 2007
- B. Correspondence – Thank you card from Yelding family
- C. Victoria Phelps was here today to talk about Lake Forest. She wanted to follow-up on the master plan for the trail connector in Lake Forest. We got a good start on the roads and that is appreciated. More than 10% of grant money is left over to work with. Melvin needs to get with Kim Briley to determine how that money can be used. Areas originally identified are being core tested. Ms. Phelps wants to get an idea where we are on the \$300,000. Melvin stated that we are 95% done with the original 32 sites. Ms. Phelps would like to have an article done in the local paper to bring attention to the project. Ms. Phelps stated that they would like to see a left turn lane out on Lawson and CR 13 out of the remaining \$170,000. During school the traffic backs up on Lawson eastbound turning right onto CR 13. Melvin stated that this would have to be addressed as a separate issue. Melvin will get list of road improvements from Mr. Eady. Randall, Wilson and Pollard all need improvements as well.

Ms. Phelps stated that the entrances were all completed. Thanks to Public Works for their help. The scope of work identified for the trails in Lake Forest encourage the residents to use the trails. The trails would be 5’-8’ wide. Councilman Lake stated that he feels that they should be 8’ wide to better accommodate traffic flow. The recommendation was for the trail to run through the medians throughout Lake Forest. Going to try to finance this through grant money. Hoping to have draft written by November 3rd. Ms. Phelps stated that 60% of the City’s population lives in Lake Forest and would be using the trail. It was pointed out that PW would need to cut down hazardous trees. Melvin stated that he would like to see something in writing from the POA before any trees are taken down. He stated that he would also need to have an approved master plan.

III. OLD BUSINESS

- A. Minutes – July 27, 2007 meeting

IV. NEW BUSINESS

- A. It was discussed as to whether is would be possible to remove Solid Waste Authority from the PW Committee agenda.
- B. The Environmental Committee passed as a subcommittee of the PW Committee. Melvin to assign Tony Cross as PW representative.

V. DIRECTOR'S REPORT

- A. Capital – Maintenance needs a man-lift. It was originally requested that guarded ladders be placed outside of all city buildings at a cost of approximately \$16,000 but the man lift would better serve the department. Additionally, they would not need to borrow the bucket truck when they need to change light bulbs at the Civic Center. The portable lift would be able to be used in places the bucket trucks won't fit. The lift is 30-35' high and will accommodate two men. PW Admin needs a new Ford F150 truck to replace Melvin's truck which is 14 years old and has 140,000 miles on it. Streets needs a truck for signs. They will need a Ford F250 dump truck to replace one that is an old '89 model. Truck is old and unsafe to operate and needs to be retired. A planer was put in the budget but will probably end up being cut. Grounds will need a new bucket truck to work on traffic lights. Current truck was purchased in '93. Mowing needs an air compressor and a trailer. Their compressor died and they are using one borrowed from the Mechanical shop. Their old trailer is beyond use. Going to have to add a hydra mower (\$110,000) to budget. Hydra mower quit working and Duke does not feel that it can be repaired and is 17 years old. Too much money is being put in it to keep it running. Mechanical Maintenance needs a diagnostic system. Solid waste trash needs a knuckleboom truck, but we can probably put that off until next year. Recycling is growing and needs a third recycling truck in operation. Garbage's main purchase is to purchase more garbage carts.
- B. Red Lights – Had to reorder the parts for the light causing delays. Additional cost of light signalization for cross walk was \$8,000.
- C. Restrooms – May Day building is done. Franks is wiring. Still need to run pipes. Electrical is still out on bid for the restrooms at Park City and Daphmont. In 2008 budget.

VI. SOLID WASTE AUTHORITY

- A. Nothing Submitted

VII. MUSEUM COMMITTEE

- A. Minutes – July 9, 2007

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes – August 3, 2007

IX. ENGINEER REPORT

- A. NRCS Update – Yancey Branch looks good and should be completed within next couple of weeks. Whiting Court is still an issue. Need to get Ashley down there to evaluate. Would like to use restorative method. Scott stated that bluff presents a problem.

V. FUTURE BUSINESS

- A. Next Meeting – September 28, 2007, 8:00 a.m.

XI. ADJOURNMENT

Councilman Lake motioned to adjourn. The meeting adjourned at 9:30 AM.

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES **DRAFT**
REGULAR MEETING OF AUGUST 2, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:05 p.m.

Call of Roll:

Members Present:

Barry Taylor
Willie Robison
Billy Mayhand, Vice Chairman
Glen Swaney, Chairman
Walt Crimmins, Secretary
Jeri Hargiss

Members Absent

Frank Lamb

Staff Present:

William H. Eady, Sr., Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated Pat there are six Board members present who will be voting tonight.

Ms. Houston stated Ms. Hargiss, Mr. Crimmins, yourself, Mr. Mayhand, and Mr. Robinson.

The Chairman stated thank you. The first order of business is the approval of the minutes. It is my understanding that Mr. Lamb needs to be present to approve or make corrections to the minutes from the April 5th meeting. Is that correct? Since Mr. Lamb is not here tonight we cannot approve the April 5th minutes.

Mr. Hoffman stated yes, I believe that would be appropriate, Mr. Chairman.

The Chairman stated we will just move those minutes unto the next monthly meeting for approval at that point in time.

Mr. Hoffman stated yes, sir.

The Chair stated on to the May 3rd meeting minutes. Four of the members who attended that meeting are here tonight. If everyone has had a chance to read those minutes the Chair will entertain a motion to accept the minutes as written.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF AUGUST 2, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Approval of Minutes:

The minutes of the May 3, 2007 meeting were considered for approval.

A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Crimmins** to **approve the minutes.**

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

Mr. Robison	Aye
Mr. Mayhand	Abstained
Mr. Swaney	Aye
Mr. Crimmins	Aye
Ms. Hargiss	Aye

New Business:

Appeal #2007-09 - Steve & Daphne Robinson

The Chairman stated let us begin with Appeal #2007-09, Mr. Eady, if you are ready.

Mr. Eady displayed color transparencies of the vacant lot on the corner of Old County Road and Dryer Avenue. He stated Steven and Daphne Robinson have requested a variance to the Daphne Land Use and Development Ordinance of the City of Daphne. The request, if granted, would allow them to build a proposed residential structure located on the northeast corner of Old County Road and Dryer Avenue and encroach the rear setback line by twenty-feet on the east side. It is an R-1 Low Density Single Family residential lot, and as you can see there are a number of Live Oak trees on the site. The new setback would actually move the home up more to the left to save some of those trees.

The Chairman stated one quick question before you get away from your plot plan. I noticed that the cringe will be a tad over twenty-feet, instead of forty-feet it will be reduced to a little over twenty-feet. Is that correct?

Mr. Eady stated yes, sir.

The Chairman stated thank, you.

Mr. Crimmins stated the other thing, Mr. Eady, is that I noticed that you recommended approval. Is that because the removal of these two Live Oaks is contrary to the goals and objectives of the Land Use Ordinance?

Mr. Eady stated I am sorry. I did not understand you.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF AUGUST 2, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chairman stated any additional question? If not, the Chair will entertain a motion.

A Motion was made by Mr. Crimmins and Seconded by Mr. Mayhand to approve Appeal #2007-09, Steve & Daphne Robinson for a variance to allow the proposed residential structure to be located on the northeast corner of Old County Road and Dryer Avenue to encroach the rear setback line by 20.0-feet.

Upon roll call vote, the Motion carried, unanimously.

Mr. Taylor	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Swaney	Aye
Mr. Crimmins	Aye
Ms. Hargiss	Aye

The Chairman stated your variance is approved and you can pick up the paperwork tomorrow morning from Pat. Thank you very much.

Appeal #2007-10 Verizon Wireless

The Chairman stated the next order of business is Appeal #2007-10, let us begin, Mr. Eady.

Mr. Eady displayed color transparencies of 27250 U. S. Highway 98. He stated Verizon Wireless has requested a special exception to the Land Use Development Ordinance to construct a cellular tower at 27250 U. S. Highway 98, which is behind the Space Savers Storage units. It is in a B-2 General Business Zone. The yellow highlight shows you the spot. It abuts up to Yancey Branch. The circle shows you the locations access and fall zone.

Mr. Crimmins stated the fall zone is going to be as tall as the pole right?

Mr. Eady stated one hundred and eighty-feet.

Mr. Crimmins stated that is not getting anywhere near that subdivision is it.

Mr. Eady stated I have a better picture.

Mr. Crimmins stated okay.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES DRAFT
REGULAR MEETING OF AUGUST 2, 2007 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Crimmins stated from the boundary of the residential zone you have more than one hundred and eighty feet. Is that correct?

Mr. Breuman stated it is one hundred and eighty-three-feet from the boundary of the residential.

Mr. Crimmins stated from the contour.

Mr. Breuman stated yes, sir that is correct.

Mr. Crimmins stated so when construction is complete it will not be more than one hundred and eighty-feet.

Mr. Kirkpatrick stated that is correct.

Mr. Crimmins stated okay.

The Chairman stated any additional questions? If not, the Chair will entertain a motion.

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Ms. Hargiss** to **approve Appeal #2007-10, Verizon Wireless for a special exception to allow a one hundred and eighty-foot cell tower to be constructed at 27250 U. S. Highway 98.**

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

Mr. Taylor	Aye
Mr. Robison	Aye
Mr. Mayhand	Aye
Mr. Swaney	Aye
Mr. Crimmins	Aye
Ms. Hargiss	Aye

The Chairman stated the appeal is approved and you can pick it up on tomorrow.

Mr. Kirkpatrick stated thank you.

The Chairman stated is there any additional business to come before the Board tonight? If not, the Chairman will entertain a motion to adjourn.

Adjournment:

A **Motion** was made by **Mr. Crimmins** and **Seconded** by **Mr. Robison** to **adjourn. The Motion carried unanimously.**

There being no further business the meeting was adjourned at 6:36 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF APRIL 6, 2006 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: September 6, 2007

Glen Swaney, Chairman

/ph

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
AUGUST 13 , 2007
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Starke Irvine called the meeting to order with a quorum present at 5:45 p.m.

Members Present: Starke Irvine; Ceann Wachter; Jackie Ward; Chris Donald; Lad Drago; Glenn Glass.

Absent: Kit Smith.

Board Members Present: Cathy Barnette.

Board Members Absent: Jeff Hudson; Andy Citrin; Mayor Small.

Also present: Rebecca Hayes, Recording Secretary; Ryan Glass, Camellia Cafe.

MINUTES

MOTION BY Ceann to approve the minutes meetings held June 19, 2007. Seconded by Jackie Ward.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

UPDATE ON MAP FOR OLDE TOWNE DISTRICT

Discussion was held on extending the district. Starke has discussed this with Mr. Eady and he does not have a problem with extending the district. Discussion was also held on zoning for the overlay district, and Cathy and Starke will get together to discuss this further.

ARCHITECTURAL GUIDELINES

Starke will have packets from the Architectural Committee for the next meeting.

LANDSCAPING

Kent Broom sent a bid for the master plan for Main Street down to Van Avenue and northward Main to Randall in the amount of \$11,750. *(Bid is spread out upon these minutes)*

MAIN STREET MEDIAN

The median project was tabled because it would cause a lot of trouble for the businesses with their deliveries, and there is not enough room to put a median in the middle of the street, so they will proceed with plans for expanding the sidewalks to narrow the street for traffic/speed control and landscape around the sidewalks.

NEXT MEETING

The next meeting will be September 10, 2007.

ADJOURN

The meeting adjourned at 6:45 p.m.



July 13, 2007

Mr. Starke Irvine
Daphne Downtown Redevelopment Commission
Daphne, Alabama 36526

RE: A Master Streetscape Plan for Main Street, Daphne, Alabama.

Dear Mr. Irvine

Thank you for requesting our landscape design and consultation service. We will enlarge the site survey plans that you supply to us to an appropriate scale. This survey must be in a .dwg digital file format and locate all existing site features such as roads, buildings, sidewalks, light poles, fire hydrants, utility boxes, easements and right of ways, vegetation and other pertinent site features. The master plan will extend from the intersection of Main Street and Van Avenue and extend northward to the intersection of Main Street and Randall Avenue. The Master Streetscape will also extend eastward on Daphne Avenue from Main Street to State Highway 98.

Master Streetscape Landscape Master Plan:

CADD Base Plan. Scale: 1" = 20'-0"

- A. Client consultation and scope of services review
- B. Site Analysis, gather information and prepare base plan with site analysis and site information
- C. Conceptual Hardscape Plan incorporating road alignment, parking, sidewalks, medians, seating, crosswalks etc.
- D. Conceptual Softscape Design Planting Layout
- E. Conceptual Lighting Layout
- F. Consultation

All Hardscape designs will keep in mind the development of the softscapes, which is the planting design. Once we have completed the hardscapes, we will continue to the planting and lighting.

Design and Consultation Fees:

The design fee for the Master Streetscape Plan for Main Street, Daphne, Alabama will be Eleven Thousand, Seven Hundred Fifty Dollars and No Cents (\$11,750.00). Payment is due upon delivery of the plans. All in house and contracted printing fees will be invoiced at an additional cost of \$1.75 per 24x36" drawing sheet.

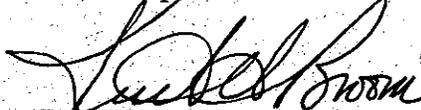
All clients authorized expenses and purchases will be billed at direct cost plus 15% for administration. The owner agrees to pay any cost of collection including a reasonable attorney's fee. Either party may terminate this agreement upon thirty (30) days written notice.

If you concur with the foregoing, please sign and date. Keep one copy for your files and return the signed copy in the enclosed self-addressed envelope. Should you have any questions with regard to this proposal, I welcome your response at your earliest convenience.

ACCEPTED BY:

Date: _____

Mr. Starke Irvine, Daphne Downtown
Redevelopment Commission.



Date: _____

KENT H. BROOM, INC.

August 6, 2007

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

In Attendance:

Library Director Tonja Young; Board Members Gayle Robinson, Dee Gambill, and Mary Riser; Board Chairman Ron Allen; Foundation Committee Member Jan Blankenhorn; Friends of the Daphne Library (FODL) President Karen Kyzar; Angelo and Joe of Joseph Brown & Associates, Inc.

Call to Order:

After a quorum was established, Board Chairman Ron Allen called the meeting to order at 5:38 pm.

Reading and Approval of the Minutes:

The minutes of the July 10, 2007 meeting were reviewed and approved.

Monthly Statistical Report:

The monthly statistical report for July, 2007 was reviewed. Circulation increased 16.23% and patronage increased 16.86% since July, 2006. Year-to-date circulation for July, 2007 was 198,340 compared to a year-to-date circulation of 180,987 for the end of July, 2006. Interlibrary loans increased from 22 loaned out and 10 borrowed in July, 2006 to 1943 loaned out and 1314 borrowed in July, 2007. The Library added 248 new patrons during the month of July.

Chairman's Remarks:

Board Chair Ron Allen welcomed new Board Members Dee Gambill and Mary Riser.

Report from Joseph Brown & Associates:

Joe Brown discussed the Library's upcoming public awareness campaign (prior to fundraising). He suggested a slogan that would work throughout the campaign with publicity on local AM radio stations, cable stations, and direct mail. His firm would provide a reasonably priced services and request for matching dollars from the media with whom his firm has good contacts. His firm would develop and produce the ads and audiovisuals for the campaign using local citizens of all backgrounds.

The Board agreed that they would like to kick-off this campaign at the teen-sponsored event on September 22. This would require a starting time of September 12 for ads.

Library Director's Report:

The Library Director discussed the newest Library employees, Rhonda Moss, Cathy Chandler, Donna Page, and Fanny Barnett.

An update on Library programs was presented, including those which would be funded by the LSTA grant for \$19,200 recently received from APLS.

The statistical report was presented along with statistics used by NCDS to describe recent trends in the growth of Library use.

Chairman's Report on APLS Trustees Meeting:

Chairman Ron Allen discussed his recent trip to Montgomery for a trustees training session at APLS. He stated that about 36 members of APLS made presentations useful for trustees and library staff. He was informed that five is a minimum number for Library Board Members in Alabama, and that we could have more. He stated his desire to discuss this change with the Mayor and Council. Mr. Allen also learned about Amendment 319 which allows special property tax only in Baldwin County, Alabama for use by public libraries. He stated that this might solve the Library's funding for the building addition.

Setting Date & Time for Future Meetings:

The next meeting was set for the second Tuesday, September 11, at 4:00 pm. The Chairman has since learned that the Council Liaison John Lake could not attend the meeting due to a previous appointment and has stated his intention of discussing a suitable time for the future meetings with the Liaison as soon as possible.

Other Business:

Board Members would like for the catalogers to keep counts of donations cataloged versus new items cataloged.

Closing Comments:

Chairman Ron Allen presented the Library's five-year plan and stated his desire that members look over it and come prepared to help update the plan at the next

meeting. The Library Director is to update the old plan and present new ideas for the plan as well.

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

Adjourn:

The meeting adjourned at 6:45 pm.

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

City of Daphne Recreation Board Minutes
1705 Main Street
Daphne, AL
August 22, 2007
6:00pm

Members Present: Chairman Ed Nelson, Erick Smith, Matt Cunningham, Kit Smith and John Peterson (arrived at 7:30pm)

Members Absent: Matthew Banfield, Rick Cleveland

Advisory Staff Present: David McKelroy, Parks and Recreation Director, Coach Glenn Vickery, Councilman Gus Palumbo

Others Present: Willie Williams, Pastor Tony LeGear

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:10pm.

Review and Approval of Minutes

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

Public Participation

Mr. Willie Williams spoke to the Board with regard to using the Nicholson Center for fund raising events for the Martin Luther King Scholarship program. After discussion, Kit Smith and Gus Palumbo suggested that Mr. Williams speak with Sandra Morse, Civic Center Director, about use of the Bay Front Pavilion.

Pastor Tony LeGear of the Eastern Shore Christian Center spoke to the Board requesting the rental of the Recreation Center on Sunday mornings for their services during the construction of their new facility. Chairman Ed Nelson made a motion that the ESCC be recommended to rent the Recreation Center upon approval of the Building and Grounds Committee. Motion Seconded by Kit Smith. Motion carried.

Old/New Business

1. Master Plan Update
 - a. Topographical Survey and Wetland Delineation should be complete and presented at the September meeting
 - b. No report from the Tennis Steering Committee

2. Land Use Ordinance Committee
The Committee presented to the Recreation Board a proposal to allow contributions to the City of Daphne Parks and Recreation Department in lieu of land/area dedication. A motion by Erick Smith and seconded by Kit Smith to send this proposal to the Planning Commission in the form of a recommendation passed.
3. Negotiation with School Board re: additional land
Mayor Small had been in correspondence with the School Board, but was unable to attend the meeting. No Report
4. Defibrillator Purchase and Training
The Bid for defibrillators had been awarded to Turner Supply at the August 20 City Council meeting. Purchase Orders will be requested for the purchase of two (2) Defibrillators for the Recreation Department. One for the Recreation Center and one for the Trione Sports Complex.
5. Staffing at the Fitness Center
Additional funds for the FY2008 budget have been requested in an effort to staff the Fitness Center all hours of operation.
6. Replacement of Personnel
Currently there are two positions vacant in Recreation. The position of Office Assistant, an offer for employment has been extended and accepted. The position of Recreation Programs Coordinator, first round interviews have been completed and 2nd interviews have been scheduled.
7. Dog Park
The Dog Park has been completed and the Ordinance for its rules were accepted at the Council Meeting of August 20. The Recreation Board set a date of September 15 at 9:00am for the Grand Opening.
8. Budget Recommendation
Information was supplied for FY2008 budget request for increases in operation budget and additional personnel.
9. Special Events for Remainder of 2007
 - * Cruisin' on the Shore, Sunday, October 21, 22-5 pm – Classic Car Show & Bluegrass
 - * A Celtic Celebration, Sunday, November 4, 2-5pm
 - * Christmas Parade & Tree Lighting, Thursday, November 29, 6:30pm

10. Registration for Fall Athletic Programs

Soccer	610 participants	ages 4 – 15	56 teams
Football	184 participants	ages 6 – 12	8 teams
Cheerleading	48 participants	ages 7 – 12	8 teams

11. Summer Camp participation

Coach Vickery stated that approximately 300 young people participated in the summer camps at Daphne High School.

12. Revenue Update

An updated schedule of Recreation Department revenues generated through July 2007 was presented.

13. Registration Fee Assistance

A Request for Registration Assistance and its program guidelines were presented to the board for their information. The requests are made by those individuals that are financially unable to pay all registration fees and allows all children to participate in any Daphne Recreation program.

Comments from Recreation Director

The Baldwin County Youth Football Jamboree will once be held at Daphne high School on September 8, at the Stadium Field and the two practice fields. A total of 51 teams from 10 Baldwin Co. cities and towns will participate.

Comments from Board Members

John Peterson made a request on behalf of the Girls Service Club from Daphne High School asking permission to have a Homecoming Bon-fire at Trione Sports Complex. It was suggested that this request go before the Daphne Fire Department for approval first.

Comments from Advisors

Coach Vickery stated that the stadium at Daphne High School will be dedicated on August 31 before the B.C. Rain game.

Adjourn

The meeting was adjourned at 7:37.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CASE NO. 2007-10

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/13/07 (initial) YS

DATE FORWARDED TO POLICE DEPT. 8/14/07 YS

DATE RECEIVED BY POLICE DEPT. 8/15/07 MH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 8/24/07 YS

DATE FORWARDED TO CITY CLERK 8/24/07 YS

DATE RECEIVED BY CITY CLERK 8/24/07 RH

SCHEDULED DATE ON AGENDA 9/10/07 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 _____ TYPE APPLICATION Date Approved _____
 By: _____ 060 - Retail Table Wine - (On or Off Premises) By: _____

Name of Applicant (s) Fei Hong, 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
Kin Lam	AL 8096272 President	05/04/69 Fujian, Fuzhou, China	6882 Hwy 90 Suite 4 Daphne, AL 36526	3 Years

Corporate Information: Inst # 900727 Date 06/21/07 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Grand Buffet

Location 6882 Hwy 90 Suite 4, Daphne AL 36526 County Baldwin

Mailing Address 6882 Hwy 90 Suite 4, Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name Yanfei Wang Type 020 Year 2006-2007

Trade Name Grand Buffet License Number 3116

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 Kin Lam

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 Signed Kin Lam
 COUNTY OF Baldwin e President Date 08/06/2007

The undersigned Kin Lam, President of Fei Hong, 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 6th day of August 2007

[Signature] Signature of Notary Public
 Notary Public, State at Large My commission expires 12/11/07
Kin Lam Signature of Affiant
 Business Phone (251) 626-1188 Home Phone (917) 294-6851

(For Central Office Use Only) License No.: _____ Date of Issue _____ Total _____

GENERAL APPLICATION INFORMATION

Contact Person: Kin Lam

Phone Numbers: Home: (917) 294-6851 Business: (251) 626-1138

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: _____

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 190 License premises includes patio area Y N

Building Dimensions: Length 60 Width 80 Square Footage 4800 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: 200 yards

Nearest: School Church Private Residence

within 2 blocks within 1/2 mile Exceeds Above

within 2 blocks within 1/2 mile Exceeds Above

within 2 blocks within 1/2 mile 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: Kin Lam

TRANSFER AGREEMENT License Type: _____ License # _____

I, _____, as _____, holding current ABC License at _____, (Name) (Title)

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: AIG Baker Contact #: (251) 969-1000

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) Kin Lam

Agent/ID: J. L. Baker ABC 97 Supervisor _____ (Review includes complete application packet)

AGENT: Application taken: 08/06/2007 Application/Investigation completed: /// Forwarded to D.O.: ///

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

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

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

Date Refused _____
 By: _____
 TYPE APPLICATION
 040 - Retail Beer - (On or Off Premises)
 Date Approved _____
 By: _____

Name of Applicant (s) Fei Hong, 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
Kin Lam	AL 8096272 President	05/04/69 Fujian, Fuzhou, China	6882 Hwy 90 Suite 4 Daphne, AL 36526	3 Years

Corporate Information: Inst # 900727 Date 06/21/07 County Baldwin
 (Enter book and page or document info.) (Incorporation or Authority)

Trade Name Grand Buffet
 Location 6882 Hwy 90 Suite 4, Daphne AL 36526 County Baldwin

Mailing Address 6882 Hwy 90 Suite 4, Daphne AL 36526
 (Include Street or Post Office Box Address, City, State, and Zip Code)

Previous Licensee Information Transferee

Licensee Name Yanfei Wang Type 020 Year 2006-2007

Trade Name Grand Buffet License Number 3116

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 Kin Lam

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 Kin Lam
 e President Date 08/06/2007

The undersigned Kin Lam, President of Fei Hong, 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 6th day of August 2007

[Signature]
 Notary Public, State at Large My commission expires 12/11/07
Kin Lam
 Signature of Affiant
 Business Phone (251) 626-1188 Home Phone (917) 294-6351

(For Central Office Use Only) License No.: _____ Date of Issue: _____ Amount of Fees: _____ Total: _____

GENERAL APPLICATION INFORMATION

Contact Person: Kin Lam
Phone Numbers: Home: (917) 294-6851 Business: (251) 626-1188
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 NA
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: _____
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 190 License premises includes patio area Y N
Building Dimensions: Length 60 Width 80 Square Footage 4800 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: 200 yards
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: Kin Lam

TRANSFER AGREEMENT: License Type: _____ License # _____

I, _____, as _____, holding current ABC License at _____

(Name) _____ (Title) _____
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: AIG Baker Contact #: (251) 969-1000
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) Kin Lam

Agent/ID [Signature] Supervisor Kin Lam
(Review includes complete application packet)

AGENT: Application taken: 08/06/2007 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
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

Resolution 2007-76

LETS Grant Application

WHEREAS, the City of Daphne Police Department has complied with the Alabama Criminal Justice Information Center, Uniform Crime Report reporting requirements for FY 2006 and remain current; and

WHEREAS, the city intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance to the LETS Grant Program; and

WHEREAS, said programs are limited to funding a maximum of ninety percent (\$25,000.00 or greater) which will be used to purchase equipment for the police department.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne hold in reserve ten percent (\$2,500 or greater) of the proposed project cost for the purpose of matching the LETS Grant Fund assistance, and

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

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

Greg Burnam,
Council President
Date & Time Signed: _____

Fred Small,
Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen,
City Clerk, MMC

RESOLUTION 2007-77

Agreement with ALDOT: Installation of Traffic Signal at the Intersection of I-10 EB Ramp at Highway 90, the Intersection of I-10 WB Ramp at Highway 90

BE IT RESOLVED, by the City Council of Daphne, Alabama that the City enter into an agreement with State of Alabama, acting by and through the Alabama Department of Transportation for the installation, maintenance, and operation of a traffic signal at the intersection of I-10 EB Ramp at Highway 90, the intersection of I-10 WB Ramp at Highway 90, which agreement is before this Council, and that the agreement be executed in the name of the Council for and on it's behalf, by the Mayor of the City, and that it be attested by the City Clerk and the seal of the City be affixed thereto.

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

ADOPTED AND APPROVED this _____ day of _____, 2007.

GREG BURNAM,
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL,
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

RESOLUTION 2007-77 TRAFFIC LIGHT AT I-10 and HIGHWAY 90 PAGE 2

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

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

DAVID L. COHEN
CITY CLERK

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:

David L. Cohen
City Clerk, MMC

GATES VI, L.L.C.

ANNEXATION OF 7.2714 ACRES

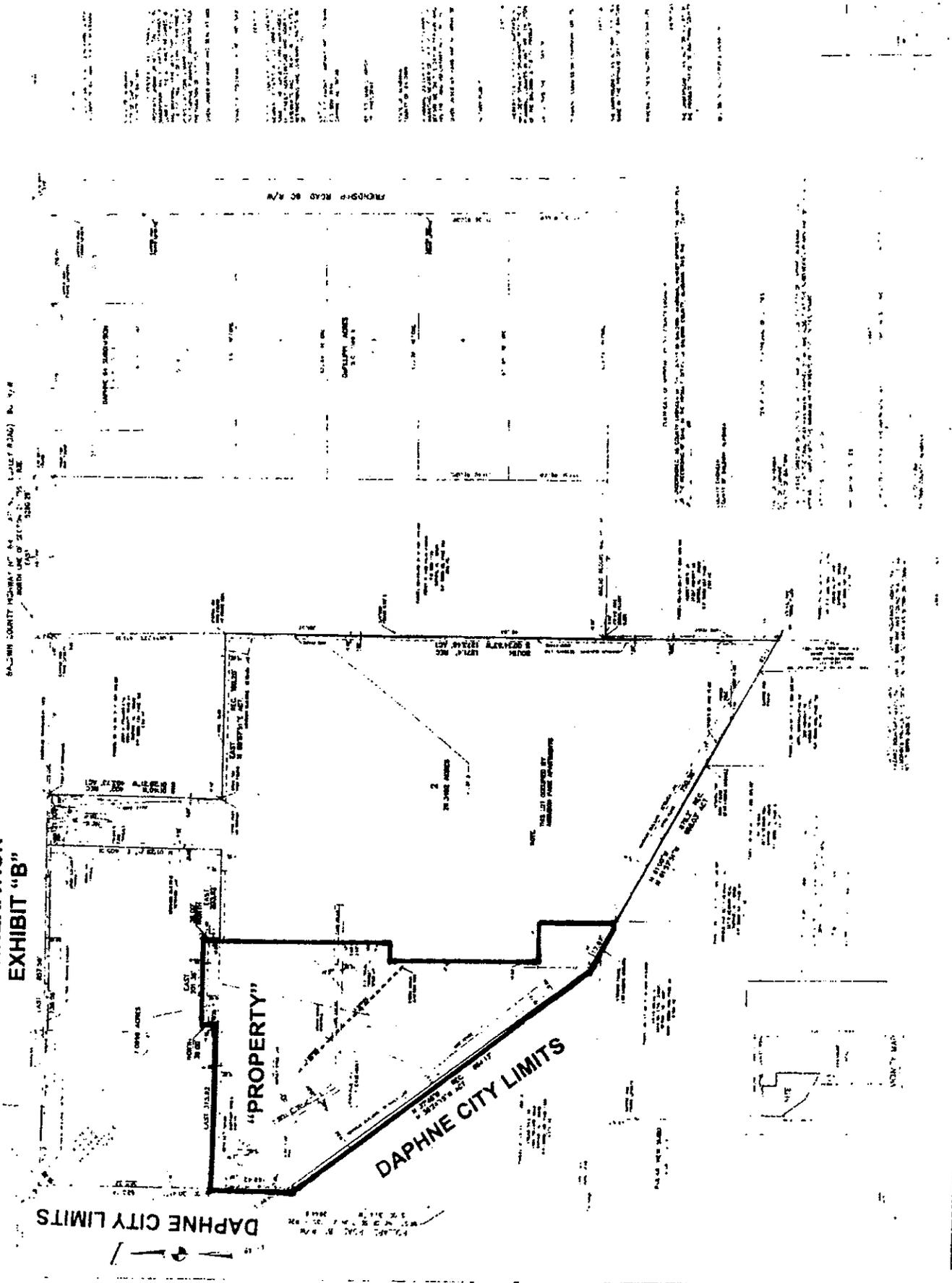
AS R-4 MULTI FAMILY

EXHIBIT "A"

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

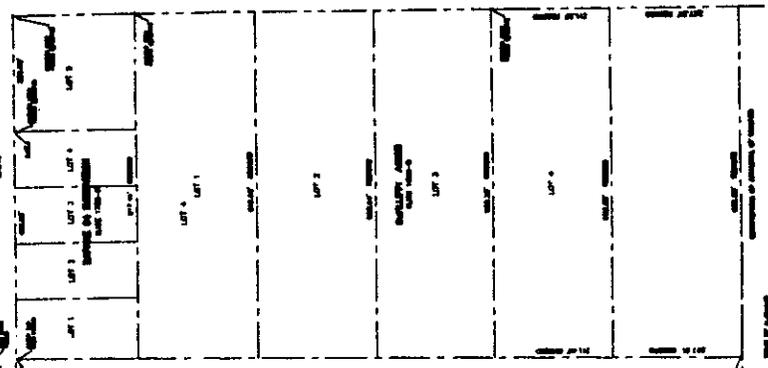
THAT PART OF LOT 2, AUDUBON PARK SUBDIVISION, RESUBDIVISION
OF LOTS 1, 2 AND 3 AS PER PLAT RECORDED ON SLIDE NO. 2040-B
OF THE PROBATE COURT RECORDS AT BALDWIN COUNTY, ALABAMA
DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF
SAID LOT 2 RUN EAST ALONG THE NORTH BOUNDARY OF SAID LOT 2
A DISTANCE 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
BOLLARD ROAD; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY
OF LOT 2 AND ALONG SAID EAST RIGHT OF WAY LINE OF BOLLARD
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"**

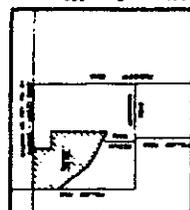


GATES VI ANNEXATION EXHIBIT 'B'

DADE COUNTY PROPERTY NO. 94 (DADE - COUNTY ROAD) OF 1/2



SUBJECT PROPERTY



PRELIMINARY/FINAL PLAT
(NOT FOR RECORDING)
ALDRICH PARK SUBDIVISION
RECONVERSION OF LOTS 1, 2 AND 3
RECONVERSION OF LOT 2

REGISTER AND CLERK
DADE COUNTY, FLORIDA

FILE NO.	DATE	BY	DATE	BY	DATE	FILE NO.

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

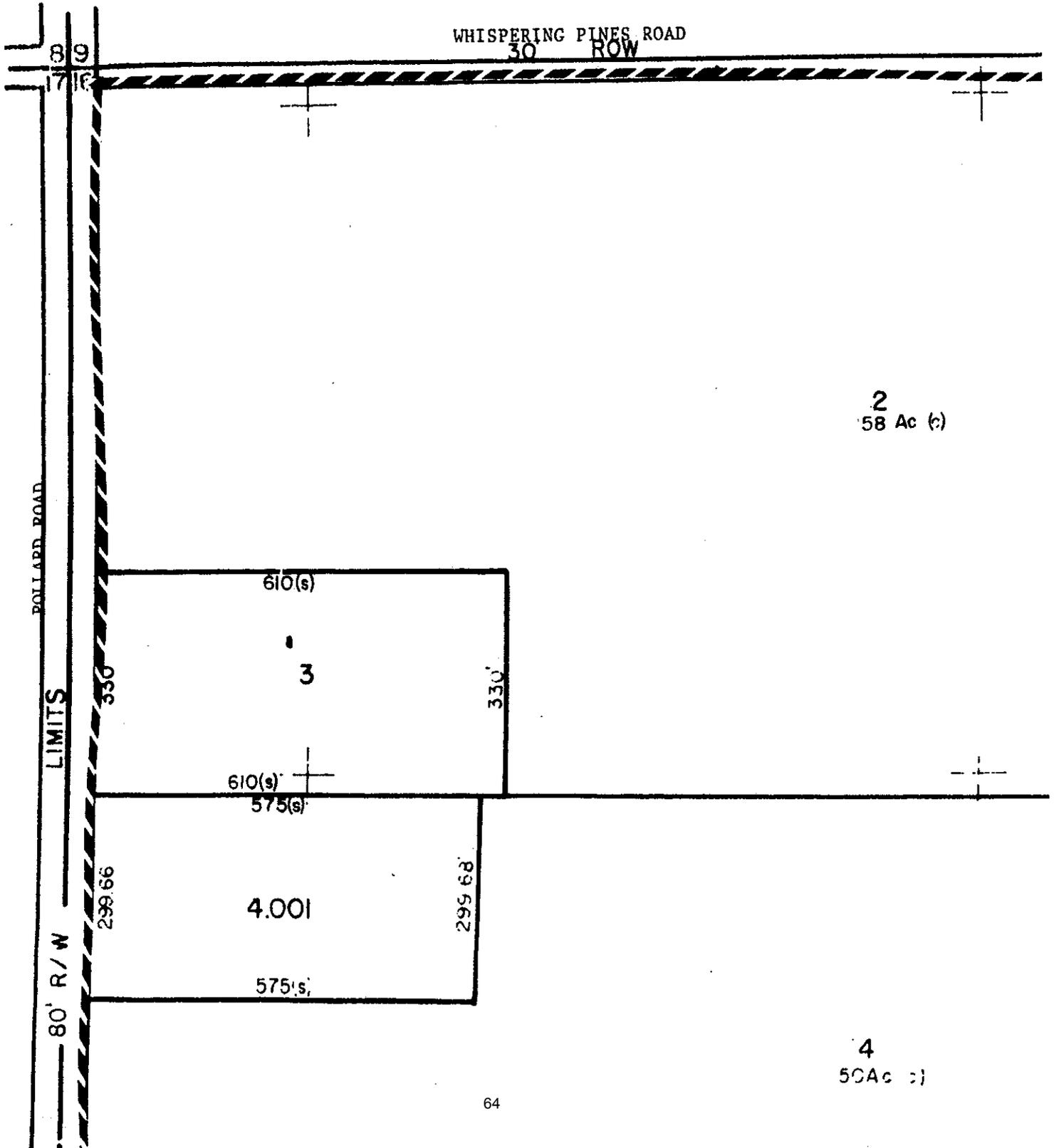
Alabama 200 Investment Group LLC
ANNEXATION OF 4.87 ACRES
AS R-4 MULTI FAMILY

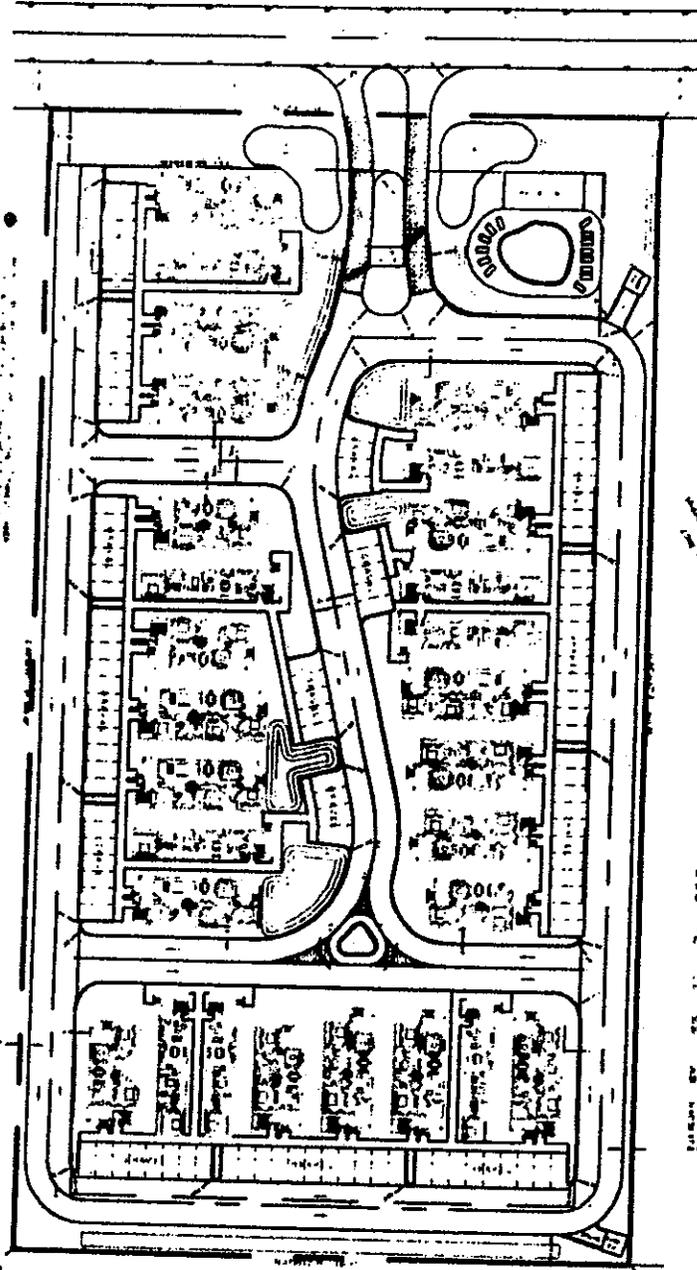
“Exhibit A”

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.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

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 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

John Borden
 06/13/07



1	As Shown
2	As Shown
3	As Shown
4	As Shown
5	As Shown
6	As Shown
7	As Shown
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ORLEANS COMMONS
 Site Plan

Borden Engineering & Surveying Company, Inc.

2275 Hwy 59 South, Suite 1
 Foley, Alabama 36535
 Phone: (251) 943-1434
 Fax: (251) 943-1427



**CITY OF DAPHNE
ORDINANCE NO. 2007-43**

**A ORDINANCE TO AMEND CERTAIN
PERSONNEL POLICIES AND PROCEDURES
RELATED TO PERFORMANCE APPRAISALS AND PROBATIONARY PERIODS**

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

WHEREAS, the City Council of the City of Daphne, Alabama, did heretofore adopt Resolution 1994-39 “The Personnel Policies and Procedures Manual” and subsequent revisions thereto; and

WHEREAS, the City Council of the City of Daphne, Alabama, has determined that it is in the best interest of the City to amend such Personnel Policies and Procedures Manual to align it with the current evaluation and disciplinary procedures;

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

SECTION ONE: Section 3.3. entitled “PROBATIONARY PERIOD” is hereby amended as follows:

3.3.2. Purpose. The probationary period is considered an integral part of the training, evaluation, and discipline process for employees. The probationary period will be utilized for closely observing the employee’s work, for providing detailed feedback on employee work behavior, obtaining the most effective employee performance, or separating an employee who is unable to acceptably perform their job.

3.3.3. Duration. The city’s probationary period is generally established as six (6) months for new employees. However, this period may be extended to ensure that those individuals who are required to complete minimum standards training or other certification for their jobs serve in probationary status for at least six months after completion of the minimum standards requirements or other certification. For employees who are placed on probation due to performance or work behavior problems, the probationary period is generally three (3) months.

3.3.4. Evaluation. Normally, the performance of a new employee on probation will be evaluated two times during their six (6) month probationary period. Such evaluations will occur during the employee’s third and sixth months of service. The performance of an employee who is placed on probation due to performance or work behavior problems, will be evaluated every month of their three (3) month probationary period. Additional evaluations may occur if the probationary period is extended or if it is deemed necessary as determined by the department head, in coordination with the Human Resources Director.

SECTION TWO: Section 5.1. entitled “GENERAL PROVISIONS” is hereby amended to add an additional item to 5.1.2. “Purposes” which shall provide as follows:

(e) to determine if an employee will improve their job performance or work behavior to an acceptable level.

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SECTION THREE: Section 7.2. entitled "TYPES OF DISCIPLINE" is hereby amended to add a new section to be designated as 7.2.2.1. entitled "Probationary Period" which shall provide as follows:

7.2.2.1. Probationary Period. A department manager may, in conjunction with a written warning, suspension without pay, or other disciplinary action, place an employee on disciplinary probation. During this time the performance of an employee will be evaluated once a month. At the end of the probationary period, if an employee is unable to improve their job performance or work behavior to an acceptable level, they will be subject to further disciplinary action, up to and including termination.

SECTION FOUR: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE: REPEALER

All prior Ordinances or parts thereof in conflict with the provisions of this Ordinance, to the extent they conflict be and are hereby repealed.

SECTION SIX: 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 COHEN,
City Clerk, MMC

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for the purpose of increasing the amount of vacation leave time employees may carry-over from year to year

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9.4.2.5 entitled “CARRY OVER OF VACATION LEAVE” is hereby repealed and replaced in its entirety as follows:

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Council President		

Date and time: _____

9.4.2.5. Carry Over of Vacation Leave. The City of Daphne expects that all employees use their earned vacation days each year. The City recognizes, however, that some employees may wish to carry over their unused leave so they can use it the next year. Therefore, any employee who wishes to carry forward such unused leave will be allowed to carry over up to eighty (80) hours of unused vacation leave into the next leave year. Any unused vacation leave that exceeds this amount at the end of the leave year will be forfeited by the employee. It shall be the responsibility of each employee to keep up with their leave balance so that leave is not lost at the end of the leave year. It is also the responsibility of the supervisor to ensure employees are given ample opportunity to schedule their leave so that work operations are not affected and leave time is used.

9.4.2.5. (a) Carry Over of Vacation Leave for Fire Fighters. Due to the differences in work hours and the nature of the shifts worked by Fire Fighters, accrual rates are calculated differently. Vacation carry over will reflect these differences. Any Fire Fighter who wishes to carry forward unused leave will be allowed to carry over up to one hundred eight (108) hours of unused vacation leave into the next leave year. Any unused vacation leave that exceeds this amount at the end of the leave year will be forfeited by the Fire Fighter. It shall be the responsibility of each Fire Fighter to keep up with their leave balance so that leave is not lost at the end of the leave year. It is also the responsibility of the supervisor to ensure employees are given ample opportunity to schedule their leave so that work operations are not affected and leave time is used.

9.4.2.5. (b) Carry Over of Vacation Leave for Police Officers and Corrections Officers on an 84 hour work schedule. Due to the differences in work hours and the nature of the shifts worked by these employees, accrual rates are calculated differently. Vacation carry over will reflect these differences. Any of these employees who wish to carry forward unused leave will be allowed to carry over up to eighty four (84) hours of unused vacation leave into the next leave year. Any unused vacation leave that exceeds this amount at the end of the leave year will be forfeited by these employees. It shall be the responsibility of each of these employees to keep up with their leave balance so that leave is not lost at the end of the leave year. It is also the responsibility of the supervisor to ensure employees are given ample opportunity to schedule their leave so that work operations are not affected and leave time is used.

This Resolution shall take effect as of the first full pay period of January 2007.

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

GREG BURNAM
Council President

Date and time signed _____

FRED SMALL
Mayor

Date and time signed _____

ATTEST:

DAVID COHEN, City Clerk, MMC

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**City of Daphne
Human Resources Department**

August 22, 2007

INTERNAL MEMORANDUM

TO: City Council, Mayor Small, City Clerk, Jay Ross
FROM: Sharon Cureton, HR Director *Scureton*
RE: Proposed Ordinance to amend Personnel Handbook
Timing of performance appraisals and probation

Several Council members asked for a copy of the changes to the handbook in the "track changes" format so they could more easily see what was being proposed. I have attached this request to the memo.

The Ordinance makes a few changes in the Personnel Handbook as follows:

1. *The probationary period for new employees is changed to require evaluations at 3 and 6 months INSTEAD of evaluations every 2 months as is currently in the Handbook.*
2. *The Handbook wording is also being adjusted to describe how disciplinary probation will be handled.*

This ordinance should be on the September agenda for your consideration. If you have any questions prior to the next Council meeting, please give me a call. Thank you for your review.

Becky & David -

Please make sure this ^{→ ordinance} gets on the agenda for the first Sept mtg. I've already sent the copy of the ordinance to you.

If there is ANY PROBLEM, let me know now.

*Thanks,
Sharon*

Original with Suggested Changes

3.3.2. Purpose. The probationary period is considered an integral part of the training, evaluation, and discipline process for employees. The probationary period will be utilized for closely observing the employee's work, for providing detailed feedback on employee work behavior, obtaining the most effective employee performance, or separating an employee who is unable to acceptably perform their job.

After Suggested Changes

3.3.2. Purpose. The probationary period is considered an integral part of the training, evaluation, and discipline process for employees. The probationary period will be utilized for closely observing the employee's work, for providing detailed feedback on employee work behavior, obtaining the most effective employee performance, or separating an employee who is unable to acceptably perform their job.

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Original with Suggested Changes

3.3.3. Duration. The city's probationary period is generally established as six (6) months for new employees. However, this period will be extended to ensure that those individuals who are required to complete minimum standards training or other certification for their jobs serve in a probationary status for at least six months after completion of the minimum standards requirements or other certification. For employees who are placed on probation due to performance or work behavior problems, the probationary period is generally three (3) months.

After Suggested Changes

3.3.3. Duration. The city's probationary period is generally established as six (6) months for new employees. However, this period may be extended to ensure that those individuals who are required to complete minimum standards training or other certification for their jobs serve in probationary status for at least six months after completion of the minimum standards requirements or other certification. For employees who are placed on probation due to performance or work behavior problems, the probationary period is generally three (3) months.

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Original with Suggested Changes

3.3.4. Evaluation. Normally, the performance of a new employee on probation will be evaluated two times during their six (6) month probationary period. Such evaluations will occur during the employee's third and sixth months of service. The performance of an employee who is placed on probation due to performance or work behavior problems will be evaluated every month of their three (3) month probationary period. Additional evaluations may occur if the probationary period is extended or if it is deemed necessary by the department head, in coordination with the Human Resources Director.

After Suggested Changes

3.3.4. Evaluation. Normally, the performance of a new employee on probation will be evaluated two times during their six (6) month probationary period. Such evaluations will occur

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during the employee's third and sixth months of service. The performance of an employee who is placed on probation due to performance or work behavior problems, will be evaluated every month of their three (3) month probationary period. Additional evaluations may occur if the probationary period is extended or if it is deemed necessary as determined by the department head, in coordination with the Human Resources Director.

Original with Suggested Changes

5.1.2. Purposes. Performance appraisal results will be used for the following purposes:

- (a) to determine an employee's qualifications for promotion,
- (b) to determine training and development assistance to meet employee needs,
- (c) to determine layoffs when Reductions in Force (RIFs) are required,
- (d) to determine the performance level of new and reassigned probationary employees, and
- (e) to determine if an employee will improve their job performance or work behavior to an acceptable level.

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After Suggested Changes

- (a) to determine an employee's qualifications for promotion,
- (b) to determine training and development assistance to meet employee needs,
- (c) to determine layoffs when Reductions in Force (RIFs) are required,
- (d) to determine the performance level of new and reassigned probationary employees, and
- (e) to determine if an employee will improve their job performance or work behavior to an acceptable level.

We added the following section to the types of discipline listed in 7.2. Originally the list only included:

- written warning
- suspension without pay
- demotion
- dismissal from service

We are including probationary period as ANOTHER type of disciplinary measure designed to motivate acceptable employee performance.

7.2.2.1. Probationary Period. A department manager may, in conjunction with a written warning, suspension without pay, or other disciplinary action, place an employee on disciplinary probation. During this time the performance of an employee will be evaluated once a month. At the end of the probationary period, if an employee is unable to improve their job performance or work behavior to an acceptable level, they will be subject to further disciplinary action, up to and including termination.

ORDINANCE 2007 - 44

Wooster Settlement: FEMA Hazardous Mitigation Grant

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, the City Council did heretofore approve a settlement agreement in the case of David Wooster, et al. v. City of Daphne ; and

WHEREAS, furthermore, the City Council did heretofore authorize the Mayor to execute the FEMA Hazardous Mitigation Grant Application as it relates to the David Wooster, et al. v. City of Daphne settlement; and

WHEREAS, FEMA requires the City to make certain assurances regarding the commitment of matching funds for the grant.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that a General Fund appropriation not to exceed \$ 55,186 is hereby approved for the purchase and demolition of the Wooster residence as it relates to the FEMA Hazardous Mitigation Grant Application.

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

**GALLOWAY, WETTERMARK, EVEREST,
RUTENS & GAILLARD, LLP**

ATTORNEYS AT LAW

3263 COTTAGE HILL ROAD
P.O. BOX 16629
MOBILE, ALABAMA 36616-0629

Telephone: [251] 476-4493
Fax: [251] 479-5566

THOMAS M. GALLOWAY
THOMAS M. GALLOWAY, JR.
LAWRENCE M. WETTERMARK
ROBERT M. GALLOWAY
MARK J. EVEREST
ANDREW J. RUTENS *
THOMAS O. GAILLARD, III **
THEODORE L. GREENSPAN
ERIN B. FLEMING
ALICIA M. JACOB †

August 20, 2007

* ALSO ADMITTED IN FLORIDA
** ALSO ADMITTED IN MISSISSIPPI
† ADMITTED IN LOUISIANA ONLY

Hon. Fred Small
Mayor of the City of Daphne
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

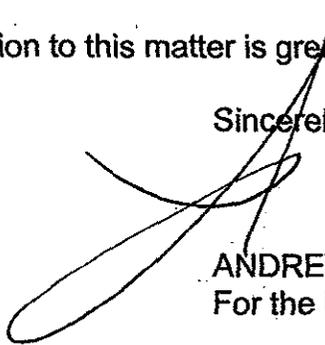
RE: *DAVID WOOSTER, et al. v. CITY OF DAPHNE*
AMIC FILE NO.: 014186DS
INSURED: CITY OF DAPHNE
CLAIMANT: DAVID AND DONNA WOOSTER
DATE OF LOSS: 05/18/2003
CASE NO.: CV-04-0214
GSWE FILE NO.: 04-1095-AJR

Dear Mayor Small:

I forwarded FEMA a copy of the Council Meeting Minutes approving the settlement agreement in this case and granting you the authority to sign the Hazard Mitigation Grant Application. However, FEMA has once again asked that we identify the specific source of the funding that the City will use to purchase and demolish the Wooster residence. In addition, I will need a letter that states that the funds have been committed and are available for the project.

Your prompt attention to this matter is greatly appreciated.

Sincerely, I am


ANDREW J. RUTENS
For the Firm

AJR/amj

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