

**CITY OF DAPHNE  
CITY COUNCIL BUSINESS MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
SEPTEMBER 6, 2005**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**3. APPROVE MINUTES:** August 15, 2005

Special Called Council Meeting August 18, 2005

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE - Scott**

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

**C. PUBLIC SAFETY - Burnam**

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

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

Review minutes meeting held August

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

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

Review minutes meeting held August 4<sup>th</sup>

**B. Downtown Redevelopment Authority -Barnette**

**C. Industrial Development Board – Yelding**

**D. Library Board - Lake**

**E. Planning Commission – Barnette**

Review minutes meeting held July 28<sup>th</sup>

Review minutes meeting held August 25<sup>th</sup>

Review High Density Overlay minutes meeting held July 21<sup>st</sup>

**MOTION:** Extend Moratorium on Height Variance Request to January 3, 2006

Set Public Hearings: - **October 3, 2005**

1. Amend the Land Use & Development Ordinance / Landscape, Tree Protection, and Minimum Standards – Fire Hydrants
2. Rezone: Lot 2 of ESCC South Subdivision (Will be known as Krystal Ridge Subdivision.)

**F. Recreation Board - Burnam**

Reformation of Board

**G. Utility Board - Scott**

**6. REPORTS OF THE OFFICERS:**

**A. Mayors Report**

a.) *Voting Delegate to the NLC Conference in Charlotte, North Carolina December 6-10, 2005*

b.) *Parade Permit / Mystic Order of Persophne / February 24, 2006 / Rain Date February 27, 2006*

**B. City Attorney's Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a. FEMA request for public assistance for Hurricane Katrina...../Resolution 2005-

**ORDINANCES:**

- a.) Appropriating Funds: School Feasibility Study / 2<sup>nd</sup> READ...../Ordinance 2005-33
- a.) Authorize Funds to be used as earnest Money for the Purchase of  
Public Property "Tallent Property" / 2<sup>nd</sup> READ..... /Ordinance 2005-39
- b.) Appointing Employees By Mayor as Appointing Authority / 2<sup>nd</sup> READ ...../Ordinance 2005-45
- c.) Acceptance of City Street Map...../Ordinance 2005-47

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

COUNCILMAN YELDING

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILWOMAN BARNETTE

PRESENT\_\_ ABSENT\_\_

COUNCILMAN LAKE

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN BURNAM

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN SCOTT

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILWOMAN LANDRY

PRESENT\_\_ ABSENT\_\_ \_\_

COUNCILMAN PALUMBO

PRESENT\_\_ ABSENT\_\_ \_\_

**MAYOR**

MAYOR SMALL

PRESENT\_\_ ABSENT\_\_ \_\_

**CITY CLERK:**

DAVID L. COHEN

PRESENT\_\_\_ ABSENT\_\_\_

**CITY ATTORNEY:**

CITY ATTORNEY JAY ROSS

PRESENT\_\_ ABSENT

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**AUGUST 15, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

1

**1. CALL TO ORDER**

Vice Council President Lake 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; Greg Burnam arrived at 6:36 p.m.; Ron Scott; Regina Landry; August Palumbo.

Also present: Mayor Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Tim Fleming, Attorney; Bill Eady, Planning Department Director; Ken Eslava, Public Works Director; David McKelroy, Recreation Director; Sharon Cureton, Human Resource Director; Mund Hanson, Fire Chief; David Carpenter, Police Chief; Sandra Morse, Civic Center Director; Suzânn Henson, Senior Accountant; Ronnie Phillips, Building Inspection Director; Dale Foster, Librarian; Melvin McCarley, Public Works Supervisor; Tom Walker, Fire Department; Scott Hutchinson, City Engineer; Al Guarisco, Village Point.

Absent: Kim Briley, Finance Director; Ronnie Phillips, Building Inspection Director;

**3. APPROVE MINUTES:**

**MOTION BY Mr. Yelding to approve the minutes meeting held August 1, 2005.  
Seconded by Mrs. Barnette.**

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

**PRESENTATION:** 2005 Jubilee Maids Court

The members of the new court introduced themselves to the Mayor and Council.

*Mr. Lake turned the gavel over to Council President Burnam on his arrival at 6:36 p.m.*

**PRESENTATION:** SEEDS / Awarding of Enrichment Grants

Ms. Ruth Seawell presented grants to teachers from the Daphne school system for programs they would like to implement in their classes.

**RESCHEDULE:** September 5, Council Meeting

**MOTION BY Mrs. Landry to reschedule the September 5, 2005 Council meeting to Tuesday, September 6, 2005. Seconded by Mr. Scott.**

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

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Scott**

The minutes for the August 8<sup>th</sup> meeting are in the packet.

**MOTION BY Mr. Scott to reject the bid for Safety Shoes, the bid did not meet specifications, and authorize this item to be re-bid. Seconded by Mr. Yelding.**

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

*Mr. Scott* reported on a request from the Victoria Square Homeowners Association for reimbursement of power costs associated with street lights. He said that customarily, the City's procedures are once the streets of the subdivision are accepted, the City assumes the utility bill for the street lights, but this never happened with this subdivision. The Association presented documentation to support this request.

**MOTION BY Mr. Scott to authorize reimbursement to Victoria Square Homeowners Association in the amount of \$913.71 for street light power cost. Seconded by Mr. Lake.**

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

**Treasurers Report** – Balance ending July 31, 2005 in the amount of \$10,605,318.02

**MOTION BY Mr. Scott to accept the Treasurers report ending July 31, 2005 with a balance in the amount of \$10,605,318.02. Seconded by Mrs. Landry.**

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

**Sales & Use Tax**

*Mr. Scott* highlighted the Sales and Use Tax saying that for the month June \$867, 302 was budgeted and that \$982,863.46 was actually collected, so \$115,000 more was collected than budgeted.

**Lodging Tax**

*Mr. Scott* reported that for the month of June \$46,037.59 was collected, which was almost \$20,000 more than was collected a year ago.

**Ad Valorem Tax**

*Mr. Scott* reported that they are under what was budgeted, because they were in anticipation of an increase from a mandate from the State to reappraise the entire County, which would have reflected a 10% increase. The County was give a one year extension to do the new appraisals, so the increase will be reflected in next years property tax bills. That is reason for the deficit.

**B. Buildings and Property Committee – Lake**

The minutes for the August 5<sup>th</sup> meeting are in the packet. Mr. Lake discussed a recommendation from the committee to obtain a legal description of the skating rink next to the Library on Whispering Pines Road. He also discussed a recommendation to authorize Gatlin Hudson to prepare a master plan for the Police Complex. He asked that these items be placed on the next Finance agenda, and that these items be considered in next years budget.

**C. PUBLIC SAFETY – Burnam**

*Mr. Palumbo* reported that Chief Carpenter announced two (2) promotions to Detective, Officers Rivers and Vanoy. Mr. Palumbo congratulated those officers. He stated that they also considered a speed bump on McAdams Avenue. The committee made a favorable recommendation to the Finance Committee to install a speed bump on McAdams Street. He mentioned the Ordinance on the agenda tonight that will make the speed uniform on that stretch on County Highway 13.

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

The Committee met last Tuesday and the minutes are in the packet. Mrs. Landry reported that they are going to form a Sign Ordinance Committee which will meet Wednesday at 4:30 p.m.

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

*Mr. Yelding* mentioned the progress on County Road 64, and commended Public Works for doing a great job filling holes, laying sod and tree trimming. The next meeting will be August 26<sup>th</sup> 8:00 a.m. at City Hall. He invited the public to come.

**AUGUST 15, 2005  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

4

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

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

There will not be a meeting in September.

**B. Downtown Redevelopment Authority – Barnette**

Mr. Irvine reported that there was not a quorum for the July 23<sup>rd</sup> meeting. The next meeting will be August 23<sup>rd</sup>.

**C. Industrial Development Board – Yelding**

The minutes for the May 23<sup>rd</sup> meeting are in the packet. The next meeting will be Wednesday, August 17<sup>th</sup>.

**D. Library Board – Lake**

The Board met last Monday. They will meet again on Thursday, August 18<sup>th</sup> to present the awards for the Summer Reading Program.

**E. Planning Commission – Barnette**

The next Site Review meeting will be Wednesday at 9:00 a.m., and the Planning Commission will meet on Thursday, August 26<sup>th</sup> in the Council Chambers.

**MOTION BY Mrs. Barnette to set Public Hearings for September 19, 2005 to consider the following:**

- 1.) Annexation: Vilai Marino / Property located off of south side of County Road 64**
- 2.) Ammendment to the Land Use and Development Ordinance / Revision to Zoning Map**
- 3.) Rezone / Property located on the south side of County Road 64 / John & Susan Hurley**

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

*Mrs. Barnette* said that there will not be additional meetings of the High Density Committee.

**F. Recreation Board – Burnam**

No report.

**G. Utility Board – Scott**

*Mr. Scott* said there has not been a meeting since the last one. The next meeting will be August 31<sup>st</sup> at City Hall.

**6. REPORTS OF THE OFFICERS:**

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

*Mayor Small* said that the City has received a clock with Olde Town Daphne on it from the Rotary Club. He said he will be getting with Jeff Hudson and the Rotary Club to decide where to put it. Mayor Small thanked the Rotary Club for buying the clock.

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

*Mr. Ross* asked the Council to go into Executive Session at the end of the meeting to discuss pending litigation.

***C. Department Head Comments***

*Sandra Morse – Civic Center Director* - thanked everyone who helped with the “Taste of the Eastern Shore.” She said it was a success again this year.

*Ken Eslava – Public Works Director* - reported that the construction kickoff for widening County Road 13 is tomorrow.

**7. PUBLIC PARTICIPATION**

*No one spoke.*

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

**RESOLUTIONS**

- a.) Amend Resolution 2005-45 / Acceptance of Street & Drainage  
Located in Sehoj Subdivision, Phase Five. .... /Resolution 2005-60
- b.) Recreational Trails Grant / May Day Park. .... /Resolution 2005-61
- c.) Bid Award: 2005-U-County Road 13 Widening ..... /Resolution 2005-62
- d.) Bid Award: 2005-V-Garbage Carts. .... /Resolution 2005-63
- e.) Bid Award: 2005-X-Office Supplies. .... /Resolution 2005-64
- f.) Prepaid Travel / Ha Le Riggio. .... /Resolution 2005-65

MOTION BY Mr. Lake to waive the reading of Resolutions 2005-60, 2005-61, 2005-62, 2005-63, 2005-64, and 2005-65.

*Seconded by Mrs. Barnette.*

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

MOTION BY Mr. Lake to adopt Resolutions 2005-60, 2005-61, 2005-62, 2005-63, 2005-64, and 2005-65.                      *Seconded by Mr. Yelding.*

AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED

**ORDINANCES:**

- a.) Authorize Funds to be used as earnest Money for the Purchase of Public Property "Tallent Property" ..... /Ordinance 2005-39
- b.) Appropriating Funds: Ecumenical Ministries ..... /Ordinance 2005-40
- c.) Appointing Employees By Mayor as Appointing Authority ..... /Ordinance 2005-45
- d.) Adjust Speed Limits and to Post Speed Signs on County Road 13 Between County Road 64 and Whispering Pines Rd. .... /Ordinance 2005-46

*Mrs. Barnette* asked that it be the rule to make all Ordinance 1<sup>st</sup> Read from now on.

*Mr. Scott* asked that they considered Ordinance 2005-40 for the Ecumenical Ministries. He said this money has already been set aside for home repairs through CDBG. They need this money for the repairs.

MOTION BY Mr. Lake to suspend the rules to consider Ordinance 2005-40. Seconded by Mrs. Landry.

**ROLL CALL VOTE**

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

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

**MOTION FAILED**

**Council President Burnam said Ordinance 2005-39, 2005-40, 2005-45, 2005-46 are 1<sup>st</sup> READ.**

**8. COUNCIL COMMENTS**

*Mr. Lake* reported that the Employees Wellness and Benefits fair was very nice and informative. He encouraged the Council to attend next year.

*Mrs. Landry* commended Mrs. Morse on the “Taste of the Eastern Shore.” She said the vendors were excited to be there.

*Mr. Palumbo* congratulated the SEEDS grant recipients, and mentioned that this was made possible to a great extent by the City, and the great job the Civic Center did.

MOTION BY Mrs. Barnette to enter into Executive Session to discuss pending litigation. Seconded by Mr. Scott.

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

The Council entered into Executive Session at 7:30 p.m.

The Council returned from Executive Session at 7:57 p.m.

*Mrs. Landry* said that she is on the Public Safety Committee and she wanted to vote to see if they can get the speed limit ordinance through tonight.

**MOTION BY Mrs. Landry to suspend the rules to consider Ordinance 2005-46. Seconded by Mr. Lake.**

**ROLL CALL VOTE**

|                 |            |                |            |
|-----------------|------------|----------------|------------|
| <b>Yelding</b>  | <b>Aye</b> | <b>Landry</b>  | <b>Aye</b> |
| <b>Barnette</b> | <b>Nay</b> | <b>Palumbo</b> | <b>Aye</b> |
| <b>Lake</b>     | <b>Aye</b> | <b>Burnam</b>  | <b>Aye</b> |
| <b>Scott</b>    | <b>Aye</b> |                |            |

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

**MOTION FAILED**

*Council President Burnam said this will be a 1<sup>st</sup> READ for Ordinance 2005-46.*

**9. ADJOURN**

**MOTION BY Mr. Yelding to adjourn. Seconded by Mrs. Landry.**

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

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

Respectfully submitted by,

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

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam

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

**AUGUST 18, 2005  
SPECIAL CALLED  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 PM**

**1. CALL TO ORDER**

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

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE**

Mr. Lake gave the invocation.

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

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Tim Fleming, Attorney; Al Guarisco, Village Point.

Absent: Mayor Small; Jay Ross, City Attorney

*Council Vice President Lake turned the gavel over to Council President Burnam on his arrival at 6:36 p.m.*

**3.**

**ORDINANCES:**

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

a.) **Appropriating Funds: Ecumenical Ministries. . . . . /Ordinance 2005-40**

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

b.) **Adjust Speed Limits and to Post Speed Signs on  
County Road 64 and Whispering Pines Road. . . . . /Ordinance 2005-46**

**MOTION BY Mr. Lake to wave the reading of Ordinances 2005-40 and 2005-46. *Seconded by Mrs. Landry.***

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

**MOTION BY Mr. Lake to adopt Ordinance 2005-40 and 2005-46. *Seconded by Mr. Yelding.***

Discussion was held by Council regarding why the Special meeting was called.

*Mrs. Barnette* wanted to state on the record that she is against calling Special Called meetings because someone votes nay on suspending the rules to consider an Ordinance. She did not feel it was urgent to adopt these Ordinances right away.

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

**AUGUST 18, 2005  
SPECIAL CALLED  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 PM**

**1**

**4. COUNCIL COMMENTS**

*Mrs. Barnette* reminded the Council of the Waste Water training class being held at Thomas Medical Center August 24<sup>th</sup> from 8:30 a.m. to 12:00 noon.

*Mr. Lake left the meeting at 6:45 p.m.*

**MOTION BY Mr. Yelding to enter into Executive Session to discuss pending litigation. Seconded by Mrs. Landry.**

**AYE Yelding, Barnette, Scott, Landry, Palumbo, Burnam                      NAY NONE OPPOSED**

**MOTION CARRIED**

*Mr. Palumbo left the meeting at 6:46 p.m.*

*Council entered into Executive Session at 6:46 p.m.*

*Council returned from Executive Session at 6:49 p.m.*

**5. ADJOURN**

**MOTION BY Mrs. Landry to adjourn. Seconded by Mrs. Barnette.**

**AYE Yelding, Barnette, Scott, Landry, Burnam                      NAY NONE OPPOSED**

**MOTION CARRIED**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 6:50 P.M.**

Respectfully submitted by,

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

**Certification of Presiding Officer:**

\_\_\_\_\_  
Greg Burnam  
14 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 COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated the number of members present constituted a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m.

**Call of Roll:**

**Members Present:**

Billy Mayhand  
Frank Lamb  
Glen Swaney, Chairman  
Willie Robison  
Barry Taylor  
Jeri Hargiss

**Members Absent:**

Walt Crimmins

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Helen Burdette, Recording Secretary  
Jerry Speegle, Attorney\*

\* Arrive at 6:10 p.m.

Mr. Lamb stated will I vote tonight, since I am First Alternate?

Ms. Burdette stated correct. Well, tonight you will, but Mr. Taylor will not. Or do we need Mr. Taylor to vote tonight, Mr. Eady?

Mr. Eady stated no, that is correct. You will vote tonight, but Mr. Taylor will not. Mr. Taylor can take part in the discussion, but he will not vote. It takes five votes.

Ms. Burdette stated Mr. Lamb, you will vote.

Mr. Lamb stated to pass it will take four out of the five, right.

Mr. Eady stated yes, sir.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated a super majority. Has everyone had an opportunity to read the minutes from our last meeting? If so, the Chair will entertain a motion.

**Approval of Minutes:**

The minutes of the March 22, 2005 meeting were considered for approval. A **Motion** was made by **Mr. Robison** and **Seconded** by **Mr. Mayhand to approve the minutes as written**. Mr. Lamb abstained because he was not at the last meeting. **The Motion carried.**

The Chairman stated should we have a roll call for a majority vote on the minutes, Mr. Eady?

Mr. Eady answered no, not for the minutes.

The Chairman stated under new business, we are here, tonight, to hear Appeal #2005-03, Marvin & Sally Ussery, 6475 War Eagle Drive. Mr. Eady, if you would, please.

**New Business:**

**Appeal #2005-03, 6475 War Eagle Drive**

Mr. Eady displayed transparencies of 6475 War Eagle Drive. He stated we have the Ussery's here tonight requesting an encroachment into the setback line at their home. It is so they can build an additional room to accommodate a handicap relative. You may know where he lives. It is one of those long lots off of Main Street, on War Eagle Drive. I have shown you a couple of slides of their home right here, but keep in mind, this is an area just off of the driveway, that is considerably deep. It is a drainage way down toward the Bay. There you can see a house way over there. It is actually one hundred and twenty seven-feet, from their property line to that house across the gully.

The Chairman asked does the gully represent another parcel of land?

Mr. Eady stated no, sir. I guess it all belongs to Mr. Unger, does it not. It goes with the property over here.

Mr. Ussery stated that is right.

Mr. Lamb stated the property where the house is.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

Mr. Eady stated yes, sir. I am showing this to show you the distance from the Ussery home, to the Unger home.

The Chairman stated is there any type of wetland in there.

Mr. Eady stated that is a natural drain in there. I do not know if water streams through here all the time, but there was water in there at this particular time. I showed you that to show you the back driveway. In this area (pointing to the screen), there is a fifteen-foot setback, and this is actually the setback line. The home is already approximately three-feet inside the setback line. They are asking to encroach the setback line by ten-feet, which would bring the new addition somewhere out to the location here (pointing to the screen). The property line is another five-feet over here, and that is about all there is to it.

The Chairman stated I noticed that the plot plan shows an out parcel in front of this. Is that also owned by you?

Mr. Ussery stated yes, sir.

The Chairman stated so the adjacent property owners listed are to the north and south of you.

Mr. Ussery stated correct. The one to the south is Mr. Unger, and the one to the north is John Turner.

Mr. Eady stated the Unger home, we pointed out a few minutes ago, is across this ditch, and there is a wooded area here.

Mr. Robison stated undoubtedly, your neighbors, Mr. Turner and Mr. Unger do not object to this because they are not here tonight. So you do have their good graces to encroach over there.

Mr. Ussery stated that was my understanding. I talked to Mr. Turner a couple of weeks ago, and he did not have any objections. The neighbors to the south, the Ungers, are relatives, and they have no objections.

Mr. Robison stated so the original preceding side encroachment was already granted.

Mr. Eady stated this is not a three-foot encroachment. It is inside.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

Mr. Robison stated oh. It is inside the setback line. Okay.

Mr. Eady stated the line is here.

Mr. Robison stated okay. That is the line right there.  
Mr. Eady stated the new structure will extend this out thirteen-feet. So it will be this three-feet approximately out to another ten-feet which brings it out somewhere along the edge of this plat.

Mr. Mayhand stated what is the nature of the new structure? Will it be a bedroom or two stories?

Mr. Ussery stated it will be a single story. A bedroom.

Mr. Mayhand stated with an entrance.

Mr. Ussery stated more than likely, yes sir.

The Chairman stated does Mr. Turner live on his property?

Mr. Ussery stated no, sir. The adjacent property to the north is still vacant.

The Chairman stated are there any additional questions or comments at this time.

Mr. Lamb stated just a comment I have. In my way of thinking, on the Land Use Ordinance, more of a last resort, for the protection of zoning. If in effect, the Board of Adjustment consistently allows variances, then you are eliminating the whole purpose of an R-1, R-2 and R-3, regardless how worthy the project is. Our responsibility is to ensure people who buy an R-1 are protected. If you allow variances and encroachments, then we might as well do away with R-1, R-2, and R-3 and let everybody do what they want. When you are buying an R-1, you understand that you are protected. My only objection is that the requirements are not allowing the encroachment. That is just a statement I am making. I hope nobody minds.

The Chairman stated point well taken. You have recommended this, have you not, Mr. Eady?

Mr. Eady stated yes, sir.

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated any more questions or comments.

Mr. Mayhand stated where is this located?

Mr. Eady stated it is located off of Main Street.

Mr. Ussery stated it is directly behind Winn-Dixie, just north of the intersection at Whispering Pines Road.

Mr. Eady stated west of Main Street.

Mr. Mayhand stated that is the Bay I see, in the background, through those trees.

Mr. Ussery stated when Mr. Eady stated the water stands there a few minutes ago, he did not know that it was a natural stream that flows year round. It is a spring fed stream that flows year round, regardless of how dry it is. It does carry quite a bit of run off when we have a heavy rain, but you will virtually note that building in front of my wells. I have had to chase beavers out of there or my lab has. We have owls, foxes and everything else roaming around down there, it is just kind of a natural wetland, and I think everybody down there wants to keep it that way.

Mr. Eady stated I think these bluffs are twelve to fifteen feet deep.

Mr. Ussery stated yes, sir.

The Chairman stated you have a question, Mr. Lamb?

Mr. Lamb stated I am just curious. Is the structure going to be on that concrete slab?

Mr. Ussery stated that is the purposed site.

Mr. Lamb stated that is your target to get started.

Mr. Ussery stated yes, sir. The slab. I think there is eighteen feet roughly, from the edge of the house over toward the property line, and the purposed bedroom will be a width of thirteen feet. So, there will be five-feet still of that bedroom to the property line. Of course, there is

another one hundred and twenty seven-feet to that property line.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2005 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

The Chairman opened the floor to public participation. With no adjacent property owners present, he closed public participation. He stated does any of the Board members have any questions or comments. If there are no objections, the Chair will entertain a motion.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Ms. Hargiss** to approve **Appeal #2005-03, Marvin & Sally Ussery, 6475 War Eagle Drive, to encroach the side setback line by 10-feet.**

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

|                    |            |
|--------------------|------------|
| <b>Mr. Mayhand</b> | <b>Aye</b> |
| <b>Mr. Lamb</b>    | <b>Nay</b> |
| <b>Mr. Swaney</b>  | <b>Aye</b> |
| <b>Mr. Robison</b> | <b>Aye</b> |
| <b>Ms. Hargiss</b> | <b>Aye</b> |

The Chairman stated the appeal is granted and they can pick it when.

Ms. Burdette stated tomorrow around noon.

**Adjournment:**

The Chairman stated if there is no other business or objection, the Chair would entertain a motion to adjourn.

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

There being no further business the meeting was adjourned at **6:10 p.m.**

**Respectfully submitted by:**

Pat Houston, Recording Secretary

**APPROVED:** October 6, 2005

Glen Swaney, Chairman

/ph

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

**CALL OF ROLL:**

**Members Present:**

Fred Small, Mayor  
Larry Chason Secretary  
Jeff Carrico  
\*Carter Eide  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Cathy Barnette, Councilwoman

\* Mr. Carter Eide arrived at 6:07 p.m.

**Members Absent:**

Ed Kirby

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney  
Diane Burnett, South Alabama Regional Planning Commission

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mr. Kirby is not present. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the June 23, 2005 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mr. Chason **to approve**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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---

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*the minutes of the regular meeting. The Chairman abstained. The Motion carried.*

The minutes of the June 30, 2005 special meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Ms. Barnette **to approve the minutes of the special meeting. The Motion carried unanimously.**

**OLD BUSINESS:**

The Chairman stated the next order of business is site plan review for Apalachee Residential Community.

**SITE PLAN REVIEW:**

**File S05-15:**

**Site: Apalachee Residential Community**

Location: Northwest of 2<sup>nd</sup> Street, Lot 1, Sundowne Subdivision  
Area: 11.26 Acres +  
Owner: Twostep Partners, L.L.C.  
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

An introductory presentation was given by Mr. Doug Bailey, representing Hutchinson, Moore & Rauch, requesting site plan review for the placement of multi-story residential facility located Northwest of 2<sup>nd</sup> Street on Lot 1 of Sundowne Subdivision. The property is located South of Burger King in that area of the bluff. It will be accessed from Van Buren Street onto the undeveloped portion of 2<sup>nd</sup> Street from U. S. Highway 98. I will be happy to answer any questions you may have.

Ms. Barnette commented on the height variance which had been discussed by the Commission. The City Council does not have the authority to grant a variance. They do, however, have the authority to grant an exception to the height for anything greater than fifty feet. I feel that there is some question as to whether or not the exception was granted to Apalachee Residential Community; therefore, I do not feel we can move forward with this request until this issue is resolved.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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The Building Department has expressed that they do not have the resources to inspection this type of building.

The Chairman asked Mr. Ross to comment on the correspondence from the attorney's office to Mr. Greg Burnam, Council President, regarding the height exception.

Mr. Ross, the attorney, requested to discuss the matter in executive session.

A **Motion** was made by Ms. Barnette and **Seconded** by Mayor Small **to retire into executive session at 6:11 p.m. The Motion carried unanimously.**

**The meeting was reconvened at 6:52 p.m.**

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments.

A **Motion** was made by Ms. Barnette **to deny the Site Plan for Apalachee Residential Community.**

**The Motion failed due to the lack of a second.**

A **Motion** was made by Mayor Small and **Seconded** by Mr. Chason **to approve the Site Plan for Apalachee Residential Community.**

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

|              |     |
|--------------|-----|
| Ms. Barnette | Nay |
| Mr. Segalla  | Aye |
| Mr. Eide     | Aye |
| Mr. West     | Aye |
| Mr. Carrico  | Aye |
| Mr. Chason   | Aye |
| Mayor Small  | Aye |

The Chairman stated the next order of business is preliminary plat review for Belle Meadows Subdivision.

**PRELIMINARY PLAT REVIEW:**

**File SDP05-11:**

**Subdivision: Belle Meadows**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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Location: Northeast corner of County Road 54 and Garrett Road  
Area: 5 Acres +, (13) lots  
Owner: Glover Builders, Inc.- Charles Glover  
Engineer: Orion Engineering - Brad Peacock

An introductory presentation was given by Mr. Peacock, representing Orion Engineering, requesting preliminary plat approval of a five-acre subdivision consisting of thirteen lots located at the Northeast corner of County Road 54 and Garrett Road. I will be glad to answer any questions you may have.

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

A **Motion** was made by Mr. West and **Seconded** by Mr. Eide **to approve the Preliminary Plat for Belle Meadows Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Oak Knowle Subdivision.

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF05-08:**

**Subdivision: Oak Knowle**

Location: Cummings Lane and Main Street  
Area: 3.8 Acres +, (3) lots  
Owner: Joseph D. Williams  
Engineer: Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary/final plat approval of a three-point eight acre subdivision consisting of three lots located near the intersection of Cummings Lane and Main Street. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to table the Preliminary/Final Plat for Oak Knowle Subdivision. The Motion carried unanimously.**

Mr. Ross stated Mr. Chairman, Mr. Moore could waive the thirty-day requirement.

Mr. Moore consented to waiving the thirty-day requirement.

The next order of business is Revised Master Plan review for Bayside Academy.

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, and Trip Pittman, representing Bayside Academy, requesting revised master plan review for the placement of an additional parking lot located Northwest of Captain O'Neal and Dryer Avenue. He stated I will answer any questions you may have.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. West **to approve the Revised Master Plan for Bayside Academy. The Motion carried. Ms. Barnette abstained.**

The Chairman stated the next order of business is an administrative review for the revision to the City of Daphne Zoning Map.

**NEW BUSINESS:**

**ADMINISTRATIVE PRESENTATION:**

**Revision to the City of Daphne Zoning Map.**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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An introductory presentation was given by Mr. Eady, Director of Community Development. Here we have the zoning map with numbers on it and a list corresponding to those numbers. Nancy Anderson, the GIS Technician, has done an excellent job in preparing maps for the City of Daphne, and we certainly appreciate the work she has been done. The reason we did it this way is because you can see we have quite a few additional changes. This is the first revision that we are bringing to you. The new map includes subdivisions, annexations, and zoning amendments. This Department requests acceptance and recommendation to the City Council.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion for a recommendation to the City Council to accept the revised zoning map.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the revision to the City of Daphne Zoning Map.*

Upon roll call vote, *the Motion carried.*

|              |     |
|--------------|-----|
| Ms. Barnette | Aye |
| Mr. Segalla  | Aye |
| Mr. Eide     | Aye |
| Mr. West     | Aye |
| Mr. Carrico  | Aye |
| Mr. Chason   | Aye |
| Mayor Small  | Aye |

The Chairman stated the next order of business is site plan review for Applebees.

**SITE PLAN REVIEW:**

**File S05-16:**

**Site: Applebees**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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Location: East of the intersection of U. S. Highway 98 and 90  
in front of Home Depot  
Area: 37,254 square feet +  
Owner: Charles K. Breland  
Agent: Concord Neighboring Corporation  
Engineer: Rester & Coleman Engineers - Richard Benham

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting site plan review for the placement of a restaurant facility located East of the intersection of U. S. Highway 98 and 90 in front of Home Depot. No additional signage will be allowed on U. S. Highway 90; therefore they will not be allowed a pylon or monument sign. The only signage will be located on the building. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mayor Small and **Seconded** by Mr. West **to approve the Site Plan for Applebees. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for TimberCreek Subdivision, Phase Ten.

**FINAL PLAT REVIEW:**

**File SDF05-13:**

**Subdivision: TimberCreek, Phase Ten, Part A**

Location: The Southwest corner of Interstate 10 and Alabama  
Highway 181, West of TimberCreek Subdivision, Phase  
Eight  
Area: 29.68 Acres +, (31) lots  
Owner: TimberCreek Land Company, Inc.- Allen Cox  
Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting final plat approval of a thirty-acre subdivision consisting of thirty-one lots located at the Southwest corner of Interstate 10 and Alabama Highway

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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181 immediately West of TimberCreek Subdivision, Phase Eight. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Ms. Barnette **to grant Final Plat approval to TimberCreek Subdivision, Phase Ten. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Thomas Patterson Turner Estates.

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF05-17:**

**Subdivision: Thomas Patterson Turner Estates**

Location: East of Daphmont Drive  
Area: 5.02 Acres +, (4) lots  
Owner: Henry Thomas  
Surveyor: Marshall McLeod

An introductory presentation was given by Mr. Thomas, the owner, requesting preliminary/final plat approval of a five-acre subdivision consisting of four lots located East of Daphmont Drive. I will be glad to answer any questions you may have.

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

A **Motion** was made by Mr. West and **Seconded** by Mr. Eide **to grant Preliminary/Final Plat approval to Thomas Patterson Turner Estates. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Rudicell Subdivision.

**File SDPF05-18:**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**Subdivision: Rudicell**

Location: 1604 4<sup>th</sup> Street  
Area: 0.81 Acres +, (2) lots  
Owner: Jamie & Mary Rudicell/Sam & Pamela Norman  
Agent: Prudential Nichols - Lou Bryant  
Surveyor: Arnold & Associates - Robert King or Steve Dunnam

An introductory presentation was given by Mr. Lou Bryant, representing Prudential Nichols Real Estate and the owner, requesting preliminary/final plat approval of a 0.81 acre subdivision consisting of two lots located at 1604 4<sup>th</sup> Street. I will be glad to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

An adjacent property owner commented on the proposed subdivision and the existing development on the property.

Mr. Eady stated water and sewer has been extended to the lots.

The Chairman closed public participation. Do any of the Commissioners or Mr. Eady have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mayor Small **to grant Preliminary/Final Plat approval to Rudicell Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Bellewood Subdivision.

**PRELIMINARY PLAT REVIEW:**

**File SDP05-13:**

**Subdivision: Bellewood**

Location: Lot 1 of Tristan Lazzari Farms Subdivision on County Road 64, Southeast of Rolling Meadows Subdivision  
Area: 11.11 Acres +, (20) lots  
Owner: Tristan Lazzari  
Engineer: Engineering Development Services - Jason Estes or

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat approval of an eleven-acre subdivision consisting of twenty lots on lot 1 of Tristan Lazzari Farms Subdivision located on County Road 64, Southeast of Rolling Meadows Subdivision. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. Chason and **Seconded** by Ms. Barnette **to grant Preliminary Plat approval to Bellewood Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Beau Chene Estates Subdivision.

**File SDP05-14:**

**Subdivision: Beau Chene Estates**

Location: At the end of Redfern Road, East of Bay Branch Villas, Phase 6B  
Area: 39.99 Acres +, (59) lots  
Owner: South Malbis, L.L.C. - Jeff Thompson  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. John Avent, representing Engineering Development Services, requesting preliminary plat approval of a forty-acre subdivision consisting of fifty-nine lots located at the end of Redfern Road, East of Bay Branch Villas, Phase 6B. He commented on the letter given to the Commission which addressed their concerns.

Mr. Avent stated I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

---

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participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mr. Eide **to grant Preliminary Plat approval to Beau Chene Estates Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is a zoning amendment for John & Susan Hurley.

**PETITIONS:**

**ZONING AMENDMENT REVIEW:**

**File Z05-02:        John & Susan Hurley**

Location:            Northeast of the intersection of U. S. Highway 98 and  
                          County Road 64, 1016 Daphne Avenue, East half of lot  
                          4, Block 2 of Randall Subdivision

Area:                2.52 Acres +

Petitioner:         Owner(s)

Engineer:           Hutchinson, Moore & Rauch - Scott Hutchinson

**Present Zoning: R-2**

**Proposed Zoning:**

**B-2**

An introductory presentation was given by Mr. Scott Hutchinson, representing Hutchinson, Moore & Rauch, requesting the rezoning of a proposed warehouse and storage facility from an R-2, Medium Density Single Family Residential, to a B-2, General Business, zone. He stated we are asking rezoning of the East portion of Lot 4, Block 2 of Randall Subdivision. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners addressed the Commission to express their concerns regarding the proposed development and how it would impact the adjacent property owners.

The Commission addressed the concerns of the adjacent property owners and discussed at length its possible effect on the adjacent properties.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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---

The Chairman stated do any of the Commissioners have any further questions or comments. He closed public participation. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. West **and Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning for John & Susan Hurley from an R-2, Medium Density Single Family Residential, to a B-2, General Business, zone.**

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

|              |     |
|--------------|-----|
| Ms. Barnette | Aye |
| Mr. Segalla  | Aye |
| Mr. Eide     | Aye |
| Mr. West     | Aye |
| Mr. Carrico  | Aye |
| Mr. Chason   | Aye |
| Mayor Small  | Aye |

The Chairman stated the next order of business is annexation review for Vilai Marino.

**ANNEXATION REVIEW:**

An introductory presentation to be given by John Peterson, representing Hatch Mott MacDonald and Thomas Ward of Gateway Construction, requesting annexation of a fifteen-acre parcel located Southeast of the intersection of Pollard Road and County Road 64 with R-4, High Density Single Family, zoning. Said owner of subject property is Vilai Marino.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Chason **and Seconded** by Mr. West **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Vilai Marino with R-4, High Density Multi-Family Residential, zoning.**

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

|              |     |
|--------------|-----|
| Ms. Barnette | Nay |
| Mr. Segalla  | Aye |
| Mr. Eide     | Aye |

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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---

Mr. West           Aye  
Mr. Carrico        Aye  
Mr. Chason Aye  
Mayor Small       Aye

The Chairman stated the next order of business is an administrative presentation of a proposed amendment to the City of Daphne Land Use and Development Ordinance.

**ADMINISTRATIVE PRESENTATION:**

An introductory presentation was given by Mr. Eady, Director of Community Development, of a proposed amendment to the City of Daphne Land Use and Development Ordinance regarding Landscape and Tree Protection and Minimum Standards and Required Improvements, location of fire hydrants. This is an ordinance change being proposed by Community Development and the Fire Marshal. The change in the Article XIX, Landscape and Tree Protection, section will assign the issuance of tree permits to the City Horticulturist, Marshal Parsons. Chip Martin, the Fire Marshal, is requesting that Article XI, Minimum Standards, under the location of fire hydrants be replaced by the verbiage reflected in the Eastern Shore Park Overlay District.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Eide and **Seconded** by Mr. West **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the amendments to the City of Daphne Land Use and Development Ordinance, Article XIX, Landscape and Tree Protection and Article XI, Minimum Standards, under the location of fire hydrants.**

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

Ms. Barnette      Aye  
Mr. Segalla        Aye  
Mr. Eide   Aye  
Mr. West           Aye  
Mr. Carrico        Aye  
Mr. Chason Aye  
Mayor Small       Aye

The Chairman stated the next order of business is an administrative

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**SUMMARIZATION OF MINUTES:**

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presentation.

An introductory presentation was given by Ms. Cathy Barnette, Councilwoman, of a development proposed at 1505 and 1507 Old County Road. She commented on the information provided to the Commission by staff and expressed that it conflicts with the drawing and deeds she obtained at Baldwin County.

The Chairman requested the attorney to review the documentation that Ms. Barnette provided in her presentation and given a report at the next Commission meeting.

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

**ATTORNEY'S REPORT:**

Mr. Ross, Attorney, stated no report.

The Chairman stated thank you.

**PUBLIC PARTICIPATION:**

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

The adjacent property owners for Bayside Academy addressed the Commission to express their concerns regarding the proposed development of the additional parking lot and how it would impact the adjacent property owners.

**ADJOURNMENT:**

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

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

*There being no further business, the meeting was adjourned at 8:30 p.m.*

***Respectfully submitted by:***

14

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF JULY 28, 2005  
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Jan Dickson, Planning Coordinator

**APPROVED:** July 28, 2005

Robert Segalla, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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**CALL TO ORDER:**

The Chairman stated the number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:07 p.m.

**CALL OF ROLL:**

**Members Present:**

Larry Chason Secretary  
Jeff Carrico  
\*Carter Eide  
Warren West, Vice Chairman  
Robert Segalla, Chairman  
Cathy Barnette, Councilwoman  
Ed Kirby

\* Mr. Carter Eide arrived at 6:10 p.m.

**Members Absent:**

Fred Small, Mayor

**Staff Present:**

William H. Eady, Sr., Director of Community Development  
Jan Dickson, Planning Coordinator  
Nancy Anderson, GIS Technician  
Tom Walker, Fire Fighter  
Jay Ross, Attorney  
Tim Fleming, Associate Attorney

The Chairman stated the first order of business is the call to order. Please let the record reflect that Mayor Small is not present and Mr. Eide arrived at 6:10 p.m. The next order of business is approval of the minutes.

**APPROVAL OF MINUTES:**

The minutes of the July 28, 2005 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion. The Chair referenced corrections for page 2 and 3 of the minutes.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to approve the minutes of the regular meeting, contingent upon the corrections referenced by the Chairman. The Motion carried unanimously.**

**OLD BUSINESS:**

**File SDPF05-08:**

**Subdivision: Oak Knoll**

Location: The intersection of Captain's Lane and Main Street  
Area: 3.8 Acres +, (2) lots  
Owner: Joseph D. Williams  
Engineer: Moore Surveying - Seth Moore

An introductory presentation was given by Mr. Seth Moore, representing Moore Surveying, requesting preliminary/final plat approval of a three-acre subdivision consisting of two lots at the intersection of Captain's Lane and Main Street. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Preliminary/Final plat approval to Oak Knoll Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is an administrative presentation of a proposed amendment to the City of Daphne Street Map.

**NEW BUSINESS:**

**ADMINISTRATIVE PRESENTATION(S):**

**Presentation to be given by Mr. Eady, Director of Community Development, of the proposed City of Daphne Street Map.**

An introductory presentation was given by Mr. Eady, Director of Community Development, of the proposed City of Daphne Street Map. This is the first revision that we are bringing to you of an up-to-date listing of the streets in the city. This Department requests acceptance and recommendation to the City Council.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
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The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion for a recommendation to the City Council to accept the street map.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Street Map.**

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

Mr. Chason Aye  
Mr. Carrico       Aye  
Mr. West           Aye  
Mr. Segalla       Aye  
Mr. Eide    Aye  
Ms. Barnette      Aye  
Mr. Kirby   Aye

The Chairman stated the next order of business is an administrative presentation of a proposed addition to Market by the Bay.

An introductory presentation was given by Mr. LeJeune, the owner, of a proposed addition to Market by the Bay.

Mr. Eady, Director of Community Development, stated Mr. LeJeune is proposing to add an addition or an enclosure to be used for a waiting and seating area. Because of the size of the business, landscaping will be accomplished by placing planters along the building. This Department recommends approval.

The Chairman questioned whether or not the parking was adequate for the addition.

Mr. LeJeune stated yes sir.

Mr. Kirby asked if the proposal need a motion for approval.

Mr. Eady stated yes sir.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. West **to approve the addition for Market by the Bay. The Motion carried unanimously.**

The Chairman stated the next order of business is an administrative

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
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presentation for special permission.

An introductory presentation to be given by Mr. Louie Hughes, Jr., lessee, requesting Special Permission to permit the operation of a funeral home/crematory in a C/I, Commercial/Industrial, zone at 7951 American Way in Daphne Commercial Park, Phase One on Pollard Road.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He opened the floor to public participation.

An adjacent property owner, Mr. Mike McIntyre, owner of Little Lamb Day Care, commented on the proposed facility owned by Mr. Hughes. I had some reservations until I met with Mr. Hughes and discussed his proposed operation. At that time, he addressed my concerns and after much prayer, I do not have a problem with this type of business being adjacent to the day care.

The Chairman closed public participation. Do any of the Commissioners or Mr. Eady have any further questions or comments? If there is no objection, the Chair will entertain a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Mr. Eide **to grant Special Permission to Louie and Donna Hughes for the operation of a funeral/crematory service at 7951, American Way, Lot 20 of Daphne Commercial Park, Phase One. The Motion carried unanimously.**

The Chairman stated the next order of business is site plan review for Two Fifty Automotive.

**SITE PLAN REVIEW:**

**File S05-17:**

**Site: Two Fifty Automotive (Bayview Ford, Used Car Lot)**

Location: U. S. Highway 98 and Van Buren, immediately South of Pizza Hut

Area: 0.49 Acres +

Owner: Bayview Ford - Damon Wickware

Engineer: Anil Badve

An introductory presentation was given by Mr. Anil Badve, Engineer, and Mr. Damon Wickware, owner of Bayview Ford, requesting site plan review for the placement of a proposed automobile sales facility located U. S. Highway 98 and Van Buren immediately South of Pizza Hut.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners have any questions or comments.

A gentleman addressed the Commission and asked how many vehicles will be located on the site.

Mr. Badve stated Mr. Wickware is the man to address that question.

Mr. Wickware stated a maximum of thirty cars will be placed on the lot at any given time with an additional number for employees of the facility.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Mr. West and *Seconded* by Mr. Kirby *to grant Site Plan approval to Two Fifty Automotive. The Motion carried unanimously.***

The Chairman stated the next order of business is site plan review for McDonalds Restaurant - U. S. Highway 98.

**File S05-18:**

**Site: McDonalds Restaurant - U. S. Highway 98**

Location: 29138 U. S. Highway 98, Southeast of the intersection of Interstate 10 and U. S. Highway 90  
Area: 1.24 Acres +  
Owner: McDonalds Corporation, Great Southern Region  
Operator: Heather Hutchinson  
Engineer: Goodwyn, Mills, & Cawood - Shane Sawyer

An introductory presentation was given by Mr. Shane Sawyer, representing Goodwyn, Mills, & Cawood, and Heather Hutchinson, operator of McDonalds, requesting site plan review for the placement of the demolition and construction of a new restaurant facility located 29138 U. S. Highway 98.

The Chairman stated do any of the Commissioners have any questions or comments. He questioned whether or not the operator had considered the installation of a preventive device in the storm water drain for filtration and the renovation of the bluff.

Mr. Sawyer stated both of these would be cost prohibitive.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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The Chairman stated the only problem with the proposal was the fact that the sign is a nonconforming sign and must be replaced with a sign in compliance with the City of Daphne Land Use and Development Ordinance.

Mr. Kirby stated commented on his memorandum to the Planning Commission. According to the City of Daphne Land Use and Development Ordinance if a sign exists on a site which is not in compliance, issuing additional permits is prohibited. No permits can be issued for any premises on which there is a nonconforming sign.

Ms. Hutchinson referenced the creation of the subcommittee which will review the section of the Sign Ordinance which deals with nonconforming signs. She requested approval of the site plan contingent upon the pending resolution of the proposed changes to the ordinance.

The Chairman stated we no longer approve projects with contingencies. We have found that once the project is approved, the conditions placed upon the approval were never met.

Ms. Barnette commented on the criteria which was being set and looked at by the subcommittee. She asked with the distance and locations stated in the proposed revisions isn't it true McDonalds would not fall with those guidelines.

Ms. Hutchinson stated yes. This is true.

The Chairman questioned asked Mr. Ross if a contingency would be a problem.

Mr. Ross stated no.

Mr. Eady stated to control the removal of the sign, no certificate of occupancy could be issued until the site is brought into compliance and the sign is removed.

Ms. Hutchinson requested that the sign remain in place for the duration of the construction of the building in order for the presence of McDonalds to remain. She commented on marketing statistics due to signage and once the Spanish Fort area businesses are constructed near the interstate without signage and visibility most of Daphne's customers will be lost.

Mr. Ross requested to review the ordinance and consult with the

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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Building Official regarding the removal of the sign and the issuance of a building permit.

The Chairman requested to delay further comments to allow the City Attorney and Staff to review the Sign Ordinance and report back to the Planning Commission.

The tabled the issue and continued the discussion at 7:20 p.m.

The Chairman requested Mr. Ross to comment on his findings.

Mr. Ross stated he had spoken with Mr. Ronnie Phillips, the Building Official, regarding the issuance of the building permit. The plans which will be submitted by McDonalds could have language regarding signage placed on the plans as a condition of the issuance of a building permit. The sign could remain for the duration of construction and would have to be removed and the signage come into compliance prior to the issuance of a certificate of occupancy.

Mr. Ross stated also, no additional permits can be issued by Mr. Kirby, the Code Enforcement Officer, until such time the sign is removed because it is nonconforming.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair will entertain a motion.

Mr. Chason stated I do not agree with Mr. Ross very often, but this time I do. He has done an excellent job of addressing the issue with his research of the signage.

**A Motion was made by Mr. Chason and Seconded by Mr. Kirby to grant Site Plan approval for McDonalds Restaurant - U. S. Highway 98, contingent upon the language being proposed by Mr. Ross, City Attorney, regarding signage be included in the plan submittal for the building permit - removal of the nonconforming sign shall be completed prior to the issuance of the certificate of occupancy. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Rileywood Subdivision.

**FINAL PLAT REVIEW:**

**File SDF05-14:**

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PLANNING COMMISSION MINUTES  
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**Subdivision: Rileywood**

Location: East of Alabama Highway 181 and South of Rigsby Road  
Area: 18.84 Acres +, (40) lots  
Owner: Pennstar, L.L.C.  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting final plat approval of an eighteen-acre subdivision consisting of forty lots located East of Alabama Highway 181 and South of Rigsby Road. He stated the construction of the subdivision is complete; therefore, we are requested final approval. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. If there is no objection, the Chair will entertain a motion.

**A Motion was made by Mr. West and *Seconded* by Mr. Kirby to grant Final Plat approval to Rileywood Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary/final plat review for Stephens Subdivision.

**PRELIMINARY/FINAL PLAT REVIEW:**

**File SDPF05-19:**

**Subdivision: Stephens**

Location: On County Road 54, South of County Road 64  
Area: 2.13 Acres +, (3) lots  
Owner: Chris & Julie Ehmka  
Engineer: Hutchinson, Moore & Rauch - Johnny Holley

An introductory presentation was given by Mr. Johnny Holley, representing Hutchinson, Moore & Rauch, requesting preliminary/final plat approval of a two-acre subdivision consisting of three lots located on Garrett Road and County Road 54 East. I will be glad to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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questions or comments. He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Barnette **to grant Preliminary/Final Plat approval to Stephens Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is master plan review for Whisper Woods and Savannah Woods Subdivisions.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting revised master plan approval for Whisper Woods and Savannah Woods Subdivisions. The master plan was revised because of the areas contained within the subdivision that could not be developed.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments.

Mr. West questioned the impact on traffic at the intersection of Old U.S. Highway 31 and Lee Road.

Mr. Diehl was not prepared to discuss the impact of this and other phases.

The Chairman requested Mr. Diehl be prepared to discuss this matter during the presentation of the future phases of the developments.

Mr. Diehl stated yes sir.

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Revised Master Plan approval to Whisper Woods and Savannah Woods Subdivisions. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Savannah Woods, Phase One Subdivision.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
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**PRELIMINARY PLAT REVIEW:**

**File SDP05-05:**

**Subdivision: Savannah Woods, Phase One**

Location: On the Southeast corner of the intersection of Old U.S. Highway 31 and Lee Road  
Area: 15.04 Acres +, (27) lots  
Owner: DJM, L.L.C.  
Engineer: Engineering Development Services - Jason Estes or David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat approval of a fifteen-acre subdivision consisting of twenty-seven lots located on the Southeast corner of the intersection of Old U.S. Highway 31 and Lee Road. The subdivision meets all of your requirements. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. West and **Seconded** by Mr. Kirby **to grant Preliminary Plat approval to Savannah Woods, Phase One Subdivision. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Whisper Woods Subdivision, Phase Four.

**File SDP05-10:**

**Subdivision: Whisper Woods, Phase Four**

Location: Southeast and adjacent to Whisper Woods Subdivision, Phase 3  
Area: 17.90 Acres +, (35) lots  
Owner: DJM, L.L.C.  
Engineer: Engineering Development Services - Jason Estes or David Diehl

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat approval of an eighteen-acre subdivision consisting of thirty-five lots located Southeast and adjacent to Whisper Woods Subdivision, Phase 3. The subdivision was revised to make larger and longer lots. Three-quarters of the subdivision was added to the recreation area due to the delineation of the wetlands area. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Eide **to grant Preliminary Plat approval to Whisper Woods Subdivision, Phase Four. The Motion carried unanimously.**

The Chairman stated the next order of business is master plan review for the Reserve Subdivision.

An introductory presentation was given by Mr. Jason Rebol, representing Engineering Development Services, and Mr. Katz, representing Katz Builders and Developers, requesting revised master plan approval for the Reserve Subdivision.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments. He asked if the subdivision was revised to be a planned unit development.

Mr. Rebol stated no.

Mr. Eady stated it will be a mixed use development in the extraterritorial planning jurisdiction.

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to grant**

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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***Revised Master Plan approval to the Reserve Subdivision. The Motion carried unanimously.***

The Chairman stated the next order of business is preliminary plat review for the Reserve Subdivision, Phase I.

**File SDP05-16:**

**Subdivision:       The Reserve, Phase I**

Location:           County Road 64 at Fish River  
Area:                74 Acres +, (61) lots  
Owner:               Katz-Miller Southeast, L.L.C. - Steven Katz  
Engineer:            Rebol-Battle & Associates - Jason Rebol and Paul Battle

An introductory presentation was given by Mr. Jason Rebol, representing Engineering Development Services, requesting preliminary plat approval of a eighty-one and a half acre subdivision consisting of seventy-six lots located on County Road 64 at Fish River. I will be happy to answer any questions you may have.

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

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Carrico **to grant Revised Preliminary Plat approval to the Reserve Subdivision, Phase I. The Motion carried unanimously.**

The Chairman stated the next order of business is preliminary plat review for Krystal Ridge Estates.

**File SDP05-17:**

**Subdivision:       Krystal Ridge Estates**

Location:           On County Road 13, Southeast of Lawson Road  
Area:                4.98 Acres +, (10) lots  
Owner:               Don Gardner & Clifton Taylor  
Engineer:            K. S. Simison Professional Engineer - Kelly Simison

THE CITY OF DAPHNE  
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An introductory presentation was given by Mr. Don Gardner, owner, and Mr. Simison, representing K.S. Simison Professional Engineer, requesting preliminary plat approval of a five-acre subdivision consisting of ten lots located on County Road 13 immediately Southeast of Lawson Road. We plan to construct an upscale ten-lot subdivision with an enormous amount of landscaping. I will be happy to answer any questions you may have.

The Chairman stated do any of the Commissioners or Mr. Eady have any questions or comments.

Mr. West commented on the access to subdivision.

Mr. Gardner stated the frontage onto County Road 13 is such that the entrance to the subdivision will be very wide.

The Chairman commented on a letter sent to the Commission by the Eastern Shore Christian Center recommending approval of the subdivision. He requested the letter be included in the record for public participation.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Chason **to grant Preliminary Plat approval to Krystal Ridge Estates. The Motion carried unanimously.**

The Chairman stated the next order of business is annexation review for Don Gardner and Clifton Taylor.

**PETITIONS:**

**ANNEXATION REVIEW:**

An introductory presentation was given by Mr. Don Gardner, owner, requesting annexation of a three (3) acre parcel located on County Road 13, Southeast of Lawson Road with R-3, High Density Single Family, zoning. Said owner of subject property is Mr. Don Gardner & Mr. Clifton Taylor, reference Krystal Ridge Estates. A portion of the parcel for Krystal Ridge Subdivision is not in the City of Daphne;

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

---

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THIS DOCUMENT IS A SUMMARIZATION OF THE MINUTES OF CITY OF DAPHNE PLANNING COMMISSION MEETING AND IS TO BE USED FOR REVIEW PURPOSES ONLY. THE OFFICIAL MINUTES OF THIS MEETING MAY BE OBTAINED IN THE CITY CLERK'S OFFICE UPON APPROVAL.

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therefore, we are asking for annexation for the Southern portion of Krystal Ridge Estates.

The Chairman stated do any of the Commissioners have any questions or comments. If there is no objection, the Chair would entertain a motion.

A **Motion** was made by Mr. Kirby **and Seconded** by Ms. Barnette **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation for Don Gardner and Clifton Taylor with R-3, High Density Single Family Residential, zoning.**

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

Mr. Chason Aye

Mr. West           Aye

Mr. Carrico        Aye

Mr. Segalla        Aye

Mr. Eide     Aye

Ms. Barnette       Aye

Mr. Kirby           Aye

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

**ATTORNEY'S REPORT:**

An introductory presentation was given by Jay Ross, City Attorney, and Tim Fleming, Associate Attorney, regarding the subject property located at 1505 and 1507 Old County Road represented by Mr. Tom Alonzo and owned by NOA, L.L.C.

Mr. Fleming, Associate attorney, requested to discuss the matter in executive session.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Kirby **to retire into executive session at 7:31 p.m. The Motion carried unanimously.**

**The meeting was reconvened at 7:58 p.m.**

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments.

**ADJOURNMENT:**

The Chairman stated do any of the Commissioners or Mr. Eady have any further questions or comments. If there is no objection, the Chair will entertain a motion to adjourn.

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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

*There being no further business, the meeting was adjourned at 8:00 p.m.*

***Respectfully submitted by:***

Jan Dickson, Planning Coordinator

**APPROVED:** September 22, 2005

Robert Segalla, Chairman

THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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THE CITY OF DAPHNE  
PLANNING COMMISSION MINUTES  
REGULAR MEETING OF AUGUST 25, 2005  
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

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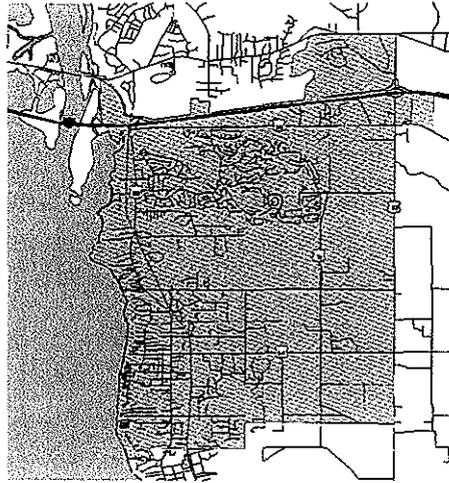
THE CITY OF DAPHNE  
PLANNING COMMISSION  
HIGH DENSITY OVERLAY COMMITTEE  
AGENDA OF THURSDAY, JULY 21, 2005  
COUNCIL CHAMBERS, CITY HALL - 3:30 P.M.

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- I. DISTRIBUTE AGENDA AND MINUTES FROM PREVIOUS MEETING.
- II. CALL TO ORDER
- III. TOPICS FOR DISCUSSION
  - A. VISION STATEMENT - COMPREHENSIVE PLAN
  - B. MEMORANDUM
  - C. PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN
  - D. PROPOSED REVISIONS TO THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE
  - E. PROPOSED IMAGE MAP
- IV. DISCUSS SUBSEQUENT MEETING DATE
- V. ADJOURNMENT

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# PREPARING DAPHNE FOR THE FUTURE



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## A Comprehensive Plan 2000-2020

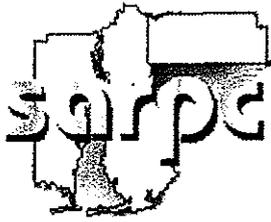
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### **Purpose**

To be the preferred residential waterfront community in South Alabama for families, retirees and businesses.

### **Vision**

To be a safe, healthy, caring and progressive City committed to a high quality of life, financial self-sufficiency, a spirit of civic cooperation, a strong sense of community, and a positive environment for educational, personal, cultural, religious, and business growth. Through comprehensive planning, the citizens of Daphne intend to manage and direct the City's growth, ensure ensuring the highest quality of living for each resident, **by preserving the residential climate, city image and small town character,** providing stimulate economic growth, and attract quality industry, **while preserving and protecting the natural environment and scenic beauty for all.**



## Memorandum

July 14, 2005

To: Mr. Bill Eady, Community Development Director  
From: Diane Burnett  
Re: Draft 2, of proposed revisions to the Land Use and Development Ordinance and Comprehensive Plan regarding High Rise Development and Mixed Use

At the Planning Commission work session that was held on June 30<sup>th</sup> to discuss High Rise Development in the City, I presented changes that involved the Planned Unit Development and Mixed Use Sections of the Land Use and Development Ordinance. Based on comments and discussions at that meeting I have reconsidered the revisions presented. As presented the proposed changes incorporated mixed use requirements that could force the creation of an artificial market, rather than allowing the opportunity for mixed use developments of a commercial or service nature that should be customer driven.

The Land Use and Development Ordinance already address Condominiums in the R-4 zoning district. (Condominiums are multi-family dwellings that are owned rather than rented. Very similar to apartments with regard to land use.) R- 4 also allows for **“other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services”**. The proposed changes I am attaching as Draft 2 for consideration at the next work session include minor revisions to your Table of Permitted Uses.

As proposed in Draft 2, the location of multi-family developments will still require rezoning if the property is not zoned R-4 which would require Planning Commission and City Council action. Site plan review is also required. The High-Rise height regulations are tied to the Image Map of your Comprehensive Plan. The Image Map will identify the area(s) that are appropriate for varying heights regulations.

Also in the proposed revision is the proposed maximum height at 200 feet with setbacks of .5 to 1 if over 50 ft. I did not include any compatibility criteria to surrounding areas to determine appropriate height and locations due to the additional setback requirements and the locations determined on the Image map.

Please note that Draft 2 also addresses High Rise office or commercial developments.

Please review the attached. If you have any questions or comments please contact me.

**Proposed Changes to the Land Use Section  
City of Daphne Comprehensive Plan  
July 15, 2005  
Draft 2**

**LAND USE**

The Land Use Section sets forth the physical plan for future development of the City of Daphne. This section designates the appropriate locations for future land uses and establishes the policies regarding the location and development of all land uses.

The inventory and analysis of the existing use of land in a community is of special interest to community planning because the future development of the community will be based on strengthening the positive aspects and character of present and past land use patterns.

Existing land uses and recent trends in development, ~~as well as a comparison between the current land uses and the land zoned for each particular~~ were use to provide the basis for the future land use plan.

**GOALS AND OBJECTIVES**

After defining the issues, it was possible to establish goals and objectives to direct Daphne's plans for land use and development. The last part of this section provides specific recommendations to help the City of Daphne attain its goals and fulfill its purpose and vision statements.

**GOAL**

Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.

**OBJECTIVES**

Establish minimum requirements for parks and "green" areas based on criteria such as acreage, population density and land use.

Insure appropriate land is available for industrial development.

Treat the land and water as non-renewable resources.

Preserve the history and beauty of Daphne and its surroundings.

Utilize any available state or federal sites.

Anticipate and provide land use for public needs (i.e., educational, governmental, and utility facilities).

Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

## GOAL

Grow sensibly by anticipating land use needs.

## OBJECTIVES

Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties.

Promote communication between industry, developers, and citizens in approaching land uses by providing firm, but objective, public grasp on land use and zoning.

Maintain a balance between development and infrastructure needs.

Encourage zoning regulations that are more site specific in nature to limit incompatible use and/or development.

## RECOMMENDATIONS

Make an ongoing effort to improve and expand vehicular traffic circulation paths in and around Daphne.

Protect and conserve neighborhoods and their individual characters from encroaching **large scale** commercial development and through the development of parks, open spaces and buffers.

Make an effort to eliminate existing and potential nuisances through ordinance review and long-range consideration of land use compatibility.

Provide opportunities for alternative transportation, such as walking and bicycling, through subdivision review procedures.

Insure that Daphne's infrastructure system will support additional growth through capital improvements and through consideration of alternative financial resources.

Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed,

**providing an alternative type of development that encourages mixed land uses and walkable community development criteria.**

Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations.

Insure that Daphne's children are provided with good schools which are located in convenient areas with safe and practical accessibility; and, that the school system can accommodate the growth of the city.

Concentrate industrial land uses in the southern portion of Daphne between Alabama Highway 98 and County Road 27 south County Road 64.

Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

Develop gateways that alert travelers to their entrance into the City of Daphne and which promote a positive image for the City. Improve vehicular circulation to promote safe and efficient movement around the City of Daphne.

Revise the Land Use and Development Ordinance as necessary to accomplish the desired development plans and character within Daphne.

**LAND USE CLASSIFICATION**

Existing land use was recorded in eight categories. A brief description of each category follows:

**LAND USE CATEGORIES**

Residential – This category includes land used for single-family, ~~multi-family dwelling units~~, mobile homes, hospitals and medical services.

**High Density Residential and Business –This category includes land use that will provide opportunity to encourage the concentration of limited retail convenience goods and personal service establishments, business establishments of a professional nature, business establishments and high density residential development compatible with a good, high density living environment.**

Commercial – This category includes land areas, with or without structures (i.e., off-street parking lots) where goods are distributed and personal services are provided. Retail sales in these commercial areas include both major and day-to-day purchase needs of customers. Personal business services include such land uses as professional offices, beauty shops and barbershops. The central business district is included in this category.

Industrial – These are land areas, with or without buildings, where semi-finished or rough material is further processed, fabricated or manufactured. It includes warehousing and wholesaling establishments engaged in both indoor or outdoor storage and non-retail sales.

Public and Semi-Public – Public land consists of areas occupied by educational, and governmental facilities or land which is owned by federal, state or local units of government. Semi-public areas include land, which is occupied by privately owned uses that are generally open to the public, such as churches, and similar uses. Recreational facilities are also included in this category.

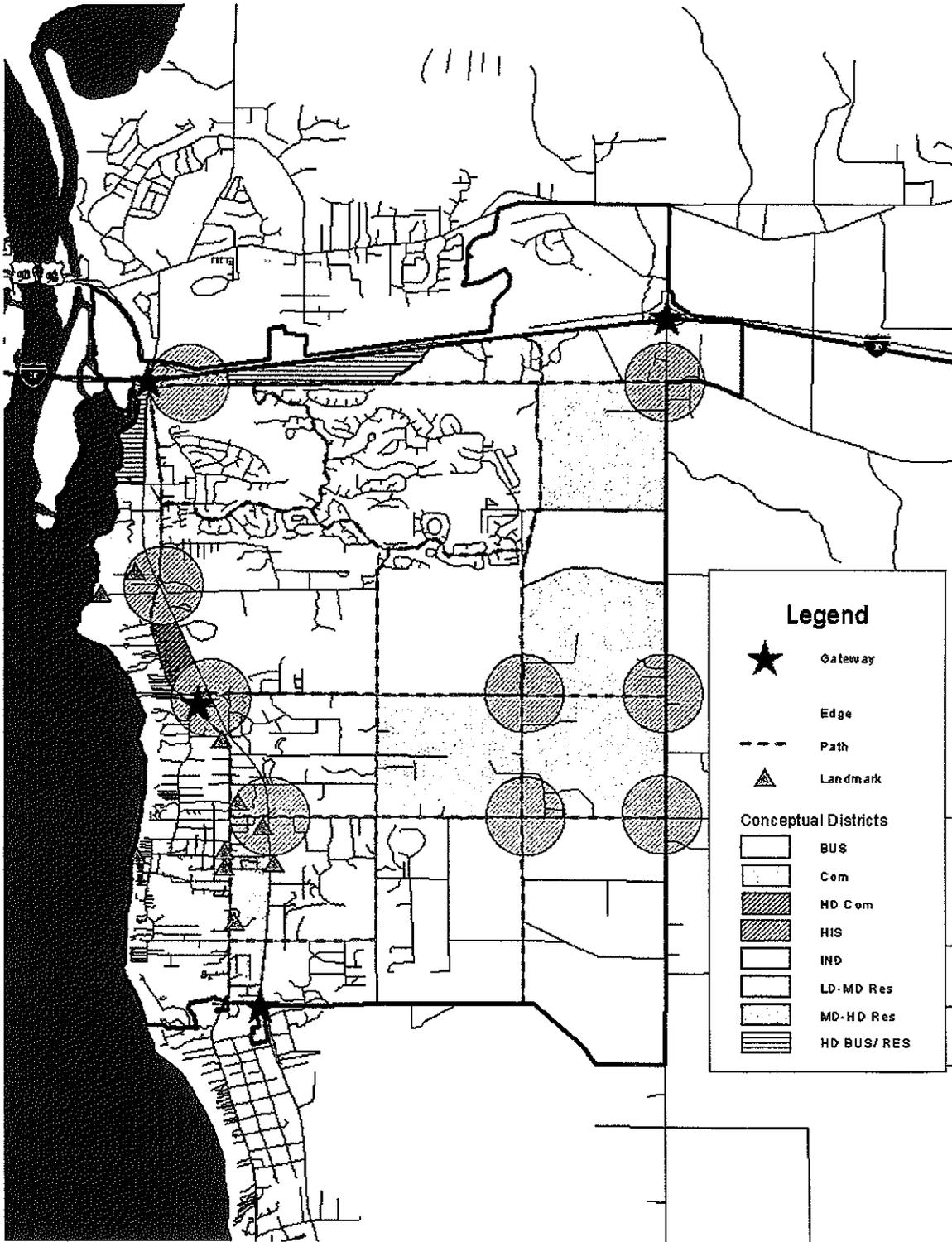
Resource Production and Extraction – This category includes all land used for agriculture, forestry products, mineral production and/or mining.

Rights-of-Way – Access to butting property for the delivery of goods and services and thoroughfares are included in this category.

Transportation, Communications, Utilities – This category includes roads, all land used for utilities, such as pump stations, water towers, generators, water treatment plants, etc. Although it is also public and semi-public land, it is classified separately among the developed land.

Undeveloped (Vacant) – This land is devoid of urban development. Included in this category are vacant plots, gullies and wetlands, and subdivided land, which has no structures on it.

**Proposed Image Map  
Draft 2**



**Proposed Amendments to the Daphne Land Use and Development Ordinance**  
**Daphne Planning Commission Work Session**  
**July 21, 2005**  
**Draft 2**

Note:

Words to be added are **bold and underlined**

Words to be deleted are ~~struck through~~

ARTICLE VIII  
DEFINITION OF TERMS

**Existing**

**8-2 WORDS AND TERMS DEFINED**

As used in this Ordinance, the following words and terms shall have the meaning defined:

- (61) Dwelling or Dwelling Unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.
- ...
- (c) Multiple Family - a building designed for or occupied by three (3) or more families, with separate cooking and housekeeping facilities for each.
- (50) Condominium. **An individually-owned, single family dwelling unit in a multi-family structure of any size and height permitted by local ordinance.**

**Add to Definitions**

**(XX) Net Buildable Area: The total horizontal area of a parcel, in square feet, less the area of any waterway, less the area of any wetlands, less the area of any submerged lands, less the area required for setbacks. For the purposes of computing net buildable area all waterways, wetlands, submerged lands and setback area square footages shall be rounded up to the next highest whole number.**

**(XX) Wetlands: An area or areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.**

**(XX) Submerged Lands: Lands beneath navigable waters.**

**12-2 RESIDENTIAL DISTRICTS**

(d) R-4, High Density Single and Multi-Family Residential District:

The intent of this district is to provide opportunity for high density residential development in specified areas.

**Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good, high density living environment by providing for needed community services.**

**14-4 ....SPECIAL PROVISIONS**

The following shall apply:

- (a) The provisions of this Article provided herein shall require a site plan for all residential developments involving the construction of two (2) or more dwelling units, business, or commercial structures; all existing structures which increases the gross floor area by thirty (30) percent or more, construction of a park, public way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission.

**ARTICLE XXVIII**

**FIXED DWELLING PROVISIONS  
APARTMENTS, TOWNHOUSES, AND CONDOMINIUMS**

**28-1 ....MINIMUM REQUIREMENTS .....**

Apartments, townhouses, and condominiums are permitted in a R-4, High Density Single and Multi-Family Residential, district subject to the approval of the Planning Commission and compliance with the following requirements:

.....

**13-4 REQUIREMENTS FOR LOT AREA, WIDTH, COVERAGE, DENSITY, HEIGHT AND OTHER FACTORS**

The following shall apply in districts as outlined, except in an R-5, Mobile Home Residential District, Planned Unit Developments, the Olde Towne Daphne District, and the Village Overlay District:

|  | Minimum Lot Area                      | Minimum Lot Width At Setback | Maximum Lot Coverage | Maximum              | <u>Maximum Height</u>                   |
|--|---------------------------------------|------------------------------|----------------------|----------------------|---|
|  | (Sq Ft)                               | Line                         | (%) <sup>a</sup>     | Density <sup>b</sup> |   |
| <u>R-1, Low Density Residential:</u><br>Single Family  | 20,000                                | 100                          | 25                   | 2.0                  | <u>2.5 stories or 35 feet</u>           |
| <u>R-2, Medium Density Residential:</u><br>Single Family   | 15,000                                | 90                           | 25                   | 2.5                  | <u>2.5 stories or 35 feet</u>           |
| <u>R-3, High Density Residential:</u><br>Single Family   | 12,000                                | 80                           | 30                   | 3.5                  | <u>2.5 stories or 35 feet</u>           |
| <u>R-4, High Density Single and Multi-Family Residential:</u><br>Single Family<br>Two-Family<br>Multi Family | 5,000<br>10,000<br>7,500 <sup>e</sup> | 50<br>80<br>85               | 38<br>35<br>35       | 8.0<br>8.0<br>14.0   | <u>4 stories or 50 feet<sup>d</sup></u> |
| <u>B-1, B-2, B-3 Business Districts</u><br><u>Multi Use District</u>   | <u>N/A<sup>d</sup></u>                | <u>N/A<sup>d</sup></u>       | <u>N/A</u>           | <u>N/A</u>           | <u>4 stories or 50 feet<sup>d</sup></u> |
| <u>Extraterritorial Planning Jurisdiction:</u><br>Single Family  | 12,000 <sup>e</sup>                   | 80                           | 30                   | 3.5                  | <u>2.5 stories or 35 feet</u>           |

**a.** Percentage shall be factored on net buildable area. Does not apply to lots of record smaller than required in the district in which they are located.

**b.** Dwelling units per gross acre to be developed.

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. Structures of more than fifty (50) feet may be permitted subject to the approval of the City Council. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**36-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Multi-Use District. Structures of more than fifty (50) feet may be permitted subject to the approval of the City Council. (See Definition of Height, Building in Article VIII, entitled Definition of Terms).

**14-18 MAXIMUM BUILDING HEIGHT**

Except as otherwise provided herein, no structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height in an R-1, Low Density Single Family, R-2, Medium Density Single Family, or R-3, High Density Single Family Residential, district or more than four (4) stories or fifty (50) feet in height in any R-4, High Density Single Family Residential, Business, or Commercial/Industrial, district. Structures of more than four (4) stories or fifty (50) feet may be permitted subject to the approval of the City Council upon recommendation of the Planning Commission. (See Definition of Height, Building, Article VIII, Definition of Terms).

**13-7 MAXIMUM BUILDING HEIGHT**

Applies to lots contained within an extrajurisdictional planning jurisdiction subdivision in which the size of the development exceeds ten (10) acres.

Heights may be allowed up to 200 ft by the Planning Commission in areas denoted for High-Rise Development as found on the Image Map in the City's Comprehensive Plan. Additional net area minimums and setbacks will be required. See Section 13.7 HIGH-RISE DEVELOPMENT.

For one (1) unit plus 2,500 square foot for each additional unit.

13-6 SETBACKS

MINIMUM DISTRICT REQUIREMENTS

The following front, rear, and side yard setbacks shall apply in districts as outlined, except an R-5, Mobile Home Residential District, Planned Unit Developments, the Olde Towne Daphne District, and the Village Overlay District, and the Residential/ Business High-Rise area as detonated on the Image Map of the City's Comprehensive Plan:

|   | <u>Front Yard</u>              |                                 |                        | <u>Rear Yard</u> | <u>Side Yard</u> | <u>Corner Lot Side Yard</u>    |                                 |
|---|--------------------------------|---------------------------------|------------------------|------------------|------------------|--------------------------------|---------------------------------|
|   | Arterial and Collector Streets | Local Streets and Service Roads | U.S. Highway 98 and 90 |                  |                  | Arterial and Collector Streets | Local Streets and Service Roads |
| R-1   | 40                             | 40                              | 50                     | 40               | 15               | 40                             | 25                              |
| R-2   | 35                             | 35                              | 50                     | 35               | 10               | 35                             | 20                              |
| R-3   | 30                             | 30                              | 50                     | 30               | 10               | 30                             | 20                              |
| R-4   |                                |                                 |                        |                  |                  |                                |                                 |
| Single Family   | 25                             | 25                              | 50                     | 25               | 6                | 30                             | 20                              |
| Two-Family  | 30                             | 30                              | 50                     | 30               | a                | 30                             | 20                              |
| Multi-Family  | 30                             | 30                              | 50                     | 30               | a                | 30                             | 20                              |
| Innovative Design   |                                |                                 |                        |                  |                  |                                |                                 |
| Single Family   | 25                             | 25                              | 50                     | 25               | 6                | 30                             | 20                              |
| Extraterritorial Planning Jurisdiction  |                                |                                 |                        |                  |                  |                                |                                 |
| Single Family*  | 30                             | 30                              | 50                     | 30               | 10               | 30                             | 20                              |
| <ul style="list-style-type: none"> <li>• Applies to lots contained within an extraterritorial planning jurisdiction subdivision in which the size of the development exceeds ten (10) acres.</li> </ul> |                                |                                 |                        |                  |                  |                                |                                 |
| B-1   | 30                             | 20                              | 50                     | 20               | b                | 30                             | 25                              |
| B-2   | 30                             | 20                              | 50                     | b                | b                | 30                             | 25                              |
| B-3   | 30                             | 20                              | 50                     | b                | b                | 30                             | 25                              |
| C/I   | 50                             | 30                              | 50                     | c                | c                | 30                             | 20                              |

- (a) Ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; when the dwelling unit faces the side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than thirty (30) feet (See Article XIX, Section 19-10 for buffer requirements).

- (c) Twenty (20) feet, except when abutting any part of a Residential or Business zone, a setback of not less than forty (40) feet is required (See Article XIX, Section 19-10 for buffer requirements).

**New Section**

**13-7 HIGH-RISE DEVELOPMENT**

**MINIMUM REQUIREMENTS**

**The minimum setbacks shall be compatible with the minimum setbacks as required in the zoning district the development is located or .5 foot to 1 foot setback to height ratio which ever is greater.**

**Example**

| <b><u>Height<br/>Ft.</u></b> | <b><u>Minimum<br/>Setback</u></b> | <b><u>Net Acres<br/>Minimum Net Buildable<br/>Acres Required</u></b> |
|------------------------------|-----------------------------------|--|
| <b><u>200</u></b>            | <b><u>100</u></b>                 | <b><u>1.89</u></b>   |
| <b><u>175</u></b>            | <b><u>85</u></b>                  | <b><u>1.57</u></b>   |
| <b><u>150</u></b>            | <b><u>75</u></b>                  | <b><u>1.29</u></b>   |
| <b><u>125</u></b>            | <b><u>62.5</u></b>                | <b><u>1.03</u></b>   |
| <b><u>100</u></b>            | <b><u>50</u></b>                  | <b><u>0.08</u></b>   |
| <b><u>75</u></b>             | <b><u>50</u></b>                  | <b><u>0.80</u></b>   |

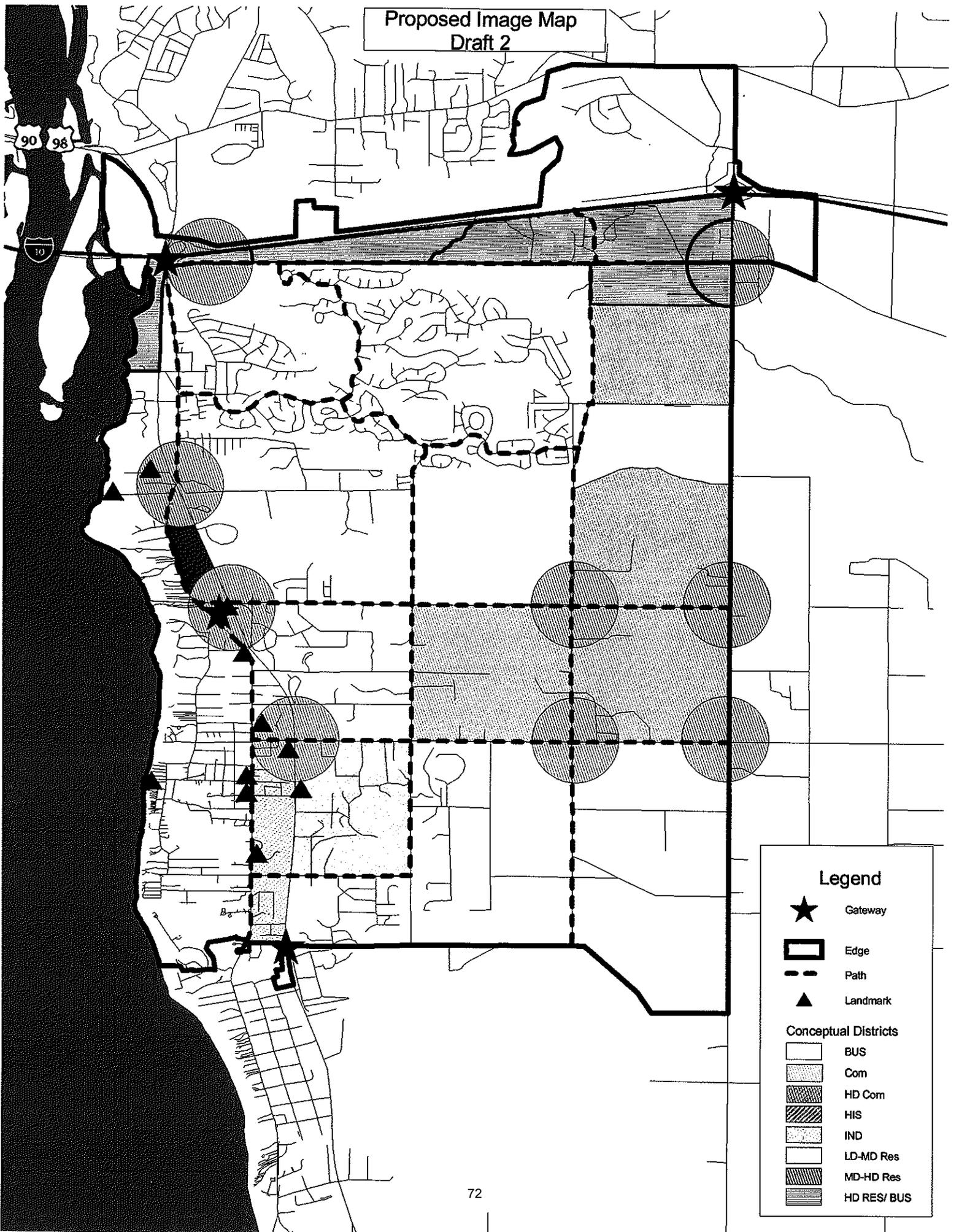
1. **Not less than 2.0 parking spaces per dwelling unit.**
2. **An additional 20% of green areas will be added to net areas if additional setbacks are required.**

| ARTICLE XXXV<br>TABLE OF PERMITTED USES AND<br>CONDITIONS   | USE DISTRICT |     |     |     |     |     |     |     |     |
|---|--------------|-----|-----|-----|-----|-----|-----|-----|-----|
|   | R-1          | R-2 | R-3 | R-4 | R-5 | B-1 | B-2 | B-3 | C/I |
| Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met  | R            | R   | R   | R   | R   | R   | R   | R   | R   |
| Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens   | R            | R   | R   | R   | R   | R   | R   | R   |     |
| Air Conditioning sales and service  |              |     |     |     |     | R   | R   |     | R   |
| Ambulance/EMS service   |              |     |     |     |     | R   | R   | P   | R   |
| Amusement and recreation services: must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area: |              |     |     |     |     |     |     |     |     |
| Amusement Park  |              |     |     |     |     |     | R   |     |     |
| Amusement arcade, kiddie land   |              |     |     |     |     |     | R   |     |     |
| Archery range   |              |     |     |     |     |     | R   |     |     |
| Baseball batting range  |              |     |     |     |     |     | R   |     |     |
| Billiard or pool hall   |              |     |     |     |     |     | R   |     |     |
| Bowling alley   |              |     |     |     |     |     | R   |     |     |
| Fairgrounds, circus or carnival   |              |     |     |     |     |     | R   |     | R   |
| Golf Course   | P            | P   | P   | P   | P   | P   | P   |     | P   |
| Golf Course, miniature  |              |     |     |     |     | P   | R   |     |     |
| Golf, driving range   | P            | P   | P   | P   | P   | P   | R   |     |     |
| Racquetball or tennis courts, indoor  | P            | P   | P   | P   | P   | P   | P   |     | P   |
| Skating rink  |              |     |     |     |     | P   | R   |     |     |
| Tennis Courts, outdoor; need not be enclosed within a structure   | P            | P   | P   | P   | P   | P   | P   |     | P   |
| Theater, indoor   |              |     |     | P   |     | P   | R   |     |     |
| ARTICLE XXXV  | USE DISTRICT |     |     |     |     |     |     |     |     |

| TABLE OF PERMITTED USES AND CONDITIONS  | R-1 | R-2 | R-3 | R-4 | R-5 | B-1 | B-2 | B-3 | C/I |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Theater, outdoor/drive-in; need not be enclosed within a structure  |     |     |     |     |     |     | P   |     |     |
| Animal clinic/kennels for small animals; need not be enclosed within a structure  |     |     |     |     |     |     | R   |     | R   |
| Antique store, including repairing, restoration and refinishing   |     |     |     |     |     |     | R   |     | R   |
| Apparel and accessory store   |     |     |     | P   |     | R   | R   |     |     |
| Appliance store   |     |     |     |     |     | R   | R   |     |     |
| Armory  |     |     |     | S   | S   | R   | R   |     | P   |
| Art gallery or museum   | S   | S   | S   | S   | S   | R   | R   | S   |     |
| Art sculptures, statues, monuments  | S   | S   | S   | S   | S   | P   | P   | P   | P   |
| Art supplies  |     |     |     |     |     | R   | R   |     |     |
| Auditoriums, stadiums, coliseums, and other such places of public assembly  | S   | S   | S   | S   | S   |     | P   |     | P   |
| Automobile Air Conditioning Sales and Service   |     |     |     |     |     |     | R   |     | R   |
| Automobile Glass and Upholstery Installation  |     |     |     |     |     |     | R   |     | R   |
| Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer  |     |     |     |     |     |     | R   |     | R   |
| Automobile parts sales, except used parts   |     |     |     |     |     |     | R   |     | R   |
| Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided  |     |     |     |     |     |     | P   |     | P   |
| Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district |     |     |     |     |     |     | R   |     | R   |

|              |              |
|--------------|--------------|
| ARTICLE XXXV | USE DISTRICT |
|--------------|--------------|

Proposed Image Map  
Draft 2



Legend

- ★ Gateway
- ▭ Edge
- - - Path
- ▲ Landmark

- Conceptual Districts
- BUS
  - ▨ Com
  - ▩ HD Com
  - ▧ HIS
  - ▦ IND
  - ▥ LD-MD Res
  - ▤ MD-HD Res
  - ▣ HD RES/ BUS

**MOTION TO BE MADE BY CATHY BARNETTE  
AT THE SEPTEMBER 6, 2005 CITY COUNCIL MEETING**

Motion to extend the moratorium on height variance requests until January 3, 2006, to continue to provide the City of Daphne Planning Commission time to complete the development of a plan that will address building heights in the City of Daphne.

## **PLANNING COMMISSION**

### **SET PUBLIC HEARING FOR:**

**OCTOBER 3, 2005**

- 1.) Amend the Land Use and Development Ordinance & Zoning Map - Landscape – Tree Protection– minimum Standards - Fire Hydrant
- 2.) Annexation: Lot 2 of ESCC South Subdivision will be known as Krystal Ridge Subdivision

PLEASE PUBLISH in the Bulletin Legal Section on **Saturday, September 10, 2005.**

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby give the first time that the City Council of the City of Daphne will hold a Public Hearing on October 3, 2005 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2005- \_\_\_\_\_**

---

**AN ORDINANCE AMEND THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, LANDSCAPE AND TREE PROTECTION AND MINIMUM STANDARDS - FIRE HYDRANTS**

---

**WHEREAS**, the Planning Commission of the City of Daphne at their regular meeting held on July 28, 2005, considered certain amendments to the City of Daphne Land Use and Development Ordinance and setforth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

**WHEREAS**, due notice of the said amendment has been presented to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and,

**WHEREAS**, a public hearing in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on October 3, 2005; and,

**WHEREAS**, the Mayor and City Council of the City of Daphne, after due consideration, deemed that the amendments requested are proper and believe it to be in the best interest of the City that said amendments be affirmed.

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

**SECTION I. AMENDMENT**

Article XIX, Landscape and Tree Protection, Sections 19-5, 19-6, 19-7 (b), and 19-15, and Minimum Standards, Special Provisions, Location of Fire Hydrants, Section 11-13, (c) of Daphne Land Use and Development Ordinance, Ordinance No. 2002-22, is hereby repealed in their entirety and replaced with the following:

**ARTICLE XIX  
LANDSCAPE AND TREE ORDINANCE**

**19-5 PROTECTION OF SIGNIFICANT TREES**

An overstory tree species is considered protected as a significant heritage tree if it has a twelve (12) inch or greater caliper. Likewise, an understory tree species is considered protected if it has an eight (8) inch or greater caliper.

---

Significant trees are hereby protected under this Article and cannot be cut or intentionally harmed without the expressed written permission of the City of Daphne Horticulturist.

**19-6 TREE PROTECTION ZONE**

All lands within one hundred (100) feet of the right-of-way of the four-lane U.S. Highway 98, fifty (50) feet of the right-of-way of Main Street, North Main Street, U.S. Highway 90, and all other (nonresidential) city streets are hereby declared to be tree protection zones.

No tree within these zones shall be removed without first presenting justification based on the criteria noted in Section 19-7 and written approval from the City of Daphne Horticulturist.

**19-7 TREE REMOVAL AND PERMIT PROCEDURES**

(b) Tree Removal Permit:

Any person wishing to remove or relocate a significant tree, a tree located within the tree protection zone, any understory tree with an eight (8) inch or greater caliper, or an overstory with a twelve (12) inch or greater caliper shall submit a written application on the prescribed documents to the City of Daphne Horticulturist accompanied by a site plan. The following criteria must be established in order for the permit to be issued:

- (1) The tree shall be located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
- (2) The tree shall be diseased, injured, in danger of falling too close to an existing or proposed structure, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other Ordinances, Articles, or Regulations.
- (3) The tree shall be prior to or after construction in violation of federal, state, local laws, or regulations including but not limited to laws and regulations pertaining to government programs for the financing of the construction.
- (4) No understory trees greater than eight (8) inches in diameter or greater caliper or an overstory with a twelve (12) inch or greater caliper shall be removed unless it can be shown that the tree is a safety hazard to pedestrians, property or vehicular traffic, is diseased or weakened by age, storm, fire or other injury, or it is absolutely necessary to construct the proposed improvements without incurring significant additional construction costs, or it is necessary for the installation of solar energy equipment.
- (5) A permit may be denied if the tree is considered to have aged or grown to an impressive stature for its species or it is considered an integral part of the natural heritage of the City and the City of Daphne Horticulturist determines there is a reasonable alternative other than the removal of the tree.

**19-15 MAINTENANCE**

Maintenance of new plantings is the responsibility of the property owner. Any vegetation or trees planted or retained to fulfill this which dies, becomes damaged, or diseased must be replaced by ~~the property owner by the beginning of the optimum planting season of the following year.~~ The property owner must notify the City of Daphne Horticulturist in writing when the replacement tree(s) and vegetation have been planted.

**ARTICLE XI  
MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS**

**11-13 SPECIAL PROVISIONS**

(c) Location of Roadway Fire Hydrants:

Roadway fire hydrants shall be installed along each street at the center of each block and at one corner of each roadway intersection, provided, however, that in no event shall fire hydrants be spaced so that any fire hydrant is located more than 600 feet from another fire hydrant. The water supply and pressure shall be sufficient to provide adequate fire protection and the future needs of the intended land use. Additional fire hydrant placement may be required on the interior of developed lots pursuant to local ordinance and fire regulations as adopted by the City.

**SECTION 2: REPEALER.**

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

**SECTION 3: SEVERABILITY.**

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

**SECTION 4: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,  
ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

**CITY OF DAPHNE**

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

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

**ATTEST:**

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

PLEASE PUBLISH in the Bulletin Legal Section on **Saturday, September 17, 2005.**

**SECOND NOTICE OF PUBLIC HEARING**

Notice is hereby give the second time that the City Council of the City of Daphne will hold a Public Hearing on October 3, 2005 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Amending the Land Use and Development Ordinance as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2005- \_\_\_\_\_**

---

**AN ORDINANCE AMEND THE CITY OF DAPHNE LAND USE AND DEVELOPMENT ORDINANCE NO. 2002-22, LANDSCAPE AND TREE PROTECTION AND MINIMUM STANDARDS - FIRE HYDRANTS**

---

**WHEREAS**, the Planning Commission of the City of Daphne at their regular meeting held on July 28, 2005, considered certain amendments to the City of Daphne Land Use and Development Ordinance and setforth an affirmative recommendation to the City Council of the City of Daphne that said amendments should be affirmed; and,

**WHEREAS**, due notice of the said amendment has been presented to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and,

**WHEREAS**, a public hearing in regard to said amendment to the City of Daphne Land Use and Development Ordinance was held on October 3, 2005; and,

/END SYNOPSIS

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(Lot #2, ESCC South Subdivision)

The undersigned, Don Gardner & Clifton Taylor, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as KRYSTAL RIDGE ESTATES SUBDIVISION to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. Owner: The Petitioner, Don Gardner & Clifton Taylor, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Zone R-3 High Density Single Family Residential  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DATED this 27<sup>th</sup> day of July,  
2005.

Respectfully submitted,

By: Don Gardner  
Clifton Taylor

STATE OF ALABAMA  
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 27<sup>th</sup> day  
of July, 2005.

Christy Daylor (NOTARY SEAL)  
NOTARY PUBLIC

My commission expires: **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**  
**MY COMMISSION EXPIRES: Apr 26, 2006**  
**BONDED THRU NOTARY PUBLIC UNDERWRITERS**

Don Gardner & Clifton Taylor  
Annexation

Lot 2, ESCC Subdivision

Exhibit "A"

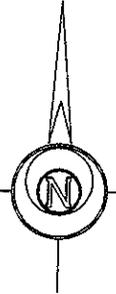
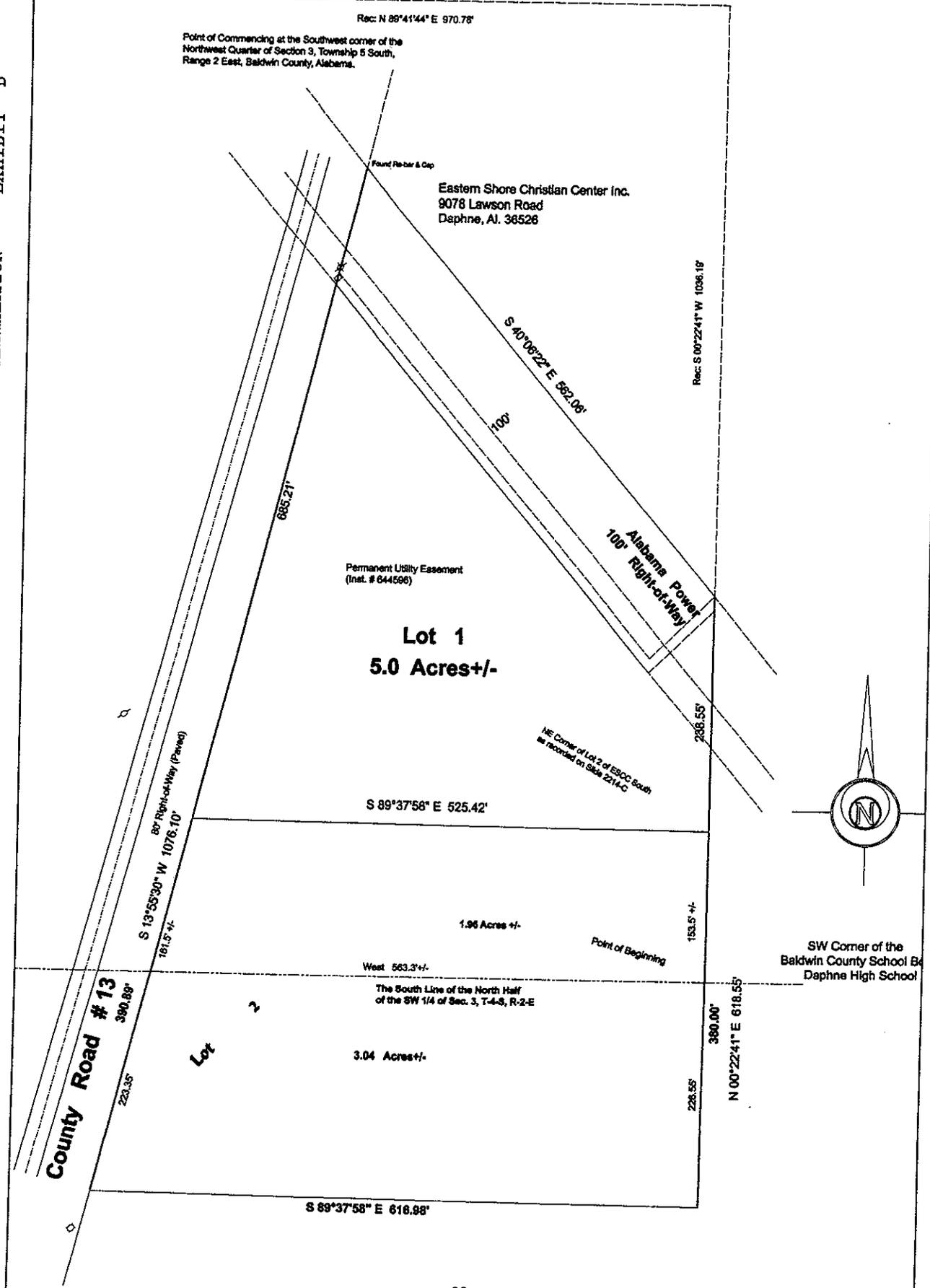
Legal Description:

Commencing at the Northeast corner of Lot 2 of ESCC South Subdivision as per its plat recorded on Slide 2214-C in the Judge of Probate's Office, Baldwin County, Alabama, run South 00° 22' 41" West, along the East line of said Lot 2, 153.5 feet, more or less, to the intersection of the South line of the North Half of the Southwest Quarter of Section 3, Township 4 South, Range 2 East, Baldwin County for the Point of Beginning; thence run West along said South line, 563.3 feet to a point on the East Right-of-way line of County Road 13; thence run South 13° 55' 30" West, along said East Right-of-way line, 223.35 feet to an iron pin; thence run South 89° 37' 58" East, 616.98 feet to an iron pin; thence run North 00° 22' 41" East, 226.55 feet to the Point of Beginning. Intending to describe all that property between the South line of Lot 2 and the Existing City of Daphnes City Limits. Said parcel contains 3.04 acres, more or less.

Reference: Krystal Ridge Estates

A PORTION OF LOT 2, ESCC SUBDIVISION GARDNER AND TAYLOR ANNEXATION EXHIBIT "B"

Lawson Road



PLEASE PUBLISH in the Bulletin Legal Section on **Saturday, September 10, 2005.**

**FIRST NOTICE OF PUBLIC HEARING**

Notice is hereby give the first time that the City Council of the City of Daphne will hold a Public Hearing on October 3, 2005 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance for annexation certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2005-**

**FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE  
LIMITS  
OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA  
The Krystal Ridge Subdivision  
(Property located at County Road 13)**

**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 August 25, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Resident , zone**; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on October 3, 2005 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.

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

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

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

**"EXHIBIT A"  
LEGAL DESCRIPTION**

Commencing at the Northeast corner of Lot 2 of ESCC South Subdivision as per its plat recorded on Slide 2214-C in the Judge of Probate's Office, Baldwin County, Alabama, run South 00° 22' 41" West, along the East line of said Lot 2, 153.5 feet, more or less, to the intersection of the South line of the North Half of the Southwest Quarter of Section 3, Township 4 South, Range 2 East, Baldwin County for the Point of Beginning; thence run West along said South line, 563.3 feet to a point on the East Right-of-way line of County

Road 13; thence run South 13° 55' 30" West, along said East Right-of-way line, 223.35 feet to an iron pin; thence run South 89° 37' 58" East, 616.98 feet to an iron pin; thence run North 00° 22' 41" East, 226.55 feet to the Pont of Beginning. Intending to describe all that property between the South line of Lot 2 and the Existing City of Daphne's City Limits. Said parcel contains 3.04 acres, more or less.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**ATTEST:**

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

PLEASE PUBLISH in the Bulletin Legal Section on **Saturday, September 17, 2005.**

**SECOND NOTICE OF PUBLIC HEARING**

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**PROPOSED ORDINANCE:**

**ORDINANCE NO. 2005-**

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

**The Krystal Ridge Subdivision  
(Property located at County Road 13)**

**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 August 25, 2005 and a affirmative recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-3, High Density Single Family Resident , zone**; and,

/END SYNOPSIS





**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

To strengthen  
and promote  
cities as centers  
of opportunity,  
leadership, and  
governance.



**National League  
of Cities**

1301 Pennsylvania Ave., N.W.  
Washington, DC 20004-1763

202-626-3000

Fax: 202-626-3043

[www.nlc.org](http://www.nlc.org)

**2005 Officers**

*President*  
Anthony A. Williams  
Mayor  
Washington, DC

*First Vice President*  
James C. Hunt  
Councilman  
Clarksburg, West Virginia

*Second Vice President*  
Bart Peterson  
Mayor  
Indianapolis, Indiana

*Immediate Past President*  
Charles Lyons  
Selectman  
Arlington, Massachusetts

*Executive Director*  
Donald J. Borut

August 18, 2005

**MEMORANDUM**

**TO:** City Clerks of Direct Member Cities

**FROM:** Donald J. Borut, Executive Director

**SUBJECT:** Congress of Cities Voting and Alternate Voting Delegates

The National League of Cities' **Annual Business Meeting** will be held on Saturday, December 10, 2005, at the Congress of Cities in Charlotte, North Carolina. As a direct member city, your elected officials are entitled to vote at the Annual Business Meeting. Based on the population of the city, each member city casts between one to twenty votes. The number of votes each city is allowed can be found on the table on the reverse side of this memorandum.

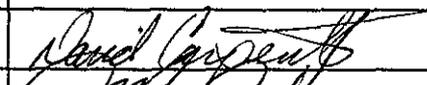
To be eligible to cast a city's vote(s), each voting delegate and alternate must be officially designated by the city using the attached credentials form. This form will be forwarded to NLC's Credentials Committee. **NLC Bylaws expressly prohibit voting by proxy.** The voting delegate must pick up his/her voting credentials **BEFORE** the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote(s).

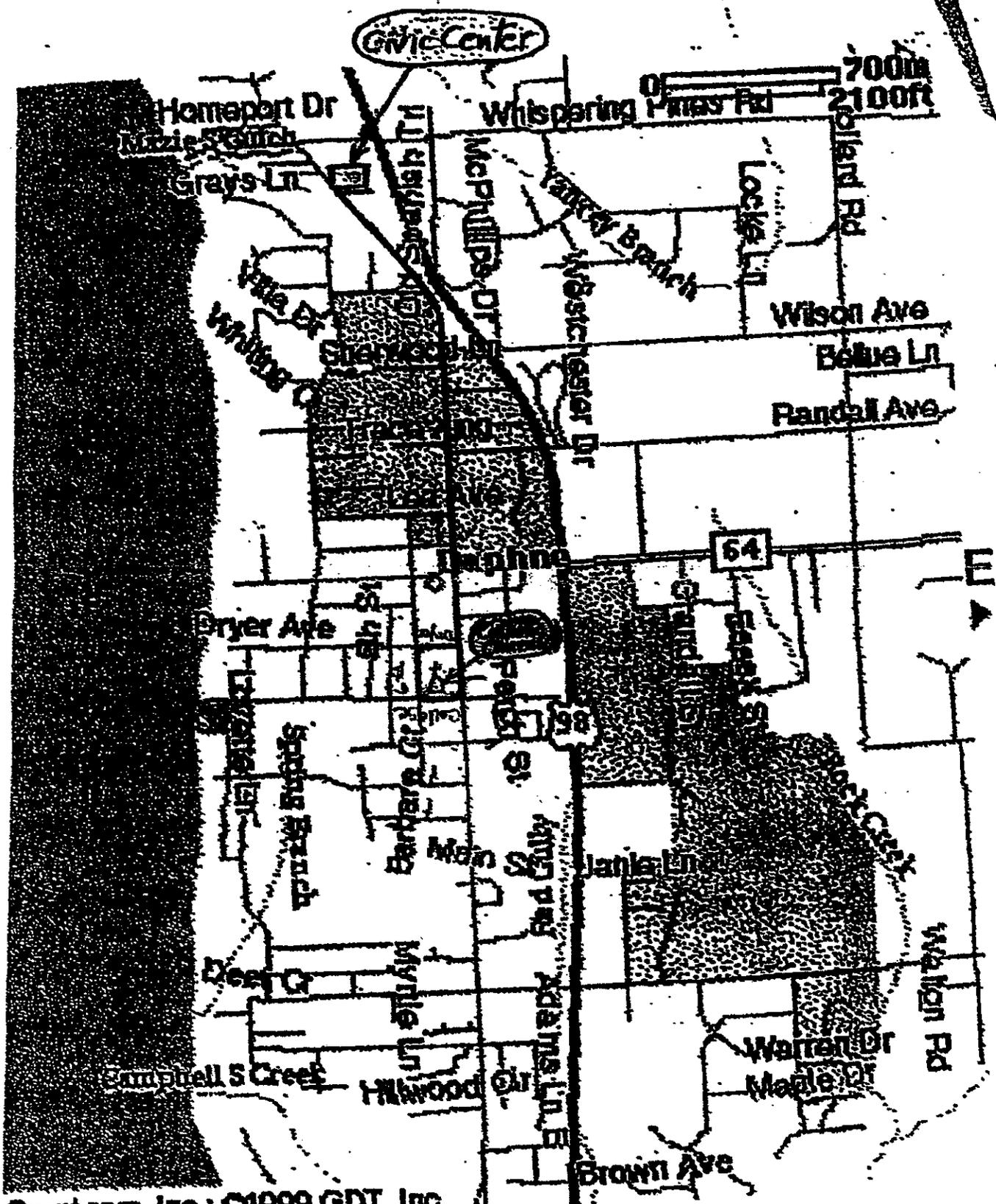
Your city elected officials should be made aware of this request so that decisions can be made on who will be the voting delegate and alternate at NLC's Annual Business Meeting. Before the Congress of Cities, please consult the NLC website at [www.nlc.org](http://www.nlc.org) for information summarizing the proposed *National Municipal Policy* amendments and resolutions that are to be voted on at the Annual Business Meeting. This information should be shared with your voting delegates.

We ask that you return the completed form to NLC on or before **Thursday, October 13, 2005**. Please follow the instructions on the card for filling out the form and make a copy for your own files. A pre-addressed envelope is attached for your convenience. If you have any questions or concerns, contact Katherine Bates at [bates@nlc.org](mailto:bates@nlc.org) or (202) 626-3176.

**Past Presidents:** Karan Anderson, Mayor, Minnetonka, Minnesota • Clarence E. Anthony, Mayor, South Bay, Florida • John DeStefano, Jr., Mayor, New Haven, Connecticut • William H. Hudnut, III, Mayor, Town of Chevy Chase, Maryland • Sharpe James, Mayor, Newark, New Jersey • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania • **Directors:** Lorraine Anderson, Councilmember, Arvada, Colorado • Tommy Baker, Alderman, Osceola, Arkansas • Vickie Barnett, Mayor, Farmington, Michigan • Phil Bazemore, Mayor Pro Tem, Monroe, North Carolina • Daniel Beardsley, Jr., Executive Director, Rhode Island League of Cities and Towns • Thomas Bredeweg, Executive Director, Iowa League of Cities • Kenneth Bueche, Executive Director, Colorado Municipal League • Rosemunda Butler, Council Member, West Columbia, South Carolina • Nora Campos, Councilmember, San Jose, California • Roosevelt Coats, Councilman, Cleveland, Ohio • Jim Condos, Council Chair, South Burlington, Vermont • Lisa Dooley, Executive Director, West Virginia Municipal League • Clay Ford, Jr., Mayor Pro Tem, Gulf Breeze, Florida • Eddy Ford, Mayor, Farragut, Tennessee • Danny George, Executive Director, Oklahoma Municipal League, Inc. • Matthew Greller, Executive Director, Indiana Association of Cities and Towns • Kan Harward, Executive Director, Association of Idaho Cities • Lester Haitke, Mayor, Willmar, Minnesota • Jim Higdon, Executive Director, Georgia Municipal Association • Ruth Hopkins, Councilmember, Prairie Village, Kansas • Ted Jennings, Mayor, Brewton, Alabama • Ronald Loveridge, Mayor, Riverside, California • Joseph Maestas, Councilor, Española, New Mexico • Michael McGlynn, Mayor, Medford, Massachusetts • James Mitchell, Jr., Council Member, Charlotte, North Carolina • Joe Moore, Alderman, Chicago, Illinois • Ed Oakley, Councilmember, Dallas, Texas • Margaret Peterson, Councilmember At Large, West Valley City, Utah • Dottie Reeder, Mayor, Seminole, Florida • Terry Riley, Council Member, Kansas City, Missouri • John Russo, City Attorney, Oakland, California • Ron Schmitt, Council Member, Sparks, Nevada • Doug Scott, Mayor, Rockford, Illinois • Liberato Silva, Vice Mayor, Flagstaff, Arizona • Shep Stahel, Mayor Pro Tem, Plano, Texas • Charleta Tavares, Council Member, Columbus, Ohio • Ted Tedesco, Mayor, Ames, Iowa • Dick Traini, Assembly Chairman, Anchorage, Alaska • Jacques Wigginton, Councilmember, Lexington, Kentucky • Evelyn Woodson, Councilor, Columbus, Georgia

# CITY OF DAPHNE PARADE PERMIT

|  |  |
|--|--|
| <b>ORGANIZATION:</b>                                     | <i>Mystic Order of Persophne</i>   |
| <b>CONTACT PERSON:</b>                                   | <i>Angie Perkins</i>   |
| <b>ADDRESS:</b>  | <i>7135 Hurricane road<br/>Bay Minette, AL 36507</i>                                 |
| <b>PHONE NUMBER (HOME):<br/>PHONE NUMBER (BUSINESS):</b> | <i>937-1222 Cell# 232-0897</i>   |
| <b>TYPE OF PARADE:</b>                                   | <i>Mardi Gras</i>  |
| <b>DATE OF PARADE:</b>                                   | <i>February 24, 2006 - Friday<br/>Rain Date: February 27, 2006 - Monday</i>          |
| <b>ROUTE TO BE TRAVELED:</b>                             | <i>See Attached Map</i>  |
| <b>APPROXIMATE # OF PEOPLE &amp; CARS:</b>               | <i>25 Units - 700 People includes band members</i>                                   |
| <b>START TIME:</b>                                       | <i>6:45 P.M.</i>   |
| <b>STOP TIME:</b>  | <i>8:30 P.M.</i>   |
| <b>ASSEMBLY AREA/STREET:</b>                             | <i>Daphne Civic Center</i>   |
| <b>ASSEMBLY TIME:</b>                                    | <i>5:00 P.M.</i>   |
| <b>SPECIAL REQUEST:</b>                                  | <i>Block off Streets</i>   |
| <b>APPROVAL</b>  |  |
| <b>POLICE: Chief David Carpenter:</b>                    |  |
| <b>FIRE: Chief Mund Hanson</b>                           |  |
| <b>PUBLIC WORKS: Ken Eslava</b>                          |  |
| <b>CITY COUNCIL:</b>                                     |  |
| <b>SPECIAL INSTRUCTIONS:</b>                             |  |
| <b>DATE ROUTED:</b>                                      | <i>August 8, 2005</i>  |
| <b>NOTIFICATION:</b>                                     |  |



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**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

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

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

ALABAMA EMERGENCY MANAGEMENT AGENCY

DESIGNATION OF APPLICANT'S LOCAL AGENT

RESOLUTION

BE IT RESOLVED BY City Council OF City of Daphne  
(Governing Body) (Public Entity)

THAT Fred Small Mayor  
(Name of Incumbent) (Official Position)

1705 main st, PO Box 400 251-621-9000  
(Address) (Telephone No.)

Daphne AL 36526  
(City) (State) (Zip Code)

is hereby authorized to execute for and in behalf of The City of Daphne, AL  
a public entity established under the laws of the State of Alabama, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 100-707) or otherwise available from the President's Disaster Relief Fund.

That The City of Daphne, AL a public entity established under the laws of the State of Alabama, hereby authorized its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements as required.

Passed and approved this 6<sup>th</sup> day of Sept, 2005.

Greg Burnam, Council President  
(Name and Title)

(Name and Title)

Fred Small Mayor  
(Name and Title)

**FEDERAL EMPLOYER'S ID #:** \_\_\_\_\_

CERTIFICATION

I, David Cohen, duly appointed and City Clerk of  
(Title)

City of Daphne, AL, do hereby certify that the above is a true and correct copy of a resolution

passed and approved by the City Council of City of Daphne, AL  
(Governing Body) (Public Entity)

on the 6<sup>th</sup> day of Sept, 2005.

City Clerk  
(Official Position)

\_\_\_\_\_  
(Signature)

**ORDINANCE 2005-33**

**An Ordinance Appropriating Funds**

**School Feasibility Study**

**WHEREAS**, Ordinance 2004-31 approved and adopted the Fiscal Year 2005 Budget November 1, 2004; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2005 budget, the City Council has determined that certain additional appropriations are required and should be approved and made a part of the Fiscal Year 2005 budget; and

**WHEREAS**, the City Council has heretofore determined that a study is required in order to determine whether educational opportunities offered to the citizens and residents of Daphne would improve if Daphne independently operated a school system.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- The Fiscal Year 2005 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 16,500 for a feasibility study and assessment of the ability of the City of Daphne to establish and operate an independent school system.
- The Mayor is hereby authorized, upon review and approval by the City Attorney, to execute a contract with Dr. Ira W. Harvey for the purpose of conducting such study.

**APPROVED AND ADOPTED** by the City Council of the City of Daphne, Alabama, this \_\_\_\_\_day of \_\_\_\_\_, 2005.

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

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

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

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

**ATTEST:**

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

**ORDINANCE 2005- 39**

**An Ordinance Authorizing Funds to be used as Earnest Money for the Purchase of Public Property: The "Tallent Property"**

**WHEREAS**, the City Council of the City of Daphne, Alabama, desires to purchase additional real property to be used by the City as public property promoting the health, welfare, and safety of the citizens of the City; and

**WHEREAS**, the City Council of the City of Daphne, Alabama, has identified certain property for sale consisting of approximately 113.9 acres, more or less, and currently owned by Mr. Willie Tallent, said property being located within the city limits of the City of Daphne; and

**WHEREAS**, Mr. Willie Tallent desires to sell such property as previously described to the City of Daphne, Alabama, and

**WHEREAS**, the City Council of the City of Daphne, Alabama desires to:

- Authorize the Mayor and/or the City Attorney to negotiate the purchase of said property on behalf of the City of Daphne AND
- Authorize an expenditure from the General Fund in the amount of FIFTY THOUSAND AND NO/100THS (\$50,000) DOLLARS to be used as earnest money payable to Mr. Tallent in order to facilitate the purchase of said property.

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

**SECTION 1:** The Mayor of the City of Daphne and/or the City Attorney, is/are hereby authorized, on the City's behalf, to enter into a contract for the purchase of the "Tallent Property", more generally described as that 113.9 acres located behind the current Wal-Mart store located on US Highway 98, in Daphne, Alabama, for the sum of \$ 15,000 per acre.

Further, the City of Daphne is hereby authorized to expend from its General Fund a sum up to and including FIFTY THOUSAND AND NO/100THS (\$ 50,000) DOLLARS, to be used as earnest money to be paid to the Seller, Mr. Willie Talent, and/or his authorized agent, subject to the terms and conditions of the contract for sale to be entered into between the City of Daphne, Alabama, and Mr. Willie Tallent.

**SECTION II: EFFECTIVE DATE**

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

**APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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

**CITY OF DAPHNE**  
**ORDINANCE NO.: 2005-45**

=====

**AN ORDINANCE FOR ELECTION AND APPOINTING OF CITY  
EMPLOYEES BY MAYOR AS APPOINTING AUTHORITY**

=====

**WHEREAS**, the City Council of the City of Daphne, Alabama has heretofore adopted various resolutions and ordinances vesting within the Mayor, the power of appointment for certain City employees and to set the term of service ; and,

**WHEREAS**, the City Council of the City of Daphne, Alabama believes that it will be in the best interest of the City to amend said past resolutions which removed the appointing authority from the Mayor for certain employment positions and previously having placed it within its discretion of the City Council; and

**WHEREAS**, the City Council of the City of Daphne, Alabama now it believes will be in the best interest of the City to amend those past resolutions to reinstate the Office of the Mayor as the appointing authority for all employment positions, subject to the rules and regulations of the ordinances related to the City of Daphne’s Personnel Policy and Procedures, and,

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

**SECTION I:            APPOINTING AUTHORITY**

That pursuant to the authority granted to the City Council by the laws of the State of Alabama and pursuant to and to the procedures established by the Personnel Handbook, commonly known as the City Personnel Policy and Procedures Handbook, as originally established by Resolution 94-39 and as amended by Resolution No.: 1995-13, Resolution No.: 1990-24, Resolution No.: 1990-63, Ordinance No.: 1997-31, Ordinance No.: 1998-10, Ordinance No.: 1999-08, Ordinance No.: 2000-04 and all subsequent Resolutions and Ordinances as it relates to Personnel Policy and Procedures is hereby established that the Mayor shall have the authority to exercise his appointing authority by electing to fill all City offices and setting terms of service, and to be designated as appointing authority for the City of Daphne, except as otherwise provided by state statute.

**SECTION II:           SEVERABILITY**

That if any section, sub-section, sentence, clause, phrase or portions of ordinances for any reason without invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions and such holding shall not effect the ability of the remaining portion thereof pertaining to the election and appointment of officers thereof shall remain in full force and effect.

**An Ordinance for Election and Appointing of  
City Employees by Mayor as Appointing Authority**

**ORDINANCE NO.: 2005-\_\_\_\_\_**

**Page 2**

---

**SECTION III: \_\_\_\_\_ REPEALER**

That Ordinance No.: 2003-01 be and is hereby specifically repealed, as well as any other Resolution(s) or Ordinance(s) or parts of any Resolution(s) or Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed as far as they conflict. \_\_\_\_\_

**SECTION IV: \_\_\_\_\_ EFFECTIVE DATE**

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
DAPHNE, ALABAMA this \_\_\_\_\_ day of August, 2005.**

\_\_\_\_\_  
**FRED SMALL, MAYOR**

**Date and Time:** \_\_\_\_\_

\_\_\_\_\_  
**GREG BURNAM, COUNCIL PRESIDENT**

**Date and Time:** \_\_\_\_\_

**ATTEST:**

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



To: Office of the City Clerk  
From: William H. Eady, Sr.,  
Director of Community  
Development  
Subject: City of Daphne Street Map  
Date: August 26, 2005

## MEMORANDUM

At the regular meeting of the City of Daphne Planning Commission, August 25, 2005, seven members were present and the vote was unanimous for the affirmative recommendation of the above-mentioned map.

Upon receipt of said documentation, please place on the appropriate agenda for action by the City Council on September 6, 2005.

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

Thank you,

WHE/jd

cc: Mayor Small  
Greg Burnam, Council President  
Jay Ross, City Attorney  
file

**CITY OF DAPHNE  
ORDINANCE NO. 2005-47**

**City of Daphne Street Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on August 25, 2005, favorably recommended to update the City Daphne Street map

**WHEREAS**, said additional map is necessary due to need to up date the City of Daphne street map due to the addition of new city streets; and

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

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

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

**SECTION I. REPEALER**

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

**SECTION II. EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

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

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

**ATTEST:**

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

