

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 8, 2009
BUSINESS MEETING
6:30 P.M.**

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

APPROVE MINUTES: Council meeting minutes / August 17, 2009
Town Hall Meeting minutes / August 20, 2009

4. REPORT STANDING COMMITTEES:

- A. FINANCE COMMITTEE / Boulware**
- B. BUILDINGS & PROPERTY - Lake**
Review minutes / July 10th
Review minutes / August 14th
- C. PUBLIC SAFETY - Burnam**
Review minutes / August 12th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo**
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**
Public Works Mission Statement

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments – Jones**
Review minutes / August 9th
- B. Downtown Redevelopment Authority - Barnette**
- C. Industrial Development Board – Yelding**
Review minutes / June 29th
- D. Library Board - Lake**
Review minutes / August 6th
- E. Planning Commission – Barnette**
 - a.) Review minutes / July 23rd
 - b.) Set Public Hearing date for October 5, 2009 to consider: Annexation / AJD Family Limited Partnership Ms. Patsy Defillipi / Property located southeast of the intersection of County Rd. 64 and Friendship Rd. / Requested zoning: B-1, Local Business District / Unanimous Favorable Recommendation from Planning Commission
- F. Recreation Board - Burnam**
Review minutes / August 12th
- G. Utility Board - Scott**
Review minutes / May 27th
Review minutes / June 24th

6. REPORTS OF OFFICERS:

- A. Mayors Report**
- B. City Attorney's Report**

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Highway 90 Sewer: Determining All Objections and Defenses to Assessments for the Cost of Improvements Provided by Improvement Ordinance 2007-05 and 2007-20 and Assessing the Cost of Said Improvements Provided by Improvements Upon the Properties Specially Benefited Thereby...../Resolution 2009-89
- b.) Pledge of Support for the Baldwin County Watershed Coalition...../Resolution 2009-90

ORDINANCES:

2ND READ

- a.) Appropriation of Funds: FY 2009 Fire Hydrant Maintenance...../Ordinance 2009-43
- b.) Appropriation of Fund: FEMA: Nicole Circle Project Engineering...../Ordinance 2009-45

9. COUNCIL COMMENTS

10. ADJOURN

SEPTEMBER 14TH WORK SESSION ITEMS

- 1. PRESENTATION BY CENSUS BUREAU
- 2. LODGING TAX

TENTATIVE WORK SESSION ITEMS

- 1. VISIONING PLAN
- 2. PROTOCOL FOR CHANGING SIGN ORDINANCE
- 3. TRAVEL BUDGET
- 4. DOWNTOWN REDEVELOPMENT AUTHORITY
- 5. SIGN ORDINANCE

**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__ __

COUNCILMAN BOULWARE

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 17, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Mr. Damon Wickware.

COUNCIL MEMBERS PRESENT: Bailey Yelding; John Lake; Greg Burnam; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: Cathy Barnette.

Also present: Mayor Fred Small; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Bill Eady, Public Works Director; Kim Briley, Finance Director; Richard Merchant, Building Official; James White, Fire Chief; David Carpenter, Police Chief; Vickie Hinman, Interim Human Resource Director David McKelroy, Recreation Director; Tonja Young, Library Director; Deni Biggs, Interim Civic Center Director; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Program Manager; Captain Danny Bell, Police Department; Jane Robbins, Mayors Assistant; Scott Hutchinson, City Engineer; Al Guarisco, Village Point Foundation; Tomasina Werner, Beautification Committee; Willie Robison, BZA; Joe Lemoine, Planning Commission; Mr. Blanchard, Principal Daphne High School; Denise D'Oliveira, S.E.E.D.S.; Senator Trip Pittman; Senator Marc Keahey.

3. APPROVE MINUTES:

MOTION BY Councilman Yelding to adopt the Council meeting minutes meeting held August 3, 2009. *Seconded by Councilman Palumbo.*

Councilwoman Barnette amended the minutes under DRA and Planning that she was not present to give the report and

AYE Yelding, Burnam, Scott, Boulware, Palumbo, Lake

ABSTAIN Barnette

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Council Work Session minutes meeting held August 10, 2009. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt the Special Called Council meeting minutes meeting held August 12, 2009. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

PRESENTATION: Eric Byrne / Eagle Scout Project

Mr. Byrne asked Council for permission to create trails on the new recreation property, and to identify species of trees on the property.

MOTION BY Councilwoman Barnette to approve the project presented by Mr. Eric Byrne to create trails and identify species of trees on the new recreation property. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Palumbo requested that Mr. Byrne present his project to the Recreation Board at their next meeting, and when he has finished his project to report back to council.

Councilman Scott asked that when identifying the trees to note if species is native or invasive.

PRESENTATION: S.E.E.D.S. / Grant Awards

Denise D'Oliveira presented the schools and teachers that received grants from S.E.E.D.S. along with Tripp Pittman and Marc Keahey. S.E.E.D.S. raised \$25,000 this year, and State Representative Randy Davis, State Senators Tripp Pittman and Marc Keahey contributed \$12,500 for a total of \$37,500 which was distributed to the grant winners along with a \$3,000 block grant for each school: a total of 23 teachers from Daphne Elementary School, W. J. Carroll School, Daphne East elementary School, Daphne Middle School, Daphne High School and Christ the King School..

A. FINANCE COMMITTEE – Boulware

The minutes for the August 10th meeting are in the packet.

Treasurers Report

MOTION BY Councilman Yelding to accept the Treasurers Report in the amount of \$19,212,192.41. *Seconded by Councilwoman Barnette.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Summary of Revenues & Expenditures

The statement shows that expenditures are currently over revenues by (\$549,647). Ms. Briley noted that this is a \$1 million swing downward from this time last year.

Sales Tax Collections

Sales and Use Tax Collected for June 2009	- \$ 868,309
Sales and Use Tax Budgeted for June 2009	- \$ <u>997,274</u>
Under Budget (for June)	- \$ (128,965)

YTD Budget Collections Variance - Under Budget - \$ (933,291)

Lodging Tax Collections

The Lodging Tax Collections report shows \$56,494.11 collected for June 2009.

The next meeting will be September 14th at 4:00 p.m. in the Executive Conference Room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

Council President Lake stated that the committee discussed the electronic sign for the civic center. The money has been encumbered since 2005 for the sign. Council thought that the Finance Committee should review the funding again. Several council members feel that it is not right for the city to have electronic signs and the business cannot. Council agreed that they need to review the sign ordinance and get it so that it affects everyone the same way.

MOTION BY Councilwoman Barnette to send the funding of the electronic sign for the Civic Center to the Finance Committee for review. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

C. PUBLIC SAFETY COMMITTEE – Burnam

No report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The next meeting will be August 28th at 8:00 a.m. in the Executive Chambers.

**AUGUST 17, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Ms. Jones

The minutes for the July 2nd meeting are in the packet. The next meeting will be Thursday at 6 p.m. The meeting for September will be the 3rd.

B. Downtown Redevelopment Authority – Barnette

No report.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

The minutes for the July 9th meeting are in the packet. No report.

E. Planning Commission – Barnette

The commission had a workshop on the Land Use Ordinance and are about ready to bring it to council. The Site Review meeting will be Wednesday at 8:30 a.m. in the council chambers. The Planning Commission meeting will be Thursday, August 27th at 6:00 p.m.

F. Recreation Board – Burnam

No report.

G. Utility Board – Scott

The minutes for the June 24th meeting are in the packet. Daphne Utilities was chosen as one of the top 35 business environments, and companies to work. This reflects the good solid job that the board and management team is doing at the utilities. The board accepted a bid for \$2.6 million contract for head works renovation project for the waste water treatment plant. They are installing pumps that relieve the backup from coming back into the plant during rain events. They are also looking at additional water sources with the prospect of another well coming on board soon.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Parade Permit / Bounds Family YMCA / Annual 5K and 2 Mile Run / November 14, 2009

MOTION BY Councilwoman Barnette to approve the permit for the Bounds Family YMCA Annual 5K and 2 Mile Run to be held November 14, 2009. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mayor Small stated that he, the finance staff and department heads have been working hard on the budget to get it to the Finance Committee, and hopefully, that will be in the next week. The finance department has a certification class they have to attend next week, but he will continue to work on the budget while they are gone to have it ready for them when they get back. Then they can get it to a council work session.

B. City Attorney Report

Mr. Ross stated that there is a pending personnel matter that requires an Executive Session.

Council President Lake stated that they will have it at the end of the meeting.

Mr. Ross stated that they will need to come out of Executive Session and finish conducting business.

C. Department Head Comments

Captain Danny Bell – Police Department - stated that Chief Carpenter had to step out for a few minutes, but that council had the information before them.

David McKelroy – Recreation Director – reported that registration is complete for the fall sports, and they had 200 to register for football and 500 for soccer.

Deni Biggs – Interim Civic Center Director – reported that the “Taste of the Eastern Shore” was a great success with a sellout of tickets. She thanked everyone for their help. She also thanked the Mayor and Council for their support, and especially Daphne High School. She also especially thanked Chief Carpenter and the Police Department, Bo White and his staff, Chip Martin and Tommy Bozeman and the Public Works Department for all their help with the event.

Tonja Young – Library Director – reported that the “Back to School Bookmark Contest” starts at the end of August and goes through the end of September.

Vickie Hinman – Interim Human Resource Director – reported that the “7th Annual Health and Wellness Fair” was very successful. She thanked all the employees that helped with the event. She stated that this year employees cooked the food for the event, and that everyone thought it was the best food yet at the fair. She thanked Wal-Mart for their support in donating the grand prize, a gas grill.

David Cohen – City Clerk – stated that he has received the plans from the engineering firm for the May Day Park boat ramp, and the state has just received the plans, and as soon as they approve them they can go out for bids on the project.

7. PUBLIC PARTICIPATION

Ms. Elaine Maxime – 105 Avon Circle – spoke regarding the Baldwin Pops playing at the Civic Center.

Mr. David Preston – 500 Grant Street – spoke regarding the investigating of departments within the city being done by an outside source instead on one department investigating another department. He also spoke regarding the sign ordinance stating that council could incorporate the electronic signs with the dimensions for the monument signs which would allow businesses to use them, and keep the community informed.

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel – spoke regarding the sign ordinance. He stated that the sign ordinance is the most destructive tool against small businesses in Daphne, and needs to be changed. He also spoke regarding the garbage ordinance, and said they need to look and dispensing with the recycling program. He spoke against using the lodging tax for recreation.

Mr. Willie Robison – 560 Stuart Street – asked about the statement Council President Lake made regarding donation of property in Lake Forest.

Mr. Joe Lemoine – 7742 Avery Lane – spoke regarding the articles in the newspapers about the dispute between the council and the mayor. He said they all need to bury the hatchet, and get to the business at hand to make Daphne a better place to live.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) **Donation of Property to City of Daphne / Valai Marino / Property located on US Hwy 98 North of Johnson Rd. . . /Resolution 2009-74**
- b.) **Appointing Directors of the YMCA Public Park and Recreation Board of the City of Daphne. /Resolution 2009-75**
- c.) **Bid Award: Dual Side Loading Recycle Truck / Empire Truck Sales /Resolution 2009-76**
- d.) **Bid Award: Automated Side Loading Truck with Refuse Collection / Kenworth of Birmingham /Resolution 2009-77**
- e.) **Bid Award: High Compaction Automated/Refuse Collection Body / Ingram Equipment Company. /Resolution 2009-78**
- f.) **Bid Award: Hydraulic Knuckleboom Brush & Limb Loader Dump Body & Chassis / Empire Truck Sales /Resolution 2009-79**
- g.) **Bid Award: Street Sweeper – Lease / Ingram Equipment Company . . . /Resolution 2009-80**
- h.) **Bid Award: Traffic Control Signs / Rocal, Inc /Resolution 2009-81**

AUGUST 17, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
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- i.) FEMA: Storm Water Management Project -
Common Detention/Resolution 2009-82
- j.) FEMA: Repetitive Loss / 140 Lakeview Loop Buy Out/Resolution 2009-83
- k.) FEMA: Nicole Circle Project/Resolution 2009-84
- l.) U.S. Environmental Protection Agency (EPA) Stag Grant:
Storm Water Structure Inventory/Database/Resolution 2009-85
- m.) Declaring Certain Property Surplus / Ford Crown Vic. /Resolution 2009-86
- n.) Fiscal 2009 Ecumenical Ministries, Inc. Contribution. /Resolution 2009-87
- o.) Fiscal 2009 American Heart Association Contribution /Resolution 2009-88

MOTION BY Councilwoman Barnette to waive the reading of Resolutions 2009-74. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-74. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to waive the reading of Resolution 2009-75. Seconded by Councilman Palumbo.

MOTION BY Councilman Scott to amend the motion to include Resolutions 2009-76, 2009-77, 2009-78, 2009-79, 2009-80, 2009-81, 2009-82, 2009-83, 2009-84, 2009-85, 2009-86, 2009-87 and 2009-88. Seconded by Councilman Palumbo.

VOTE ON AMENDED MOTION

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-75. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-76, 2009-77, 2009-78, 2009-79, 2009-80 and 2009-81. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-82, 2009-83, 2009-84 and 2009-85. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolution 2009-86. *Seconded by Councilman Scott.*

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

MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Resolutions 2009-87 and 2009-88. *Seconded by Councilman Scott.*

Council requested that the rest of the community contributions be brought forward for council approval. Council also requested a breakdown from the recipient of how the money is spent.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Amending Garbage Ordinance 2002-34 /Ordinance 2009-35
- b.) Annexation: Swift Supply, Inc. Property Located on the North Side of Milton Jones Road /Ordinance 2009-42

1ST READ

- c.) Appropriation of Funds: FY 2009 Fire Hydrant Maintenance /Ordinance 2009-43
- d.) Appropriation of Funds: Police Vehicle Replacement /Ordinance 2009-44
- e.) Appropriation of Fund: FEMA: Nicole Circle Project Engineering. . . /Ordinance 2009-45

MOTION BY Councilwoman Barnette to waive the reading of Ordinance 2009-35. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Barnette to adopt Ordinance 2009-35. *Seconded by Councilman Boulware.*

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

MOTION CARRIED

MOTION BY Councilman Yelding to waive the reading of Ordinance 2009-42. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2009-42. *Seconded by Councilman Scott.*

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

MOTION CARRIED

Councilman Boulware stated that they need to look at the bid on the replacement car for the police department, because of information received today they need to look at local businesses that are not aware of bids. It is council's option to go out for bid. He thinks it would be the right thing to do, in light of the economy, to give local dealers a shot at getting city business.

MOTION BY Councilman Palumbo to suspend the rules to consider Ordinance 2009-44. Seconded by Councilwoman Barnette.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to waive the reading of Ordinance 2009-44. Seconded by Councilwoman Barnette.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Palumbo to adopt Ordinance 2009-44. Seconded by Councilwoman Barnette.

This does not give the bid to anyone. It is just appropriating the funds.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to bid out the replacement vehicle for the police department to exclude Bid Bridge. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2009-43 and 2009-45, Were MADE A 1ST READ.

9. COUNCIL COMMENTS

Councilwoman Barnette mentioned the Town Hall meeting, and said she is looking forward to signing the resolution.

Councilman Yelding commended Deni Biggs saying that the “Taste of the Eastern Shore” was the greatest event the city has had. He said it was a great affair.

Councilwoman Barnette mentioned that it is budget time and they need to think about having a special called meeting to discuss the budget with department heads to see what the needs are. She also wants to discuss protocol for applying for grants.

Councilman Burnam stated that he is happy that Mrs. Barnette came out and said she is for electronic signs.

Councilman Scott stated that he will not be in attendance for the Town Hall meeting. He apologized if he had said something at the last council meeting to make people think that he was not in favor of the Town Hall meeting. He thanked Mr. Boulware for his hard work in preparing the meeting.

Councilman Boulware thanked Mrs. Briley and her staff for the hard work they do for the city. He said that there have been a lot of people involved with the Town Hall meeting. He thanked the council and the Mayor for their support, and he said that they can accomplish a lot of good for the Eastern Shore area.

Councilman Palumbo thanked the Civic Center for doing a great job with the “Taste of the Eastern Shore.” He said it was the biggest crowd since it started. He would like to get a breakdown of how much the school organizations get.

Mayor Small said this year things were done differently for the “Taste of the Eastern Shore”. The Booster Clubs and coaches helped the Civic Center staff with decorations and securing restaurants. Tickets sold out at 8:00 Friday morning. This is a great service for the school. He thanked the parents of the students at Daphne High School and the Civic Center staff for their hard work in making the event a success. Mayor Small stated that the city needs to interact with the clubs and parents to help the schools. He also mentioned that he would like to have the resolutions and ordinances read at the meetings, because citizens do not have them in front of them like council does.

Council President Lake:

1. MOTION: To receive applications for HR Director position & any other motion needed by council

Council President Lake stated that the Mayor said that he will get the 11 Human Resource Director applications to council. Council asked that they be sent to the City Clerk’s office, and that the applicants be called to see if they were still interested in the position before sending to the clerk’s office. They also felt that they may want to interview all 11 applicants before narrowing the list down.

**AUGUST 17, 2009
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2. Uncorked Wine / “Wine Tasting Festival” Event

Councilman Burnam stated that Mr. Rector has moved the event to the Grand Hotel.

Council asked that motions not be put under council comments.

MOTION BY Councilman Palumbo to enter into Executive Session to consider a pending personnel matter, and to come out of Executive Session to finish conducting business. The session will take 20 minutes. *Seconded by Councilman Yelding.*

The City Attorney certified that the reason given for the Executive Session was in compliance with the Open Meetings Act.

ROLL CALL VOTE

Yelding	Aye	Boulware	Aye
Barnette	Aye	Palumbo	Aye
Burnam	Aye	Lake	Aye
Scott	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council entered into Executive Session at 9:10 p.m.

Council returned from Executive Session at 9:18 p.m.

MOTION BY Councilwoman Barnette to uphold the Mayor’s actions in regard to Teresa Seaman. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**AUGUST 17, 2009
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

10. ADJOURN

MOTION BY Councilwoman Barnette to adjourn. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 9:19 P.M.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

John Lake,
Council President
Date & Time Signed: _____

**AUGUST 20, 2009
TOWN HALL MEETING
DAPHNE CIVIC CENTER
2603 U.S. HIGHWAY 98
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER

Mr. Rob McElroy called the meeting to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; John Lake; Derek Boulware; August Palumbo.

ABSENT: Greg Burnam; Ron Scott.

Also present: Mayor Small; David Cohen, City Clerk; Ed Bishop, County Commissioner; Randy Davis, State Representative; Chuck Spurlock, State Director for Senator Jeff Sessions; Jo Bonner, Congressman in the United States House of Representatives; Joseph Bonner, Mayor of Spanish Fort, Tim Kant, Mayor of Fairhope.

A quorum of the Daphne City Council was present at this meeting between the City of Daphne, the City of Spanish Fort and the City of Fairhope to discuss with the governmental representatives environmental and transportation needs for the Eastern Shore area.

There being no further business to discuss the meeting adjourned at 8:30 p.m.

Respectfully submitted by,

David L. Cohen, City Clerk, MMC

Certification of Presiding Officer:

John Lake, Council President
Date & Time Signed: _____

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Buildings and Property Committee Minutes

Friday, July 10, 2009

10:00 a.m.

City of Daphne

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Deni Biggs, Interim Civic Center Director

Minutes

- A. Motion made to approve the minutes from the June meeting, motion was seconded. Minutes approved.
- B. BAYFRONT PROPERTY – Starke Irvine represented the POA on Bayfront Park Drive with regard to the lot on the water that subdivision owns and the gazebo and sidewalk sit on the property. When the City acquired the property for Bayfront there was an error in the legal description. They are presenting a few options to the City. One being to sell the lot to the City for \$400,000. The other being the City improve the Bayfront Drive, upgrading utilities, underground electrical, street widening and fire protection. Starke estimates this costing approximately \$200-250,000.

John Lake said this would greatly improve the area which could lead to additional new businesses.

The Mayor questioned legal description being written wrong and asked if the “intent was for the City to own this portion of the property originally”?

Starke said originally HMR (Ray Moore) had looked at it, the lot eroded, out in the bay approximately 600 feet. They went back and there was a typo on the legal description that said “west” when it should have said “east”. Mayor asked “who made the mistake”? Seth Moore prepared the survey that was given to HMR. Starke added that

the Crandles owned the property originally, and when they developed the subdivision they established the waterfront lot for the POA.

John said that what we need to do first is find out who did the title search the when the City bought it and asked Starke to provide a breakdown of proposed work the POA would like done to the area. This will be discussed at the next B & P meeting

- C. JUBILEE SQUARE – Adrienne Jones, Community Development Director, provided maps and drawings for review showing where the sign is located and where the city property is. The banner sign location is in the City right-of-way. She has contacted Mr. Powell with the State whom she has not spoken with yet and reported that cities are not required to get a permit for outdoor advertising but businesses will need a permit according to ALDOT. Gus asked if we could just put “Jubilee Square” on the sign and not individual business names. After discussion everyone felt like that we could do that.

John mentioned that he felt like we needed directional signs as well and this has already been approved for inside the shopping center. The Mayor told everyone that he would be meeting with ALDO next week to once again ask for directional signage for the shopping center area.

- D. CIVIC CENTER SCRUBBER REQUEST – Deni Biggs reported that the scrubber they now have is beyond repairs leaving them without a scrubber for one year now. The Mayor told everyone that Deni had received quotes, tested samples and desperately needs one as soon as possible. The model they chose strips, cleans and buffs. They will hand wax the floors. She was able to move some funds around to cover the cost but may need the assistance of Buildings & Property Committee if reimbursement for these funds is needed before the fiscal year ends because they were taken from accounts that may need to be used. Gus said that if this expense causes a shortage in the future perhaps B & P could appropriate funds to reimburse the expense. He did ask if an instruction of the equipment and warranty came with that price – answer is yes. Motion was made to approve this unexpected expense and move forward with purchase order requisition.

- E. DONATION OF PROPERTY IN LAKE FOREST – This property is located next to the FEMA buyout. We could leave the property just as it is, it would be good to have but committee doesn’t feel like we should pay Lake Forest transfer fee of \$400 for property title. It could be used as a community and public area to be used by all property owners – an open green space. John Lake will get with Becky to send a letter to the owner with an affirmative

response with the exception of paying the transfer fee. Update – John asked Jane to follow up with Becky

- F. ELECTRONIC SIGN AT CIVIC CENTER – The quote from C R Signs was received at the June meeting. Mr. Armstrong with Quality Sign was present to go over his quote and answer any questions. Committee members were given all three quotes. The Mayor expressed the need for this sign again as all of the city’s banner locations stayed booked and we don’t have a way to promote the city events – especially those at the library, rec center and civic center. John Lake pointed out that during emergency situations we could utilize this sign. There was discussion about placing businesses on the sign – committee asked Deni to work on some recommendations and guidelines for what information is placed on this sign and bring the B & P meeting next month. The Mayor asked that he and Frank have the opportunity to review the bids and make recommendation to the city council on the 20th.
- G. DEDICATION PLAQUE FOR CITY HALL – Mayor’s idea is to place on the right hand side of the steps – construct a stand that it could sit on top of elevated. Frank will move forward with this.
- H. BAYFRONT UPDATE – Richard was not present but Al Guarisco went over some of the items. He suggested some small shrubbery that is not currently on the plans. Also, Al brought samples of colors for outside to be painted. This item to be placed on next month’s agenda.
- I. REFUND – SPANISH FORT SCHOOL – The school reserved a rain date for graduation in case they needed it. They did not and have requested a full refund. Motion made to refund full amount, seconded, approved. Gus suggested we need to look at rates and Civic Center and perhaps make some of them all inclusive of standard items.
- J. REFUND – WEDDING AT BAYFRONT – The Harbin family had reserved Bayfront for December 13 for their wedding reception. They just found out that the groom’s grandmother has cancer and they are moving the wedding date up and have requested their refund be reimbursed. Deni said she felt certain because of the holiday party request the civic center would have not problem renting this date. Motion made to grant the full refund of the deposit, seconded and approved.
- K. OTHER BUSINESS – Furniture and outdoor items for City Hall. Mayor and Gus asked Jane to follow up with Becky to get status.

There was discussion of a Holiday Open House for City Hall – perhaps the same day as the Christmas Parade.

Buildings and Property Committee Minutes

Friday, August 14, 2009

10:00 a.m.

City of Daphne

1705 Main Street

Mayor's Conference Room

Committee

Councilman John Lake, Chairman

Mayor Fred Small

Councilman August A. Palumbo

Richard Merchant, Buildings Inspector

Frank Barnett, Maintenance Supervisor

Deni Biggs, Interim Civic Center Director

Summary of Minutes

Attendance: Mayor Small, Councilman Lake, Frank Barnett and Jane Robbins.

- A. Motion made to approve the minutes from the July meeting, motion was seconded. Minutes approved.
- B. **BAYFRONT PROPERTY** – The offer from Starke Irvine is still under consideration however the Mayor asked that we get in touch with Ray Moore with HMR regarding the survey and previous legal description. The committee will research other options before next month's meeting. There is the possibility of the gazebo being moved off the property line and redo the boardwalk as well.
- C. **DONATION OF LAKE FOREST PROPERTY** – John Lake said he would like for the council to pass a resolution accepting the donation of the property based on not having to pay the Lake Forest fees.
- D. **ELECTRONIC SIGNAGE FOR CIVIC CENTER (GUIDELINES)** – Deni Biggs was unable to attend the meeting to discuss these guidelines and recommendations. Will be placed on next month's agenda.
- E. **ELECTRONIC SIGNAGE FOR CIVIC CENTER** – Frank Barnette has gone over all three quotes thoroughly and has recommended we use Victor Sign Company. We will get more character coverage for the price. A motion was made that we send to council for approval in the amount of \$31,960.00. No taxes will be paid and we can waive the permit fees.
- F. **BAYFRONT UPDATE** – Richard Merchant was not at the meeting but construction is to begin next week.
- G. **OTHER BUSINESS** – Frank Barnette will begin work on getting the dedication plaque up in front of City Hall. He will get a written proposal regarding the granite to be used.

Meeting adjourned at 10:45 a.m.

**CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT**

Report Period: June 2009

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	10
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	0	9
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	1
14-Natural Vegetation Fire	1	4
15-Outside Rubbish Fire	1	1
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	121	695
4-Hazardous Conditions (No fire):	4	28
5-Service Call:	18	120
6-Good Intent Call:	8	64
7-False Alarm & False Call:	16	80
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	2
Total Emergency Calls:	167	985
Monthly Total Calls:	170	2001
Response Time:		
Highest:	12	17
Lowest:	<1	<1
Average (Minutes/Seconds) :	<1/12	4/12
Miscellaneous Reports:		
Training Hours	438	775.50
Property Loss - \$	0	939,500
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	2
Advance Life Support Rescues	84	301
Number of Patients Treated	118	452
Child Passenger Safety Seat Inspections/Installations	5	31
Classes		
Classes	3	12
Persons Attending	905	1248
Plan Reviews		
Plan Reviews	3	26
Final/Certificate of Occupancy	0	5
General/Annual Inspections	99	685
General/Re-Inspections (Violation Follow-up - Annual)	30	101
Business Licenses	7	41
Consultations-	0	0
All Other/Misc. Activities	0	1
Total Activities:	142	728

Authorized by:

James White

Chief James White

Public Safety Committee
Wednesday, August 12, 2009

Councilman Greg Burnam, Chairman
Councilman Gus Palumbo
Councilman Derek Boulware
Fire Chief James White
PW Sup. Bill Eady

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

Committee Members Attending:

Councilman Derek Boulware, Councilman Greg Burnam, Chief James White, Captain Danny Bell, Chief Carpenter.

CALL TO ORDER

Councilman Burnam **convened** the meeting at 4:40 p.m.

PUBLIC PARTICIPATION – Susan Ham was in attendance to express her concern for the lack of sidewalks enroute to Bayside Academy. The section she is referencing is from College Avenue to where Old County Road and Dryer intersects. The children have to walk in and out of cars on their walk to school. It was referred to Mr. Bill Eady with Public Works to look at the project and see if he can find money in his budget to at least get the first part done (between College Avenue and Bayside Academy). Also it was mentioned to check with David Cohen, City Clerk to see if there was any sidewalk grant money available to apply for.

APPROVAL OF MINUTES FROM PREVIOUS MEETING
Minutes from July 2009 Meeting

Mr. Burnam made a motion to approve the minutes. The motion was seconded by Mr. Boulware. The motion passed.

FIRE DEPARTMENT

A. New Business

Statistics for June 2009 were reviewed. No structural fires for the month of June. Major repair job at Station #2 with the firefighters doing all of the work.

B. Old Business

POLICE DEPARTMENT

A. New Business

- 1.** Statistics for June 2009 were reviewed. Went to Finance with the request for the appropriation for the replacement of a patrol vehicle. No problem. The mayor asked

that patrol really be seen in the Bayside Academy area, Belrose Avenue, etc. The traffic counts from Randall Avenue were reviewed. The mayor asked Mr. Eady to have the state do a traffic count and to look at putting a light at Hwy 98 and Randall Avenue. Mr. Boulware asked Chief Carpenter if we could safely cover the area if we annex out to Hwy 181 with the force that we have now. Chief Carpenter responded that we could right now, but probably wouldn't be able to continue the quality of service that we give right now. We were hoping to get officers from the COPS grant but were declined. We already cover some of the residential areas there.

Old Business

Mr. Eady met with Wayne Curry with ALDOT about crosswalks. One location is at Van Buren. It could be done for about \$20,000. Along Hwy 98 is another situation. The sidewalk cannot be by the roadway. We must place pipe in the ground and cover it up to put sidewalks on. It will be pretty expensive. The mayor stated that with grant money we could place sidewalks down both sides of Hwy 98 and the money should also take care of the drainage ditch problems.

OTHER BUSINESS

Councilman Boulware had a complaint from Mr. Murphy about scooters riding in the street in Canterbury Subdivision. Captain Bell advised that D-runs were set up in that area to take care of that problem.

ADJOURN

There being no further business to discuss, Mr. Boulware adjourned the meeting at 5:55 p.m. The next meeting will be Wednesday, September 9, 2009 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

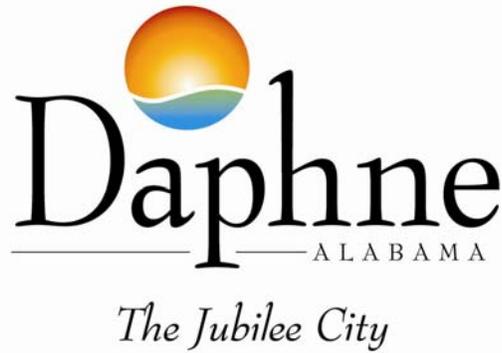
Daphne Police Department		Monthly Report					JUNE 2009			
Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:		
(Capt. Bell/Lt. Hempfleng)		(Capt. Bell/Lt. Beedy)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/ Lt. Yelding)				
						YTD				
# Complaints	1,074	# New Cases Received:	78	Total Arrestees Received & Processed:	190	1558		Arson	0	
# Misd. Arrests	62	# Previous Unsolved Cases:	109	Arrestees by Agency:			#Complaints	39	Burglary – Commercial	5
# Felony Arrests	7	# Cases Solved:	42	Daphne PD	134	1162	#Follow-ups	67	Burglary – Residence	2
DUI Arrests	12	Resulting in Total Arrests:	17	BCSO	5	45	#Citations	0	Burglary - Vehicle	3
Alias Warrant Arrests	29	Felonies:	14	Spanish Fort PD	40	260	#Warnings	0	Criminal Mischief	465
Citations	307	Misdemeanors:	3	Silverhill PD	10	80	#Felines Captured	41	Disorderly Conduct	0
Close Patrols	422	Houses Searched		Troopers	0	7	#Canines Captured	12	Domestic Disturbance	18
Warnings	218			Other Agencies	1	4	#Other Captured	13	False Info to Police	0
Motorist Assists	215						#Returned to Owner	0	Felony Assault	0
Roadway Accidents	40	Warrants:					#Adopted Out	23	Felony Theft	25
Private Property Accidents	27	Bettner Served	46				#Euthanized	38	Harassment	6
Traffic Homicide	0	Agency Assists	29	Highest	47				Identity Theft	9
		Recalls (Pd Fines)	32	Lowest	39				Indecent Exposure	0
DRUG REPORT		Total Warrants Served	107						Kidnapping	0
ROUTINE PATROL/SPECIAL OPS				Meals Served	3,700	25,807			Menacing	0
		Sex Offender:		Medical Cost	\$2,935.93	\$16,062.51			Misdemeanor Assault	0
# Misd. Marijuana Arrest	2	New Registration:	0	Worker Inmate Hours	680	5,702			Misdemeanor Theft	22
# Felony Marijuana Arrest	0	Contact Verification	2						Murder	0
# Controlled Substance Arrest:	0	Total # registered in Daphne	2						Other Death Investigations	2
# Drug Paraphernalia Arrest	1	DARE:							Public Intoxication	2
Vehicles Searched	38	# Hours Report Writing:							Public Lewdness	0
		# Students Instructed SRO							Receiving Stolen Property	0
		# Students Instructed DARE							Reckless Endangerment	0
Drugs Seized:	2								Resisting Arrest	0
Type: marijuana		# Police Reports by SRO							Robbery	1
Money Seized	0	# Arrest by SRO							Sex Crime Investigations	0
Vehicles Seized	0								Suicide	0
		CODE ENFORCEMENT:							Suicide, attempted	1
Commercial Vehicle Inspections	9	Warnings:	9						Theft of Services	0
		Citations	6						Unauthorized Use of Services	2
		Warning Compliance	15						Weapon Offenses	0
		Follow – Up	20						White Collar Crimes	0
<i>Approved by:</i>				David Carpenter, Chief of Police						

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

William H. Eady, Sr.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Greg W. Burnam
District 4

Ronald Scott
District 5

Derrick Boulware
District 6

August Palumbo
District 7

PUBLIC WORKS DIVISION Mission Statement

To provide and maintain the infrastructure of the City of Daphne, and to protect the health and welfare of the City residents, businesses and visitors.

To provide quality services, within available resources, for our citizens in a timely and efficient manner.

To provide these services, as well as to support economic growth and development with the unity and trust of highly qualified and skilled personnel.



"A beautiful city requires a lot of work; teamwork. hard work and Public Works"

Daphne Public Works Vision Statement

**Department of Public Works
PO Box 400
Daphne, AL 36526**

**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
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. Let us have roll call.

Call of Roll:

Members Present:

Jeri Hargiss, Secretary
Frank Lamb
Glen Swaney
Willie Robison, Chairman
Billy Mayhand, Vice Chairman

Members Absent:

Barry Taylor
Jim Moss

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Houston, Recording Secretary
Tony Hoffman, BZA Attorney

The Chairman stated of the five of the seven members present who will be voting tonight, Pat?

Ms. Houston stated all five members present will be voting tonight.

The Chairman stated of the five voting how many votes will it take to pass the appeal tonight?

Ms. Houston stated four of the five will have to vote in the affirmative.

The Chairman stated thank you. Next item on the agenda is the approval of the July 2nd minutes. Has everyone read the minutes? The Chair will entertain a motion to approve the minutes as written.

Approval of Minutes:

The minutes of the July 2, 2009 meeting were considered for approval.

The Chairman will entertain a motion to approve the minutes as written with no amendments or deletions.

A Motion was made by Mr. Swaney and Seconded by Mr. Lamb to approve the minutes as written.

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

New Business:

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL**

Appeal #2009-05 - Awadhesh Gupta

The Chairman stated next is new business on the agenda, Appeal #2009-05, Awadhesh Gupta, a variance to allow a purposed new home to encroach the front and rear yard setback lines by ten-feet. The property is Lot 17 located in the TimberCreek Subdivision.

The Chairman stated Ms. Jones, if would you please take us through Appeal #2009-05.

Ms. Jones displayed a Power Point Presentation of Lot 17, TimberCreek, Phase Ten, the site of the request for a variance that would allow a proposed new home to be constructed to encroach up to ten-feet in the front and rear setback lines. Ms. Jones stated I would like to first pan the audience to see if we have anyone here representing this item on the agenda. Okay, I will continue. The variance will be for a new home and the property is currently zoned R-3 single family residential. Here is an aerial view of the property at the intersection of Pulpwood Circle and D'Olive Ridge. Here is a recorded plat and the minimum setback for the front, rear and side are fifty-feet per the note on the place. The applicant has a lot that is twenty-four thousand nine hundred and ninety square feet in area. The purposed structure is three thousand three hundred and fifty feet with two thousand eight hundred and thirty one feet of living space according to the project engineer. The proposed structure would encompass thirteen point four percent of the lot area. The area of encroachment is the front yard, three hundred and forty five-feet in area. The rear yard would have an encroachment of one hundred and sixty four square feet. According to the agent the rear encroachment is for a three car garage and the front as you can tell those are bay windows and part of the front of the house. We have a letter here from the Architectural Review Board and they recommend approval of the variance as requested.

Mr. Swaney stated Adrienne I am sorry could you restate that please I did not quite hear it.

Ms. Jones stated we have a letter here from the Property Owners Association Architectural Review Board of TimberCreek and they recommend approval of the variance as requested. These are photos of the site it is a wooded lot and it is slightly sloped uphill toward Pulpwood and downwards toward D'Olive. It shows an existing house across the street which is also a corner lot and photo number six shows an existing house to the east of the subject property.

The Chairman stated does that complete your presentation?

Ms. Jones stated yes, sir.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL**

The Chairman stated do we have anyone that would like to speak in favor of this appeal? Madam if you would, please step to the microphone and give your name for the record.

Ms. Fuller stated I am representing the buyers who want to purchase the lot but we had to apply under the owner. The seller gave permission to the buyers to proceed with seeing if the house could fit on the lot.

The Chairman stated that is Kwang Joon Park.

Ms. Fuller stated yes, sir.

The Chairman stated would you like to speak about that?

Ms. Fuller stated well you know they want to have a new home built in TimberCreek and they are set on this lot. We went through what we thought was the appropriate channels by going to the TimberCreek Property Owners.

The Chairman stated if I may interrupt you. Did you give your name?

Ms. Fuller stated I am Kathy Fuller and I work for Coldwell Banker Reehl Properties and I work in the TimberCreek office of Coldwell Banker.

The Chairman stated you are the selling agent.

Ms. Fuller stated I am the selling agent, yes.

The Chairman stated thank you.

Ms. Fuller stated you are welcome.

The Chairman stated is that all you have to say?

Ms. Fuller stated that is all I have to say.

The Chairman stated is there anyone else that would like to speak in favor of this appeal?

Mr. Allhands stated hi, Mr. Robison. I am Stu Allhands I am a Chairmember of the TimberCreek Architectural Review Board. I would like to just take a moment before I get started here to thank you all for the service that you do for the City. After four and a half, five years of serving on the Architectural Review Board in just our small neighborhood and some of the things that we face on just a month to month basis I can appreciate the effort that you all put in and the seriousness with which you take your job.

The Chairman stated can you speak up just a little.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL**

Mr. Allhands stated I will try to.

The Chairman stated thank you.

Mr. Allhands stated we have an Administrative Appeal on file that you as a body will not hear until next month. So I do not want to transgress in getting ahead of myself. Your attorney Mr. Hoffman has been in contact with our attorney, Mr. Pittman and it is hoped that we reach some resolution in this matter prior to next months agenda so I will not go down that road. I only stepped up here to say that TimberCreek Architectural Review Board and in the presentation that Adrienne did which is very professional and nice, if you could back that up a couple of points, this is language that the Architectural Review Board has been functioning under since the inception of the development and that is if you will read there on item three listed below those are typical minimum setbacks standards for TimberCreek. Setback limits can be changed by the Architectural Review Board on a case by case basis. This has been the rules of the road from 1993 until today or until some time this year. The property owner Dr. Gupta is an out of state resident and it is my understanding that we originally got a request from the prospective buyer and we do not deal with buyers we deal with property owners so it took a while for Dr. Gupta to get his request in. We are totally in favor of the variance or we would not have granted it. It represents a home that is very consistent with the architecture in TimberCreek. A three car garage is not uncommon in TimberCreek, as a matter of fact, it is a preferred function. If I was rebuilding a home I would certainly try to do one with a three car garage. It fits the neighborhood décor. There were just no reasons not to approve this property owners request. I would worry that if we did not approve this property owners request for a variance we are limiting his ability to sell his property. He is not the one that is trying to build there he just wants to sell a piece of property. I would hate to think that he bought a piece of property based upon language recorded on these plats and duly signed by who knows who over the course of the years here in TimberCreek and then to find out I have been restricted in who I can sell this property to because I have to find somebody who will build a house on what is a relatively a small building pad and that is what is created on corner lots when you go to fifty, fifty, fifty. You shrink that building pad down and pretty much limit what a person can do. So I would strongly suggest that or at least strongly ask that you consider approval for Dr. Gupta's submission. Do you have any questions?

Mr. Swaney stated I have a question. Your answer will have no bearing at all on this appeal I want to put that right out front. How often does your Board grant approval for that type of variance? In that block for instance are there other houses that have been granted a variance.

Mr. Allhands stated it has not been an issue to my knowledge sir. It has not been an issue to my knowledge in Phase Ten. This is the first request in Phase Ten for a setback variance. Just off the top of my

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL**

head I do not recall granting any front or rear, we have never granted a side setback variance in TimberCreek to the best of my knowledge and history and we have members that have been involved for a long, long time. So the ARB has never granted a side setback variance request. There have been front and rears generally because of lot configurations, corner lot issues or slopes or springs. We have some spring issues there as well.

Mr. Swaney stated I see. Thank you very much.

Mr. Allhands stated yes, sir. Any other questions?

The Chairman stated does anyone else have any questions? Thank you, sir.

Mr. Allhands stated yes, sir.

The Chairman stated would anyone else like to address the Board in favor of granting the variance. Is there anyone that would like to speak in opposition of granting the variance? If not, the Chair will entertain a motion. The motion must be made in the affirmative whether the appeal is granted or denied.

A Motion was made by Mr. Lamb and Seconded by Mr. Swaney to approve Appeal #2009-05, Awadhesh Gupta, for a variance to allow the new home to be built on Lot 17 of Timbercreek, Phase Ten to encroach the front and rear setback lines by ten-feet.

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

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

The Chairman stated four vote aye and one abstention means the variance is granted and you may pick up your approval letter first thing in the morning. Do you know where the Planning Department is located here in City Hall?

Ms. Fuller stated yes.

The Chairman stated thank you.

Appeal #2009-06 - Don & Lynda Ruble

The Chairman stated next item is Appeal #2009-06 Don & Lynda Ruble, a variance request to allow the existing home located at 9126 Pine Run in TimberCreek to encroach the rear setback line by nine-feet, which is an R-3, High Density Single Family Residential Zone. Do we have

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
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COUNCIL CHAMBERS, CITY HALL**

someone here to speak in favor of this appeal? Alright, Ms. Jones, if you would please take us through this.

Ms. Jones displayed a Powerpoint Presentation of 9126 Pine Run in the TimberCreek Subdivision. She stated as you said the property is zoned R-3. Here is an aerial view if you take a look the top part of the picture is the golf course. The Ruble property does abut the golf course of two sides. Here is the recorded plat for Phase One, Part C, the Ruble property is at the top right of the page. The minimum setbacks of the front, side corner and rear are fifty-feet and the side is ten-feet. Here we have a combination of the existing site plan with the proposed site plan. As you see on the left side, my left, there is an existing encroachment in the rear as well as in the front. I have highlighted the area in the rear though, but there is an encroachment in the front of which it would be great to validate it at a minimum and to validate the one in the rear at a minimum. What the Ruble's are proposing to do is ask for an expansion of a porch in the rear and they are asking for the addition of a porch, both in the rear of the property. They both would encroach up to nine-feet in the setback. I have a letter here from ARB and it is a bit difficult to read, but you do have it there in your packet. It basically states that there is an existing variance on-site that they have approved and that they do not need to grant an additional one. Am I right, Mr. Allhands?

Mr. Swaney stated I am sorry Ms. Jones, can you say that one more time?

Ms. Jones stated ARB is in favor of this.

Mr. Swaney stated in favor of it.

The Chairman stated Ms. Jones, what is the staff recommendation?

Ms. Jones stated I recommend approval as well because of the golf course on two sides of the property. Here is a picture of the front and here is a picture of the rear where the encroachment will be. Where the chair and steps will basically be taken out and they will install a two-story porch and expand on their great room. Here is a picture of the golf course looking from their yard and you can see through the bushes houses and you can also see trees that provide a visual buffer in the rear. It is my understanding, that in addition to seeing the landscaping on the Ruble's property, as well as these trees providing a buffer to those on the other side that this would not be a problem. It would not create a negative impact on anyone. My recommendation is approval.

Mr. Mayhand stated did you say it was a two-story?

Ms. Jones stated it is a two-story porch.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF AUGUST 6, 2009 - 6:00 P.M. DRAFT
COUNCIL CHAMBERS, CITY HALL**

Mr. Swaney stated this second encroachment exceeds the previous one. Does it not?

Ms. Jones stated no. It is actually still nine-feet as you see on the right side. You cannot see the setback line, but they both would be encroaching nine-feet into the setback.

Mr. Swaney stated I was thinking the new one was some three-foot deeper but perhaps I am off in my thinking. Thank you.

Ms. Jones stated we can ask Mr. Williams to clarify it for us.

The Chairman stated sir, while you are walking to the microphone let me make a little comment I fail to make a while ago. Even though the appeal was granted Ms. Jones recommendation to the Board was to grant the appeal as she just said in this. She agreed with everything that had been said and shown to her. I just wanted to make it known that she had recommended approval. Thank you, sir, if you would give us your name.

Mr. Williams stated Don Williams, Williams Engineering. I agree with Ms. Jones.

The Chairman stated okay. I believe that you have been assigned or given the privilege of speaking for the Ruble family. I believe I read that somewhere in here that they gave you permission to represent them.

Mr. Williams stated yes, sir. I am the Civil Engineer who has worked with the structural aspects of this addition. I worked with the drafter and I did create the plans. As we got farther into this we realized we would be going a little farther than we had previously done in the process and plan to see exactly what the problem was. We appreciate Ms. Jones meeting and discussing this with us and we agree with her in keeping with her assessment.

The Chairman stated okay. Is that all? Does anyone here have a question?

Mr. Swaney stated I just have one. Does the new two-story structural addition encroachment extend into both stories?

Mr. Williams stated yes. The two story part is if you look to the right on the site plan, it is a two-story encroachment. It is porch on first floor and second floor. The one on the left will be a two-story encroachment and the one on the right will remain a one-story encroachment.

The Chairman stated so basically you will be replacing those two porches?

Mr. Williams stated no sir. That would be a new encroachment. Right now our house does not go that far so we can actually expand the house

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a little and stay within the fifty-feet and then go a little more for the porches, which gets us up to nine. We chose that nine-feet just because it was exactly the number of the right side encroachment. We are not going any farther, but all nine-feet of that other encroachment is porch top and bottom and the one on the right is all building, one story.

Mr. Mayhand stated do you have a drawing of the addition?

Mr. Williams stated I know we brought plans, but they are folded up in the file.

Ms. Jones stated Ms. Houston would you show those plan to Mr. Mayhand.

Mr. Williams stated it is very much in keeping with the architecture of the house. Red brick and white porch columns. I believe these are the same documents presented to the ARB for their consideration.

Mr. Mayhand stated thank you. I see there is an exit door from the house where you can exit from the second floor.

Mr. Williams stated from that rear addition.

Mr. Mayhand stated right, from the second floor addition. Can you enter the home from the second story?

Mr. Williams stated yes, sir. It is actually allowing the second story person to walk out on the second story porch obviously it works that way too.

The Chairman stated anyone else have any questions? Mr. Williams thank you for answering our questions.

Mr. Williams stated thank you.

The Chairman stated anyone else wish to speak in favor of this appeal? If you will, give us your name again.

Mr. Allhands stated Stu Allhands, like all hands on decks. This was an interesting thing with the ARB. The original setback variance was granted to the Ruble's when they were residents of Birmingham in the mid 90's by Mr. Cox, one of the developers and the ARB at that time. Based upon that they were given a building permit which explains why the structure encroaches as it does now. There was a front and rear setback variance granted to them.

Mr. Allhands stated hey approached the ARB for a second setback variance addition and as looking at their plans it became clear to us that they did not really need an additional setback they could build what they wanted to build within the confines of the setback that was originally granted to them back in the mid 90's. Therefore, the ARB denied their request for an additional setback variance which would in fact, resolve, or we felt would be a variance upon a variance which we

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did not want to do. We felt you can build what you want to build with the room that was given to you in the mid 90's have at it. So we are in total support of Mr. Ruble's actions as drawn and presented to you. Any questions? Does that kind of clear up how we got the encroachment in the first place?

The Chairman stated yes, sir. I believe that cleared it up. Does anyone else that would like to speak in favor of this appeal? Does anyone wish to speak in opposition to the appeal? If not, the Chair will entertain a motion. Again it must be made in the affirmative. In the positive.

A Motion was made by Mr. Mayhand and Seconded by Mr. Swaney to approve Appeal #2009-06, Don & Lynda Ruble, for a variance to allow the existing nine-foot encroachment on the front and rear of 9126 Pine Run in TimberCreek, Phase 1 Part C to continue as such.

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

Mr. Swaney	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Ms. Hargiss	Abstained

Ms. Hargiss stated from what the paperwork has been on this appeal I have never studied as much on any appeal, but in fairness to other subdivisions I think we need to have the Attorney General perhaps give our BZA confirmation relative to this that it does not come up again from the standpoint of subdivisions. I own a condo and I am already going through painful work on that. I know what our Attorney has said on it and it may come up again, but I do not think we need to have that happen. I am going to abstain, but I do understand both the subdivision situation as well as ours, but that is kind of a heavy thing for someone who is not an attorney to take care of. So I will abstain.

Mr. Robison	Aye
--------------------	------------

The Chairman stated four affirmative, one abstention. The appeal is granted you may pick your paperwork up after nine o'clock in the morning in the Planning Department first door to your left behind the receptionist. Thank you we appreciate it.

There being no other business the meeting was adjourned.

Adjournment:

A Motion was made by Mr. Lamb and Seconded by Ms. Hargiss to adjourn.

The Motion carried unanimously.

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There being no further business the meeting was adjourned at 6:30 p.m.

Respectfully submitted by:

Pat Houston, Recording Secretary

APPROVED: September 3, 2009

Willie Robison, Chairman

/ph

JUNE 29, 2009

CITY OF DAPHNE, AL

**INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.**

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Dennis Kearney, Dan Romanchuck, and Douglas Bailey
Also present – David Cohen, Josh Thornton

2. OLD BUSINESS

a. March 23, 2009 IDB Board Minutes

Motion by Mr. Kearney Seconded by Romanchuck To approve minutes.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

3. TREASURERS REPORT

Mr. Groeschell was absent. Mrs. Fassbender gave the treasures report with a balance of \$137,900.58.

Motion by Mr. Kearney Seconded by Mr. Bailey To approve the treasures report.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

4. NEW BUSINESS

5. OTHER BUSINESS

a. Web site design report by Dick Scott

There were a few corrections with Baldwin County Alliance.

Motion by Mr. Romanchuck Seconded by Mr. Bailey To approve the web site.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

5. ADJOURN

Motion by Mr. Kearney Seconded by Mr. Romanchuck To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:10 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

Daphne Public Library Board

August 6, 2009

Meeting Minutes

In attendance:

Library Board members; Ron Allen, Gayle Robinson, Jan Blankenhorn, Windrila Longmire, and Andre LaPalme; Friend's of DPL President Carol Simmons and Daphne City Councilman, Gus Palumbo.

1.) Call to Order:

After a Quorum was established and the clock said 4:00, DPL Board Chair, Ron Allen called the meeting to order.

2.) Reading and Approval of the Minutes

The Minutes of the July, 2009 meeting were reviewed and approved. Motion made by Jan, second by Gayle. Motion passed.

3.) Grant

Ron brought to everyone's attention the Federal Grant for \$100,000 that Tonja wrote and submitted to Jo Bonner's Office. Gus Palumbo and John Lake brought back information from Washington DC about the grant several months ago. The Grant was submitted through Mayor Small's Office. The grant funds will cover the cost of running fiber optics, additional server equipment, and new computers for the new Computer Lab as well as software.

4.) Director's Report

A written report from Tonja was included in the packet and was discussed. It included the above information about the Grant. The construction of the addition is underway and chain of command is in place for the duration of construction. Many changes in operation have been necessitated by the construction. Tonja has submitted another grant for a webcam. She is also working on the budget. The monthly report for July was reviewed, Ron expressed that it continues to show increased usage across the spectrum of services. Gus quipped that it was the result of people needing free alternatives to movie-going.

5.) Public Participation

Gus brought up the Town Hall meeting later this month.

Carol reported on the success of the Gardens Assisted Living Program. She also announced that The Friend's will pick up many needs that are coming up as the construction moves forward.

The Teen Family Night, September 19th was discussed.

Windila asked about a Genealogy Department and the availability in Fairhope and Foley was discussed. A short discussion about the Friend's sales of "rare" books included an offer by Andre to help set up an internet sales option.

6.) Adjourned

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

Respectfully submitted by J Blankenhorn, August 7, 2009

Next Meeting will be September 3, 2009 at 4:00 p.m. in the Rec Center

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CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Joe Lemoine
Frank Martin, Secretary
Don Terry, Vice Chairman
Ed Kirby, Chairman
Larry Chason
Chief James "Bo" White

Members Absent:

Fred Small, Mayor
Victoria Phelps
Cathy Barnette, Councilwoman

Staff Present:

Adrienne D. Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Ashley Campbell, Environmental Programs Manager
Missty Gray, Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

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Chairman: Please let the record reflect Mayor Small, Ms. Phelps, Ms. Barnette are not present.

The next order of business is review of the minutes.

APPROVAL OF MINUTES:

The minutes of the June 23, 2009 regular meeting were considered for approval. A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments?

Mr. Chason: I have a correction to the minutes. On page 14, in the fifth paragraph it says I want to see instead of says.

Chairman: If there are no further additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Lemoine **to approve the minutes of the June 25, 2009 regular meeting as amended. The Motion carried. Mr. Terry abstained due to his absence at the meeting.**

The first order of business is an administrative presentation of a revision to the City of Daphne zoning and street maps.

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Ms. Nancy Anderson, GIS Manager, of a revision to the City of Daphne Zoning and Street Maps. This is a revision of the zoning and street maps with a listing of changes made in the City since January 2009, except for road acceptance. Since roads are so important for public safety, I will be adding roads throughout the six-month reporting period with a revision number. The map is marked up as usual with the revisions that you have made in the past six months. Also, it is the zoning and street maps that you will be recommending to the City Council. I will be happy to answer any questions you may have.

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

Mr. Lemoine: So these are streets that we have already approved.

Ms. Jones: For Mr. Lemoine's sake, this is done every six months as

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the maps are updated.

Mr. Lemoine: Ok.

Chairman: 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. Chason and **Seconded** by Mr. Lemoine **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning and Street Maps. The Motion carried unanimously.**

The next order of business is an administrative presentation for Bay Branch Property Owners' Association and Mr. Ralph Joffrion, property owner for lot 60 of Bay Branch Subdivision, Phase Three.

An introductory presentation was given by Ms. Sharon Jones, representing the Bay Branch Property Owners Association, regarding lot 60 of Bay Branch Subdivision, Phase Three located Southeast of Alabama Highway 181 and U. S. Highway 90 requesting an exemption to the regulations in accordance with Section 11-5 of the Land Use and Development Regulations which states, "The sale or exchange of lots or parcels of land between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale or exchange are reduced below the minimum size requirements of the zoning district in which the division is to occur." The subject property is located in the City of Daphne's extraterritorial jurisdiction.

Chairman: I apologize I missed the meeting, but come up Ms. Jones and explain what you are asking for.

Ms. Jones: I represent the Bay Branch Property Owners' Association and Mr. Joffrion. Baldwin County has approved the exemption, but we also need approval from you. I do not know whether or not you have that map, but it is the one hundred and twenty-five foot easement under the Alabama Power line. What we are trying to accomplish is to get us an access to the pond which is stocked with fish for the home owners'. We have the next section also, but we have to negotiate that section with Mr. Breland.

Chairman: Do any of the Commissioners have any questions or comments?
Ms. Jones, have you reviewed this.

Ms. Jones: Yes and I recommend approval.

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Chairman: 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. Chason and **Seconded** by Mr. Terry **to grant the exemption to the regulations regarding the division of land for Bay Branch Property Owners Association and Mr. Ralph Joffrion, the owner of Lot 60 of Bay Branch Subdivision, Phase Three, in accordance with Section 11-5 of the Land Use and Development Regulations. The Motion carried unanimously.**

The next order of business is an administrative presentation requesting annexation of a portion of the right-of-way(s) of U. S. Highway 90 and Alabama Highway 181.

An introductory presentation was given by Ms. Adrienne Jones, Director of Community Development. The City of Daphne proposes to expand its police and fire coverage area by annexing the right-of-way(s) of U.S. Highway 90 (from County Road 13 eastward to the corporate limits) and Alabama Highway 181 (from the interchange of Interstate 10 southward up to the point where the road becomes a two-lane. Baldwin County Sheriff's Department currently services this area; however, as the Police Chief indicates, it is in the interest of public safety to provide police and fire protection in this area, thereby closing the gap of protection in this section of the City.

Chairman: The city limits sign is already to the east side of County Road 13 now.

Ms. Jones: That is the west side of County Road 13.

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

Chief White: I think this as presented warrants further discussion. As stated in her report, the Baldwin County Sheriff's department already responds and the other portion would be handled by Spanish Fort. That would be a dispatcher's nightmare. They would not know who to send. I am concerned about a landmark to clearly indict the boundaries for public safety and the fire department. I would like the annexation to be reviewed to extend from County Road 13 to the city limits and southward Alabama Highway 181 past the two-lane to Lawson Road.

Chairman: What would we have to do?

Ms. Jones: You could make a motion recommending to the City Council to include the portion of the right-of-way you wish to annex into the City of Daphne and also include the requested right-of way to allow

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the City to approach the Alabama Department of Transportation for the remainder based on public safety and fire department concerns.

Mr. Ross: The petition (letter) at present only including the portion of which the Alabama Department of Transportation has given consent to and is reflected in the legal description. You may wish to act on this portion of the annexation and forward a recommendation to the City Council and allow the City to negotiate the portion recommended by Chief White or you may wish to not act and make a recommendation when the other portion it obtained.

Chairman: 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. Chason and **Seconded** by Mr. Terry **for the affirmative recommendation by the Planning Commission to the City Council of Daphne for annexation of a portion of the right-of-way(s) of U.S. Highway 90 from County Road 13 to Alabama Highway 181 and from Woodrow Lane to the four-lane of Alabama Highway 181, in addition, to a recommendation to obtain the right-of-way from County Road 13 to the corporate limits and Alabama Highway 181 upward to the two-lane. The Motion carried unanimously.**

The next order of business is an administrative presentation for the revision of the City of Daphne Olde Towne Daphne District Map and a zoning amendment for the Trione Heir Property.

PETITIONS:

ZONING AMENDMENT:

File Z09-03: Trione Heir Property

Present Zoning: R-2, Medium Density Single Family Residential

Proposed Zoning: B-2, General Business

Location: Southwest of the intersection of Main Street and Belrose Avenue
Area: 0.40 Acres ±
Owner: Trione Heir Property - Frank Trione
Agent: Karl Gustafson

An introductory presentation was given by Mr. Karl Gustafson, representative for Trione Heir Property. I am requesting a zoning amendment to B-2, General Business, and requesting a revision to the City of Daphne Olde Towne Daphne District Map to include it in the

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district. It is bordered on three sides by B-2 zoning. I have to get the zoning of the property approved, and then I have to get an architect to present plans to get the site plan approved. I will be happy to answer any questions you may have.

Chairman: We are going to do the district map and then do the zoning amendment for the property. I apologize I was not here for the work session, but what is the proposed use for the property? Do any of the Commissioners have any questions or comments?

Mr. Gustafson: Right now, I am going to open an office there. I may have other plans later on. Maybe a restaurant, but it may take me five or ten years to decide whether or not I am going to do that.

Chairman: The next item is a zoning amendment for the Trione Heir Property. It is presently zoned R-2, and they are requesting rezoning to B-2. Is there someone here to make the presentation for the zoning amendment?

Mr. Gustafson: I apologize. I do not do a lot of this.

Ms. Dickson: You need to do the district map and then the zoning map.

Chairman: I believe we need to get it rezoned before we revise the district map. I think we need to get the City Council to do the rezoning of the property first and then we can act on the map.

Ms. Jones: You can do a recommendation for the City Council.

Chairman: In my opinion, we need to do the zoning before we add it to the district map. The map is representative of the Olde Towne Daphne District and now it is not able to be in there.

Ms. Dickson: He is saying that they do not want to vote on it until the zoning is in place.

Ms. Jones: Well, it needs six affirmative votes. You do have an agenda item that is a proposed amendment to the map. What Mr. Gustafson is looking for is a recommendation from you for the district map to go along with his recommendation for the zoning amendment. He is pairing them together, and if the Board chooses not to do it, then that is fine.

Chairman: I think we need to do the zoning part first before we do a recommendation for the map.

Ms. Jones: It is up to the Board.

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Chairman: I am going to ask my fellow Commission members.

Mr. Gustafson: B-2 zoning is already on three sides of the property, and the property owner on the south side is here also to speak. Any more questions for me?

Chairman: I am having a little problem with adding this to the district.

Mr. Chason: If it is currently zoned R-2, then what would be the advantage of being added to the district with R-2 zoning?

Chairman: None.

Ms. Jones: There isn't any.

Mr. Chason: So the Chair was right. There is no point in discussing the amendment to the map until the zoning question is answered.

Ms. Jones: The zoning amendment and the district map process is going to take the same amount of time. They are going to both take two to three months. If you make your recommendation, they both would take place at the same time. If you choose to hold off on one until after the public hearing by the City Council, then it would be delayed another three months. That is up to you.

Mr. Chason: Let me get this straight. We have three choices. We can leave it R-2, grant his B-2 request, or change to B-1. In the work session, we discussed some options in B-1 zoning.

Mr. Gustafson: It was a little vague. I had sent in some comments in order to get clarification and did not get a response from Ms. Jones.

Mr. Chason: In the work session, there were some concerns by the Planning Commission regarding some of the uses allowed in B-2. Back to the point, if it is going to remain R-2 there would be no advantage to adding it to the map?

Ms. Jones: There is an advantage of having commercial in the district.

Mr. Chason: I think the decision right now is what is the appropriate zone.

Chairman: I apologize for not being at the work session and having to ask questions now. Years ago, the Planning Commission had said we were not going to rezone anything west of Main Street. I thought that was all of Main Street, but I was corrected that was not true. What we

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were discussing was Main Street north of Santa Rosa and did not include Olde Towne Daphne. I have a problem having any more business infringed in the residential property in the original portion of Daphne. I have a problem with business going down the residential streets of Daphne. B-2 encompasses a lot of different things.

Mr. Gustafson: I know it is car lots and stuff like that, but that is not what I want.

Chairman: I know, but once it is zoned it will stay B-2. If for whatever reason you sell it, then it is B-2.

Mr. Gustafson: I know then it is out of your control.

Chairman: All of the businesses are on Main Street. There are some that were not on Main Street and were not approved because of the type of business that they wanted to be.

Mr. Martin: I personally do not want to see it approved. The fire department is there, and they are working on motors at ten o'clock at night. I have gotten used to that, but I do not want anymore.

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation.

Mr. Rick Bermiester: I am the property owner to the south that adjoins the property. I am also a part of the family that owns both pieces of property. I am in support of the zoning amendment. The owners of the property have not had anyone interested in purchasing the property as residential for three years. I have lived here fifty years, and I think that the rezoning will be beneficial to the City of Daphne.

Mr. Jim Oates: Don't we still have a B-3, Professional Business, zoning? He can have an office in a B-3. I think that we may be jumping the gun. In a B-2 zone you can have an automotive repair shop. You are doing a good job, and I just wanted to ask that question.

Chairman: Do any of the Commissioners have any further questions or comments? He closed the floor to public participation. So this presents a quandary so we need a favorable recommendation. If there is no objection, the Chair will entertain a motion.

Ms. Jones: A question for Mr. Gustafson. Can you come up please? You said that you had contacted me before, but I want you to present them with the uses that you were thinking about. That would enter me into th presentation and would not leave them out of the loop.

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Mr. Gustafson: I was thinking about a restaurant and a bar. That is what I was asking her. There was not a clear distinction between a restaurant and a café and a bar. I wanted a clarification before I changed the zoning. When I talked to Barbara, my district representative, from Captain O'Neal she thought that it would be fine.

Ms. Jones: I wanted to answer your question, but I wanted you to introduce it to them because you had not mentioned it before. The Table of Permitted Uses does allow in B-1 and B-2 a night club, bar, tavern and cocktail lounge when separate from a restaurant. In another section it says café, counter and restaurant, but not including night club, tavern or drive-in restaurant.

Mr. Gustafson: There is a conflict there.

Chairman: Let me say this. A restaurant can have alcohol sales and not be classified as a bar. They are two different uses. Both of them are allowed in B-1 or B-2.

Mr. Gustafson: So a bar is allowed in B-1.

Ms. Jones: As long as it is separate from a restaurant.

Mr. Gustafson: All that I am planning on doing is adding an addition to house, and the bar and the restaurant will be in the main area of the building. The bar will be in the adjoining building set up toward Mancini's. The bar area can be used as a dining area also for overflow.

Ms. Jones: That is all that I have.

Chairman: Ms. Jones, let me ask you a question. If you have B-2 on three sides and R-2 on the other side, then is it spot zoning to do B-1?

Ms. Jones: No. Spot zoning would be if you had all residential and you wanted to put in commercial zoning.

Mr. Ross: I agree. I would not think so at all.

Mr. Gustafson: I have a question for Chief White. Do you ever see expanding your fire station over to the north piece of property?

Chief White: There have been some discussions about it.

Mr. Terry: I am looking at the district map, and I see a lot of B-2.

SUMMARIZATION OF MINUTES:

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Mr. Gustafson: If you do not have a problem with me going to B-1, then I do not have a problem with it.

Chairman: I think the uses of B-2 are so broad and we are getting off of the main street onto a residential street. There are a multitude of uses that would not work down there.

Mr. Gustafson: Do you see it as a B-1, Mr. Kirby?

Chairman: I can see that a lot better than B-2.

Mr. Gustafson: I am ready to change it now if you think it would go in a B-1.

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Lemoine **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a zero point four acre parcel located Southwest of Main Street and Belrose Avenue from an R-2, Medium Density Single Family, to a B-2, General Business, zone the Trione Heir Property.**

Upon roll call vote, the Motion failed:

<i>Joe Lemoine</i>	<i>Aye</i>
<i>Frank Martin</i>	<i>Nay</i>
<i>Don Terry</i>	<i>Aye</i>
<i>Ed Kirby</i>	<i>Nay</i>
<i>Larry Chason</i>	<i>Nay</i>
<i>Chief White</i>	<i>Nay</i>

Chairman: The motion failed. Would you like to try B-1?

Mr. Gustafson: Ok. I would like to amend my petition to request B-1.

An **Amended Motion** was made by Mr. Terry and **Seconded** by Mr. Lemoine **for the affirmative recommendation by the Planning Commission to the City Council of Daphne of a zero point four acre parcel located Southwest of Main Street and Belrose Avenue from an R-2, Medium Density Single Family, to a B-1, Local Businesses, zone the Trione Heir Property.**

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Upon roll call vote, the Motion failed:

<i>Joe Lemoine</i>	<i>Aye</i>
<i>Frank Martin</i>	<i>Nay</i>
<i>Don Terry</i>	<i>Aye</i>
<i>Ed Kirby</i>	<i>Aye</i>
<i>Larry Chason</i>	<i>Nay</i>
<i>Chief White</i>	<i>Nay</i>

Chairman: The motion failed. Would you like to try B-3?

Mr. Gustafson: I am not interested in changing the property to B-3 zoning.

Chairman: Ok. The motions failed for the zoning amendments for B-1 and B-2. Our recommendation will be forwarded to the City Council for consideration.

The next order of business is public participation.

PUBLIC PARTICIPATION:

No participation.

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

ATTORNEY'S REPORT:

Mr. Ross, attorney: I have a comment. I am trying to schedule a speaker to come to the City of Daphne to speak on ethics issues.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

No comment.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: Happy Birthday, Nancy.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 23, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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ADJOURNMENT:

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

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

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted by:

Jan Dickson, Planning Coordinator

APPROVED: July 23, 2009

Ed Kirby, Chairman

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 23, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JULY 23, 2009
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

DRAFT

SUMMARIZATION OF MINUTES:

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To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: AJD Family Limited Partnership
Ms. Patsy Defillipi
Annexation Review
Date: August 28, 2009

MEMORANDUM

PRESENT ZONING: B-1, Professional Business, and B-2, Local Business, in Baldwin County District 15

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the August 27, 2009, regular meeting of the City of Daphne Planning Commission, seven members were present and the vote was unanimous for a **favorable recommendation** for the above-mentioned petition for annexation.

REFERENCE: Proposed Italian Settlement Business Park

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

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Staff Report
2. Petition
3. Legal description
4. Map of property
5. Preliminary Master Plan



The Jubilee City

COMMUNITY DEVELOPMENT STAFF REPORT:

Annexation Review: Italian Settlement

2nd revision 14.78 acres +/- (1st revision 10.84 acres; originally proposed 10.49 acres)

Owner: ADJ Family Limited Partnership

Contiguous to Daphne Corporate Limits: Yes (County Road 64)

Existing Conditions: Undeveloped

Existing Zoning: B-1 Professional Business District—Baldwin County District 15
& B-2 Local Business District

Proposed Zoning: B-1 Local Business

Surrounding Zonings/Uses: District 15 Baldwin County

North- (B-1) Existing residence

South- (B-3) Existing church

East- (B-1) Remaining AJD property - undeveloped

West-Friendship Road (A mix of commercial and residential uses on the west side of Friendship Road)

Existing Service Providers:

Utilities—Belforest Water

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

Sewer and Gas—Daphne Utilities

Baldwin County Schools—N/A



Community Development

In May the Planning Commission considered annexing this property into the Daphne City limits with B-2 zoning. The Planning Commission forwarded an unfavorable recommendation to the Council. The petition was withdrawn prior to the Council holding a public hearing. One of the primary issues stated in the May hearing was the suitability of B-2 zoning at this particular location. The applicant has amended the petition and is now requesting B-1 Local Business. After the Site Preview meeting on 08/19/09, an additional 3.94 acres were incorporated into the boundary for the purpose of stormwater management. All other aspects of the project remain the same.

*August 2009
Planning Report*

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**

(A.J.D. FAMILY LIMITED PARTNERSHIP)

The undersigned, Ms. Patsy Defilippi, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as a portion of Italian Settlement 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, Ms. Patsy Defilippi as Manager, 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:

B1 Local Business

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

DATED this 17 day of Apr: L, 2009.

Respectfully submitted,

A.J.D. Family Limited Partnership
Name of Corporation

By: *Patsy DeFilippi*
Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

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

GIVEN under my hand and official seal on this the 17th day of April, 2009.

John J. Howard
NOTARY PUBLIC
My commission expires: (NOTARY SEAL)
NOTARY PUBLIC STATE OF ALABAMA
MY COMMISSION EXPIRES: Dec 28, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

AJD FAMILY LIMITED PARTNERSHIP

SOUTHEAST OF THE INTERSECTION OF
COUNTY ROAD 64 AND FRIENDSHIP ROAD

ANNEXATION

EXHIBIT "A"

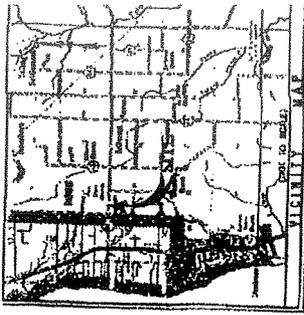
LEGAL DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN N-89°39'12"-W, 1273.36 FEET TO A POINT; THENCE RUN S-00°22'22"-W, 39.50 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64 AND THE POINT OF BEGINNING; THENCE CONTINUE S-00°22'22"-W, 15.00 FEET TO A POINT; THENCE RUN N-89°39'57"-W, 1149.56 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 170.00 FEET TO A POINT; THENCE RUN N-89°39'12"-W, 15.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 183.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E, 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 409.55 FEET TO A POINT; THENCE RUN S-89°45'00"-E, 304.23 FEET TO A POINT; THENCE RUN N-89°45'00"-W, 304.69 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 404.36 FEET TO A POINT; THENCE RUN S-89°28'24"-E, 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W, 250.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W, 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 1775.61 FEET TO A POINT; THENCE RUN N-89°39'12"-W LEAVING SAID EAST RIGHT-OF-WAY LINE, 170.00 FEET TO A POINT; THENCE RUN N-00°15'00"-E, 170.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NUMBER 64; THENCE RUN S-89°39'57"-E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1164.59 FEET TO THE POINT OF BEGINNING, CONTAINING 14.78 ACRES, MORE OR LESS.

REFERENCE: ITALIAN SETTLEMENT BUSINESS PARK

REVISION DATE: AUGUST 21, 2009

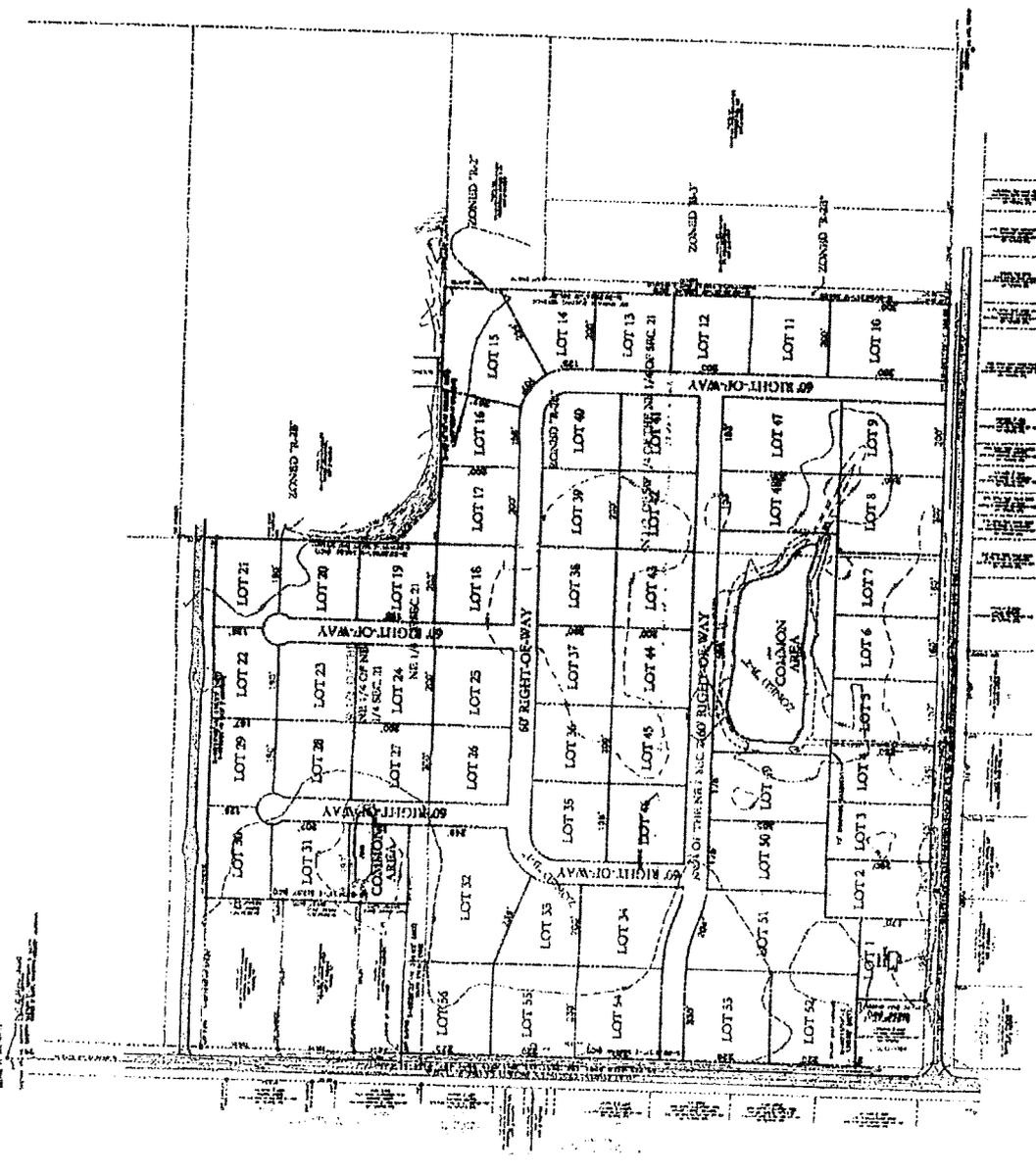
ITALIAN SETTLEMENT BUSINESS PARK



- LEGEND**
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 - 99' CONCRETE
 - 100' CONCRETE

SUBJECT TO AMENDMENT

THE INTENT OF ALL CHANGES MADE, INCLUDING THE ADDITION OF LOTS, SHALL BE TO MAINTAIN THE GENERAL CHARACTER OF THE PROJECT AS SHOWN ON THE ORIGINAL PLAN.



HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 LAND PLANNERS
 2019 MAIN STREET
 DAPHNE, ALABAMA 36828
 TEL: (251) 698-2028
 FAX: (251) 638-4834
 info@hmrplanners.com

PRELIMINARY MASTER PLAN
 SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST
AJD FAMILY LIMITED PARTNERSHIP
 DATE: JULY 2009
 SHEET NO. 000/415
 OF 1

SET PUBLIC HEARING DATE FOR:

OCTOBER 5, 2009

- 1.) Annexation: AJD Family Limited Partnership / Ms. Patsy Defillipi / Property located southeast of the intersection of County Road 64 and Friendship Road / Requested zoning: B-1, Local Business**

City of Daphne Recreation Board Minutes
2605 Hwy 98
Daphne, Al. 36526
August 12, 2009
6:30 pm

Members Present: Chairman Ed Nelson, Matt Cunningham, John Peterson, Eric Smith, Kit Smith, Lynn Thompson-Yates

Members Absent: Rick Cleveland

Advisory Staff Present: Glenn Vickery and David McKelroy, Parks and Recreation Director

Call to Order

The meeting was called to order by Chairman Ed Nelson at 6:30 pm.

Review and approval of Minutes

Motion was made by Eric Smith and seconded by Matt Cunningham to approve the July, 8, 2009 minutes. Motion passed.

Program Reports

Participation numbers were presented for all current programs (athletics, community activities and senior adults).

Megan White presented a draft of a Facility and Programs Survey.

Old / New Business

1. Review of Chairman's Presentation to Council Chairman Ed Nelson reviewed his presentation to the city council at their work session. Items discussed were as follows:

- Evaluations Questionnaire
- Participant Data Collection
- Cooperative effort with Motel Management
- Future Construction Phase Plan
- Recreation Board Alternates
- Youth Member to Recreation Board
- Recreation Board member at Council meetings
- Trione Sports Complex Update
- Lodging Tax Proposal

2. Screening / Background Checks of Coaches Further discussion was held on the need for background checks on volunteer coaches and the need for a policy in this regard. Director will check with other recreation department in state as to their policies.

3. Strategic Plan for Recreation Chairman discussed the need for a strategic plan for new construction. Facilities needed should be prioritized and operation cost established for each project.

4. Impact Fees and Land Use Ordinance Proposals The board discussed the need for impact fees. The board also discussed Land Use with regard to recreational space in developments.

5. Nicholson Center Proposal Discussion was held on using the Nicholson Center for a Performing Art Center. Kit Smith, resident of the district in which the Nicholson Center lies, will get opinions from residents and report back to the board.

6. Chairman's Recommendations

Status of the board should be changed from an advisory board to board of directors (similar to the Library Board).

Sports / Athletic programs should be self-supporting and cover the expenses of the program that are sport specific.

The Recreation Board be allowed to maintain its own checking account, based on a self-supporting system. Compliance with all city finance department policy would be maintained.

Comment from Director

Trione Equipment Purchases

John Deere Z Trac Mower	\$ 9,000
Millcreek Top Dresser	8,000
Equipment	
2 sets football/soccer goals	
2 sets 8x24 soccer goals	
2 sets 6x18 soccer goals	
2 sets chains & down	<u>13,000</u>
	\$ 30,000

All purchases were made with concession stand profit and Buffalo Rock contributions. No budgeted city funds were used.

Mobile Soccer Club has rented Trione Sports Complex for their home schedule (44 games). Visiting teams will be from Birmingham, Homewood, Vestavia, Dothan, Decatur, Gadsden, Auburn, Hoover, Tuscaloosa and Enterprise.

October 31/Nov 1	Blast Soccer Club Halloween Tournament	
February 12- 14	Southern Shootout Soccer Tournament	32 High School teams
	Faulkner State CC Softball Tournament	16 Jr. College teams
May 14 – 16	Mobile Soccer Club Spring Classic	156 youth soccer teams
	approx. half the tournament will be at Trione	

Adjourn

No further business, meeting was adjourned.



Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ May 27, 2009 ♦ 5:00 p.m.

I. MEETING WAS CANCELLED



Daphne Utilities

APPROVED MINUTES

(corrected)

Utilities Board Meeting

City of Daphne Executive Chambers ♦ June 24, 2009 ♦ 5:00 p.m.

I. CALL TO ORDER

The June 24, 2009, regular Board meeting for the Utilities Board of the City of Daphne was called to order by Chairman Robert Segalla, at 5:00 p.m.

II. ROLL CALL

Members Present: Robert Segalla, Chairman
Ron Scott, Vice Chairman – left the meeting at 6:24 pm
Lon Johnston, Secretary Treasurer
Fenton E. Jenkins

Others Absent: Fred Small, Mayor

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – Operations Manager
Teresa Logiotatos – Finance Manager
Deloris Brown – Human Resources Manager
Tammy Canupp – Administrative Services Supervisor
Lori Scharles – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent: Rob McElroy – General Manager
Drew Klumpp – Adm. Services Manager

III. PLEDGE OF ALLEGIANCE

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

a. *Utilities Board Minutes from April 29, 2009:*

The Chairman stated there were no additions, deletions, or corrections for the Minutes from the April 29, 2009, Utilities Board meeting. Mr. Johnston commented that his request in the minutes for information regarding the Utilities' bank dealings had been accomplished.

MOTION BY Mr. Johnston to approve the April 29, 2009; Seconded by Mr. Scott.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

There were no minutes for May, 2009, due to the Board meeting being cancelled.

The Chairman then re-arranged the agenda in order to accommodate the early departure of Vice-Chairman Scott.

V. BOARD ACTION

a. Resolution 2009-05 - AMENDMENT TO RESOLUTION 1991-21; Deposit Rates for New Service

Mr. Lyndall explained that this amendment was a change to the deposit rates for new services and affects the minimal commercial user non-food establishment with a 1” meter or smaller.

MOTION BY Ron Scott to adopt Resolution 2009-05 – Amendment to Resolution 1991-21; Deposit Rates for New Service; Seconded by Mr. Johnston.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

b. Resolution 2009-06 – Red Flag Rule – Identity Theft Prevention Policy

Mr. Lyndall explained that this is a federal regulation for protection of identity theft.

MOTION BY Ron Scott to adopt Resolution 2009-06 – Red Flag Rule – Identity Theft Prevention Policy; Seconded by Mr. Johnston.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

c. Resolution 2009-07 – AMENDMENT TO RESOLUTION 2007-01 – Service Rates for Sewer Only Customers

Mr. Lyndall emphasized that a corrected copy was distributed prior to the start of the meeting. He explained that the resolution is to adopt a flat rate for sewer for customers that do not have a metered water connection with Daphne Utilities.

MOTION BY Lon Johnston to adopt Resolution 2009-07 – Amendment to Resolution 2007-01-Service Rates for Sewer Only Customers; Seconded by Mr. Jenkins.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

d. Resolution 2009-08 – AMENDMENT TO RESOLUTION 2009-01; Capacity Fee Calculations

Mr. Lyndall clarified that this Resolution is to amend the January Resolution adopting the policy for calculating household equivalents based on meter size to now be calculated based on connection size to our main or the service line size.

MOTION BY Ron Scott to adopt Resolution 2009-08 – AMENDMENT TO RESOLUTION 2009-01–Capacity Fee Calculation; Seconded by Mr. Johnston.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

e. Motion to Accept Bid & Award Contract for Headworks Renovations at Waste Water Treatment Plant

Melinda Immel explained to the Board the tabulation of bids for the award of the contract for the Headworks Renovations project at the Waste Water Treatment Plant.

MOTION BY Lon Johnston to accept the bid of \$2,643,250.00 and award the contract for the Headworks Renovations project at the Daphne Utilities Waste Water Treatment Plant to Ballcon, Inc.; Seconded by Mr. Jenkins.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

VI. EXECUTIVE SESSION –

MOTION BY Ron Scott to go into Executive Session at 5:14 pm for discussion of pending litigation; Seconded by Mr. Johnston.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

Executive Session adjourned at 5:32 p.m.

VII. Old Business

a. **Capacity Fee Study / Rate Study – Presentation by Blair Troutman with BlueWater Consulting**

Blair Troutman from BlueWater Consulting presented the Board with the findings and items of consideration of the Capacity Fee Study / Rate Study. His formal recommendations will be forthcoming at an upcoming board meeting.

b. **Sewer Only Cutoff Policy**

Mr. Lyndall reviewed with the Board a sample letter that will be mailed to our customers who are severely behind in payment on their account. A discussion followed regarding the amount to be charged for the disconnect fee.

MOTION BY Ron Scott to authorize Daphne Utilities’ staff to charge a disconnect fee equal to the amount our outside contractors fee plus 8%; Seconded by Mr. Johnston.

AYE: JENKINS, JOHNSTON, SCOTT, SEGALLA ABSENT: SMALL ABSTAIN: MOTION CARRIED

Mr. Lyndall also highlighted for the Board two press releases developed by Strategy Public Relations relative to the Flat Sewer Fee.

c. **Items in Abeyance:**

1. **Gas Franchise Agreement** – Mr. Lyndall presented recent information regarding new connections to Daphne Utilities’ gas system and suggested a stronger worded gas franchise agreement with the City of Daphne.
2. **19 Acres – Daphne Utilities property** – no new information was presented; Mr. Lyndall requested that it be dropped from the Agenda.
3. **Wastewater Legislation** – no new information was presented; Mr. Lyndall requested that it be dropped from the Agenda.

VIII. New Business

a. **Presentation by Baldwin County Home Builders Association**

Don Druse, representing the regulatory services of the Baldwin County Home Builders Association, addressed the Board to request the transfer of costs of the fees for utilities to the end of the job in lieu of the beginning of the job’s construction as it is currently. Chairman Segalla replied that the request will be taken under advisement and a response will be forthcoming from Rob McElroy.

b. **Red Flag Rule – Identity Theft Prevention Program** – Previously discussed under Board Action.

c. **Service Rates for Sewer Only Customers** – Previously discussed under Board Action.

d. **Deposit Rates for New Service** – Previously discussed under Board Action.

e. **Amendment to Resolution 2009-01 Capacity Fee Calculations** – Previously discussed under Board Action.

IX. BOARD ATTORNEY’S REPORT

Mr. Speegle had nothing further to add to the submitted report.

X. FINANCIAL REPORT

Teresa Logiotatos reviewed the financial report with the Board. She noted that normal operations are occurring and highlighted the budget versus actual are converging getting closer to the budget figures.

Ron Scott left the meeting at 6:24 pm

XI. GENERAL MANAGER’S REPORT

a. **GM Report**

Danny Lyndall, on behalf of Rob McElroy, noted the award letter received from AWPCA and recognized Daphne Utilities’ Wastewater Treatment Plant Manager, Jim Caudle, and Daphne Utilities’ Maintenance Manager, Andrew Bolar, of their contribution to winning the Best-Operated Plant Award for Mechanical Plant 4.1 - 4.5 MGD (Daphne Water Reclamation) and Ground Water 25,001 – 50,000 Population (Central Plant).

b. Operations Report

Danny Lyndall answered inquiries of concern of the lack of water to meet the demand. He explained that crews recently encountered numerous obstacles and emergencies but pulled together, along with Melinda Immel, to handle the crisis in a prompt and professional manner.

Melinda Immel of Volkert & Associates had nothing additional to include in her report.

Ray Moore of HMR had nothing additional to include in his report but introduced Doug Bailey with HMR who will be lending support of Mr. Moore.

XII. PUBLIC PARTICIPATION – none

XIII. BOARD COMMENTS – none

XIV. ADJOURNMENT–

MOTION BY Mr. Johnston to adjourn the meeting. Seconded by Mr. Jenkins.

AYE: SCOTT, SEGALLA, JENKINS, JOHNSTON

ABSENT: SMALL

MOTION CARRIED

The meeting adjourned at 6:31 p.m.

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO. 2009- 89

A RESOLUTION DETERMINING ALL OBJECTIONS AND DEFENSES TO ASSESSMENTS FOR THE COST OF IMPROVEMENTS PROVIDED BY IMPROVEMENT ORDINANCE NO. 2007-05 AND 2007-20 AND ASSESSING THE COST OF SAID IMPROVEMENTS PROVIDED BY IMPROVEMENTS UPON THE PROPERTIES SPECIALLY BENEFITED THEREBY.

WHEREAS, the City Council of the City of Daphne has determined that an assessment for the cost of improvements is necessary for the hereinabove referenced sewers improvement project.

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows;

Section 1. That upon evidence duly presented to and considered by it, the City Council does hereby make a finding and determination of the following facts:

- (a) That the City Council of the City of Daphne, Alabama, heretofore adopted an ordinance on, the 5th day of February, 2007, entitled, "SANITARY SEWER IMPROVEMENT ORDINANCE NO. 2007-05; AN ORDINANCE TO PROVIDE FOR CERTAIN SANITARY SEWER IMPROVEMENTS IN THE US 90 AREA IN THE CITY OF DAPHNE," and adopted on the 16th day of April, 2007, entitled "ORDINANCE NO. 2007-20; AN ORDINANCE FOR MODIFYING AND AMENDING SANITARY SEWER IMPROVEMENT ORDINANCE NO. 2007-05"; and
- (b) That provision was made in said Ordinance for the assessing of the cost of said improvements against the property specifically benefited thereby; and
- (c) That Ordinance provided the improvements should be constructed in accordance with the details, drawings, plans, surveys, specifications and estimates then ordered to be placed on file in the offices of the City of Daphne (City Hall), the Utilities Board of the City of Daphne, and the Engineer where property owners who might be affected by said improvements could see and examine the same; and
- (d) That Ordinance 2007-05 provided that the City Council would meet on the 5th day of March, 2007, at the City Hall in the City of Daphne, Alabama, at 6:30 P.M. to hear any objections of remonstrances that might be made to said improvements, the manner of making the same or the character of the materials to be used; and
- (e) That the Ordinance was published once a week for two consecutive weeks in the *Bulletin*, a newspaper published and of general circulation in the City of Daphne,

the first publication being made not less than two weeks prior to the 5th day of March, 2007; and

- (f) That a copy of said Improvement Ordinance No. 2007-05 was sent by registered mail, postage prepaid, to each of the persons last assessing for city taxation the property proposed to be assessed for said improvements at their last known addresses, said notices having been so mailed more than ten days prior to the 5th day of March, 2007; and
- (g) That at a meeting of the City Council, held at the time and place fixed in said published notice, all objections and protests were heard and considered with said Ordinance being duly confirmed, along with Ordinance 2007-20, and said improvements were ordered; and
- (h) That notice was given on the 26th and 29th days of April, 2007, and on the 6th day of May, 2007, by publication in the Mobile Press Register, and April 29th in the Birmingham News and The Montgomery Advertiser and on the 2nd Day of May in the Bulletin for both Phases A and B asking for bids upon all work and materials for the construction of the improvements, the cost of which is hereinafter assessed, and a satisfactory bid was received on the 23rd day of May, 2007 for both construction phases; and
- (i) That the City Council of the City of Daphne, as provided by law and pursuant to the referenced Ordinance did, on the 4th day of June, 2007, award a contract to make such improvements to Northwestern for Phase A and R & B Contracting Company, Inc. for Phase B, the lowest responsible bidder for each respective construction phase; and
- (j) That said improvements have been constructed, completed and accepted in accordance with the said Ordinance and contract; and
- (k) That the Mayor of the City of Daphne has caused to be prepared a roll or list showing the names of the property owners, a description of each lot or parcel of land proposed to be assessed for such improvements and the amount proposed to be assessed against each of the said lots or parcels of land, and the same has been entered in a well-bound book, which was by the 24th day of April, 2009, at least twenty days before the date of this meeting, delivered to the City Treasurer the person authorized to make collection of said assessments, and delivered to the City Clerk continuously thereafter kept on file and open for inspection in the office of the City Clerk; and
- (l) That the City Clerk has given the following notice by publication in the *Bulletin*, a newspaper of general circulation in the City of Daphne, in the issue of April 25, 2009, and in addition a copy of said notice being sent by registered mail, postage prepaid, to each of the persons last assessing for city taxation the property proposed to be assessed for said improvements at their last known addresses with said notices having been so mailed more than twenty days prior to the 18th day of May, 2009:

NOTICE TO PROPERTY OWNERS
Along US 90 in the Area of the Sanitary Sewer Improvements

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Assessment Roll, prepared in accordance with the law in such cases made and provided, under the ordinances entitled, "IMPROVEMENT ORDINANCE NO. 2007-05; AN ORDINANCE TO PROVIDE FOR CERTAIN SANITARY SEWER IMPROVEMENTS IN THE US 90 AREA IN THE CITY OF DAPHNE," adopted on the 5th day of February 2007 and "IMPROVEMENT ORDINANCE NO. 2007-20; AN ORDINANCE FOR MODIFYING AND AMENDING SANITARY SEWER IMPROVEMENT ORDINANCE NO. 2007-05," adopted on the 16th day of April 2007, by the City Council of the City of Daphne, Alabama, have been delivered to the City Treasurer, the person authorized to make collections of assessments for the improvements constructed under said Ordinance, and is open for inspection in the office of the City Clerk of the City of Daphne, Alabama, and that the City Council of the City of Daphne, Alabama, will meet on the 18th day of May, 2009, in Council Chambers at Daphne City Hall, 1705 Main Street, Daphne, Alabama, at 6:30 P.M. to hear and determine any objections, protests or defenses that may be filed to such proposed assessments or the amounts thereof.

The general character of the improvements constructed under the said Ordinance and the said Amended Ordinance consists of certain sanitary sewer improvements.

The streets, avenues, alleys or other highways or portions thereof along which said improvements have been constructed and terminal points of said improvements are as follows, to-wit:

US 90 – The sanitary sewer service area begins parallel to the north right of way of US 90 approximately 1,600 feet west of the west right of way line of Highway 181. From this beginning point, the sanitary sewer extends westward parallel to the US 90 north right of way approximately 1,900 linear feet with gravity sanitary sewer main and associated manholes or force main to a lift station site. From this lift station site, a sanitary sewer pressure force main continues westward approximately 1,900 linear feet to a point near Highway 13. From this point, the sanitary sewer pressure force main is increased in size and continues westward approximately 4,850 feet to the next lift station

site. From the second lift station site, which is west of Highway 13, a sanitary sewer pressure force main extends westward approximately 5,100 linear feet to a point parallel to the north right of way line of US 90. From this point, which is east of the Lake Forrest Subdivision entrance along US 90, the sanitary sewer pressure force main extends approximately 500 feet in a north direction to the right of way line of Interstate 10. A bore approximately 200 linear feet will be installed beneath Interstate 10 with an encasement and sanitary sewer pressure force main for connection to an existing ten inch diameter force main located along the north right of way of interstate 10. Also, two additional bores, each approximately 160 linear feet, with an encasement and sanitary sewer pressure force main will be constructed beneath US 90 adjacent to either side of the Highway 13 right of way.

(m) That on the 18th day of May, 2009, at the City Hall in the City of Daphne, Alabama, was mentioned in the foregoing Notice as the time and place at which the City Council of the City of Daphne would meet to hear and determine any objections or defenses that might be made to such assessments or the amounts thereof; and

(n) That the following objections or defenses to the proposed assessments against said property or the amounts thereof have been filed in writing with the City Clerk or in that office or have been made at this meeting, to-wit:

Malbis Plantation, Inc.; and

(o) That the City Council heard and found no sufficient reason for all of the objections and protests to proposed assessments or the amounts thereof under the rules and regulations heretofore adopted, made, and provided by the City Council in such places to eliminate the proposed assessments.

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

- 1) That the amount of the assessment against each lot or parcel of land described and included in said assessment roll be and the same is hereby fixed in accordance with said Improvement Ordinance No. 2007-05 and No. 2007-20, in the amounts hereinafter in this resolution set out; and
- 2) That it is ascertained by the City Council and determined and so adjusted, that the cost of constructing said improvements is \$2,068,300 with an assessment cost of constructing said improvements set at \$1,230,246; and
- 3) That the total amount assessed against all the property by this resolution does not exceed the total cost of said improvements, and is not in excess of the increased value of all property by reason of the special benefits derived from such improvements, and that no charge assessed abut on the part of said streets or highways so improved, or on a street or highway intersecting said part of said improved streets or highways within a half block of the streets or highways so improved, and that all of the lots or parcels of land so located are included in said assessment; and
- 4) That the names of the property owners, a description of each lot or parcel of land assessed for said improvements, and the amount of such assessment against each lot or parcel of land for said improvements are hereby determined, adjudged and fixed as follows, to-wit:

Property Owner	Parcel No.	Estimated Assessment Amount	Map #
SBC DAPHNE LLC	32-09-32-0-001-001.008	\$13,668	1
SBC DAPHNE LLC	32-09-32-0-001-001.011	\$14,940	2
SBC DAPHNE LLC	32-09-32-0-001-001.012	\$10,569	3
MALBIS PLANTATION INC	32-09-32-0-001-001.000	\$124,186	4
A STORAGE SOLUTION OF DAPHNE LLC	32-09-32-0-001-004.003	\$16,408	5
WOOTEN, JAMES M & WILLIAM C ESTES ETAL	32-09-32-0-001-004.002	\$66,937	6
MALBIS PLANTATION INC	32-08-33-0-001-018.000	\$389,749	7
MALBIS PLANTATION INC	32-08-34-0-000-002.052	\$19,279	8
MALBIS PLANTATION INC	32-08-34-0-000-002.053	\$7,274	9
MALBIS PLANTATION INC	32-08-34-0-000-002.041	\$218,655	10
MALBIS PLANTATION INC	32-08-34-0-000-002.054	\$20,942	10A
MALBIS CANCER CENTER LLC	32-08-34-0-000-002.051 (2B)	\$23,193	10B
GCD ACQUISITIONS I LLC	32-08-34-0-000-002.051 (2A)	\$35,915	10C
RENAISSANCE CENTER LLC	32-08-34-0-000-002.064	\$4,828	11A
RENAISSANCE CENTER LLC	32-08-34-0-000-002.063	\$4,860	11B
RENAISSANCE CENTER LLC	32-08-34-0-000-002.062	\$4,763	11C
RENAISSANCE CENTER LLC	32-08-34-0-000-002.061	\$3,066	11D
RENAISSANCE CENTER LLC	32-08-34-0-000-002.060	\$29,521	11E
RENAISSANCE CENTER LLC	32-08-34-0-000-002.066	\$3,784	11F
RENAISSANCE COOPERATIVE DISTRICT LLC	32-08-34-0-000-002.065	\$9,329	11G
RENAISSANCE CENTER LLC	32-08-34-0-000-002.059	\$6,687	11H
RENAISSANCE CENTER LLC	32-08-34-0-000-002.067	\$6,002	11I
RENAISSANCE CENTER LLC	32-08-34-0-000-002.040	\$12,494	11J
RENAISSANCE CENTER LLC	32-08-34-0-000-002.058	\$27,956	11K
RENAISSANCE COOPERATIVE DISTRICT LLC	32-08-34-0-000-002.046	\$6,948	11L
J & J FOUR LLC	32-08-34-0-000-002.047	\$3,197	11M
RENAISSANCE CENTER LLC	32-08-34-0-000-002.048	\$4,078	11N
RETTIG, FRED ANTHONY	32-08-34-0-000-002.049	\$4,143	11O
RENAISSANCE CENTER LLC	32-08-34-0-000-002.055	\$6,361	11P
RENAISSANCE CENTER LLC	32-08-34-0-000-002.056	\$5,676	11Q
AGOSTINELLI, EDWARD JR. ETAL AGOSTINELLI	32-08-34-0-000-002.057	\$3,262	11R
VALUE PLACE DAPHNE LLC	32-08-34-0-000-002.043	\$8,090	11S
TRENT HALL PROPERTIES	32-08-34-0-000-002.044	\$9,590	11T
KILPATRICK INVESTMENTS INC	32-08-34-0-000-002.045	\$13,472	11U
MYERS FAMILY LIMITED PARTNERSHIP	32-08-34-0-000-002.042	\$31,903	11V
MALBIS PLACE LLC	32-08-34-0-000-002.037	\$9,721	12

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA THIS _____ DAY OF _____, 2009.**

JOHN LAKE
COUNCIL PRESIDENT
Date & Time Signed: _____

FRED SMALL
MAYOR
Date & Time Signed: _____

ATTEST:

DAVID L. COHEN,
MMC, City Clerk

RESOLUTION 2009-90
PLEDGE SUPPORT FOR BALDWIN COUNTY WATERSHED COALITION

WHEREAS, City of Daphne pledges its support for and commitment to the Baldwin County Watershed Coalition (BCWC) and the establishment of an authority to manage the impacts of storm water in Baldwin County on a regional/watershed scale; and

WHEREAS, the City of Daphne recognizes the importance of regional, collaborative management of storm water runoff, which impacts receiving waters within watersheds, not geo-political boundaries; and

WHEREAS, Managing this primary threat to our water quality is of primary importance to the health and economic vitality of all who call Baldwin County “home”; and

WHEREAS, the City of Daphne recognizes the importance of coordinated management of storm water, especially with our extraordinary rates of precipitation, population growth, and development; and

WHEREAS, the City of Daphne knows that the task of regulatory compliance will be better faced by a County and its municipalities working in concert and with guidance.

NOW THEREFORE BE IT RESOLVED, that the City of Daphne commitment will be demonstrated by active and regular participation in the BCWC either by the Mayor or a designated proxy from the City Council.

BE IT FURTHER RESOLVED, that the City of Daphne will have a senior member of the staff of our Public Works or Engineering Departments or their equivalent will participate actively and regularly on the BCWC Technical Committee.

ADOPTED AND APPRVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, on this the _____ day of _____, 2009.

John Lake,
Council President
Date & Time Signed:_____

Fred Small,
Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen,
City Clerk, MMC

ORDINANCE 2009-43

FY 2009 Fire Hydrant Maintenance Appropriation

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15, 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, certain annual maintenance is required on fire hydrants located throughout the City; and

WHEREAS, the Utilities Board of the City of Daphne has provided such maintenance services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$60,750 for Fiscal 2009 Fire Hydrant maintenance as provided by the Utilities Board of the City of Daphne.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2009.

John Lake, Council President
Date & Time Signed: _____

Fred Small, Mayor
Date & Time Signed: _____

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2009-45

**General Fund Appropriation
FEMA: Nicole Circle Project Engineering**

WHEREAS, Ordinance 2008-57 approved and adopted the Fiscal Year 2009 Budget on December 15 , 2008; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2009 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2009 budget; and

WHEREAS, the City intends to make application with FEMA to secure hazardous mitigation funding for Nicole Circle; and

WHEREAS, such application will require engineering work in the amount of \$15,200; and

WHEREAS, Hatch Mott MacDonald, at no charge to the City, has performed some preliminary work on the project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2009 Budget is hereby amended to include a General Fund appropriation in the amount of \$ 15,200 for engineering services as required for the Nicole Circle Hazardous Mitigation Project Grant Application. Furthermore, the Mayor is authorized to enter into an agreement with Hatch Mott MacDonald for such engineering work.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2009.

John Lake, Council President
Date & Time Signed:_____

Fred Small, Mayor
Date & Time Signed:_____

ATTEST:

David L. Cohen, City Clerk MMC